

**CONSTITUTION OF KENYA REVIEW COMMISSION**

**(CKRC)**

**Verbatim Report of**

**DISSEMINATION OF REPORT AND DRAFT BILL,**

**ALEGO USONGA CONSTITUENCY, HELD AT SIAYA COUNTY  
COUNCIL**

**ON**

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

**DISSEMINATION OF REPORT AND DRAFT BILL, USONGA ONSTITUENCY, HELD AT SIAYA  
COUNTRY COUNCIL, LUANDA ON 11<sup>H</sup> OCTOBER 2002**

**Present**

1. Professor Okoth Ogendo - Commissioner

**Secretaria Staff in Attendance**

1. Wycliffe Owade - Programme Officer (Chairing)
2. Ms. Jackline Obiero - Assistant Programme Officer
3. Ms. Abigael Nyakundi - Verbatim Recorder
4. Mr. William Odhiambo - District Coordinator

The meeting started at 11.50 a.m wit Professor Okoth Ogendo in the Chair.

**William Odhiambo:** *Yawa jo Alego amosou?*

**Audience:** *Wakawo*

**William Odhiambo:** *Amosou kendo?*

**Audience:** *Wantie*

**William Odhiambo:** *Waduaro chako koro aparo ni ji te obedi piny mondo wachaki. Welo osebiro gi a kuma boro mondo koro wamigi itwa mondo giwuo kodwa. Kapok wachako de akuayo Father Michael Olila olemnwa mondo*

wachaki.

**Father Michael Olila:** *Koro wachung'uru mondo wami Nyasaye duong' kendo wakwaye mondo otelnwa e chokruok wani. E nying Wuon gi Wuoyi gi Chuny Matakatifu, Amina. Wuonwa mae polo nyingi mondo oluor, lochni obi, duaroni mondo otimre e piny kaka timoro e polo. Imiwa tinende chiembwa ma pile pile, iwenwa richowa kaka waweyo ne joma timonwa marach. Kiki iterwa kar tem to ireswa e richo. A Nyasaye wuonwa waduoko ni erokamano kuom tach ma isetayowago ka ikonyowa. E kinde duto ma nyocha wahikore ka wachiwo paro neweche ma waduaro mondo obedie e chike mag Kenya, wagoyo ni ero kamano kuom tayo kendo konya jotendwa Commissioners kendo gisendiko pachwa go ka giketo mondo obedi chik. Wagoyoni ero kamano kuom tayowa kendo tayo Kenya duto e chandruok mang'eny ma osebetie e yoo mar loso Katiba to kata kamano isekonyowa ma wachopo kama wachope ni. Koro kawuono ka wanuang'o report mar weche mane jopiny owacho kendo ogombo mondo obedi chike, wakwayi mondo imednwa hapi ka ikonyowa mondo wamed konyore kendwa kendo wamedi chiwo paro mabiro miyo pinywa mar Kenya odongo kendo obedi maber e ndalo mabiro. Kamano wakwayo ni Jesus Kristus Ruodhwa. Amina.*

*E nying Wuon gi Wuoyi gi Chung Matakatifu. Amina.*

**William Odhiambo:** *Ero kamano ahinya Father Michael. Aparo ni kawuono wamor ahinya donge?*

**Audience:** *Wamor.*

**William Odhiambo:** *Wamor nikech wayudo draft Constitution ma nyocha wasebet piny ma wagolo pachwa ma ondiki to ok en gima ogik, ema omiyo Professor Ogendo obiro mondo wa-discuss kode mondo odogi gi pachwa ma wabiro miye. To gima aduaro wacho ka nyocha ok wati kendwa nyocha watiyo gi jomoko. Father Olila, Father Michael Olila ma olemo ni en e Chairman mar Constituency Constitutional Committee. Nyocha wan gi committee mar constituency ma nyocha ochung' ne Alego Usonga. Father Michael.*

**Father Michael Olila:** *Achak amosou kendo jo Ogande ni oyawre uru ahinya.*

**Audience:** *Oyawre.*

**Father Michael Olila:** *Mokuongo ne alemo kaka Jadolo kendo ng'ama ochung' e lowo Nyasae, koro sani to achung' kaka Jakom mar committee mar Alego Usonga Constituency e wach mar Katiba. Kore gie sani achiel kuom jokanyo mar Committee en District Coordinator ma oruokowa ni, Mr. William Odhiambo, en achiel kuom jokanyo mawa, achiel bende ma jakanyo marwa e Jakom bende mar County Council. Aparo ni osemosowa. Chairman manie County Council ka. Koro gin ex officio members, koro jokanyo moko ma bende ne wayiero Mr. Jeremiah Osunga, en Jagoro*

*marwa e committee.*

**Jeremiah Osunga:** *Oyawre uru?*

**Audience:** *Oyawre*

**Father Michael Olila:** *En ochung' ne rawere ae wan kod Mr. Juma ma ochung' ne persons with disabilities, joma ong'ol.*

**Mr. Juma:** *Oyawre uru? Achung' ne jogo manigi ng'ol, persons with disabilities koro members wa moko pok ochopo, moko bende nigi dich ma opogore opogore to gi e sani magi e jo kanyo manitiere. Ero kamano uru ahinya.*

**William Odhiambo:** *Ero kamano ahinya Chairman. Nyocha wan gi jok ma nyocha puonjo, civic education providers. Gichung' achung'a kuma gintie mondo wanegi ane. Professor jogi nyocha okonyowa tich maber ahinya ema omiyo gin kae, agonu ero kamano. Nyocha be wayiero jomoko adek madhi Nairobi, kaka ung'eyo ni nitie National Constitutional Conference. Jogo adek ma nyocha wayiero Mr. Obare Aora, aparo ni ung'eyo Mr. Obare, Councillor Owino.*

**Cllr. Owino:** *Oyawre uru ahinya, Ok oduoka, oyawre uru?*

**Audience:** *Oyawre.*

**William Odhiambo:** *Mama Grace Ogot nyocha wayiero bende to kawuono olewo matin aparo ni obiro biro. Koro ji adek go ema dhi tero wachwa Nairobi koro ka unenogi kaka unenogi kae, kamoro amora ma unenogi upenjgi, umigi pachu mondo gidhi Nairobi mondo giwuo maber kuomu, donge? Kae bende wantie gi Mayor bende ka, Mayor aparo ni idwaro moso jogi.*

**Mayor:** *Oyawre uru ahinya?*

**William Odhiambo:** *Chairman ka pok atieko en bende en member mar Committee lakini en Chairman mar County Council, Councillor Aggrey Onyango, en bende en kae. Aparo ni asetieko koro abiro wene Professor mondo odhi mbele. Waruakuru Professor gi makofi, achiel.....(Applause) Ero kamano uru although ok en siasa.*

**Com. Prof. Okoth Ogendo:** *Loso Katiba en siasa. (Laughter) Mano ema omiyo wasebedo ka wanyagore chakre 1990 mane Jaramogi ochake wachni. Jo Siaya amosou ni osawre uru?*

**Audience:** *Osawre.*

**Com. Prof. Okoth Ogendo:** *Kane an ka mokuongo tik tik tik, ne awacho ni ka biro chopo kuma ikawo e pachu ne wakaw pachu kaeto wadhi wasomo wariwo gi mag jo Kenya te kaeto waneno anena ni to pach jo Kenya chal nadeda ma onego olokre chike. Mane uwacho mau te, jo Kenya bende nowacho mag gi te. Thoth gi ne wayudo ni oromo bedo chike, to ne awacho ni kawasendiko chikno to wabiro duonge ka mondo une gima wandiko mondo uchak umedwa pachu kendo. Ma ka koro udhi e bura ma galamoro ma waluongo ni National Constitutional Conference to wang'eyo gima jo Piny paro koro kata ka iyalo kuro to waneno kaka wanyalo revise gima wandiko. Ka nyocha ne watieko ndiko gino to ne wakete e gazette kendo aneno ka uting'o gazette mane owuoke no te elwetu kanyo.*

*Koro sani to wabiro mondo wawuoth kodu e draft ma nyocha wandiko no mondo wane anena ka gima wawacho no en gima uyiego kata ka ok uyie go to uwachnwa. Gima wawacho ka endi bedo recorded, wabiro dok Nairobi wabiro loke kendo mondo wane ane ni to jo Siaya paro nade e Katiba ma nyoro wandikoni. Onego koro odhi okadhe mondo obedi chik mar Kenya koso mondo otimnang'o. Ero kuonde moko ma inyalo rekebisha to gi kuonde ma bende onego omedi. Mano ema omiyo wan ka to an ka gi joga bende. An gi Wycliffe Owade ma wuod Alego ka, mos jo Siaya.*

**Wycliffe Owade:** *Amosou jo Siaya ni oyawre uru?*

**Audience:** *Oyawre ahinya.*

**Wycliffe Owade:** *An wuod Sakwa Bondo, koro wan kodu e achiel e wuodhni. Ero uru kamano.*

**Com. Prof. Okoth Ogendo:** *To kendo an gi nyar Seme ka ma iluongo ni Jackline Obiero, mos gi.*

**Jackline Obiero:** *Amosou jo Siaya?*

**Com. Prof. Okoth Ogendo:** *Aeto an gi nyar Nyamira ma iluongo ni Abigael Nyakundi, fuane ji?*

**Abigael Nyakundi:** *Habari ya kila mtu?*

**Audience:** *Ber ahinya.*

**Com. Prof. Okoth Ogendo:** *Bas koro Abigael ema mako wach ma isomo ka to Wycliffe gi Jackline to biro konya somo nu gini nikech an bende kama tinde achope ni koro Japuonj bende nyaka hand over mondo jomoko bende koro*

*opuonji. Koro gima wabiro timo, abiro chako, kasechako to abiro wene Jackline. Ka Jackline otieko to wawene Wycliffe, ka Wycliffe otieko to abiro duogo kendo koro atiko gima odong'. Ok mano e kaka waduaru ni wadh, to aduaru ni mondo wadhi. Wan gi chapters piero ariyo, koro wabiro mana chake gi preamble kaeto wadhi nyaka chapter 20. Ok oyiego maber?*

*Koro ka in gi marino to iyare ayara mondo wane ane kaka wawuothe.*

*Gima waluongo ni preamble ni mano e kama wakete wach, gima omiyo. Ang'o ma omiyo nyocha wadonje wach matek ni, ang'o ma omiyo waloko Katiba to Katiba wasebedo godo chakre higa mar piero auchiel gi adek. Aparo ni ne awacho mane abiro ka mokuongo ni marwa mar piero auchiel gi adek no, jo Britain ne omiyowa amiya, ogolo agola e shelf okone jo Kenya ni ee, chalo ng'at ma ogero dala kaeto owachoni ni donjie. Ok e kaka nawacho? Ni mano dala mane oger ma jo Ulaya emane ogero to okone Jomo gi Oginga gini ni dala ero dhi odonje. Wasetemo kawadaka e dalano to wayudo ni dak e ie tek, koro nyocha jo Kenya owacho ni giduaru ni mondo koro gigo dalagi manyien giwegi.*

*Koro gima waluongo ni preamble no wacho niyaa. Ni wan jo Kenya wang'eyo ni wan jok ma opogore opogore, jok ma kitegi bende opogore ok wachlre te to wariwore kaka jo Kenya. Kendo wawacho ni wayiere gi adieri ni nyaka wabedi kanya achiel mondo walosi piny mar Kenya maji tete te kata in ng'at achiel, kata un community nyalo dakie. Wawacho kanyo kendo ni waduaru sirikal man gi thuolo, man gi democracy, gima waluongo ni democrasia no to kendo mantie gi ratiro. Kendo wawacho kanyo ni kaka jo Kenya wan ema wanyalo wacho kuma wadhiye, wan ema wanyalo loso sirikal ma waduaru, onge jomoko manyalo biro malosonwa. Koro wawacho e preamble ni wamiyore pend chik manyien, koso Katiba en ang'o gi Dholuo. Oselu Nyalik luongo ni pend chik, kuma chik chakore, chik te te te ae Katiba. Koro preamble no wacho ni wamiyore pend chik manyien wan wawegi. Koro gima aduaru ni mondo koro ung'i malon'go ni to pend chik ma wamiyore manyien ni bende en pend chik mawayie go. Preamble wacho ni wan ema wamiyore chik, sani koro mar jo Britain cha waweyo, wamiyore chik wawegi.*

*Koro chapter ma okuongo, chapter one ma ondiki sovereignty of the people and supremacy of the Constitution. Chako mawacho ni teko te te te, ma irito go piny aa kuom jopiny. All sovereign authority belongs to the people of Kenya and may be exercised only in accordance with the Constitution. Teko ma iritogo piny te, ma iritogo wananchi aa kuom jopiny, onge ni ng'ato omuoch ni en gi teko moro yore, ni obiro ritogo ji, gin aa kuom jopiny to jopiny wacho ni teko no wakete gima iluongo ni Katiba koro teko ma jo Kenya biro ritorego no ka idwaro ng'eyo ni to teko no chal nade, omiye ng'a, to ere kaka onego oti kode, to nyaka ing'i Katiba. Kas to kanyo clause number one, no dhi nyime to wacho niya. Ni kaka wan ji Million 30 ni, onge kaka wan tete te wanyalo bedo piny ma wachak exercise power no, ni koro wan watiyo ng'ato ka ng'ato omako mare timo mana mare, omiyo nitie jomoko ma jopiny oyiene gi ni mondo otigi teko mar piny no. kaeto owacho ni Legislature ma waluongo ga ni Parliament ni, jopiny oyie ni mondo okadh chike ma itiyogo pile. Kaeto Executive, kendo wabiro winjo ni to Executive no ng'ano giri manie eie kanyo. Jopiny*

oyie ni gin ka osekadh chike to gin ema koro ginyisi kaka itiyo gi chikego. Kaeto wawacho ni nitie the Judiciary, Judges, Magistrates, Courts, gin ema jopiny oyienegi ni mondo giyal ji, ok giyal ji ayala ni mano tekogi, mano teko jopiny ema gibiro yalogo ji. Kaeto mar ang'wen nitie Commissions mawaketo eie kanyo ma iluongo ni Constitutional Commissions and officers. To Commissions ma waketo go rito ni to jogi, Parliament, Executive, Judiciary bende girito piny malong'o. Matiende ni gima watimo, wakawo Police to wachak waketo Police marito Polise. Uwonjo wachno?

Nikech ka iweye aweya to ochung' e ndara kanyo to gik ma otimo jopiny ok oyiego to onge kaka inyalo make. Koro waketo gimoro kanyo ni Constitutional Commissions and offices mabiro ng'iyoyi nwa gi nito jok ma omiteko ni gitiyo nang'o. Koro wawacho ni teko mar jopiny no, ka ing'iyoyi article 1, (iv), ni teko mar jopiny no ka omiyi ni in Judge kata, President kata in a Member of Parliament, ka jopiny omiyi teko no to ok inyal, ok oyieni ni mondo in bende ikaw teko ma jopiny omiyino imiyo ng'at machielo. Uwinja? Ka in ema jopiny omiyi tekono to I-exercise tekono directly ok inyal delegate go to anybody. Koro omiyoyi ok iduar wacho ni oh, ni an kawuono ne an President to kawuono ok aduar dhi e State House aoro wuoda, ka wuodi no ok President. Uwinjo wachno? Mano e gima Katiba wawacho, koro ka ichak idhi nyime to Katiba koro wacho. Awacho ni jopiny ema nigiki teko to jopiny okawo tekono omiyoyi Legislature, Judiciary, Executive gi Constitutional Commissions, kaeto jopiny wacho ni tekono nyaka ti kode kaka pend chik ma koro wasomo ni owacho.

Koro wacho ni Kenya nigiki pend chik, nigiki Katiba to Katiba no e chik maduong' molooyo chike te te te. Maka poni nitie chik moro ma ok oriye gi Katiba mawacho gimoro ma ok Katiba owacho to chikno ok nobedi chik, en void. Chik achika moro ma ok o-lingana gi Katiba ok en chik ma idwaro ni otigo e Kenya ka. Kendo wawacho ni Katiba ma wawacho no ka ung'iyoyi clause 2, sub section (iii). Owacho, we asome kaka ondike gi Kisungu, ni the validity, legality or procedure of enactments of formulation of this Constitution is not subject to challenge by or before any court, organ or agency of the State. Gima omiyoyi wawacho gino kanyo, chieng' moro ng'ato nyalo muoch to dhi e court wachoni ni Katiba ma okadh manyien ma Parliament okadh malong'o. Uwinja? Gino nyalo timore, ok kata ka sani Commission nyocha ne odonjne gi e court to wan gi chik mawacho ni ok nyal donjnwa, chik mawatiyogo wacho ni kaka koro abedo piny kae ni Police ok nyal biro ka ma maka kata awacho mana ang'o ka atiyo tija. Bende ok nyal tera e court to Judges oterowa e court, masani gima koro iyalo e court nito ter mane utero Commission e court no bende ne en gima chik oyiego adier. Koro wawacho ni chik ni ma walosoni ok inyal dhi e court to iwacho ni Katiba manyien no ukele nang'o to machon to uwito nang'o. Uwinjo wachno? Nikech ok waduar a situation manitie Katiba manyien to ng'ato wacho ni pod odwaro Katiba machon, mano e gima waduaro ni mondo wa-avoid.

Koro gino wacho ni sama ng'ato obedo piny kata en mana Parliament, kata en mana Judiciary, kata en man Executive masomo gima Katiba owacho nyaka osome o-interpretate e eyoo ma promote values mar Katiba. Ok inyal some asoma gi wiyi nono, nitie guidelines ma oketi kanyo ma nyaka somego, kendo gino wacho e clause 3. Owacho ni

ng'ato ang'ata any raia maparo ni Katiba ng'ato nyono anyone piny oyiene dhi e court ma owachi ni ma endi gima ok onego otimre. Omiyo wananchi nigi the right and the freedom to defend the Constitution kendo wawacho kanyo kendo niyaa, ni to ka imuoch ni idwaro loso sirikal ma Katiba ok oloso to in ng'at manyaka maki amaka ma ter e jela, mano e gima waluongo ni treason. Matiende ni sirikal ka ilose to nyaka ilose kaka Katiba owacho to ka imuoch ni idwaro loso mari, ka iwuok kaka ne Ochuka ja Nyakach owuok mano iketho chik, uwinja maber? Kae to wawacho kanyo ni Parliament nolos chik manyiso malong'o ni ka ng'ato omuoch ni dwaro ketho sirikal e yoo ma ok oluwore gi Katiba to notimne nang'o. Uwinjo wachno? Koro wawacho ni Parliament nyaka bi kadh chik mawacho kamano.

Koro article 5, to wacho ni to chike mag Kenya ere kuma chike mag Kenya ae. Wawacho ni chik ma okuongo ma okuong mar Kenya en Katiba. Mar ariyo gin chike ma Parliament okadho. Mar adek, wawacho ni chike mawa, chike Joluo kata chike Wakamba, kata chike jo Kikuyu, wawacho kanyo ni mago gin chike mar jo Kenya. Jo ukoloni ne okwer ni chikewa go chike mar jo kafiri, ni ne ok dwar. Sani koro wawacho ni chekego ok mar jo kafiri, gin e mag mila mawa, chikego wayiego, waketogi e Katiba. Mag jo Islam gi mag jo Hindu bende wawacho ni nyaka bedie Katiba nikech jo Islam bede wacho ni Quran e chikgi. Wawacho ni mago bende nyaka bedi chik ma ji oyiego te. Koro wachano chikego te ma wanyiso kaka chikego biro tiyo, kaeto wawacho kakoro wadhi e chapter 2, mano atieko chapter one mar the Republic and the Constitution.

Chapter 2, wacho ni Kenya is a Sovereign Republic, Katiba ni ok ema onyuolo Kenya. Katiba mar independence ne onyuolo Kenya to mae to wacho ni Kenya nite, uwinjo wachno? That is the difference, Kenya nitie en a Sovereign Republic founded on the principles of good governance through multi party democracy, participator governance, transparence, values go te te waketo kanyo. Kaeto wawacho in clause 7, no boundaries mag Kenya, kane wabiro Western, ne an Budalangi, ne an Bondo, ne adhi nyaka Nyatike ma adhi nyaka Wuoth Ogik, Mihuru kocha kendo ne an Suba. Gima ne jiwacho malong'o malong'o ni to ere boundary mar Kenya, ka jolupo odhi ei Nam to jo Uganda riembogi koda ka Mageta ne iriembogi e. Gima koro wawacho en ni wanyiso malong'o boundary mar Kenya, uwinjo wachno? Constitution ma wan godo sani onge gi boundary mar Kenya, wanyiso boundary mar Kenya ma waketo e first schedule. Kendo wawacho ni Kenya opogi e districts 70 to gi provinces aboro kendo wandik nying gi. Ma sani ng'ato ok bi chung' achung'a to wacho ni kawuono aketo Usongo District, uwinja? (Laughter)

Ok inyal chung' achung'a e chiro to ikoni, kaka moro mane awinjo ni jomoko odhi to koni giduaro District moro ni Suba, ni kara kawe uru. It will no longer be possible to do that, ka idwaro create a district you would have to come and amend this Constitution. Uwinjo wachno? You have to amend the Constitution ka idwaro create a new Province, you have to amend this schedule. Kaeto wawacho ni sovereignty mar Kenya ni en gima wadwaro protect kabisa mana kaka wa-protect the Constitution, mana kaka wa-protect the power of the people, the sovereignty of the people.

Kaeto wawacho ni clause 8, ni Capital mar Kenya en Nairobi, kaeto wawacho ni chik ibiro kadho specifically



*mawacho kaka Nairobi is going to be governed. Ma ng'ato ok bi wacho ni Nairobi ni nimarwa. Chon ne Joluo wacho ni Nairobi piny ma onge wegi Kenya colony, eh. Bas koro wawacho ni ok en piny ma onge wegi, en piny mar jo Kenya te kendo waduar ni mondo chik oketi manyiso boundaries mag Nairobi koro Kiambu ok nyal wacho ni ma endi gweng'wa, jo Kajiado ok wachi ni ma eni gweng'wa, ka en Nairobi to en mar jo Kenya te and there will be special legislation for that purpose. Uwinja maber? Kaeto legislation no be biro nyiso ni to income gi revenue mawuok ei Nairobi gi ng'ano gini ma onedo o-benefit from it and we make that clear. Kaeto wawacho ni policy mar Kenya onego obedi niyaa, ni headquarters mag national government, departments mag national government onego oke e kor piny ok mana ni Nairobi kende, uwinjo maber? Kata kanitie Ministry mar fisheries to ogure mana Kisumu kata mana Siaya to en mar National government.*

*South Africa nigi system moro kanyo ma Parliament seat mar ni Cape Town to executive seat mare ni Pretoria, to judiciary seat mare ni Johannesburg. Koro mwandu piny bende nyaka pogi nikech gigi te te te gin mwandu. Ka ang' sirikal obiro ogero headquarter mar Ministry moro Siaya ka to kelo mana employment, jo yuecho bende ni mana nitie to income to bende mana nitie to businesses to bende mana nitie. Waduar ni gigo obedi distributed, koro kaka obiro bedo implemented to wabiro wacho ni mondo Parliament odhi onyagre go mondo odhi owach ane ni to ere Ministries mawabiro duaro ni nyaka bed outside the State capital ma iluongo ni Nairobi, mondo wachni ochaki.*

*Koro clause nine is on language, wawacho mokuongo ni official languages mar Kenya gin Kiswahili gi English matiende ni waduar ni wang'ni ka sirikal golo en publication to nyaka ogole in both English and Kiswahili, uwinjo maber? Koda ka chike must be translated in Kiswahili and ka obedo translated in Kiswahili the Kiswahili version will be authoritative like the English Version. To wawacho ni Kiswahili bende waluongo ni national language, kaeto wawacho ni sirikal nyaka respect, protect the diversity of languages of the people of Kenya. Matiende ni although English gi Kiswahili are official language to dhok moko kata mana Dholuo ma wawuoyo godo ni must be respect and must be promoted. Mano gima onge e constitution masani, inyalo wacho ni mago dhok kafiri ok waduar winjo wachgi. Wawacho e Constitution ni ni dhok mawawacho ma ji te te te wacho miechgi mago are legitimate languages of the Republic of Kenya and must be respected.*

*Kaeto wawacho in clause 10 ni sirikal mar Kenya ok sirikal mar dini omiyo sirikal ok oyiene chiwo special privillages to any religion, we allow religious freedom. Wabiro wuoye bang'e freedom of conscience and so on to ok inyal imuoch to iwacho niyaa ni Islamam e religion mar Kenya. Bende wawacho ni ok inyal chako a political party on religious line niketh this is a secular State, you can enjoy your religious freedom but no government is allow to give special favours to any kind of religions. Are we together?*

**Audience:** Yes.

**Com. Prof. Okoth Ogendo:** *Okay, koro wawacho kendo ni nitie gik moko ma waluongo ni national symbols and symbols go wabiro ketogi e Constitution. They will be included in the first schedule, the Flag, the Anthem, the Court of Arms and the Public Seal of Kenya. Omiyo ok inyal muoch amuocha to iwacho ni tinde waloko flag mar Kenya, eh? Nitie countries moko ma new government osebiro giloko flag, giloko anthem, wakoni aah magi gik ma symbols mag the country, we will have to make sure ni they are protected by the Constitution. One thing ma onge kani which should be here is to prohibit political parties from using colours ma are symbols of the State, uwinjo kuma adhiye, koso ok ine kuma achomo. (Laughter)*

*Wachomo kama political parties flag chal gi national flag wabiro prohibit that, it shouldn't happen. Kaeto waketo national oaths and affirmations, kaeto wadhi e gimoro mawaluongo ni national days. At least make a distinction between a holiday and a national day. Wawacho ni national days onego obedi mana adek kende, Madaraka, Jamhuri to gi chieng' mawakadhe Katiba ni. Moko nyalo bedo ni gin holidays to they are not national days, uwinja maber? Koro moko mabiro tarik 10, October, tarik 20 go wanego. (Laughter)*

*Koro chapter 3, wacho ni piny machalo Kenya kama nyaka bedie gi standard becons, mila margi. Aparo ni ne awachonu ndalo moko kane abiro ka endi ni ka idonjo e dala ng'ato to nyaka iwinji ni to joka nyar ng'ane to ere kitgi, ok kamano? Dala ok bedi abeda ma in ka inyalo biro to in I-behave mana they you want, ginyalo koni ni aah, karwa kar wan joka Nyar ng'ane to mae eni e kaka wa-behave. Koro chapter 3 nyisou ni to jo Kenya gin gi goals mage, gin gi values mage, gin gi principles mage. Kato wachono gi kanyo, national values go wachono ma unyalo ng'iyogi ma ukana ni to bende wayudo gi maber kaeto wawacho, adwaro draw your attention to number 18. Article 14, number 14 un kanyo. Owacho ni at least once every year the President shall report to Parliament and to the nation all the measures taken and the progress achieved in the realization of national goals, values and principles. Matiende ni ok ondiki gi andika ni waduaru wacho ni wan joka Nyar ng'ane, ma endi e kaka watimo, ma endi e kaka wamiel, ma endi e kaka wagiru. To waduaru ni every year mondo President onyiswa ni to ere gima isetimo, ere gima sirikal osetimo manyiso ni en serious about those national goals and values, uwinj wachno?*

*Kaeto wawacho ni un joka Nyar ng'ane go une bende un gi duties as citizens in number 15. In order to fulfil the national goals, values and principles all citizens have the duty and duty number one, uwinjo? Duty mokuongo mar the citizen is to know and understand the Constitution, uwinjo maber? Koro next time round ka poni Constitution ni ni nyaka lose kendo manyien to ok uwachnwa ni to Constitution ma idwaro ni walosi no ochal nade. Mano ka iwacho kamano to matiende ni your duty as a citizen ok ikaw seriously, so your first duty is to acquaint yourself with the provisions of the Constitution. Kaeto ka iseng'eye to in bende nyaka i-make sure ni jomoko bende ong'eye. Kata ka idhi e Nam ni ilupo to iwero Katiba to ipenjo neighbour ni to omera in bende isesomo gima iluongo ni pend chik ni, ka pok isomo dhi isome, mano e duty number one.*

*Kaeto duty numba ariyo en ni, you make sure ni Katiba is defended. Ubiro neno kamoro ni w....(Inaudible) The power is back. Wawacho ni you must defend the Constitution, wandiko eie kamoro kanyo wang'ni uwinji ni you cannot default to obey an unlawful order, uwinjo wachno. It is not constitutional to be asked to obey an unlawful order. Ndalo moko en adhi Bondo kaeto ayudo road block moro to ka aseyudo road block to jogo ochunga to kona ni mondo amigi drivers licences gi mokogo to akonegi ni you can't ask me for it nikech the road block ma un godo ni itself is illegal. Ok ne chik oyienegi ni mondo giket road block kama negikete no, koro gikona ni to in iweni iriek malowa wan e Police to akone ni ariek malou remove that road block. (Laughter) Koro gima ne omiyo ne gigole aparoro negiparo ni ka ine ng'ani wach kama, obed mathuon kama nitie gimoro e ie, ne giywayo road block no very quickly.*

*Wawacho e Constitution ni unlawful orders should not be obeyed. Koro ka iyudo ka ng'ato ochiwo un unlawful order to o-insist to ibende obet o-violate the Constitution you have a right as ja raia to go and get an order of court to stop it. Koro wawacho ni duty mari is not only to understand the Constitution but to uphold it kendo wa-list duties mag wananchi go kanyo te, ok mana ni rights kende ema wananchi nigo, duties bende gin go. Koro aduaro gik kanyo mondo awene Jackline mondo ochaknu kama koro wadhie chapter 4 on citizenship. To gima awacho malong'o en ni Katiba manyien owacho maber ni teko te aa kuom wananchi, wananchi ema omiyo Executive, Judiciary and Parliament teko to they must exercise it in accordance with this Constitution and this Constitution is a supreme law you must understand it, you must protect it, it must be enforced.*

*Citizenship,*

**Jackline Obiero:** Thank you Professor. *Koro wadhie chapter 4, chapter 4 talk about citizenship to citizenship in uraia. Koro waduaru ng'eyo ni who is lawfully a Kenyan citizen, ere kaka citizenship no wanyalo yude ka ok in ja Kenya gi what power Parliament has concerning citizenship. Koro ka wachako gi the first article 16, abiro somo then abiro explain.*

*In fact where the Constitution has made provision to the contrary all citizens of Kenya are: (a). Equally entitled to the rights, priviledges and benefits of citizenship. (b). Equally subject to the duties and responsibilities of citizenship. (c). Equally entitled to a Kenyan passport and to any document of identification issued by the State to citizens. Ma wawacho ni ka in raia mar Kenya nitie gik ma you are entitled to: (i). In entitled to a Kenyan passport, wasebedo ka iyudo ni ka ng'ato duaro passport nitie a lot of corruption especially in the immigration office, inyisi ni duog kiny, samoro ng'ato nyisi ni file ni olal but according to this draft Constitution waloso provision mabiro allow every Kenyan to have a right to a passport.*

*Ma ka idwaro travel to another country then it is the duty of the immigration office to provide you with a passport, as long as in gi the right documents magi duaro and you are qualified citizen. Onge gimoro ati ni you must explain properly where you are going, you are entitled to a passport as a citizen.*

*The other thing, you are equally subject to ni, you are supposed to follow the duties ma were explained in article 15, the duties of a citizen. You as a citizen in supposed to be responsible and to obey those duties ma ka oyudi ati as a citizen you are not obeying those duties then you not following the laws. Nikech kaka raia mar Kenya onego obedi ata ni you are a responsible citizen and you are fully obeying duties mek citizens kaka nowachi e article 15.*

*Ka wadhi e article 18 ma talk about the acquisition of citizenship, ere kaka wanyalo uraia mar Kenya, wawach ni how can citizenship be acquired. To wayudo kanyo ni citizenship may be acquired by (a). Birth (b). Registration and (c). Naturalization. Koro ka wadhi e article 19 (i) about citizenship by birth, abiro somo. That every person born after the coming into force of the Constitution is a citizen of Kenya if at the age of the person's birth either the mother or the father of the person is a citizen of Kenya. Koro ng'ama onyuol Kenya ka ma wawach ni by the time ma koro this Constitution is being adopted, you are a Kenyan citizen and you are entitled to citizenship by the fact that ni in onyuoli Kenya ka.*

*Then citizenship and marriage in article 20, wachoni, abiro somo. A person who has been married to a citizen of Kenya for a period of not less than three years is entitled on application to be registered as a citizen of Kenya. Koro mae wacho ni, may be wawach ni in ja Kenya to ikendo dhako ama okendi gi ng'ama ok ja Kenya to udak Kenya ka. Ka usedak for three years Katiba wacho ni you are entitled to apply for citizenship to ka iapply for citizenship you are entitled to that citizenship by the virtue that ni in you have married a Kenya citizen you are entitled to that citizenship.*

*Article 20, number ariyo kanyo wacho ni, citizenship is not lost through marriage or the dissolution of marriage to owach ni may be okendi gi ja Kenya to after three years you apply for the citizenship then wawach ni gimoro otimore ma uweru. That does not mean nikoro in you have lost your citizenship, that citizenship will be maintained as long as you had already registered and you are recorgnized as a citizen by the virtue of marriage.*

*Then nitie article 21, citizenship by naturalization, abiro somo. A person who has been lawfully a resident in Kenya for a continuous period of not less than 7 years and who safisfies the conditions prescribed by an Act of Parliament may be naturalized as a citizen of Kenya. Wayudo ni nitei jok moko ma obiro ma odak Kenya, Katiba wacho ni kagisedak for a period of 7 years, higni abiriyo they are entitled to apply for citizenship as long as ni gise-meet those conditions ma are prescribed by Parliament then they can be naturalized, they can become granted Kenyan citizenship. Koro those are the three ways in which wanyalo yudo citizenship. Number (i) birth, the second one was by marriage and the third one ma a-explain sani ni is by naturalization.*

*Then nitie another group manyalo bedo citizens to abiro somo article 22. Children found in Kenya and adopted children: A child found in Kenya who appears to be less than eight years of age and whose parents are not known is presumed to be a citizen of Kenya. Wawach ni nitie nyathi ma oyudi Kenya ka to ok wanyal trace parents ge, ok wanyal ng'eyo jonyuolgi kuma ne oae, if that child is less than 8 years nyathino en a Kenyan citizen by that virtue.*

*Number 2 wacho ni, a child below the age of 18 years who is not a citizen of Kenya and who is adopted by a citizen of Kenya is entitled on application to become a citizen of Kenya. Wayudo ni nite parents moko ma they adopt children from other countries to Katiba mawaloso ni wacho ni ka nyathino is below 18 years of age to parents gi they opt to adopt that child, that child can become a Kenyan citizen by the virtue of fact ni the parents have adopted that child and the parents are Kenyan citizens. Wawinjore? Okay.*

*Then adhie article 23 malose about dual citizenship: Dual citizenship is permitted under the law of Kenya. Dual citizenship en mana ni ka in gi uraia mar countries ariyo, wawach ni in a Kenyan citizen to kendo in a citizen of another country, wawachi ni inyalo bedo a Kenyan citizen and a Ugandan citizen at the same time. Inyalo bet a Kenyan citizen kata an American citizen, inyalo bet a Kenyan citizen kata may be a South African citizen. Koro wayudo mane wadhi e hearings, mane wadhi e different constituencies e Kenya ka, wayudo ni there are many people who were complaining especially communities ma odak e border, the Rendile, Borana, Somali, for example. Mago communities ma samoro gin Kenya ka, samoro bende iyudogi Somali, nitie jok moko ma samoro ni Kenya ka to samoro gin Ethiopia. So normally they get so harassed at the border and so kane gichiwo presentation margi ne giwacho ni giduaro ni Katiba mondo oyie ni ng'ato nyalo bet e Kenya ka and at the same time ka odhi e another country bende ok bi tame. Nikech he is also person, he is holding dual citizenship and so that is how the Commission came up with this article that allows for dual citizenship.*

*Then ka wadhi e article 24, ceazation of citizenship: Ere kaka kawachi ni you are a Kenyan citizen ere kaka inyalo loose that citizenship, abiro somo. Wachoni, a person may be deprived of citizenship of Kenya only if the person acquires citizenship by means of fraud, false presentation, concealment of any material fact or by other unlawful means. Ka wawachi ni ng'ato oyudo citizenship e yo ma ok kare, ok o-follow the right procedure kata ka otim investigation to oyudi ni information mane omiyo jo Immigration was not the right information than that person stands to loose that citizenship.*

*Ka wadhie e article 25, wacho ni citizenship of parents dying before the birth of a person, abiro somo. A reference in this chapter is to the citizenship of the parents of a person at the time of birth of that person referred in relation to .....(Inaudible, interruption)*

*Ne asomo article 25, wacho ni a reference in this chapter to the citizenship of the parents of a person at the time of birth or the person referred in relation to a person born after the death of the parents to the relationship of the parents at the time of the parents death. (ii), wacho ni for the purpose of clause (i) where the death of the parents occurred before the coming into force of the Constitution, the citizenship of the parents would have had if the parents had died after the coming into operation of the Constitution shall be deemed to be the parents citizenship at the time of death. Ma wawacho ni ka ng'ato parents ge otho before the coming into force of this Constitution then there is no way ma we can prove that you are a citizen of Kenya*

*by the virtue of fact ni may be your parents are not there. So there is no way they can be able to follow and get to know your citizenship then that person shall also be considered at a citizen of Kenya.*

*Then ka wadhi e article 28, mano page 6, wacho ni there is established a Citizenship Registration Board to deal with matters provided under article 27 consisting of not less than 5 and not more than 9 members appointed by the President with the approval of Parliament from among persons of moral standing. Article 27, mano wacho the powers of Parliament, all the other laws ma ok owachi concerning citizenship or uraia mano wawene Parliament, the power to enact such laws. To ema wawacho ni wabiro establish also a board that will also help in the process mag application mek citizenship gi gik ma gimore about citizenship.*

*Then ka wadhi e chapter 5, chapter 5 en about the bill of rights. Bill of rights, mane wadhi e constituencies mang'eny Kenya ka ne ji ma opogore nomiyowa views magi. Wayudo ni jok mane ong'ol bende ne ogolo views, joma mine, nyithindo bende ne ogolo views gi, gik magiparo ni Katiba ma wan go sani ok omiyogi, to maginyalo hero ni mondo Katiba omedi. Koro bang' kane wasekawo views gi to ne waneno ni it is important to include jok ma mon nikech ne gimiyowa views gi kendo kando kane wang'iyoyo to ne waneno ni women have been deprived, children have been deprerived, persons with dissabilties. Mano jok ma ong'ol, nitie joregi ma ok ong'i maber, ne waneno the family as an Institution has also been ignored, ma ema omiyo Katiba ni ka ing'iyoyo under bill or rights ka i-compare with the old Constitution, iyudo ni the old Constitution ok ne oloso about nyithindo, ok noloso about mine, ok nolose about jok ma ong'ol, in details. Proposal ma waketo in the bill of rights, ng'iyoyo the community with its all diversity nikech in a community iyudo ni nitie joma mono, nitie joma ong'ol, nitie nyithindo, nitie joma chuo and all these have to be cattered for if we have to be balanced.*

*Koro abiro chako gi somo the fundamental rights and freedoms, mano article 27. The bill of rights is the foundation stone of Kenya democratic State and it is the framework for the adoption of social, economic and cultural policies. Ma wawacho eti ni bill of rights ama gik mag this diverse groups en e foundation to build up a democratic State, if we have to build up a democratic State we have to have that foundation stone. To ema wawacho ni that is the foundation, the bill of rights, these diversities ma wan godo.*

*To ka wang'iyoyo article 32, about the right to life, that everyone has the right to life and then number ariyo wacho ni death penalty is abolished. Inyalo yudo ni nitie jok mane omake to ne omakgi maybe kuom makosa mane gitimo to kane otergi e court the judgment they were given was death penalty. Death penalty en ni inegi, that is the Judgment mane omiyi ni ibiro negi, koro wayu ni Constitution ama proposal ma waketo e this bill of rights wacho ni, kila ng'ato nigiri right mar dak, onge ng'atma onego obedi ni itho yaani ni itho athoya ni onegi nikech may be kuom makosa mane itimo. Koro death pensalty ama kifungu mar tho ogol e this draft bill to wawacho ni instead of it wakawo life imprisonment ma ka ng'ato ne oketne ni ibiro nege e higa mabiro may be in the next 10 years ema ibiro nigie then ka*

*this draft Constitution obede adopted then that automatically becomes life imprisonment. Koro there will be no more death penalty.*

*Ka wadhi e article 35, it talks about women. Women have the right to equal treatment with men including the right to equal opportunities in political, economic and social activities. Ne wayudo ni e views mane Kenyans nomiyowa and especially women, ne giwacho ati ni jok ma mon obedo discriminated, they are not considered. Gin ka ing'iyogi to ing'iyogi may kaka the weaker sex onge gima ginyalo time and they said also need to be given that equality gi jok machuo and so in this draft bill wa-propose ni rights mag mine obed equal gi jok machuo. Then number 2, wacho ni women are entitled to be accorded the same dignity as the person of men. Ne wayudo ni many people ne complain kendo newacho ni may be like the girl child or women obedo discriminated ni ka ing'iyogi to ok ng'igi like people to out that the draft bill has accorded them the same dignity. Maka ing'iyog'ama dhako on ni ati ni en somebody less, but they are equal with men, they have dignity.*

*Number adek, wachoni women and men have an equal right to inherit and access to and control property. Many of the submissions mane wayudo newacho ni men ok yienegi mondo ginyiew lowo kata mondo gi inherit. Moko newacho ati ni inyalo yudo ni ng'ato ne onyuolo nyiri kende to ka otho koro onge ng'ama take over ama inherit property no nikech oonge gi nyathi mawuoyi. Koro according to this draft bill we are proposing ni women also should have equal rights to inherit and have equal access and control of property. Jok ma mine bende nyalo bedo gi property, they can access it. Ok ni sama idwaro ng'iewo gimoro to ipenji ni chuori ng'a? There are others who are not married at all and gin bende giduaro ni mondo gibedi gi property and so this draft bill miyogi that right ni gin bende, kaka ka ok okendi inyalo inherit from your parents. Ka ok okendi you can buy property, you can access that property. Ok ochuno ni nyaka penji ni okendi gi ng'a ama in chi ng'a.*

*Number 4 wacho ni, all laws, culture, customs or traditions that undermine the dignity welfare, interest and status of women is prohibited. Iyudo ni nitie chike moko ma are not favourable to women. Nitie chikewa moko ma ka ing'iyog' to gi-discriminate against women to according to this draft bill wa-propose ni chikego ma ok kony mon, ma does not promote the society nyaka gol and should be prohibited.*

*Number abich wacho ni, the State shall protect women in their rights taking into account their unique status machalo maternal wealth in the society. Wawacho ni sirikal bende biro protect kendo biro rango masilai mek mono. (b). Wacho ni, provide reasonable facilities and opportunities to enhance the welfare of women to enable them to realize their full potential and advancement. Manyiso ni biro bedo the duty mar sirikal mondo ogol kikgazo te manyalo bedo e yoo manyalo miyo mon kik o-develop ama to be able to achieve may be certain goals in life. Koro sirikal bende biro konyogi by keeping the necessary policies and opportunities. Kanitie such opportunities sirikal biro konyogi mondo gibi able to realize goals ma gin go.*

Then 36, older members of the society: Wayudo ni jom ma dongo bende, jok ma oti bende obedo cattered for in the Constitution. Ka isomo clause 36 te, that talks about jok ma oti, gin bende masilahi margi ong'i e Constitution, gin jok ma obedo respected, gin gi wisdom ma pod we need as a society, we need as a nation which we can tap. To magi ema wacho ni jok ma oti bende ok be we awaya ni owitgi kanyo, ni owegi mondo koro githo nikecho onge gima ginyalo konyogo society wa. To wawacho ni gin bende nyaka ng'I mahitaji margi.

Kawang'iyo clause number 37, about nyithindo, wayudo ni nite nyithindo matinde wuotho awuotha iluongo gi ni street children kata chokora. Giwuotho awuatha yaani iyudo ni nyalo betni they don't have homes, gionge gi dala moro kama ginyalo dakie, moko oringo. Ma be end duty mar Katiba mondo ong'i masilahi mek nyithindo kendo to kendo mane wakawa views mek ji newayudo ni ji newacho ni nyithindo obedo neglected to koro draft bill ni propose ni masilahi mek nyithindo bende nyaka ng'i maber. Koro ka isomo 37 to ka ibiro e number five of article 37, wacho ni every child has a right to: (a). name and nationality from birth and to have the birth registered. (b). Maternal care, parternal care and to appropriate alternative care where the child is separated from his parents. (c). Free basic education which shall be compulsory. Owacho ni nyathi nyaka som to every child, nyathi athiya nigi right mar somo. Nyaka oyudi that basic education ma en free ok chul, it is free basic education.

To kendo wa abiro dok chien matin, article 37 (ii), 37 numba ariyo wacho ni all children whether born within or outside wedlock are equal before the law and have equal rights unders this Constitution. Wawacho ni nitie nyithindo moko mane onyuol gi e simba koro wawacho ni kane nitie nyathi mane onyuol e simba to may be wuongo koro ok okawo that responsibility, Katiba wacho ni in kaka wuoro in gi mama nyathino you have a right and you have a responsibility mar take care of that child. Nyaka I-make sure ni nyathini koro onge ati ni inyalo kawo akawa nyako to uyudogo nyathi to ibole kanyo. Katiba ma wa-propose ni wacho ni if you sire the child then you have a responsibility. Nyaka ikaw that responsibility mondo ing'I ni nyathino chamo ang'o, nyathino dhi skul nade, nyathino ruako ang'o. Koro Katiba tueyo ng'ato ni nyaka itim kaka baba, you have to provide gik ma nyathino need, basic needs you have to provide as a parent.

Ka wadhi e article 38, about the family ka isomo mano talks about what the State shall do. The State shall recognize the family as the natural fundamental unit of the society as the necessary basic social.... Wayudo ni Katiba bende ng'iyo masilahi mar family koro nyaka ing'e, every person is entitled to a family as long as ni you are above 18 years of age onge ni ka ng'ato okendo after 18 years of age then may be nokendo at the wrong age. As long as ni in 18 years old then you have a right to marry and you have a right to find a family.

Then 39 talks about persons with dissabilities, jok ma ong'ol. Katiba bende ong'iyo yore mak jokma ong'ol to ka isomo 39 te, talks about what the State is entitled to give, yaani gima sirikal onego obedi ni konyo go joma ong'ol go.



*Ka wadhi e article 44, mano page 7 loso about freedom of religion, belief and opinion. Wacho ni every person nigi right mar, yaani in right mar belief mari, yaani yieni. In gi right mar lemo kata paro mari maka awachi ni kawuoni eti ni iparo ati ni ma e yoo ma onego alu to onge ng'at manyalo biro manyisi ati ni aah, ma ok en Kanisa mochomo kare, ma ok en dini maber. In gi right mari mar lamo Nyasachi lakini nyaka wang'e ati ni kata ka nitie freedom ma Katiba omiyowa nitie limits bende ma Katiba bende ochiwo especially on this bill of rights, ma ka these rights are contravening the State or the Constitution bende to koro it is not allowed. Nyaka wang'e at ni these bill of rights kata all these rights ma asesomo nu they have a limit. There is a limit, limit no ka isomo article 31 loso about limits manitiere e bill of rights gi.*

*Moko like article 45 loso about freedom of expression, yaani en freedom mar loso. In gi freedom mar wacho gima nitie e chunyi, onge ni ng'ato biro tami ati ni gima iwachono is not the right thing as long as it is your freedom and you feel ni mano e gima nie chunyi. You have the freedom to express yourself, in gi freedom mar wacho gima ineno or you feel is right.*

*The other thing on article 47, access to information. Wayudo ati ni in the past ne nitie kata Commissions mane obedo set to pok wayudo kaka repod gi, pok wawinjo repot mane giyudo bang' kane gisetieko those Commissions. To koro wawacho ati ni in this Constitution or in this draft bill, wa propose ni information mantie the hands of the State, information mar sirikal biro bedo accessible. You have a right, in kaka mwananchi mar Kenya, in gi right mar ng'eyo ati ni gini kata ne o-form Commission ni. What happened to that, ere findings mane gibirogo, you have a right to get that information, information in the hands of the State, in gi right mar yudo that information.*

*In also bende gi freedom of association mano ni article 48, freedom of assembly, demonstration, ticketing and petition. Wawacho ni kaka jotich samoro you become so oppressed and udwaro demonstrate, sama uchako demonstrate polise iluongo to goji in the process nitie jok moko bende ma osetho but in this draft bill wa propose ni you have a right to demonstrate. In gi right mar demonstration.*

*Article 51, wacho ni freedom of movement and residence, in gi right kendo freedom mar dak kamoro amora, in gi freedom kata right mar wuotho kamoro amora. Obedi ni en Kenya ka kata oko, in gi right mar wuotho kendo ingi right mar dak. Ka iwacho ni kawuono adhi dak Mombasa, ok ni Mombasa en mar Waswahili to Siaya en mar Joluo aah. Ka ang' Kikuyu moro owacho ni en Siaya no ema oduke, en gi right mar biro to odak kae nikech this is a republic Kenya en marwa wate.*

*Then article 53 wacho ni freedom of trade, occupation and profession. Mano nyiso ni in gi freedom mar timo biashara, in gi freedom mar tich. Tich ni, wawachi ni ka isomo, wawachi ni in daktari, you have that freedom for that profession*

as long as ni you follow the code of ethics of that profession to in gi right mar practice that profession. Onge ni ng'ato biro tami ni nyisi ni aah, you are not qualified, you cannot practice this, no. You have the right and the freedom of profession.

Ka isomo 55, talks about labour relations, the other things ma wan go kaka rights. In gi right mar housing, yaani bedo gi ot, right mar matibabu ka idhi hospital, right mar chiemo, right mar bedo gi pi maler, yaani gi sanitation kaka choo giri, bathroom. It is a right and environment. Kaeto language and culture in gi right mar you as a Kenyan ka iwacho ni an Jaluo to this is my culture, it is your right onge ni ng'ato wacho ni aa, that one is not allowed, you have the right as a Kenyan.

Consumer rights, wayudo ati ni samoro bende nitie gik moko ma ikelo e Kenya ka, ikelo from other countries gin expired. Ok ginyal tiyo kodgi e pinje moko go gikelo e Kenya ka, koro in kaka ng'at mabiro tiyo gi gigo nitie rights meki bende ma ondiki ka, ma ibiro somo at your own time.

Gima kendo aduaro dhiye en article 68, rights of the arrested persons. Kane wakawo views mek ji ne wayudo ni ji mang'eny newacho ni polise mako ji to imaki kendo sama omaki to iketi e cell, inyalo keti kata e cell dweche adek ka pok oteri e court, makosa ni bende ok ing'eyo. Ne wayudo ni the Police Force wa so corrupt and that is why kata kawabiro dhi mbele wabiro somo kamoro mawacho ni, the name of the Police Force has been changed, we are proposing a change makoro ok biluonge ni Police Force, ibiro luonge ni Kenya Police Service. Service manyiso ni gin ema gichiwo service ne ji ok ni gichuno ji, nikech force itiyo gi force, ichuno ng'ato. No, we want service. Ka en utumishi kwa watu wote then en utumishi, en service ok en force.

Abiro somo article 68 about the right of arrested person. Ka omaki, these are your rights, sama ng'ato omaki gi Polis.

(a). Wachoni you have the right to remain silent. Ka polis omaki inyako decide ni ok ibi loso kata ka openji gimoro ok ilose. Mano right mari, onge ni ng'ato chuno kendo owacho ni ati ni iwachi ni itimo kama to ichuni mondo indik statement gima ok nitimo. In kaka mwananchi in gi right mar ling'. (b). Wacho ni, to be informed promptly in the language they understand. Onge ni ng'ato nyisi to kendo osomo ni laws ma in ok inyal understand, nyisi ni article ma wacho kama kama to in bende ok inyal ng'eyo article no nikech ikya gima Constitution wacho. Koro in kaka ng'ama omaki in gi right mondo o-explain ni e dhok ma inyalo wijo. In the simplest term possible.

The other right ma in godo en mana, the right to remain silent and the consequences of not remaining silent. Wawachi ni ka iling' then nitie consequences ma bende biro gi ling' ni no. Ka ok iling' bende nitie consequences koro nyaka ing' eni ka omaki ingi right mar remaining silent but kata ka iling' there is a consequence to that. Mano bende right mari ma ka ing'eni ka iling to there is a consequence for remaining silent.

*Ka wadhi e article 69 on page 10, abiro somo. Every accused person has the right to a fair trial, which include, to be presumed innocent until the contrary is proved, to be informed of the charges with sufficient details, to have adequate time and facilities to prepare a defence. Mawacho ni ka omaki to ka oteri e court ikawi ni in ng'ama ok otimo makosa nyaka makosa no gibedi gi evidence and they are able to prove ni in e ng'ama otimo makosano to as long as ni pod gionge gi evidence ok ginyal wachoni in ema itimo makosa no. Then according to this draft bill what we are proposing ni you are innocent until you are proven guilty, to ka isomo te to you will find that you are also entitled to a right of fair trial. Kata ka oteri e court to right ma in go, ka isomo article 69 te then it explains.*

*Gima aduaro dhiye to kendo aduaro tiekogo en article 70 on the same page 10. Persons who are held in custody under the law whether sentenced or not retain all the fundamental rights under the Constitution except to the extent that the right is clearly incompatible with the fact of being in custody. Koro iyudo ni mane wakawo views mek Kenyans newadhi nyaka e jela e Kenya ka, wadhi Kamiti, we went to so many prisons kendo ne wakawo views mek jok ma otue. To most of them newayudo ni ne complain ni e jela chiemo rach, kama gininde bende inindo mana e dier ot. Kata ka inindo e dier ot kanyo, dier ot kanyo nigipi. Nitie so many cases of homosexuality, gik mang'eny matimore, iyudo ni kata nyithindo samoro bende otue gi jok madongo to nyithindo ma otue gi jok madongo go bende bedo harassed, they are molested. Nitie gik mang'eny matimore e jela ma according to their views negiyuak ahinya. We felt ni gin raia mar Kenya kata kade bedi gitomo makaso they also have a right. Gin gi right mar bede kamaler, gin gi right mar chiemo maber, gin gi right ma ka ng'ato tuo, iseyudo ni ng'ato tuo e jela to nitie jok ma osetho e jela nikech tuo. Nikech ituo to onge kata ng'at ma ng'iyi, onge kata yath ma imiyi, there are no medical facilities. Koro we are proposing in this draft Constitution ni you as a Kenyan citizen, rights meki kata ka otueyi nyaka ibedi entitled to a clean accommodation, halisi zaidi, nyaka bedi to some standard set.*

*You also have a right not to be exploited, nyaka ibedi treated with dignity ok nikecho koro in ng'ama otue, in ng'at mane otimo makosa koro ing'iyi ka gima ok in dhano, ibedo treated ka le. Mano Katiba mawa-propose ni ok duar, kendo in gi right mar bedo gi lawyer. In gi right ma kinyalo yudo lawyer, in gi right mar luongo lawyer ni kendo loso kode. Waseyudo ni ng'eny jok ma otue gi onge gi right mar bedo gi lawyer manyalo konyo gi, kata ka lawyer okel to iyudo ni samoro bende ok yiene mondo olosi gi lawyer ne. To gima wa-propose e Katiba ni wawacho ni in kaka ng'ama otue, ka otueyi in gi right to a lawyer, in gi right to privacy. Wawach ni ka omaki ka in ng'ama less than 18 years of age, kapok ichopo higni apar gi aboro you are considered a child according to the draft bill ma wawacho ni. To ka in nyathi to ingi gi right mondo kik otueyi gi jok madongo, ka in ng'ama dhako to in gi right mondo ibed separated, ka in ng'ama ong'ol bende oketi separate from other people. Mago e rights mawa-propose.*

*Koro ka atieko to awacho ni nitie in article 73, page 11, talks about the right to ask for the Commission on Human Rights and Administrative Justice or court to uphold the bill of rights. Mano wabiro ng'iyi later in Constitutional Commissions gi offices, we will come to that.*

**Wycliffe Owade:** *Ero kamano Jacky. Jo Alego amosou, useol.*

**Audience:** *Podi.*

**Wycliffe Owade:** *Kik uol kore eka waduaru dhi e thuond wach sehegi. Waduaru wacho weche mag sirikal, weche mag siasa to waduaru ni uchik itu kabisa, kabisa, kabisa. Ang' beng'e kawasetieko to koro joma nigi penjo pap koro oyawnu, wawinjore maber.*

**Audience:** *Wawinjore.*

**Wycliffe Owade:** *Bas, ka koro pok wadhi e Parliament ma aduaro donje sane aduaro loronu kama Jacky wachono kor ka freedom of expression page 8, article 45. Nitie freedom of expression ma ondik kanyo, aduaro wache e yoo machiek niyaa, chik manyien wacho ni in kaka raia en haki mari mondo iwinj information moro amora matimore e pinyini. Ka iyawo television mari to kik obedi ni en mana KBC, kende. Mano owinjore maber? Obedi ni en channel moro amora in gi right kendo in gi teko mar tero sirikal e court ni to ang'o ma omiyo KBC kende ema nitie to moko onge, mano owinjore maber?*

**Audience:** *Eeh.*

**Wycliffe Owade:** *Koro mano nitie kata obedi mana radio, kata obedi ang'o onge siri. In gi chik, ae to bende ong'isi piny kanyo ni to e chik ma omiyi mar bedo thuolo ni nyaka ibedi ng'ama responsible. Ka oyudi mana ka in ja propaganda in ng'ama thuwo athuwa ji mano bende ing'eni chik kendo ochako omaki, mano owonjore maber?*

*Bas, koro wadhi uru e Parliament, mano page 13 to abiro terou e page 14. E Parliament ka ene e dag wach, ok kamano, nikech joma uyiero ma represent u losonu weche mag chike koro aduaro ni mondo uchik itu maber. Kane wawuotho e constituencies mae Kenya ka ne wayudo maoni mau, to kane wayudo maoni mau to watemo mondo wandikgi, mao e draft man ka. To ni Constitution mawan go manyien wacho kama, Parliament ma wabiro bet go e new Constitution biro bedo composed of two Houses, mano owinjore maber? Parliament, Bunge biro bedo composed of two Houses, House mokwongo mae joma ne nitie ndalo independence unyalo paro.... Mano owinjore maber?*

*The first House ma en Upper House wabiro luonge no National Council. The second House ma en Lower House wabiro luongo ni National Assembly, mano owinjore maber? Koro wan gi National Council kod National Assembly.*

*Composition of the two House: National Council biro bedo gi Members of Parliament 100, mano owinjore maber? Ji*

*100 gi iyierogi nade kata gia kure. Wan gi districts 68 e Kenya mangima, mano owinjore maber? Ma Siasa en achiel kuomgi, district 68 gi biro oro representative achiel mondo odhi e Bunge, mano owinjore maber? To on top of 68 districts nitie district moro achiel ma en Capital City ma iluongo ni Nairobi. Nairobi ni be biro bedo gi two representatives koro tiende ni 68 plus 2, biro adi?*

**Audience:** *Biro 70*

**Wycliffe Owade:** *Biro 70, koro 70 gi biro represent all the 70 districts in Kenya including Nairobi, mano owinjore maber? Haya wadong' gi adi, ne awacho ni National Council ting'o jo Bunge adi, 100. Koro adi madong'.*

**Audience:** *Piero adek.*

**Wycliffe Owade:** *Piero adek gi, new Constitution wacho niyaa, wamiyo joma mine maa e Kenya mangima. Haya, ere kaka joma mine biro bet ka? Joma minegi wan gi provinces abiriyo, mano owinjore maber? Provinces abiriyo, province ka province biro oro mon ang'wen, right? Koro ang'wen ka igoyo gi abiriyo en adi? 28, dong' adi?*

**Audience:** *Ariyo*

**Wycliffe Owade:** *Ariyo gi gin mine ariyo maa Nairobi, koro mano e National Council. Oduaro represent districts te mae Kenya to be seche ma itimo yiero en a ena yiero moro ma direct cha, representative maru mar Siaya District ka. Siaya district yiere, uwinjo mano maber?*

*Bas koro aduaro nyisou methods mar election. Walose weche mag Local Government, wan gi various units, the lowest of the unit we call the Village Council. Village Council ka ka wanyalo tiyo gi Dholuo e yoo mayot gin joka dayo ka, uwinjo maber? Ka pok awacho mano ang'o ma omiyo wakelo tek mar devolved government e pinywa ka, kata ang'o ma omiyo wakelo riekio manyien mar National Council e pinywa ka, gin weche adek.*

*Mokuongo waduaro ni mondo yuto mag district mangima obed maromre e Kenya ma ok ni district moro ogo lam, nderni olosi to district moro to ok otim nade? Ni yuto mokoi biro kata mag ohala, kata mag loan makonyo ji, kata yuto e yoo moro amora to iyudo ka jomoko winjo maber to jomoko to winjo marach. Kose mano ok usewinjo e Kenya wa ka.*

**Audience:** *Wasewinjo.*

**Wycliffe Owade:** *Emu omiyo koro waduaro ni ka ilose kata mana budget to un uwegi bende un gi duol mondo odhi*

*ugol plans magu, progress gi budget maru ni district wa ni bende duaro kama. Koro ka idhi pogi gino district ka district yudo maromre, mano owinjore maber?*

*Mar ariyo, bringing administration closer to the people, ok moro mane iwacho ga ni aa wamiyou location nikech koro wakelonu administration closer kata district, ooyo. Waduaru administration ma kata un uwuon kata ka en joka daya, wang'ni ah, sirikandni to wang'ni en marwa. Ok Oginga nowacho nu ni Not Yet Uhuru, wang'ni to obiro. (Laughter) Bas mano e tie wachno.*

*Mar ariyo, waduaru ni mwananchi ka mwananchi e Kenya o-participate e wach mar sirikal, kik sirikal nen ka gima bor kodi. Kata obedi weche mag maendeleo, kata obedi weche mag joka DC, kata moro amora. Sani gimoro amora in iwuon ema itimo, koro yiero mana direct kuomi, mano owinjore maber?*

*Bas koro aduaru chako gi Councils: Wan gi Village Council, Village Council en riwruok mar joka day, joka dayo nyalo bedo sidienge mang'eny. Gidhi aeto gitimo yiero ni at the top level, at the executive level mar Village Council wayiero ng'ane ema bedo jatelo aeto secretariate bende nitie. Kendo en aena yiero mang'itho mana ka chieng' rieny' maber. Uwinjo mano maber? Haya kadayo ka un ema wang' ne uyier joma dhi telo e gima iluong ni Locational Council. Location mane nitie Chief cha ok pod upare maber, eeh nikech wan koro sani wadhi mbele ema omiyo apenjou ni to podi upare maber. Koro Locational Council no, Village Councils te biro timo yiero aeto yiero joma dhi represent gi at the Locational Council, mano owinjore maber? To Locational Councils ka bende nigi joma iluongo ni Councillors, Councillors gi wabiro kawogi kaka Wards kata Electoral Units at the locational level.*

*Councillors gi biro bedo ji adi? Two representatives mabiro dhi e District Council to Councillors gi to bende nyaka yier direct, mano owinjore maber? Bas, kaa Locational Councils ka bende, Locational Councils mae districts te biro dhi yiero what we call District Council. Tiende ni e District Council ka, location ka location obedo represented, to representation ni en e direct election, uwinjo ka maber? Koro tiende ni ng'ama otelo e location oyier gi ji e village, ng'ama otelo e village bende oyier gi jopiny ma a kanyo. Mano owinjore maber?*

*Haya district ka bende joma oa e Locational Council ema dhi constitute District Council, uwinjo kanyo maber? Mondo omi ka yuto obiro, weche moko amoka mag yuto mag development, ok ni ng'ato oa piny moro chalo cho Malindi ni en DC ka, ooyo. Un ema uyiero ng'ama telonu no direct, mano odonjo maber?*

**Audience:** *Odonjo maber.*

**Wycliffe Owade:** *Bas, koro ema omiyo representation has to be direct, you have to participate directly and actively in*

*your local affairs. Say that when you represent your needs at that Upper House or National Parliament it really reflects what you called for kata why you elected that person. To bende chik omiyi wang'ni ni to ka ng'ama uyiero e district kata location kata village ni katugo un gi power kaka raia mondo ukethne tich ka term ne pok orumo. Uwinjo mano maber?*

**Audience:** *Right.*

**Wycliffe Owade:** *Bas, koro district gi, bang' District Council wan gi gimoro ma waluongo ni Provincial Council. Provincial Council ni en bende en gi representatives maa e district to mak mana niyaa, en en sort of a coordinating body. En o-coordinate districts kaka ung'eyo ni kaka bende kata ka koro wanie Province ok wan gi assets ma oriwo wa kaka province. Kaka osiptal kata obedi ang'o oriwowa e province koro nitie a small secretariate e Provincial Council ka ma representatives bende aa mana kuomu e district ka. To koro Provincial Council ni en a coordinating body ma coordinate all the functions kata relations mantie e district to oonge gi power mar interfere gi rights mag district. Mano owinjore maber? Koro mana jo districts gi 68 plus ariyo ma Nairobi mane awacho ka ema dhi fomo Parliament ma waluongo ni Upper House, ma iluongo ni National Council. Atieko National Council.*

*Haya, wadhi e National Assembly: National Assembly to en mana Assembly mana ma ung'eyo mapil ma sani iluongo ni Parliament cha, mano to en aena constituency maru ma untie no uyiero ayiera ji 210 ka. Nominated ka wagolo oko, mano owinjore maber? Koro constituency to mana kaka ne uyiero chan. Haya, bang' mano gima biro timore en ni National Council kod National Assembly giduto te gin gi teko mar golo chike ma iluongo kata ni bills. Giduto te, koro National Council no sana sana gin weche mag districts to moro ni sana sana gin weche mag constituencys, owinjore maber? To mak mana ni ginyalo golo chik moro amora magiduaru to aeto gidhi gi-debate, aeto giwinjore. To bende nitie committee moro ma ibiro form wag Wabunge mag Parliament ma wang'eyo masani gi mag National Council mabiro coordinate relationship matimore e kindgi, kata ka weche moko nitie matek to ibiro losi. Mano uwinjore maber? Ka ang' un gi penjo moko to ang' ne upenj bang'e but basically that is the structure.*

*To ka atieko e Parliament wan gi list moro ka ma osewinjore ataro, list mar dhano 90, aduro ni uwinj ka maber kabisa kabisa. List mar 90 gin bende giduaro bedo Members mag Parliament to magi Parliament ma waluongo ni National Assembly, the current one we have. Ere keka ibiro yiero gi? Wa-propose kama nikech newawinjo yuaku kane wawuotho e constituencies, ni samoro jo Bunge ok represent-u kaka sectors moko mau e yoo moro maber. Jo youth negoyo koko ni ooyo an bende kaka ja youth aduaro ni mondo owinji duonda an gi affairs moko maga to persons with disability bende ne yuak ni aduaro ni owinji ang'ono, wechene. Joma mine bende ne yuak gi joma opogore opogore. Koro ema ne waparo ni samoro ponono kik wawe mana jo siasa kendgi ema mondo obedi e Bunge bende wanyalo yude jomoko ma o-belong e society wa ka, kata marginalized areas moko ma samoro gionge teko mar yombo nikech parties gi ok nyal yombo to bende gibedo representated e Bunge.*

*Koro method ma wabirogo en kama, polical party ka political party ma registered e Kenya biro golo list mar dhano 90. Kagisegolo list mar dhano 90, list ni biro dhine Electoral Commission of Kenya one year to kapok Parliament olor. List ni ka osedhi ne Electoral Commission of Kenya nitie a lot of factors ma ibiro ng'i. Joma iyiero kanyo go gia mana e kabila achiel kende ka kamano, ooyo. Joma iyiero kanyono bende oting'o jama dhako gi joma chuo, be gi-balance. Joma iyiero kanyo no bende oting'o ji ma oaa e sectors ma opogore opogore, kata obedi joma disabled, kata obedi joma oa e pinje moko ma opogore opogore. In other words gima atemo wacho ni political party no must have a national outlook.*

*Mar ariyo, chieng' ma uyiero ma uyiero jo Bunge kaka iyieroga, unu tim voting diriyo ema omiyo ok en gima iluongo aluonga ni nominated, ooyo. Unu tim voting diriyo, tiende niyaa, inenoga ka samoro jomoko nitie ma en o-vote mana ne party candidates to bende oonge go gi haja, koso mano pok uwinjo. To moko bende nitie ma en candidate ema o-vote ne party oonge go gi ang'o, gi haja. Chik manyien koro miyi teko ni either inyalo vote ne party kata inyalo vote ne both kata either, to heri mondo igochi ne both. Koro tiende ni ibiro ling'o twice, ibiro lingo ne candidate to kendo ichak iling'o ne party. Koro kachopo chieng' ma iyiero to koro teko mar party ema ang' nomi party no mi number of seats e Bunge. Mano owinjore maber? Tiende niyaa ka Ford Kenya kuom ranyisi, gima voting method temo timo, Ford Kenya oyudo 10% mar seats 90, mano tiende ni Ford Kenya onego wami seats 90. Mano tiende ni Ford Kenya onego wami seats adi e Bunge? 10 mar 90 en adi?*

**Audience:** Nine

**Wycliffe Owade:** *Mano tiende ni wamiyo Ford kenya seats 9, koro luwore gi gima itimo nade, gi gima iyudo. Tiende ni waduaru ng'eyo ni to political party bende nyaka bedi gi teko to candidates bende ka bende in gi freedom mar yiero. Koro chieng' ma iyiero to ikuano votes gi te, ikuano gi against the total overral votes. Koro percentage ma oyudo no ema imiye against the 90. To ponono o-sweap 100%, tiende ni seats 90 dhine party no te, uwinjo kanyo maber. Kamoro Professor bet riek ohinga ang' nowachnu bang'e to mano in a nutshell e gima gino wacho. Koro asewachonu National Council, awacho koro in summary.*

*National Council ma iluongo ni Upper House biro ting'o dhano mia adi, 100. Kuom ji mia achiel gi district ka district ma gin 68 biro bedo gi representative achiel to nitie ariyo ma en Nairobi ma biro bedo gi representatives magi. Koro ji 70 nitie ji 30 ma mano wa-reserve ne joma mon na obedo evenly distributed all over the country as per provinces. National Assembly pod wa-maintain the same structure, koro gima atemo wacho e yoo mayot ni Parliament biro bedo gi ute ariyo, Upper House gi Lower House then e village wan gi joka dayo ma constitute Village Council. Bang' Village Council ka gin e joma dhiyiero joma dhi e Locational Council, bang' Locational Council gidhi yiero joma dhi e District Council aeto Provincial Council bende nitie ma coordinate to gin gi representative mag district to mak mana*



*ni district nigi power. Koro district ka duto te obedo represented e National Council. Tiende ni waduaro ni wananchi kata raia obedi gi teko mar sirikal nikech gin e sirikal. Ka uonge sirikal dibedie, ok dibedie koro mano etiend Parliament. Aparo ni atieko mano kanitie wach moro to ang' ne uwach bang'e.*

*Koro let us now move to the Executive which is chapter 8, page 19. Aduaro ni uchik itu maber nikech kae bende nitie weche mang'eny. Aparo wadhi maber, eeh, ka nitie wach moro to ang' newaenj bang'e. Haya, koro e Executive ka we had complaints or views of Kenyans and the major complaint which arose is that the present President has got a lot of powers in the Constitution, these powers needs to be trimmed. So what we have done, we have reduced the powers but he or she still remains and Executive President. So I want to go with you one by one nikech mae wuon piny og'ama lich ma iwuoro, oka kamano? Kendo ang'eyo ni ungi hamu nyowuoyo bas koro ema omiyo aduaro ni mondo waler ane ni to, ere authority mar President gi functions mag. Haya, authority of President let us look at the Executive, article 150 or rather let us look at article 149 on page 19, structure of the national executive.*

The National Executive of the Republic of Kenya, it will be composed of the following: The President, the Vice President and the Cabinet. Authority of President, that is part two, the President and the Vice President. So authority of the President, article 150 (i), are we together? So 150, (a) *waduaro ng'eyo* authority of the President. (a). He is the Head of State, Commander in Chief of the Armed Forces, the Chairperson of the National Security Council and the Chairperson of the Defence Council. (b). He is a symbol of the unity of the nation and has responsibility to promote and enhance the unity of the nation, safeguard the sovereignty of the republic. Promote and respect the diversity of the people and protect the human rights and the fundamental freedoms. (c). To uphold, safeguard and respect the Constitution and the rules of law.

Now, State functions of the President, article 151. *Koro magi e tije ma President biro tmo:* (a). He shall address the opening of each newly elected Parliament in accordance with article 141. (b). He shall address a special sitting of Parliament once each year as provided for in article 104. (c). He may address Parliament at any other time. (d). He may dissolve Parliament only in the circumstances contemplated in article 142. *Koro mago are some of the functions mag President.*

Then we also have *powers ma en go e appointing ji kendo aduaro ni uchik itu ka maber kabisa*, that is number 2 on the same page, are we together? The President shall appoint and may in accordance with this Constitution dismiss: (a). The Cabinet consisting...so this is the composition of the Cabinet. (i). A Prime Minister who shall be leader of the political party that enjoys the majority support in Parliament. *Ang' ne abir e Prime Minister bang'e.* (ii). Two Deputy Prime Minister nominated by the Prime Minister. (iii). Not more than 15 Ministers nominated by the Prime Minister, Judicial Officers and any other public officer who Constitution requires the President to appoint subject to the applicable provisions of the Constitution or legislation.

There are also other duties there, which you can read. Other functions like Commissions of inquiry, declaration of war,

appointing persons subject to approval by the National Assembly. So those are some of the functions of the President, other details like legislative functions you can read on your own.

I want to take you to page 20, article 155, just down there. The right to vote and timing of Presidential elections, *kae nyiso kaka iyiero President mar piny* and it reads. 155 (i). The election of the President shall be direct by adult suffrage through a secret ballot and shall be conducted in accordance with this Act and with any Act of Parliament regulating Presidential elections. Then there is even a specific *date mwa-recommend mondo oyiere President mondo gigo obedi gik moko ma-clear. Gik moko ma imumo go ok waduar, waduaro ni ka iyiero jatelo mar piny to ung'eyo ang'eya ni bang' higni abich tarik ma kama iyiere, koso ok kamano to gik moko mag siri siri gi ok waduar.*

**Speaker:** *Siri ok waduar.*

**Wycliffe Owade:** *Koro mokuongo wan gi secreta ballot ibiro tim* but if you look at number (ii). An election of the President shall be held: (a). On the second Tuesday in August and thereafter on the second Tuesday in August every 5<sup>th</sup> years, right? (b). In the circumstances contemplated in article 164. *Koro gima ne aduaro stress kanyo ni President ka iyiro to tarik ma iyiere wananchi ng'eyo mana chon nikech un kanyo nikech en, ok kamano?*

*Haya, qualifications of the President bende wan go ka, mano article 156.* So let us read article 156 (i). A person is qualified for nomination as a Presidential candidate if the person:

(a). Is a citizen of Kenya by birth, *mono owijore maber? Nyaka obedi ja Kenya.*

(b). Has attained the age of 35 years but is below the age of 70 years. *President nyaka bedi ng'ama tin ne higni 70, uwinjo kanyo maler? En ng'ama ka tin ahinya to higni piero adek gi abich to nyaka obedi ng'ama tin ne higni 70. Ang' wana wachi weche mag transition nikech ang'eyo ni jomoko koro paro ni aa, to ruodhi moko ma bende ose-declare to bende waneno mana ka hikgi oseniang', Professor ang' no lernu mago.*

(c). The candidate must be of high moral integrity and impeccable character. *Waduaro President ng'ato moro ma timbene oriye to kendo adiera mare bende nyaka ji ng'e ok pand apanda. Mano owinjore maber? Raia nyaka bedi gi haki mar ng'eyo ni en ng'ama oluoro ji to bende en ng'ama nigi luor kata kama owuothe to ji ong'eyo mana ni mae ng'ama nigi mbola maber. Mano owinjore maber, kendo en gi luor.*

(d). A Presidential candidate must hold a degree from a recognized university. *E ngima masani kata kuonde ma iwuothe e pinje maoko gi ng'ato ma otelo ne piny en ng'ama onego obedi nigi rieke moro ma kata ka openje ni to gini wacho ang'o. Kuom ranyisi inyalo kone kata ni computer manyocha iwuothogo cha ung'eye. Eeh, samoro nitie conference moro kore ka oketego, ji loso Presidents wetegi, dhano odich goyo computer to in ka koro ineno mana ka*

*Omolo Agar dinyal. (Laughter) Ok inyal nyalo kata koro kama olose gi grubete, iwacho weche mag NEPAD ma udhi defend e European Union. Ok uwinjo ni Bush ne oromo gi 15 nations and whatever, donge uwinjo mano? The most powerful countries, ema omiyo ne wang'iyu ni piny bor, telo mar piny duaro ng'at moro ma nigi degree. Mano owinjore maber? To rieke bende en go. Ero Kamano.*

(e). He is nominated by a registered political party.

(f). He is nominated as an independent candidate. *Tiende ni be onyalo chung' kaka independent candidate kata oonge party gi at least dhano madhi 1000 ma ose-register. Aeto kendo kanyo bende nitie conditions ma-prohibit somebody not to be qualified for nomination as a Presidential candidate, mano aparo ni unyalo sombo bang'e.*

Now I want to take you to article 160, term of office of President. It reads: In article 160 (i). The President shall hold office for a term not exceeding 5 years be it from the date of assumption of office. (ii). A person shall not hold office as the President for more than 2 terms of 5 years each, so the maximum should be 2 terms of 5 years each. *Mano owinjore maber? Haya.*

Protection of President in respect of legal proceedings during office, I will read 161 (i). Subject to clause 2 above no criminal proceedings may be instituted or continued in any court against the President or a person performing the functions of that office during their tenure of office. *Tiende ni ng'ama nie telo kaka President chik ok oyieni mondo itere e court. Ka un gi wach kanyo to unyalo wacho inyalo lernu.* (ii). No civil proceedings may be instituted in any court against the President or the person performing the functions of that office in respect of anything done or not done in the exercise of their powers under the Constitution during their tenure of office unless such proceedings are wholly of a private nature. *Tiende ni ka en gimoro ma private to chik omiyi teko mar tero President e court, mano owinjore maber? Haya, mokogo wanyalo somo bang'e.*

Then there is removal of President you can read, I want to take you to page 21, article 163. Impeachment and removal of removal of President. *Koro mae condition ma President nyalo bedogo impeached kendo inyalo golego.* (i). If two thirds of the members of the National Assembly approve a motion for the impeachment of the President for violation of the Constitution or gross misconduct, the Speaker of the National Council shall convene a meeting of the National Council to hear charges against the President. *Tiende ni owacho niyaa, two thirds mar National Assembly mane awacho nu cha, chalo kaka Parliament masani, ka two thirds go o-pass a motion ni President obed impeached kendo mondo ogole. Ka gisekadho koro teko mar wananchi cha ma iluongo ni the Upper House ma obedo represented gi districts ema koro ka biro bet piny yudo report moa e National Assembly kore ka gi-make a decision on that. Mano owinjore maber? Yes, so that is concerning the impeachment of the President.*

There is the office of the Vice President, that is article 165. *Unyalo read gi kendu to gima ne aduaro wacho, e new Constitution ni wacho niyaa. Ka iduaro bedo President mar Kenya ng'ama dhibedo jalupni nyaka obedi mana ng'ama*

*ong'e e lela. Mano owinjore maber? The person to be your running mate must be know in broad daylight. Hakuna hii maneno ya kuficha ficha, to kendo wananchi nyaka ng'e ni ng'ama dhibedo running mate mari no en ng'a, to kendo ng'ama dhibedo running mate mari no automatically he will become the Vice President of Kenya. Uwinjo kanyo maber? Ma kendo iyiere mana gi wananchi. Uwinjo kanyo maber? Koro mano running mater mar President let it be clear like that.*

Then I want to take you the Prime Minister, that is page 21, article 170. This is a new provision in our Constitution. I want to begin by saying, that the President will be the Head of State but the Prime Minister will be the Head of Government, *mano owinjore maber? Tiende ni Prime Minister ema biro head the Cabinet, en ema obiro bedo gi teko kuom the Cabinet. Koro let me just brief you on the appointments.*

The Prime Minister shall have the power to recommend Ministers in the Cabinet. *To wa-propose ni Ministers gi should not be more than 15 nikech in the past samoro wayudo ka wan gi too many Ministers for nothing. Wa-recommend ni can there be a criteria where we have a standardized number ma ok ni ng'ato ka obedo President to chieng' moro iyudo ni gin abich, chieng' moro gin 23. Sani koro wawacho ni chik obedo very clear ni number of Ministers obedi adi? Mano owinjore maber? Koro wa-propose 15 to ka un gi paro moro bende pod omiu thuolo. Ministers gi biro bedo recommended gi Prime Minister to ae to iterogi ne President koro in other words President appoint Ministers subject to recommendation from the Prime Minister, right? To bang'e no bende wawacho niyaa, President nigi teko mar appoint Prime Minister to kata en gi teko he has got not choice, he must appoint the Prime Minister who is the leader of the majority party from Parliament, he has no option. Kanyo owinjore maber?*

**Audience:** *Kamano.*

**Wycliffe Owade:** *Tiende ni President ema biro yiero Prime Minister to Prime Minister ma oyiero ni nyaka bedi mana jatelo mar political party manigi the highest number of seats e Bunge. Party manigi seats mang'eny e Bunge jatende ema biro bedo Prime Minister koro kata President odagi kata oyie to chik wachone niyaa, nyaka oyier mana Prime Minister ma en leader of the majority party in Parliament. Kanyo wawinjore maber? Bas, kamano setimore nitie bende privision moro mawakelo manyien, leader of minority party. E wasewacho bill of rights ma Jacky puonjowa cha. Joma uwacho ma uchayo ma onge duol gi, gin bende gin mana gi democracy margi kendo nyaka wamigi mana respect kendo recognition ema omiyo ng'ato kata kani ka ochako mare moro kata party moro go en mana ng'at achiel, mano e haki mare. Uwinjo mano maber? Koro ema omiyo ka George Anyona bende nigi Kenya Social Congress e Bunge mano mana right mare.*

*Koro wakelo provision mar minority party to minority biro konyowa niyaa, e ...stages there will be a problem and we are taking care of that. It may be difficult may be, Prime Minister mar the majority party kata ne oseiere samoro ne*

*nitie some complications kata onge majority party e Parliament ok mano bende nyalo timore? In such kind of a case, wa-allow a provision for coalition parties, coalition parties ni can also come in but bellow them wangi ng'ama bende waluongo ni leader of the minority party. En obiro come bellow the two, ka wasea e Prime Minister aeto kata leader mar coalition parties ka gintie gi Deputy Prime Ministers. Leader mar minority party ni bende nigi some rights and privillages makata ka State functions, kata ka weche ma iwacho e Parliament, business committee's mag Parliament en gi the right to attend nikech o-represent the minority. Koso mano ok democracy? Yes, koro mano is also a provision.*

So what I am trying to say in short is that..., if we can read there very briefly. Page 21, the Prime Minister: If the Prime Minister is the leader of the Cabinet, that is article 171. (i). The Prime Minister is the leader of the Cabinet and presides at meeting of the cabinet. (ii). The Prime Minister and the other members of the Cabinet exercise executive authority within the republic by: He has some major functions there: (a). Developing and implementing national budgets and policies. (b). Preparing and initiating government legislations for introduction in Parliament. On page 22, we have (c). Implementing and administering Acts of Parliament. (d). Coordinating the functions of Ministries and departments. (e). Performing any other executive functions provided for by the Constitution or an Act of Parliament except those functions assigned to the President.

So I had already briefed you about the appointments of the Prime Minister, therefore, I don't need to go into that but there is also another provision. Dismissal of the Prime Minister, article 174 (i). Are we together, koso adhi mapiyo ahinya?

**Audience:** Aah.

**Wycliffe Owade:** Okay, then we have article 174, (i). Dismissal of Prime Minister, it reads: If Parliament by a vote supported by a vote of more than 50% of its members passes a motion of no confidence in the Prime Minister, the President shall dismiss the Prime Minister and other members of the Cabinet. *Tiende ni wawacho ni yaa, ka Parliament okadho gi 50% ni Prime Minister ni ok giduar nikech Prime Ministers bende nyalo bedo dictators kata ginyalo timo timbe maricho. Koro ka Parliament okadho kamano gi 50% then the President biro dismiss e automatically with his cabinet because there will be no use of having the Cabinet, so the Cabinet and the Prime Minister will all go. The other isuse is, the President may not dismiss the Prime Minister in any circumstance, jomoko ne nyalo bedo giluro ni to ma o-appoint e ni subject to approval of Parliament to sama ogole to. Ok onyal gole except with the approval of Parliament, mano owinjore maber? Ok onyal gole except with the approval of Parliament and 50%.*

Then, it is important for you to read about the Cabinet here so that you also know about the Cabinet. 175 (i). The President shall appoint the remaining Members of the Cabinet in accordance with the recommendation of the Prime Minister, *kaka asewacho cha* and with the approval of the majority of the Members of the National Assembly. *Tiende ni kata mana Ministers ma iyiero Parliament omi power ni nyaka approve, uwinjo kanyo maber? Ok ichiew achiewa gokinyi ni ma e*

*list na ooyo, nyaka idhi ma Parliament ma en e representative mag raia gibet ni to jotelo ma idwaro miwagi bende giromo, mono omi ka Parliamentarians gi duaro timo wrong choice to chieng' yiero ubende ugolo gi mana e tich. Aeto bende kanyo chako wachonwa niyaa, ma ang' watim representation ni, kata mana Parliamentarians ma wayierio un kaka raia omiu teko ni kata ka term gi mar higni abich cha pok oromo, un gi right mondo uketh negi tich. Uwinjo kanyo maber?*

*Parliamentarians ma odhi tugo atuga e Bunge chik manyien ni koro miyou teko ni unyalo recall gi back, tich orumo. Ok un ema umiyogi teko? So there is a provision in the new Constitution saying, a Parliamentarian or an MP who is not performer there is a percentage, so through the process of referendum you will be given the voice and the mandate to recall him back, to dismiss him from the job because he owns that job because of you the electorate. Uwinjo mano maber? Bas, koro ema omiyo sani wadwaro Parliamentarians ma very serious. Okay, koro watieko kanyo.*

*I want to take you to the Judiciary, that is page 23, chapter 9. What we call judicial and legal system, tiende ni weche mag court. Kane wawuotho e Kenya e constituencies ma opogore opogore ji ne omiyowa yuak mang'eny. There were many lamentations and feelings about the Judiciary as it dispenses justice and fairness in this country. There were many bad feelings. In summary, yuak mane jopiny nigo kuom court, mokuongo ni nengo tek. Koso Alego u ka ok en kamano?*

**Audience:** *Tek ndi.*

**Wycliffe Owade:** *Nengo tek makata idhi mana ir Advocate kata idwaro mana wacho wach ka to tino yuare. Mar ariyo, court delays, ni eni ka idhi e court to court judgment ni kiny iduogi, kiny iduogi. Koso samoro Siaya u ka to ma ok timre? Koro ema omiyo ne wanuang'o ka yuak go nitie.*

*Mar adek, chalo ka gima court odak mabor gi raia, raia nene mana kagima odak e piny moro nono to raia bende odak e piny moro nono. Mano owinjore maber? To koro new Constitution wacho ni the court must be accessible by the people of Kenya, mana kaka Prefessor onyisou ni these executive organs they are there because of you wananchi. Isn't it? Em omiyo court nyaka bedi a public office which can be accessed kata ka en persons with dissabilty, kata ka en raia dwaro penjo penjo moro amora in gi right mondo ing'e the information, what is going on in the court.*

*Mar ariyo, cases mayare sani koro new Constitution duaro set time limit margi, uwinjo kanyo maber. Mar adek, expenses mag court bende koro wadwaro agree, so ang' newabi godo e position moro machiel but before that. Having listed all that, mondo wami improve efficiency in the courts the following are our proposals: (i). The structure or what we call the hirachy of courts. We have established a new hirachy, at the very top we have what we call the Supreme Court.*

*What is the composition of the Supreme Court? The Supreme Court consists of: (a). The Chief Justice who is the head of the*

Judiciary, so the Chief Justice will be the head of the Supreme Court. (b). Not more than six Judges. Therefore, that is the composition of the Supreme Court and there are various jurisdictions of the Supreme Court, which you can read there.

Then the second one we have what we call the Court of Appeal. *Court of Appeal ka wan gi ng'ama iluongo ni the President of the Court.* (b). Not less than 10 Judges. The Court of Appeal is constituted by three Judges, so you can also read that.

Apart from that, *wan gi article 192*, we have what we call the High Court. The High Court consists of: (a). The principle Judge of the court. (b). Such number of Judges not being less than 50 as prescribed by an Act of Parliament. So in a nutshell, we have that structure, *wan gi Supreme Court kaeto idhi e Court of Appeal, kaeto idhi e High Court kendo gin gi duties gi functions mag gi ma unyalo somo. Now, aduaro terou mapiyo.*

*Qualifications for appointment of Judges: New Constitution kaluowore gi views mag ji neduaro ng'eyo ni chal kagima kaka asewacho ni court bor gi raia. To raia gin e joma omiyo courts teko mondo obedie, ber mondo ging'e ni jotendgi gi chal nade, sombgi chal nade, to timbegi chal nade nikech ka in ng'ama Judge nyaka ibedi ng'ama nyaka mi luor. Koso ok kamano? Ka in ng'ama otelone weche mag chike iduaro ni kata ka iwuotho, wuothoni, timbeni, yoreni, paroni nyaka bedi ng'at moro manikare e nyim raia nikech mano en public office. Mano owinjore maber? Koro newayudo ka samoro nitie jomoko ma oketi aketa kanyo to sombgi ok beyo, ok ji te to moko nitie.*

So these are the qualification for appointment of Judges: Article 195, page 24. Are we together, koso useol?

**Audience:** *Ok waol.*

**Wycliffe Owade:** *Then the Chief Justice kod Judges mag Supreme Court mane awacho ni at the very top. What are the requirements? Before I go to those normal requirements, nitie the general requirements for all of them, Supreme Court, Court of Appeal, High Court of Judges. If you look at that part (b), article 195. It reads: Intellectual ability as demonstrated by academic qualifications and legal practice. (c). High Moral character and intergrity. So what I am trying to say there, en ni all these classes of people, Judges mag High Court, Court of Appeal and Supreme Court nyaka sombgi magitimo no ne nito gisomo ang'o. Kanyo owinjore maber?*

*Secondly, mondo ibedi Judge of the Supreme Court kat amondo ibedi Chief Justice nyaka ibedi gi, (i). 15 years of experience. A Judge of the Court of Appeal or the High Court nyaka ibedi gi 15 years of experience. Mano owinjore maber? (ii) Or in practice as an advocate. (iii). You must have been a full time law teacher in a recognized university. Koro mago are the set standards ma waduaro ni the Highest Court in the land.*

*Then owachi e* Court of Appeal down there, number 2. The Judges of the Court of Appeal shall be appointed from persons who possess the following qualification: (a). 10 years experience. (i). As the Judge of the Court of Appeal or the High Court. (ii) In practice as an advocate or (iii). Full time law teacher in a recognized university. Then the same to the High Court, article three. (a). 10 years experience. (i). As a Magistrate or (ii) In practice as an advocate or (iii). Full time law teacher in a recognized university. So these are some of the conditions we are setting now for Judges of all court.

Having said that, we also have what we call the Kadhi's Court for the Muslims. If you read article 199, it talks about Kadhis because the Muslim community also felt that their views needed to be reflected, so what we have done is to put a new structure for the Kadhi's Court up to the High Court level and even the provincial level so that their needs are also catered for.

However, I want to take you to article 202 on qualification for appointment of Kadhis. So it reads, in 202, (i). A person is qualified to be appointed as a Chief Kadhi if that person: (a). Is a Muslim of not less than 35 years of age. (b). Is an advocate of the High Court of Kenya of at least 10 years experience as a legal practitioner and has attended and obtained a recognized qualification in Muslim Personal Law applicable to any sect or sects or Islam from a recognized university. (c). Has obtained a degree in Islamic law from a recognized university. *Koro kaka uneno gigi duto, e sidienge ma opogore opogore nitie set standard qualifications mawa-propose kanyo.*

Now before I go to the functions of the Judicial Service Commission and its composition, I want to take you to the other aspects of the legal system, that is part 2, page 25. You will see there as it is now we have the Attorney General, article 208 and the Director of Public Prosecutions. What we are saying is that, they have been split but something has been added. The office of the Director of Public Prosecutions has now been completely entrenched in the Constitution so that it is an independent in the Constitution. He or she in that office can perform his duties independently while dispensing justice and fairness. The Attorney General also has those set qualification, which you can read on, your own but of high interest to you is a new office, which we have established in the Constitution.

That is on page 26, article 210. This is the office of the Public Defender: *Office mar Public Defender ne wawacho ni weche mag court obaro wananchi ndas, nengo tek, idwaro neno advocate, idwaro dhi e court giweche makamago. Pesa idwaro ni igol ma nyaka gwendi achiel ma odong' duaro lal te. Ok mano timore kamano? Koro ema nyocha waparo niyaa, wabede gi ofis oru manyien nikech mano ne view mar raia ni ang'ono ma ditim e wach mar court. Koro waketo ofis manyien ma iluongo ni Public Defender, Public Defender no biro konyo joma iluongo ni the poor of the poorest. Tiende ni joma odhier ma ok nyal, nitie gima ibiro mui. Tiende ni ibiro mui kony ma onge gima ichulo kata ndururu ma mano State ema biro chulo ofis ni koro ofis ni waluongo ni Public Defender. Now, criteria ma ibiro ng'ego ni to joma odhier ma oloyo joma odhier mano waweyo ne Parliament... Kata ka en ka Professor e wacho ni Ministry kata ang'ono kik bedi abeda ni gik moko nitie Nairobi. Wabede ni kata e district level, kata e provincial level nitie yo moro ma Public Defender ni jalo bedo go accessed. Mano owinjore maber?*



*Koro aparo ni a nutshell atieko to ka pok atieko organs and levels of government mane awacho no aduaro wachonu something very small on the Judicial Service Commission. Judicial Service Commission ema is concerned with the authority of the Judges, Magistrates and Judiciary in general. We have added a little bit flesh on the composition nikech usewinjo tungni matimore samoro e kind advocate gi court, ok kamano? To waduaru ni mondo kue kod unity obedi e kindgi to nikech gik moko osebedo katimore e mudho ma ok nikare. So what we have done, if you read article 204, page 25.*

The Judicial Service Commission, it reads in 204 (i). To ensure and enhance the independence and judicial accountability of the judiciary and the efficient and effective administration of justice, there is hereby established a Judicial Service Commission. So the following people are members of the Judicial Service Commission; (a). A full time chairperson who is qualified to be appointed a Judge of the Supreme Court, appointed by the President of the Republic and approval by the National Council. (a). A Muslim women to represent the Muslim community. (c). The Attorney General. (d). One Supreme Court Judge elected by Judges of the Supreme Court. (e). One Court of Appeal Judge elected by the judges of the Court of Appeal. (f). One High Court Judge elected by the Judges of the High Court. (g). The Chief Kadhi. (h). and I want you to observe from this clause now. Two Magistrates one of woman elected by the Magistrates themselves. (i). Two advocates of 15 years standing one of whom shall be a woman nominated by the Law Society of Kenya. (j). Two Law Teachers one whom shall be a woman elected by the Faculties of Law of public universities. (k). A member nominated by the Council of Legal Education. (l). The Chairperson of the Public Service Commission or a nominee of the Chairperson. (m). Three lay members one whom is a woman to be nominated by the Non Governmental organizations. *Koro mano e composition mar Judicial Service Commission mondo omi Judiciary odhi maber kendo owuothi e yoo makare, terms gi are stated there.*

Having said that, I want to take you to the Public Service, Public Service is page 32. *Jotije mar sirikal kata joma nie ofis, page 32. Kane wawuotho all over the constituencies in Kenya, there were many complaints about civil servants or public officers in the Government of Kenya. Many issues, ni samoro idhi e ofis mar jatich sirikal to ineno mana ka en ng'ama osiko osin asina. Koso ok kamano? Osiko ojok ajoka to eni ni file ka iduaro to tini idwar file nyaka higni rum, file bende olal to samoro bende ka ing'iyoyo ei file ka kalatas moro mane idwaro ma important bende koro ok iyudi eie ka. Koso mago otimre Siaya ka? Koro civil service ka ne oting'o weche mang'eny to bende konchiel wang'iyoyo kaka Joluo wacho ni konchiel ichayo ogweng' to konchiel bende ichayo ang'o?*

**Audience:** (Inaudible)

**Wycliffe Owade:** *Ni civil servants gi kara bende nitie reason momiyoyo gin senior e ofises gi ka. Chudo margi nipiny, promotion bende ok miye e yoo makare. Nitie kalaba kata nitie ni iyudo ka jomoko ema bedo favoured. In isebet e ofis ka higni mang'eny to ng'ama pari onge kata ka ochopo sa training iwinjo mana ni ng'ane manyoro ondiki higni*

ariyo to osedhi London, into ituo makata Kampala pok inyono. **(Laughter)** Ok magi timore? Koro training there is biasness, promotin biasness, standard of service completely law, what is happening? It is not a value driven Public Service, it is not a performing Public Service and yet it is there because of your will. It is you the public who have given the Public Service the mandate to be in those offices, isn't it? *Ka idhi e ofis no en ofis mari ok onego obedi ofis moro machalo mana ni obor kodi, ok kamano.*

*Koro kane wawinjo views mag jopiny, the following in summary are the recommendations we come with: Ne wawacho niyaa, mokuongo Teachers Service Commission obedi completely entrenched to mondo obedi autonomous, independent institution under the Public Service Commission. Uwinjo mano maber? Teachers Service Commission mondo omi jopuonj obedi gi right ma greviances gi kod issues mag gi. Samoro joma nie TSC dwaro mondo okonygi to giluur konyo nikech ka odhi konyi to idhi riembe e tich. Tiende ni oonge independent Constitution ma-protect e. Uwinjo kanyo maber? Eeh, awinjo ka ng'ato wacho ni kaka sani. Koro ema omiyo wawacho niyaa, so what we are saying it is an autonomous Teachers Service Commission but it is under Public Service Commission. Uwinjo kanyo maber? Professor will clarify to you further but in a nutshell that is the framework.*

That is really the position of the Public Service so issues of appointments. We want appointment of the Public Service to be strictly on merit. *Kata ka ibedo appointed e specific position within the Civil Service let it be on merit. Mano owinjore maber? Imiyi mana tijno ka i-deserve e, ok tho miyi amiya ni imiyo jotich. Koro promotion, terms and conditions of service mago duto nyaka ng'i mono omi Civil Service o-improve.* So those are some of the proposals we have included here.

I want to take you now to the establishment of the Kenya Police Service, that is article 265 on page 32. As my colleague had already said, we are giving it a new name Kenya Police Service, it is there to serve the people not to rule the people. Are we together?

**Audience:** Right.

**Wycliffe Owade:** So from now on we shall call it Kenya Police Service, that is the recommendation we have. *Haya aduaro ni mondo ung'i appointment of the Commissioner of the Kenya Police Service. Just before that, we are trying to say also ni Kenya Police Service should also be an independent body under the Public Service Commission. Maka Commissioner of Police oyier for example we are proposing ni he or she should be there for 10 years. Koro jo Kenya ng'eyo ang'eya ni Commissioner of Kenya Police Service biro bedo kanyo kuom higni apar to kendo en gi independence mondo oti kaka oduaro nikech samoro unyalo cha Police Commissioner to kara ok en duache. Koso ok ung'eyo ni mano bende timore ga? Ok en duache, gik moro timore maricho koro uwacho mana ni Commissioner of Police ema timo to en mana ni chik omake, ok en thuolo to ema omiyo koro waduaru ni mondo ochik otime nade? Omiye thuolo koro obet kanyo for*

10 years.

Appointment of the Commissioner of the Kenya Police, it reads in article 266, clause (i). It reads: There shall be a Commissioner of Kenya Police Service, the Commissioner shall be appointed by the President but with the approval of Parliament. *Mano chik manyien. Ni President yiero Commissioner of Police to mak mana ni Parliament nyaka approve, ka Parliament odagi to ok timre. Uwinjo mano maber? Haya, (iii).* No person may be appointed as Commissioner unless that person...*koro wan gi requirement ma ibiro duargo the Commissioner of the Kenya Police Service. (a). He or she must have a degree from a recognized university, mano be proposal ma wan go nikech ji ne neno ni Commissioner of Police jomoko paro ni Polise gin jomoko ma ok osomo to Commissioner of Police chalo kaka wuon piny omiyo nyaka obedi ng'ama wiye ochiek. Koro nyocha newa-recommend ni nyaka obedi gi degree from a recognized university. (b). He must have served in the Police Service for at least 10 years, mano uwinjo maber? Bas koro mano in nutshell is what we call the Kenya Police Service.*

Then *wan gi another act for the Police Service, if you check part (iii) on page 33 article 267. We are calling it the Kenya Correctional Services. Mano en prisons: Prisons ka samoro joma otue e jela gi waparo mana ni gin joma richo nyowuoyo to kara bende kawang'iyto to wayudo ni bende moko kuomgi ler. Koro pok uwinjo mano? Joma nie prisons gi nyaka wamigi luor as fellow human beings nikech otergi e prisons kanyo mondo okony gi, mondo opuonj gi, mondo omigi counseling to ok otergi kanyo mondo gibedi condemned e weche mag bill of rights mane uwinjo ka. Mano owinjore maber? Ema omiyo koro ne waneno ni mondo omi nying' ni onen ma-reflect the human face let us call it Kenya Correctional Services. Odhi e jela mondo obed corrected, ok odhi mondo osande kuro, so we have the Kenya Correctional Services. It will have the head and we have got many of its other functions ma unyalo somo kanyo.*

*I can still take you to the Public Service wantie gi the defense forces and national Security. Without going into details, if you read article 272, (i). Establishment of the National Security Council, it reads: There is a established a National Security Council, so these are the people who will constitute the National Security Council. We have the President, the Vice President, the Prime Minister, the Minister in charge of Defense, the Chief of General Staff, Army Commander, Navy Commander, Airforce Commander, the Commissioner of Police, the Director of Kenya Correctional Services, the Director National Security Intelligence Service, the Chairperson of the relevant Parliamentary Committee and the Attorney General. These are the people who will constitute the National Security Council and I think you can even note of interest that even now Parliament is involved because this one is representing you directly. Are we together?*

Then we also have the Defence Forces, article 274 (i). The Defences says in clause (ii). There is established Defense Forces Council consisting of the following: (a). The President (b). The Vice President. (c). The Prime Minister. (d). The Minister in charge of Defence. (e). The Chief of General Staff. (f). The Army Commander. (g). The Navy Commander. (h). The Air Force Commander. So that also constitute the Defense Forces, so in a nutshell as far as public service is concerned that is the

composition, you have read more details latter but what I wanted to say which I forgot about Ministers. That whereas we were recommending that the number should not be beyond 15, we have 15 Ministers, the deputies shall also be 15 then we have the Prime Minister at the top assisted by two Deputy Prime Ministers but we were also saying, according to the views of Kenyas some people have got reservations of Ministers being Members of Parliament. Majorities were saying:

(i). *Ni Ministers samoro iyiero ayiara nikech en osiep President to oonge direct loyalty kata authority from the people of Kenya or the electorate, right? Koro ni ng'ato chiewo achiewa gokinyi to wacho ni ng'ane ni in ibedo Minister koro en kar serve wananchi o-worship the President. Mano point number one.*

(ii). *En ni Minister odich, unene anena ni en gi flag kanyo to chopo e ofise kucha tek nyowuoyo, in ka constituent mar, you can't access him, he is so difficult to access. So iyuak ayaka ni to koro ber Minister ni ne watim nade, bende ok wane kata neno.*

(iii). *Ni Minister iyieroe Ministry to oko qualify for that ministry, he doesn't have the competence, he doesn't have professional qualification for that Ministry. Samoro okuanye akuanya e Bungu to ni en e Minister mar health. Ndalo moro ok ne uwinjo moro ok aduar wacho masani ni to oromogo. (Laughter) Koro iwacho ni Minister ka iyiere e Ministry to obedi ng'ama qualified, ka en e health to obedi ng'ama is a professional, en a technocrat ma kata ka weche owuok to ipenje. Inene kaka samoro Bunge tich teke, to nikech competence onge koro waduaru joma are highly professional. Arising out of that, the Commission recommended ni if possible Ministers kik bed Members of Parliament, gibedi abeda professionals mani kanyo magi tiyo atiya tijgi en mana huduma raia. (Applause). To nikech ni iyierogi subject to approval of Parliament ka otugo to bende iketho ne mana tich nikech Parliament nigi teko mar kethone tich. I wanted to make that one very clear. I want to stop there and live Jacky to handle Constitutional Commissions and Constitutional Offices. That is chapter 17, page 34, ore uru aoya mos wachiegni tieko.*

Professor is reminding me, I am very sorry. There were these two other important topic land and environment, I am very sorry for that. Let us go to page 28, chapter 11, we have land and property. As you all know land is a very imotive issue, it is highly emotional, very sensitive and many things have gone bad concerning land. So we are saying that we are creating a new land policy framework, or a land policy framework and it reads in article 232, (i). Land being Kenyas primary resource and the basis of livelihood for the people land shall be held, used, managed in a manner which is equitable, efficient, productive and sustaible. *Lowo gima lich miwuoro e pinywa ka ok kamano, to ni jomoko nitie manigi lowo, gin agino kodgi mang'eny to jomoko to onge go. To mar ariyo, moko bende nikode to puro gi to otamogi to chik koro keto ni lowo ni oyudi ni en e teko mar piny. Koro lowo nyaka pur apura kamili ma ka oyudi ka lowo iweyo awaya ok ipur to chik koro ni kodi. Uwinjo mano maber?*

*Aeto joma nigi lowo mang'eny wan gi Commission manyien ma waluongo ni National Land Commission and I think it is*

important I read to you the functions of this new Land Commission. Article 237 (i) on page 29, it reads: Establishment of National Land Commission: There is established a National Land Commission consisting of a Chairperson, Deputy Chairperson and eight other members nominated and appointed in accordance with the provision on chapter 17 on this Constitution. So what are the functions of the National Land Commission: (a). Hold title to public land in trust for use by the people of Kenya. All land now we want to say is public land. *Kanyo owinjore maber?* To hold title to public land, you are holding that public land but remember always in trust for use by the people of Kenya. (b). Administer public land on behalf of the government and local authority. (c). Define and keep constantly under review the national land policy. (d). Consolidate and from time to time review all legislations to land. (e). Exercise residual land administration functions on behalf of the Local Authority. (f). Perform such other functions as may be trusted to it by law.

What we are trying to simply say here, *en nikoro wan gi Commission manyien madua deal gi wach mar lowo nikech lowo ka oyudi ka gik moko mang'eny oseketore kabisa. Koro wan gi Commission manyien mabiro ng'iyoy wacho lowo and the Professor will tell you a few things as we finish to what is coming out clearly ni wa-discover ni there is a big problem e weche mag land, ema omiyo koro oyier Commission manyien ma-deal gi weche mag land.*

Chapter 12, environment and natural resources: In environment and natural resource *kor ka weche mag bunge, weche mag yiende mawapidho, weche mag aoche mawan go, muandu ma wan go kata gibedi mana gold gi minerals ma opogore opogore.* The question which is arising now, or the issue which is arising now in the new Constitution is that, we want people to be involved. Completely involved and actively involved e weche mag environment. *Nitie jomoko madhi tong'o ataong'ayien radha radha, chik koro kuerou ni mano makosa maduong' nyowuoyo. Yiende ma wan godo gi nyaka waritgi, aoche mawan godo nyaka waritgi, minerals ma Nyasae omiyowa nyaka wariti e yoo makare. Nikech ka onge environment to ngima mar raia bende koro onge. Mano owinjuore maber? Nitie kata jotelo moko ma gin tijgi gin nyakua kuonde mag forest, aparo ni usewinjo mago kata aoche mag ji. Ging'ado for personal benefit to koro chik wacho nwa ni gik machalo kamago even with the devolution of powers to Village Councils, Locational Councils ubiro bedo gi power to monitor some of these bad things going on and you will have the power to stop them.*

Therefore in environment, what is saying is like this. It is telling us what we can do for the environment not what the environment can do for us. Are you getting it clearly? Every person in Kenya has a duty to safeguard and enhance the environment, so it is calling for public participation, developing, implementing policies, plans and process for management of the environment. What has the right to sue over environmental injustice? In the current Constitution *ka itero sirikal e court kata itero ng'at moro ma tek tek e court e weche mag environment Attorney General biro kawo case no kuomi, ibiro wachi ni ionge chik kaka raia mondo iter sirikal e court e weche mag environment. Ok en ga kamano, to sani to omiyi chik kaka raia ni ng'ato ang'ata maketho weche mag environment kata obedi ng'ama obiro gero factory moro to ok oluwo chik kaka duarore, in gi right mar tere e court kendo Attorney General onge power mar kawo case ma itero as a private case e court. Mano owinjore maber?*

So one can now take legal action without having to prove loss or injury. So any project either by the government or anybody must now involve the public. *Mano gima important ma nyaka bende awachnu, ni project moro amora ma idwaro tim e gweng'u un Village Council kata Locational Council kata District Council onge ng'ato mabiro kelo project moro ka ka onge teko kuomu, un bende nyaka ubedi involved. Uwinjo kanyo maber? To bende wach land aduaro wacho gimoro kanyo in owership of land, article 233.*

It reads: (i). All land in Kenya belongs to the people of Kenya collectively as communities and as individuals. (ii). Subject to this Constitution no person other than a citizen of Kenya shall have the right to acquire any interest or right in land in Kenya. *Mano owinjore maber? (iii). Chik uru itu. Non-citizens of Kenya may hold or use land on the basis of leasehold tenure only and such leases however granted shall not exceed 99 years. Tiende niyaa, ng'at ma ok ja Kenya maduaro bedo gi lowo e thurwa ka kata odwaro gero gimoro, kata odwaro gimo ang'o, lease mare kik kadhi higni 99. Tiende ni onyalo bedo kata mana ng'at moro maduaro invest or idwaro gero factory moro karu ka, oduaro gero gimoro maduong'. Newaketo chik no nikech samoro en investor to ok ang' ikas mana investor ni bang' higni apar to itimi nade, iriambi koro idok thuru. Samoro en gima nyalo konyo jopiny kuom higni mang'eny mano ema omiyo chikno nitie ni mondo obedi higni mang'eny mondo omi kata ka investor moro biro maa oko to en gi thuolo kata ka odwaro gero factory mar mkati en gi chik no. En gi tekono mondo o-lease to mak mana ni o-lease e subject to the will of the people. Un gi right bende mar nyise ni mar to koro uk itigo e yoo moro maber, lease no pod nyalo bedo terminated. Mano owinjore maber? Koro mano is on environment.*

I want to take you to Public Finance and Revenue Management, that is chapter 29, article 243. Are we together? On page 29, we have Public Finance and Revenue Management. Are we there? So in public and revenue management it doesn't just apply to the government but it also applies to the private sector. We are calling for good financial management, financial discipline in the management of our activities. *Aparo ni usewinjo mang'eny kabisa ni weche pesa ema ketho gik moko, kos ok kamano? Kata man e Village Council makoro wa-propose ni, kata Locational Council ibiro yudo ni kata mana e District Council. Ka ang' okel pesa to yo ma itiye kode ok en yoo makare. Ni iweye ni jotelo gi newayiero to weche pesa chalo kama, koso mano ok timre? Mano ema omiyo koro wawacho ni chik be koro nitie sani e chapter no ma-deal gi weche mag finance gi weche mag management.*

*Idwaro ng'e ni to pesa in ng'ama nitie e Village Council kata in ng'ama nitie Locational Council, kata in ng'ama nitie District Council, kata in ng'ama timo mana ohande moro, kata joma nie private sector. Waduaro mondo wabedi gi financial discipline. You can be accountable kata ka en taxes waduaro ni weche mag taxes bende ka ichoko taxes to ichokogi e yoo moro makare. You have heard ni ooh, so and so has been taxed but me I have not been taxed, or haven't you heard of such things? We want a level playing ground, taxes bende obedi practiced, obedi exercised e yoo moro ma uniform maber ma owinjore nejopiny. Uwinjo kanyo maber? Koro chapter no deal gi public finance and revenue*

*management mondo omi wabedi jo moko ma organized e weche mag finance.*

Now, I think I have given you an overview of all these things although if you check on page 31 there is a new office we have created also just below functions of Central Bank. There is a new office we call the Controller of Budget, that is also a new office. *Nikech waduaro proper management of funds and proper management of the budgetary provisions.* So 253 (i), on page 31, it reads: There shall be a controller of Budget who shall be appointed by the President but with the approval of the National Assembly and whose office shall be a constitutional office. *Ma bende ofis manyien mawa-create and will be an independent office to obiro konyo e weche mag budget unyalo somogi mondo uyudi details later.*

Then we also have the office of the Auditor General and we also have qualifications there. *We are also saying ni, Auditor General ema osebedo overseer in auditing public funds in general,* but who is auditing that office. No one and say therefore, there is a provision in article 256, accounts and audits. 256 (i). The accounts of the office for the Controller of Budget and Auditor General shall be audited and reported on by an auditor appointed by the National Assembly. Are you now getting the point? So even the Auditor General who has been the most supreme of the supreme is now going to be audited but Parliament will have authority over that. *Koro aparo ni uneno kaka Parliament is playing a big role now because Parliament is your representation.*

There is also a new office there, Economic and Social Council, article 257 (i). There is establish an Economic and Social Council, which shall consist of 21 persons appointed by the President acting on the advice of the Prime Minister. Economic and Social Council will be dealing also with those functions stated there if you look at number three, they are quite many but what we are trying to say, we want things to be organized in the government, we want things to be organized in a more efficient way. So that body will be able to coordinate and ensure that there is efficiency and productivity in the institutions of government. *Mano owinjore maber?*

*Koro ka watieko ka pok wadhi e Constitutional Commissions, there is a part, which I left. I would not like us to read it but I would just give an highlight. There is a big chapter dealing with representation and basically what it is tackling is on the role of political parties. You can read it later, I am not getting the page now, from page 12 (iii). Political parties: Are you getting it there? Koro this section generally nyisowa our rights, which you had already been told about. The right to form a political party, there are also roles and functions of political parties then there are also conditions of the registration of a political party. Ma ng'ato ok muoch amucha ni en odhi register chama mare, nitie conditions. Omiyi freedom mondo ibedi gi political party but there are also other conditions ma the Electoral Commission of Kenya will inquire from you mondo omiyo wabedi gi what we call civility in our political life, civility in our political values. Nikech political party is the hallmark of democracy, isn't it? Koro political parties ka ok o-behave maber to tiende ni democracy bende ok nyal timore e yo makare. Ok kamano. Kor discipline nyaka bede e political party kata yoo magiyude yuto mag sources of funds, it has to be very clear and it has to be within the law. Koro kanyo bende is*

*talking about political parties.*

*Then there is also party discipline: Usewinjo kata cases moko ma ng'ato en ni ne oyiere gi party ni to ka odhi e Bunge kucha to kendo koro oweru wer machielo. Koso pok uwinjo?*

**Audience:** *Wasewinjo.*

**Wycliffe Owade:** *Mano ema koro wawacho ni ka ng'ato odhi e Bunge gi chama mane oyiere go cha to o-sing tune machiel he has to resign mondo o-see a fresh mandate from the electorates. Koso ok kamano? Nikech oyiere gi chama no to chama no ema nyaka o-sing tune mare, ka ok onyal wero wende mar chama no to nyaka o-resign ma electorates nyise ni adiero wayie kodi kata ok wayie kodi. Mano owinjore maber?*

Having said all that, I would now like to live to my colleague to take you very briefly on the Constitutional Commissions. *Ero uru kamano.*

**Jackline Obiero:** *Ero kamano. Wachako chapter 17, mano page 34. Magi ofise mek Katiba gi Commissions mek Katiba. Wayudo ni one of the general principles mane Commission noneno ni mondo these Commissions and these Constitutional offices onego obedgo, ni onego gi protect the people. To one of the things is that, kaka abiro somo nigi ibiro neno ni they are independent bodies, onge influence moro ma gin godo from the arms of the government, from the Executive kata from the Judiciary, kata from the Legislature kata Parliament. Koro ka iyudo ni these bodies or these Commissions gin totally independent ma the decision that they make and gik ma giwacho, kata functions mag gi ok bibedo interfered with gi the other arms of the government.*

*Koro kawachako to wachoko gi the first Commission ma en article 288, mano the Commission on Human Rights and Administrative Justice. Abiro somo: The Commission on Human Rights and Administrative Justice shall consist of: (a). A Chairperson. (b). The Human Rights Commissioner. (c). The People's Protector. (d). Gender Commissioner. (e). Any such other Commissioners not exceeding 6 in number as may be appointed in accordance with this Constitution.*

*Ma wawacho ni the Human Rights and Administrative Justice obiro bedo composed of at least five different other persons ma that is the Chairman of Human Rights Commission mabiro chung' ne areas mek human rights. Kane wadhi kawo views mag ji, ne iyudo ni ng'ato wacho ni samoro kata ka oteri e cell kata ka omaki gi Polis to ibedo tortured, igoyi to onge makosa ma isetimo. To kata ka ogoyi kata ka ibedo tortured, kata ka ibedo molested to onge kama inyalo dhi wache nikech the only other body ma inyalo report to en mana Polis no, to en Polis no ema omaki. Many people complained to nowacho ni there has to be a Human Rights Commission ma en independent from the Polis and independent ma ok obedi interfered with by the other arms of government.*



*The other things mane giwacho ni, this body should take the complaints of the people to one of the views mane wayudo from many Kenyans, kendo ang'eyo ni kata un jo Siaya bende ne uwacho. Ne giduaro ni, there should be an office ma iluongo ni the office of the Ombudsman. According to this draft bill the office of the Ombudsman is the People's Protector en mana ni nying' ka koro ok luonge ni the Ombudsman but it is the People's Protector. The other thing is that mon bende ne okelo views kata the other people mane feel ni gisebedo marginalized, osetegi kando ahinya for long, wechegi ok ng'i. That is why we proposed that this Commission mar Human Rights and Administrative Justice should be composed of these other persons ma will work together mondo o-make sure ni human rights, duach ji kata yuak mek ji owinjo to kama okosne ji bende appropriate action is taken.*

*To ka wang'iyu the functions mek the Human Rights Commission, ka wadhi e number adek mar article 288. It talks about the functions of the Commission on Human Rights and Administrative Justice and abiro somo: (a). In relation to the jurisdiction of the Human Rights Commission. (i). To promote and respect for human rights and develop a culture of human rights. (ii). To promote respect for gender, equality and equity including the protection and development of gender equality and equity. (iii). To promote the proection, development and attainment of human rights in public and private institutions. (iv). To monitor and access the observation of human rights in all spheres of life in the republic. (v). To promote high standards of human rights in the republic. (vi). Investigate and report on the observations of human rights. (vii). Take steps of securing appropriate redress where human rights have been violated. (viii). To investigate any conduct in State affairs or in public administration in any sphere of government that is alledged or suspected to be improper or that could result in any impropriaty or prejudice. (ix). To investigate human rights within the disciple for, including the relationship with the public.*

*Magi e functions mek the Human rights and Administrative Justice to ka usomo mbele to uyudo eti ni the People's Protector mano e ng'ama defend the people. Ne wasomo mbele kanyo mane wawacho ni, ji ne oyuk ahinya to ne owacho ni cases osebedo very expensive to ji ok nyal access the courts nikech gionge gi pesa. The People's Protector is supposed to look into the interest of the people, ong'iyu issues to do with honest, integrity and transparency in the Public Service. Waseyudo ni onge transparency in the Public Service, ka iyudo ni ng'ato tiyo to somor obedo oppressed kata yore mar ng'ato ok ng'I maber to onge kama inyalo dhie mondo iwachi ni this is what is happening. That is why this body is there, the Human Rights and Administrative Justice and that is why the People's Protector is there and the Gender Commission to look into the issues mek gender.*

*Ka wadhi e article 289 on page 35, the Ethics and Integrity Commission. Anyalo paro Mr. Owade ne owacho ni in the past wasebedo, kata sani we have leaders ma gionge gi integrity gin jok ma onge kata gi good morals. To mago e leaders ma osebedo associated with corruption for a very long time. Iyudo ka ng'ato en Minister may a certain Ministry to kane osegoyo Ministry no piny, instead mondo obedi sacked obedo transferred to another Ministry and that has been a very common phenomenon in Kenya. Koro that is why, out of the so many people said many Ministries are*

being run down. Sani the Ministry of Education we have a complaint ma teachers are not getting their salaries. Why is that not happening? That is why we have these independent bodies to look into the issue, to redress. I mean to look into the issues mek the people.

The Ethics and Integrity Commission shall consist of the Chairperson and six other members all of whom shall be persons of integrity and high moral character. *Ka wasomo functions mek Ethics and Intergrity Commission, (i). (a). Received declaration with the leadership code. To kanyalo paro Mr. Owade ne osenyisou about the leadership about integrity, ne oseloso much about it koro ok aduar dok kuro. To aduaro nyisi ni any leader ka obedo elected kata ka obedo appointed in whatever capacity is supposed to register with this body, this body tije en ng'iyu ni ng'ani ena ng'ama chal nade and also to find out. Have you ever been involved in passed corruption, have you ever been involved in crimes? Nikech ne wawacho ni our leaders gin jok ma onego obedi ni gin jok ma ndach gi ler, gin jok ma ok ne obedo involved in corruption kaka waseneno in the past. This body function is to investigate such things ma ka oyudi ni you hare not clean ionge gi a clean record then this body is supposed to take the necessary action.*

*The other thing, iyudo ni ng'ato ne obedo appointed in a certain public office to all over a sudden he is a very rich man, you don't know kuma pesa go owuokie. En gi mali mang'eny and we don't understand how, to ka ing'iyu pesa ma ichule ok inyalo wacho ni pesa go ema nyalo bedo ni ogerogo ute ma ogero kata business, kata property ma en godo no. So en function mar this body to look into such things ma once you have registered with this body then nyaka i-declare your wealth.*

*Page 36, Salaries and Remuneration Commission: Mane wakow views mek Kenyans ji mang'eny ne oyuako especially jok matiyo e Public Service ni mishara gi tin. Kata ka samoro pesa ni delay, ok iyudo on time. Jok ma ose-retire the senior citizens ok nyal yudo pension margi, pension nyaka idhi mana Nairobi mondo iyude to ka iyude bende there is a lot of corruption involved even in getting it. Kendo ne wayudo yuak mar ji kagiwacho ni MPs medo mishach gi any time ma ka giwinjo ni MPs omedore misara, sama giduaro they just do it at their own pleasure. Kenyans felt ni MPs on nyalo bedo nigin gi misara madongo dongo to onge tich magitimo e constituencies margi. Gin to gichamo pesa madongo to constituents to yuak nikech onge development, gik mane giwachonu sama ne uyierogi. Wabiro loso yoo, wabiro kelo pii, wabiro timo kama kamao, onge gimoro achiel magisetimo and so from the proposals kata views mag Kenyans, we are proposing that we have a Salary and Remuneration Commission. This body or this Commission tije en mar keto misara mar people in the Public Service including MPs. Ma koro onge ni ng'ato dhi e Bunge to medore misara, aah.*

*Nitie body mabiro ng'iyu to ka oneno ni onego omedgi misara, medo gi according to even the work they are doing, ok ni gimedore amed sama giduaro to onge tich magitimo. This body biro ng'iyu yuak mar Public Servants including teachers nikech wasebedo gi yuak to en yuak ma nitie nyaka sani mawalosoni. En yuak ma teachers yuak ni misach gi*

*pok omedi in so many years to ne gibedo promised. Therefore, this body is supposed to look into such things.*

*The other thing ma this body is supposed to do is to look into the salaries of the President, the Vice President, Prime Minister, Deputy Prime Ministers gi Deputy Ministers. The other thing, ma this body is also supposed to do, is to look into issues mek pension. Ji osebedo ka yuagore, ka yuagore. All the issues about pension is referred to this Salaries and Remuneration Commission, anything to do with allowance and benefits ma kata MPs, President, kata ng'ato ang'ata manitie e Public Service biro bedo go. This body is the one mabiro determine such things.*

*Article 291, wan gi Teachers Service Commission ma Mr. Owade ne osenyisou about. Koro ok aduar donje ahinya but this is going to be an independent body to look into the issues of teachers. They will work in consultation with the Public Service Commission to recruite and employ registered teachers.*

*Last but not least, adhi e article 292, Constitution Commission. Ng'eny ji bende ne o-propose in their views, Kenyans ne owacho ni we should have the Constitution Commission ka obedo entrenched in the Constitution. To ne waneno ni this body is going to be important nikech weche te mawawacho gi weche te mabiro bedo debated in the National Conference ma finally ka wasebedo gi the final document makoro wabiro wacho ni this is the bill to be adopted. Nyaka bedo a certain body mabiro ng'iyoni nowachi ni nyaka wabedi gi Salaries and Remuneration Commission bende nitie that body. Ne wawacho ni President nyaka bedi ni powers ge obedo trimmed has that been implemented.*

*Koro the Constitutional Commission, the main function mar this body will be to ensure and to oversee the implementation. Nyiso ni Katiba ma wabiro bedogo finally, once ni osetere e Parliament ma Parliament osekawe ma owacho ni ma e Katiba mawaduaru, there has to be a body makoro biro wacho ni ma e tich mane watimo. Koro we have to follow it up and find out ka gima ne owachi e Katiba bende osetimore koso pok otimore. Mano ema omiyo newa-propose ni a Constitutional Commission has to be put in place ma koro biro ng'iyoni gik ma owacho, gik ma ji oyiego osebedo in place to kama ok obedo in place then they will make sure that it is implemented at the right time and in the right place.*

*Ka wadhi e article 293, on the same page 36 owacho about Constitutional Offices to magi to ok obi donje nikech Mr. Owade ne osenyisou abiro somo asoma. The following Constitutional offices are established elsewhere in the Constitution. We have the Attorney General, Auditor General, Controller of Budget, Director of Central Bureau and Statistics, Director of Kenya Correctional Service, the Director of the Kenya Police Service, Director of the Public Prosecution, Governor of the Central Bank and the Public Defender. Gima wawacho ni magi gin offices ma we are proposing that they should be entrenched into the Constitution to ka gibedo entrenched they are going to be independent bodies, mano ema wawacho. Ero kamano.*

**Com. Prof. Okoth Ogendo:** *Jo Alego Usonga, pod untie. Aah, wachiegni wachopo kama koro waduaro tieke mondo wawinjie duundu, to nitie gik moko matin ma aduaro clarify eka atiek gima onego otieki.*

*Mokuongo en ni Constitutional Commission ma obedo established iduaro ni mondo oti independent of government not under the supervision of the government. Omiyo in the case of the Teachers Service Commission ka wakete e Constitution it will mean ni o-operate independent of government ma dine bedi ni nitie Teachers Service Commission sani in the Constitution you would not be negotiating with Kosgei.*

The Minister for Education would have nothing to do with the dispute between the teachers and their employer, that is the whole purpose of doing this. It would be the teachers, their union and their employer, the TSC not the government and that is what in the Constitutional Commission to do and that is the message we are sending. And part of the concern ni government has too much power, so power of government, of the Executive, wa disperse first of all between the centre, the provinces, the districts, the locations and the villages. We have also dispersed it between government Ministries and Constitutional Commission and offices. We have also dispersed it between the President and the Cabinet so that power is all over, *ng'ato ka ng'ato has an opportunity to administer on behalf of the people, that is the first point mane aduaro mondo a make.*

*The second point ma aduaro make en wach mar lowo. Sani lowo mar Kenya ka, all land in this country belongs to the State or to the County Council. Kata land ma iwacho ni private jok mawacho ni gin gi freehold land, that freehold land belongs to the State and the power of the State is exercised by the President. Gima watimo e Constitution wawacho ni lowo oko onego obedi ni belong to the State, lowo belongs to the people. Uwinjo? Lowo en mar jopiny ok en mar sirikal, to ka en mar jopiny, jopiny nyalo mako lowo kaka individuals kata ginyalo make kaka communities, kata ginyalo make collectively as Kenyans.*

*So wawacho ni lowo en either public land, community land or private land. Ka en private to iyudo mana title deed mari, ka en community, ka uyudo ni jo Usonga are entitled to Yala Swamp as a community to u-identity jo Usonga or jo Alego mar are entitled to it kaeto wa-register the whole swamp in the name of that community. Ka Got Ramogi belongs to jo Imbo or ka o-belong to Joluo as a whole to wa-identity Joluo to wa-register Got Ramogi in the name of Joluo. Uwinja maber?*

*Kaeto wawacho gimoro kanyo be asewinjo ka MPs' ng'ur e, ni kanitie minerals moko e lowo ma oyudi e lopi. To ka en lowo mar community to minerals go belong ne community no, ka ne lowo mar individual, the mineral belongs to the individual, ka en mar public to it en mali ya uma. Nyocha awinjo ka Members of Parliament ng'ur kabisa ni ang'o ma omiyo minerals onego omi communities kata individuals giduaro ni mondo gi-belong the government as they are now. Mano gima wabiro yalo e National Constitutinal Conference.*

*Mar adek, Sani Katiba wacho ni Parliament en the President plus the National Assembly ema iluongo ni Parliament nikech ka National Assembly okadho en law to President sign go eka waluonge ni Parliament okadho law. Gima watimo sani, wawacho mokuongo ni Parliament en the National Council and the National Assembly, the President is no longer part of Parliament. He is not, the President must not hold any seat in a constituency and therefore he is not a Member of the National Assembly, he is elected directly by the people. He is not part of Parliament but the President nigi legislative functions pod obiro sign bill. Ka bills osea e National Assembly ma odhi e National Council to Speaker mar National Council terone mondo oketi e signature.*

*To wawacho ni ka ojur gi bill kaka ne ojur gi mar Donde to onyalo timo one of two things: Onyalo oro that bill to the Supreme Court to openjo gi ni to bill ma jogi okelo ni en consistent with the Constitution to ka Supreme Court owacho ni en consistent with the Constitution to he must sign it, he has no choice. To ka Supreme Court owacho ni nitie gimoro kanyo ma ok o-comply with the Constitution then the bill goes back to Parliament to Parliament re-consider go in the light of gima Supreme Court owacho. To ka Parliament osetimo mano, koro ka oor ne nyaka o-sign but onyalo decide ni ok odhi ir Supreme Court oduoko bill no ne Parliament kaka ne President oduok bill mar Donde to Parliament. To ka oduoke to Parliament owacho ni wan gima nyocha waoro ni no ema waduaro mondo i-sign, in other words ka Parliament ochako o-pass the same bill in the same form ma oduokone, he must sign. Mano ema iluongo ni the power to override the veto, ka President o-veto a bill by Parliament and is brought back to Parliament and Parliament sends it back again in the same form he must sign it, he cannot send it back.*

*In other words the power mar President to withhold ascent en a check but a check which can be overridden by Parliament ultimately it is Parliament that has the power to control that process.*

*Let me go back to this document, sama abedo ka ne openja ni to amendment mar Constitution no uwuoye nang'o. That is the first thing ma aduaro ni mondo a get through. Nikech ong'eyo ni one of the reasons ma omiyo Constitution ni nyocha othagowa en ni Constitution achiel ni obedo amended 31 times, in almost as many years. Mane chal ni kagimoro thago sirikal to Constitution odagi wachono to gi amend go mano e kaka President ne obedo gi powers ma end godo mang'eny gi. One talking about the President and his powers let me emphasize ni wawacho ni powers mag President nyaka wuog mana e Constitution, Parliament has no authority to give the President any more powers than the powers he already has in the Constitution. To Parliament cannot pass a law mawacho ni the President is the Chancellor or all public universities if the Constitution doesn't say. Uwinja maber? The powers of the President derive and derive only from the Constitution not from ordinary law.*

*Bende wachak wamedo kanyo ni ka Members of Parliament okadho any legislation mamiyogi any benefit to that law does not come into effect until the dissolution of the Parliament ma okadhe ni. (Laughter) Uwinjo wachno?*

**Speaker:** *Mano nikanye?*

**Com. Prof. Okoth Ogendo:** *Mani nie article 128, sub section (iii). Ne Jackline okonu ni Salaries Remuneration to biro bedo set by somebody else, to ginyalo muoch nigi loso wach mar pension kata giwacho ni gikadho chike mawacho ni mondo omigi mitokni. Ka gikadho gima kamano to Parliament ma okadhe no does not benefit from it, it comes into effect on the dissolution of the Parliament ma okadhe. Okay, so they don't pass it and benefit immediately as they have done before.*

*Coming to the question of Constitutional amendment, wawacho in chapter 18 ni nitie two kinds of amendments. The general rule, rule mar amendment en ni ka bill okadho a Constitutional amendment bill must be voted in by two thirds of all Members of Parliament, mano is the present rule. To wawacho, ni nitie a certain category of provisions of this Constitution ma cannot be amended unless the people ratify it. In other words, ka Parliament okadho ni mago obedi amended to nyaka wabedi gi referendum so that the people can say to Parliament ni we don't want you to change it and we have listed them. Kaponi Parliament duaro kawo part of Kenyan territory miyo Uganda for example, they must ask the people even if they vote by 100%.*

*Ka Parliament owacho ni power mar the people to control government idwaro golo from the Constitution they must go and ask the people about it. Ka people oyie ni kaw uru mana power, fine but even if Parliament want by 100% they cannot. Ka Parliament omuoch ni principles and values manitie e Constitution in article 6, nigi duaro golo nyaka bi penj wananchi. Kagiwacho ni the bill of rights dhi bedo amended they must ask wananchi. Ka giwacho ni structure mar devolution, Provincial Council, District Council, Locational Councils and Village Councils igolo, they must come back and ask wananchi. Ka gi-change provisions mar uraia, mar citizenship nyaka gibi magi penj wananchi. Kaeto wawacho ni article ma owacho gigo, 294, sub section (iii) ma o-list gik ma asomo go. Ka article no ema iduaro loko ni igolo gimoro e list no, mano bende nyaka penj wananchi, uwinjo wachono? Nikech kane wawacho awacha ni magi e gik ma nyaka upenj wananchi ni to waling' kanyo to mano it would mean ni article ma ondiko gino no, itself is not protected. Koro nyaka I-protect article mawacho ni mondo idog back to wananchi to everything else you would require a two thirds majority and it is a two thirds majority on both Houses of Parliament.*

*Chapter 19, to wuoyo basically about interpretation and there isn't much ma controversial kanyo.*

*Chapter 20, ka Constitution manyien biro, matiende ni obiro nego machon. Nitie gik moko manyaka bedi preserved to gi gik moko ma bende nyaka gol. Ok iduar chiewo gi okinyi ni kawuono nitie a new Constitution to iyudo for example ni there is no law. Ni Constitution wacho ni all laws ochakore kuome, en e pend chike, koro ibiro wacho ni nitie pend chik manyien ma obiro machon koro onge omiyo chik machon go tete te koro onge. We don't want that kind of situation. So wa-provide in the schedule 6 first and also in schedule 8 for transition and consequential provisions.*

*Schedule six nyiso gik ma Parliament nyaka tim ka this Constitution comes into effect, the laws ma nyaka bed passed in order to make sure ni gik ma wawacho e Constitution go otimore and the time period within which they are supposed to be done. Nitie e schedule six kanyo kuonde moko ma ondiki ni no time limit. Uneno kama ondiki ni no time limit go? In fact I don't thing the version mar the Daily Nation ma un godo no nigi schedule six.*

**Speaker:** It doesn't have it.

**Com. Prof. Okoth Ogendo:** Yes it is not there but that schedule six. *Odhiambo, Coordinator aparo ni ibi reproduce schedule six mondo imi wananchi mondo ging'e ni Parliament onego obedi ni biro wuotho nang'o. Parliament manyien what is the time limit ma obiro kadho go the legislation. Is it there? Page 45, okay.*

*Kama owacho ni no time limit go, it should read 3 years. We have made a provision in the Constitution, article 298, sub section (ii). Where in this Constitution Parliament is required to enact legislation to govern a particular matter and no time limit is specified within which the legislation shall be enacted. Parliament shall enact that legislation within 3 years from the date of its first sitting. Kama ondiki ni no time limit no put 3 years, okay.*

*Schedule 8 wacho kama. Owacho ni Kenya as a member of the international Community Kenya nigi obligation, en gi duties ma ose-asume. Nitie treaties mawase sign, nitie loan agreements mawa-sign with the World Bank and so on. That schedule is saying firstly ni those obligation will continue omiyo sirikal ok nyal wacho ni tinde wan gi Constitution manyien we are not bound we have saved them. We have also save the laws ma exist, as long as those laws are consistent with the new Constitution. For example, wa save the penal code except ni provisions relating to the death penalty will not now apply because they are not consistent with legislation. Provisions relating to corporal punishment in jail or in schools will not apply, so the law will exist, so ka ichiewo gokinyi ma nitie new Constitution you can still assume ni ka ne jagopi mor, ne ng'ato nigi gopi pod nyaka ochul gowi no. Ok onyal dhi to owachini ni omera kawuono wan gi Constitution manyien gowi ok chul. (Laughter)*

*Kendo wawacho ni ka ne itiyo in the public service to ichiewo gokinyi nitie a new Constitution pod in gi tij no until somebody takes steps ma oriambi in accordance with the law applying to it. To ok inyal muoch to iwacho, ni Chairman mar Council wachoni ni omera kawuon nitie Katiba manyien in kawuono ne oseriembe e tich aduaro recruite somebody else. so we have saved those jobs also.*

*We have said ni pension mane ji ose-earn before the new Constitution comes into effect will continue to be paid ma ng'ato ok nyal wacho ni ah, that obligation nolonger exists. Even taxes mawa-imposed and were due, you have to pay those taxes. The Judiciary, wawacho ni Judges of the High Court and the Court of Appeal will continue to hold those*

jobs subject to the following, kendo ma endi e kama koro lweny nitie. Lwenjwa gi Judiciary owuok kama, wawacho e Constitution mokuongo ni every body holding a public office retires at the age of 65, okay. Koro the Judiciary sani retirement age en 74, wawacho ni everybody retires at the age of 65, mano biro wipe out quite a numbe of them, jok ma over 65. Gidhawa ni ere kaka wanyalo wacho ni gi-retire at 65 but we have said ni although you are going to retire at 65 you will retire with your full benefits so I don't know gima giyuakne. **(Laughter)**

We have also said ni ka in below the age of 65 but you are above 55 you can take early retirement if you want and then we will add another 5 years. So ka in 55 to wabiro assume ni i-retire at 60 for purposes of calculating your pension, to ka idagi to wawacho e transitional provisions ni ka nitie any complaints against you for bribery, corruption or what have you. You will be automatically suspended on full pay while you are being investigated to ka oyudi ni those complaints are valid you will be sacked. Mano e problem number two ma wan godo kodgi.

Mar adek, wawacho ni ka I-survive mano to nyaka e file gi Ethics and Integrity Commission all your assets. Uwinjo ka Jackline owacho ni ng'ato nyalo bedo ni wang'eyo salary mare to mwandu to en godo ma taragana. Koro ibiro penji ni gigo ne iyudo kanye, kaeto i-explain, ka otami explain to ibedo sacked, mago e gik ma Judiciary dhowo ne. To wawinjo mos mos ni kawadhi through that process to kuom Judges manitie chiegni 50, adek kende ema nyalo dong '. **(Laughter)** Kendo wawacho ni kanitie buche moko mane iyalo e court, buche go will continue to ok inyal wacho ne ng'ato ni nitie Katiba manyien ni ng'oo, ni nyoro itera e court ok inyal yalo koro, we have save those as well.

Then we have said ni kaponi elections mabiro ni obedo held under a new Constitution, gima jopiny duaro no to wawacho ni kaponi ni nyocha in qualified to run for Parliament or for a Council seat or a Member of Parliament under the old Constitution, to Constitution manyien ni koro dine otami. Wayieni ni on this first election only under this Constitution. In other words, remember ni this Constitution wacho ni ka idwaro bedo President you must be between the ages of 35 and 70 at the time of your nomination. The present Constitution onge gi such limits, inyal run as President at the age of 100. Koro wawacho ni ka nyocha in qualified, if the only reason ma you are not qualified en the present provison to we will allow you for this particular election to run. So jok ma onge gi degree, jom ma are over 70 can run and in the case of Members of Parliament or rather Councillors jok ma onge gi "O" Levels can run.

Then we are providing for the registration of political parties, nikech now we are saying ni the registrar or rather the Electoral Commission is the registrar of political parties. Koro wamiyogi time within which to register, the conditions ma wa-create for registration of political parties are such that at the end of the period mar registration we are probably going to end up with less than 10 political parties. Ji to ne owachnwa ni mondo wa limit in the Constitution ni there should not be more than 5 political parties. We decided to go about it indirectly by providing very tough conditions for registration of political parties.



*Then wawacho ni the devolved units, Provincial Councils, District Councils and so on. Ka pok obedo established to the properties of those Councils and the administration and affairs of those Councils will be administered by the Central Government and as soon as they are established they will take over the property, they will take over the offices. Then we anticipate ni ka Constitution obedo passed the way it is to nitie jomoko mabiro chako uso mali ya uma, mag public manie Provincial Headquarters, District Headquarters, County Councils and so on. Wakone Parliament ni within two years ma Parliament obede gi pass a law mabiro investigate misuse of public property and funds and they can decide ni gidhi investigage e from 1963. (Applause) So you cannot hope ni idwaro yako gig sirikal in the period of transition, you will be caught in that process.*

*Then wawacho for the avoidance of doubt ni the Provincial Administration stands dissolved when this Constitution comes into effect and all people in the Provincial Administration should report to the Public Service Commission for redeployment. (Applause) Awacho ni for the avoidance of doubt nikech you must understand ni there is no law establishing the Provincial Administration. The only people ma are established by law are Chiefs, not DO's, not DC, nor PC's, there is no law that establishes those positions. They are all public servants and we are saying ni tije gi will be administered by Provincial Councils, District Councils, Locational Councils and Village Councils and therefore they report to the Public Service Commission, if there is work for them to do they will get work, they may be retired and what have you. (Laughter)*

*So mano e gima wawacho at this point, so I think we will take your questions and your comments mondo kawadok back to Nairobi we will look at it and see what needs revision, what needs addition, what you think we have omitted etc. Thank you very much.*

## **QUESTIONS AND COMMENTS**

**William Odhiambo:** *Wawinjre uru, ang'eyo ni ji mang'eny duaro penjo penjo. Donge? Eeh, waduaru kawo penjo abich at ago to iduako kaeto chak wakawo moko, donge? Ji adi maduaru penjo? Kata comments. Number one, two, three, four, five. Wachaki gi ji abich go, donge. Koro ka ibiro ka nitie microphone ka, iwinjo, iwacho nyingi nikech wa-record gigi. Iwacho nyingi to ipenjo gima ipenjo to ibiro ka to I-record, koro donge ing'eyo number ni, number one, two, three, four, kae to abiro kawo moko kendo. Number one*

**Dr. George Oliech:** *Ero uru kamano.*

**Com. Prof. Okoth Ogendo:** *Wach nyingi gi penjo.*

**Dr. George Oliech:** *Iluonga ni Dr. George Odu Oliech.*

**Com. Prof. Okoth Ogendo:** Dr. Oliech.

**Dr. George Oliech:** *Eeh, an ja Siasa kae ma ochung' ka KANU motegno. Ero kamano Jakom Professor Okoth Ogendo, Chairman mar County, Mayor gi wananchi man ka. Katiba manyien ma ilosoni ung'eyo ng'ech Katiba gi Dholuo? (Murmurs from audience)*

*Gima daher ni mondo Constitution orang malong'o en dak mar ji. Daher ni mondo Constitution orang dak mar ji e Sub Location kata Village kaachiel gi Location. Mokuongo Locational Council gi Village Council biro bedo gi teko mang'eny nikech ema wabiro tiyore, to ok aneno gimoro ma owachi kanyo manyalo konyo ji korka Locational Courts.*

*Daher ni obedie Locational Courts makata ka diendi ochamo puoth ng'ato unyalo dhi yale machiengni ma u-settle gidala. Gima teroji e court sate ni oketho pesa gi seche, ochando jopiny an aneno ni obedie court moro matin kar location ka. Mano number one.*

*Mar ariyo, an aneno ni gimoro ma oketi kacha ni citizenship mar marriage ni ka ikendo kata ka ikendo dhako ni to osemye citizenship, kata obedi dhako machi wasigu kata obedi ng'at manade. An aneno ni ka doketie higni abich, higni adek tin ahinya, uwinjo? Jomoko biro mana nyiewe through marriage, mano biro kelo problem.*

*Point moro, mano chapter 23 (iv). Dual citizenship, ma biro kelo taabu nikech jo Maasai nitie Tanzania, jo Tesso nitie Uganda, jo Borani nitie Ethiopia. Ka oketi ni jogi gin citizens ma Kenya to gin citizens mar Ethiopia to gin mar Uganda uneno problem no. Sa yiero, saa lweny, jogi biro miyowa taabu. Uwinjo, obiro chiamo koni to ochiemo kocha, gino biro kelo tabu.*

*Chapter 4, 28 (i), registration boards: Ung'eyo ni sani wach mar ID ni thagoji, registration board ni nobedi ga ni ochiwo ID. An aneno kama, kar chiwo ID ng'ato omi birth certificate ka osemyi birth certificate ka onyuoli kata koro idag ma idok ja higni mia to in ja Kenya. Mano donge bar? Nikech wach ID chando ji sana, nikech ID ibiro miyi ka in ja higni apar gi aboro to ne osenyuoi ja Kenya. Mano ya nini? Aneno ni mano oloki.*

*Chapter 5, 32 (ii), death penalty owache ka to udwaro weye mayot. Ng'ato ka onego ng'ato to oduar dhi chieme e jala throughout his life, mano bende justice? Mano an ok ane kalong'o. Professor urang wachno. Young nation kaka wan gi pod ok inyal golo death penalty ji biro chayo achaya nego jowetegi, mano an adagi.*

*Chapter 8, 174 (iv), dismissal mar Prime Minister: Prime Minister ni dhibedo ng'ama pek ahinya e sirikal kae nikech en executive to Prime Minister ni an ok aduar ni iriembe obet mana gi 50% ni nus mar Parliament ka osegoyo kura nito iriembe, ma ok long'o. Obedie kata 65%, uwinjo? Mano ema Constitutional by two thirds ema Constitution*

*o-recommend, simple majority ni biro chando ji.*

*Mogik, Provincial Government: Chapter 10, 219 (ii), wacho ni Provincial Government joma dhi e Council ka ibiro kawogi ka ogolgi e members mag District Council ma osevier ma ok long'o, odhi kelo tabu. Gima omiyo odhi kelo tabu, jo District Council nigi tich mang'eny sana e Constitution ni an asesome up side down. Jo District Council, District Administrator biro bedo ng'ama nigi tich mang'eny kabisa, ok onyal dhi bedo e Provincial Council miyo an daher kama.*

*Provincial Council obedi abeda gi joge ma oyier, uwinjo wachno? Moyier ma wang'eyo mana ni e district ka wayiero ng'ane dhi bedo e Provincial Council mondo gin kucha bende giyier their Administrator, uwinjo nono to obiro kelo tabu. Haya, e Provincial Council ka waduaro neno ni tije moko omi Provincial Council malong'o, the draft Constitution ok omiyo jo Provincial Council tije malong'o mondo kik gi gongana gi district. For example, nitie nderni moko madongo kaka ndara moa Kisii ka obiro Siaya, ndara ni either en national or en provincial nikech oriwo inter districts, eeh. Nyaka bedie clear sign ni ndarani en mar provincial to nderni manie district ka maoa ka dhi Rang'ala obedi mar district, ageno ni uwinja kanyo. Miyo yierogi nyaka bedi nang'o? Yiero gi are separated ma ng'atni wang'eyo ni dhi e Provincial Council to ng'ani to dhi e district. Ero kamano Jako, dongo akawo saa matin. (Applause)*

**William Odhiambo:** *Ero kamano ahinya daktari. Gibiro ka kik wanuo gima osepenji, donge? Kik wanuo gima ng'ato osepenjo kendo wapenj penjo machiek. Ere number two? Tim penjo japuonj.*

**Gilbert Owade:** Thank you very much Commissioners for coming to Siaya to brief us on this Constitution. I am going to talk about chapter 3.

**Com. Prof. Okoth Ogendo:** Your name.

**Gilbert Owade:** My name is Gilbert Owade, I am a teacher by profession. *Allright, abiro wuoye article number 14, section (v), which says that the Republic shall take effective measures to eradicate all forms of corruption. Commissioners, may I know whether you have taken steps to ban all things called harambees. Corruption cannot be eradicated unless harambes are bunned. (Applause), that is one.*

Secondly, concerning the retirement of the President I did not see it here. Any President in future, may you please pass a law barring a retired President from engaging in any kind of politics? (Applause)

Lastly, Commissioners you see we have problems, we teachers are on strike, we cannot make ends meet. May you pass and discuss a law allowing all Trade Unions in Kenya to be saving some money so that when we are on strike and there is not salary

increase even after a long period of five years as it is now, the Trade Union can be paying us something in the form of salary.

*(Laughter and applause)*

**William Odhiambo:** *Ero kamano ahinya Japuonj, en strike mar kech donge? Number three.*

**A. A. Ayalo:** *Ero kamano Professor, Bwana Owade and Jacky, ero uru kamano. An an gi comments ariyo. Iluonga ni Ayalo an bende an japuonj. An gi comments ariyo to gi penjo bende ariyo, e an gi penjo adek to achiel osepenji.*

*Penjo mokuongo en ni, e National Council en section 106. Onego gibedi ji 100 maa e district to ae mano biro miyowa ji 70 to seats 30 ma odong mag women. To seats 70 gi bende women contest. Bende women contest nikech osemigi piero adek.*

*Penjo mar ariyo en ma, e Cabinet the Prime Minister kaponi Parliament ose-pass a vote of no confidence in him to inyalo gole oko tete te gi Prime Minister gi Cabinet mare to kaponi ni nitie a Cabinet Minister ma misbehave ma bende Prime Minister nyalo deal kode kaka duarore. Onego obedi ni provisions moko ma ok protect ng'ama misbehave mondo en bende ogole summarily with the consultation of the rest of the Parliament, onge provision no e Constitution.*

*Koro comments na gin ariyo, achiel. An ayie kaendo afungo lwedo ni mar Constitution mar jopiny....*

**William Odhiambo:** *Number four, numa ang'wen ne en ng'a. Number abich?*

**Benard Wamango:** *Thank you Commissioners, my name is Benard Wamango, an ng'ama ose-retire. An gi penjo achiel.*

**Com. Prof. Okoth Ogendo:** ....(Inaudible)

**Benard Wamango:** *An gi penjo achiel.*

**Speaker:** Your name.

**Benard Wamango:** *Nyinga Benard Wamango, an gi penjo achiel to en penjo madok ka pension. Parliament sani nuang'o almost one Million to inuang'o jodongo mane o-retire ma pod nitie gi ngima, ok ging'eyo ni gibiro tho kara ang'o, nuang'o siling' mia abich dwe ka dwe to en gi joge. Inuang'o ni nyithindo ma kijande sani tho, giweyo families magi jodongo ma o-retire ema rito nyithindo go. Koro siling' mia abich ni ka I-compare gi one Million, kaluore gi chike ma koro owuok manyien ubiro adjust mishara ni nade mondo wan bende inflation hit wa, jogo mane o-retire manuang*

*'o Siling mia abich ni. Ng'at manuang 'o Million cha ka odhi e duka ong'iewo gik moko e nengo ma jaduong' ma o-retire bende ng'iewe gik moko. Koro akwayo mondo uneni ni misara mar jogo mane o-retire, pensioners obed adjusted wan bende wabede gi gimoro ma kata ka idhi cash your cheque to in gi gimoro ma idok go e dala. Thank you very much.*

**William Odhiambo:** *Okay, we mondo Professor oduok mago mondo wadh mbele, donge? Professor..*

**Com. Prof. Okoth Ogendo:** *Most of penjo ma owuok are comments of which we are grateful. Ema omiyo ok en chieng' ma onego wa argue against your rections. What we need to do is to record them very carefully, let me respond to a number of things.*

*Dr. Oliech owacho wach mar Locational Courts, small courts and so on. Mago biro bede, gima timore en gi the schedules ma-deal gi division of powers between the province, the district, the location and so on is not complete, we are still working on it. The system mar power sharing pod ok wa-expand properly to one of the things ma wabiyo miyo location is the power to set up tribunals to deal with matters like land, personal law questions etc. So that is going to be taken care of.*

*Comment mar marriage 5 years: E chik ma Kenya ka endi you cannot obtain a divorce unless you have been married for at least 3 years. That is why three years is there but there would be no harm mondo wa-raise that period to five for purposes of citizenship, we understand what Oliech has asked, so I will take that matter. The same thing with the question of dual citizenship: You are worried ni wanyalo bedo gi problems ka jomoko nyalo bedo gin jo Kenya, to gin jo Ethiopia, jo Uganda, jo Tanzania and so on. That is a problem ma I think we can be investigated and we control it.*

*Dismissal mar Prime Minister by 50% of the votes: The Prime Minister needs only 51% to function why should this dismissal be so difficult, I want you to think about that?*

*Death penalty: Nyaka chakre 1984 nobody has been executed in this country in fact the last group of people mane obedo executed ne gin Ochuka giri. Under Jomo Kenyatta no death warrant was every signed except for Njenga Njoroge and ..... Now, we are not clear as a Commission ni death penalty really prevents people from killing that nearly by having the death penalty you are going to deter people from killing others. We think in fact ni life imprisonment is a better deterrent than the death penalty but again mano is an issue ma can be taken up at the National Constitutional Conference when it meets.*

*Gilbert Owade owuoyo about corruption and harambee, we thought about this. Our report says ni harambee and all others ought to be abolished, the way we have dealt with it in the Constitution is to ensure ni there is enough resources*

*for development through out the coutry. For building schools, health centers, roads and so on so that harambee should not be necessary. We have also provided for the establishment of a constituencies fund which will enable Members of Parliament to run the affairs of their constituencies without holding harambee. So there are two ways of dealing with this, one is to abolish it by law and the other one is to provide resources and make it as ... But I understand the point ni it is a very very important source for corruption, wanene kata sani e campaign mabiro sani.*

*Barring the President from engaging in politics, yes: We are providing ni the President first of all must not hold office in a political party and we are saying ni after he has quite the Presidency he should not hold office in a political party when he is having pension from the State. So ka State biro chule pension he must not mendle in politics, ka oduaro bedo in politics he must give up his pension completely, okay.*

*Funding for Trade Unions a strike fund I think that is a matter which Trade Unions themselves can sought out, I don't think it is a matter for the Constitution.*

*Women and the 70 seats: Ka ung'iyu the Constitution you will find ni wawacho particularly in article 109 ni at least one third of members of elective posts should be women. In the case of the National Council we have written that one third into the Constitution and we are saying at least one third. We are not saying ni upto one third ema omiyo women are free to campaign for the other 70 seats like everybody else even if they were able to win all the 70 seats so that you have a National Council with 100 women it. That will be fine.*

*Wach mar pension and retirement planning: We have talked about retirement planning but we have not made specific provisions for pension and we have said ni Parliament should make legislation that will deal with the problems ma Bwana Wamango is concerned about. So they will be taken care of, just take the next questions and comments.*

**William Odhiambo:** The next question, number one, two, three, four, five.

**William Owino:** *Amoso jo Alego, Commissioner kod welo ma wendowa. An nyinga William Owino an ja Kenya kendo an ja Siaya. To Katiba makoro wang'iyu sani ni ok wabiduaru mondo obi ochandwa kaka machon ne ochandowa nikech ka onyuolwa mawachopo ma higni piero adek go ochiko orumo eka wachoko ng'eyo tiende. Koro mabiro ni bende wakwayo ni ei Katiba ka okete mondo omi jok mane ok obiro kagi bende orange e yoo moro ma ibiro puonjogigo kendo gibiro ng'eyo go tiend Katiba ni e yoo malong'o. Ma ok ni chik matii mondo ing'eye, ibedi kode e ot. Obi olose kata matindo tindo bende ma ng'ato nyalo yude e yoo mayot masome to bedo kode to ong'eyo ni chike mage matiye. Mondo kik ochandwa kaka moko gi, ibiro idhiri adhira to ikya ni chik mane ma onego obedi ni tiyi. Koro Katiba ni wabiro duare mondo obednwa e yore duto ma wanyalo yude to nyaka joma nichien nyaka joma oti ka bende ong'e ni chikegi ema tiyogi to ging'egi, ae mano tich biro bedo mayot kuomwa.*

*Mogik, comment mar ni an ayie kode onego oti to ka ber e yiero ni. (Laughter)*

**Charles Juma:** *Nyinga iluongo ni Charles Juma. An kama aduaro wuoye en the bill of rights, chapter 5 section 39. Aduaro wuoyo e the bill of rights, section 39, clause (ii), kama wacho niyaa: The State shall by legislation and policy measures then go to article 2 (g). Provide for the participation of disabled persons in decision making at all levels (h). And facilitate the acquirezation of materials and devices to enable the disable to overcome constraints due to the disability. Koro gima aduaro wacho en niyaa, ka nyocha wapuonjore, wa-come out with issues that were affecting persons with disabilities, I think we were very specific, we the disability fraternity here and this was all over the country not only Siaya ka kende. To besides the work ma Commissioners otiyo somehow I am very much disappointed because issues affecting persons with disabilities have not clearly specified or specific methods of handling them has not been give.*

There is no difference between the present Constitution and this draft Constitution on how matters affecting people with disabilities (PWD's) should be handled, it is not clear. *It is not clear, kae they are talking of the State to do it but then ok giwacho ni State ni how are they are going to handle these matters, it is not clear in the Constitution.* These are some of the areas that is going to give us problems and when we talk of decision making at all levels right from what we have been hearing, village levels upto the national level. You know it is very specific, now what part are we going to play, how are we going to be involved at all those levels. *So Bwana Commissioner here uwang'o ia seriously. (Laughter) Koro kae ka udok kacha please please please do something on this because it is not specific. Koso un to unene nade?*

**Audience:** *Wanene kamano.*

**Charles Juma:** *Sure, what we wanted was that affirmative action. Ok ine ka women you are very specific that one third, what about us. When we talk like this in fact, we are even campaigning for you who is not a disable person at the moment. Yes, because some of us think that we who are already disabled that we were made out of disability material, there is nothing like that. (Laughter) So please, that is my question. Thank you.*

**William Odhiambo:** *Number three, haya. In number four.*

**Juma Oduko:** *An Juma Oduko, an kod weche moko matin kaluwore kod gik ma osewachi. An bende ka atemo loso to alose e weche moko ka mag nyithindo. Iwacho ni somo onego bed free and compulsory ni nyithindo mag primary to kendo Constitution bende kendo nysisowa kae ni nyithi en ja higni achiel nyaka apar gi aboro. Koro aduaro ng'eyo ni to nyathi pre primary, joma nie pre primary gin bende gisomo nono? To jomoko manie secondary ma pok ochopo 18 kata man 18 ka, gin bende gibiro somo nono e Constitution koso mana primary kende?*

*Kawaloso bende e weche mag gender equality gi equity wayudo mana ni adiera women ema gin specific, one third, two thirds, 30 moko dong' negi. To daher mar penjo ni to 30 moko madong' gi youth bende ok dumie kata one point moro mondo bende odhi e weche maka mago nikech wayudo ni e 70 gi bende waduaru nyonore anyona kodgi ka ni to kendo 30 to mana mag gi. Jogi dhi hingowa, koro en kwayo mar ni ka joma youth bende a dupogie umiyo moko to bende a ber. Ka bende uloso to uwacho ni udwaro ni nyithindo, refugees, nyiri, joma nigi disabilities mondo orang kabisa to joma yawuoyi. Nyiri ong'i kabisa yawuoyi to? E an gi penjo ni to ka waweyo yawuoyi chien ng'ano mabiro gero dala.*

*Wach maro bende mane an go kae ni en e weche mag source of funds for political parties. Owachi e draft kanyo ni joma ok joka ok onego obedi ni fund political parties. Atemo mar penjo ni to ka in a friend of the party kata in supporter of the party and you are not here, bende inyalo submit anything to the party nikech uwachonwa kanyo ni ok udwar ni ji aina go mondo okonywa, omiwa gimoro matin, donation moro. To bende en penjo na ni ang'o ma omiyo jamaduaru audit, the Auditor duaro nyaka audit pesa mag political parties magi yudo kuom supporters to supporters gi ok giduar ni mondo ochiw. Ero kamano.*

**William Odhiambo:** Number four.

**Francis Awange:** *Commissioner, Professor Ogendo, jo Alego Usonga kod welo duto. My name is Francis Awange, An gi penjo kata gi comment. Kenya wanie political government. Number achiel, waneno recommendation e draft Constitution kawacho ni Prime Minister biro bedo gi Deputy Prime Ministers ariyo. Comment mara en kama, kaka sirikal ma Kenya oloso gi political parties to kuma wadhie ni wan gi political parties mang'eny ahinya to nyocha wasehao gimoro ka oa South Africa kuom Jaduong' Mandela ka political parties duto mane otiyo matek ne oluongo ma obedo e government mar. Koro mondo wami Prime Minister marwa kata political parties mawa incentive, Deputy Prime Ministers onego obedi gia e political parties moko kata political leaders rather than being technocrats kata joma obedo appointed kaka asomo kacha.*

*Machielo, adiera adier joma oseyier Ministers mang'eny osebedo ka oweyo constituencies magi ok giti, kata positions magi mag Ministers gise-abuse kagi yiero mana jogi. To here, we are seeing a political situation, this is the way I am seeing it. Ka wasebedo gi government of national unity ere gima omiyo Ministries gi ok migi politicians mag Parliament rather than kawo ng'ato ka an ma ok politician to dhi bedo Ministers. Ber bedo Minister ang'eyo to incentive mane ma wamiyo political parties magibiro riworegi gi political party moro mondo omigi strength, they form a government of their wish, the people's government. This is my suggestion.*

*Now I am changing course, koro aloko style. Kenya gazette moro ne owuok kani higni ang'wen mokadho kawuoyo e pensioners mane owacho ni minimum pension for retirees in Kenya en Kshs. 2,000/=, I have got a copy of it. I saw somebody earning Kshs. 70/= as pension from Kenya government, not from a parastatal. Akuaoyo mondo this*



*promise obedi implemented kata ka ok ginyal implement mar jo TSC to gi implementie ma, otherwise magi miriembo ma osebede e Kenya.*

*Machielo, in the year 2000 many Kenyans were retrenched and it was..*

**(Interjection)**

**Com. Prof. Okoth Ogendo:** *Excuse me, we want you to comment on the draft Constitution.*

**Francis Awange:** *Okay, I want to say the establishment of Ethics and Integrity Commission man kanyo no. Koro joma ne obedo retrenched moko ne gin 27 years old. Ne gibedo retired, gibedo retrenched, kijande mane obedo retrenched gi, samo koro appointments manyien biro gi, iparo Constitution biro consider gi koso ubiro wegi mana nikech ne gibedo retrenched?*

*Mogik, government ne obedo stopped by Parliament ni kik gi retrench ji to pod they went ahead. The Constitution is silent about this.*

**Com. Prof. Okoth Ogendo:** *About what?*

**Francis Awange:** *Joma ne obedo retrenched against the decision of the Parliament.*

**Michael Amolo:** *Commissioner, Mayor marwa ma Siaya, aduoko nu ero kamano. An kod weche ariyo kende, wach achiel...Haya som nyinga, Michael Ng'ong'o Amolo. An gi weche ariyo kende, wach mokuong awinjo koa e Constitution. Nenore ni mon omi power mang'eny kabisa ma tuo maduaro nego ji biro nego ji biro tieko. Mano wachna mokuongo. (Laughter)*

*Mar ariyo, currency, wach pesa manie Kenya kae maka President Jomo nitie to pesa nying' Jomo, ka Moi nitie pesa nying' Moi. Onge yoo moro madiduar go currency ni mondo obed mar jo Kenya makata kiny ng'ane ema odonjo to pesa bende dhi mana kaka pesa.*

**William Odhiambo:** *Mi Chairman openji mondo Professor oduakwa eka wadhi mbele.*

**Cllr. Aggrey Onyango:** *Ero kamano Professor. An gi weche ariyo kende, mokuongo Professor nyinga e Aggrey Onyango, an ja Kenya, an ja Siaya, an ja Alego. Awacho ni gima okelowa ka, e pacha aparo ni ok watimo maber nikech wan kaka jo Alego newawuoyo interim report wayudo kawuono ma endi ating'e. Ubiro nwa kod draft Constitution ma umiyowa kendo wagoyo ero kamano to a deber na ni wan jo Alego newa wacho ang'o to gik mane*

*wawacho go ema warango to wanuang'o ni bende mane wawacho gini gin e ie ka. Mano achiel, ok watimo mano.*

*Machiel aparo ni wan kaka jo Alego constituencies mekwa nene okethi mang'eny, wards mane ni e constituencies ka nyoro wawache kata e radio nyoro to apenji kanyo, achiel kuom penjo ne iseduoko to wanuang'o ni page 4 one,(b) wawacho ni Electoral Commission ema timo timno. To wapenjo ni to jopiny bende idwaro ni I-consult kaka asomo no, to gigi gitimore. Un safety guards ma useketo ni chike mawaketo manyien gi nitie political will magibiro tiyo ne jopiny maber?*

*Mogik, gima thagowa thurwa ka ahinya en poverty, kech. Ema omiyo nyaka sani nyithind ok dhi skul thurwa ka to Constitution ni ok aneno ka owuoyo clearly kaka waduaro tieko chandruok manie thurwa ka. Mano e gima duong' kabisa mawaparo ni Constitution bende onego address poverty reduction. Ea mogik to wagoyi ni ero kamano ni isetiyo maber kwa niaba mar jo Siaya gi, niaba mar jo Alego gi mondo wachop kuma wachope ni en tiji maber Jaduong'. Ero kamano.*

**William Odhiambo:** *Ero wawinj Professor mondi eka wadhi mbele gi penjo moko. Professor.*

**Com. Prof. Okoth Ogendo:** *Awinjo duundu jo Siaya. William Owino owacho ni nyaka ji ng'e gik manie Constitution, awachonu ni one of the fundamental obligations mar citizen en ni nyaka isom the Constutiton, so I hope you will be able to do that.*

*Charles Juma, aduaro respond to you in several ways. One, the Constitution cannot contain everything in details, kendo ok ayie gi your evaluation ni onge gima different gi this Constitution from the old one. The old one does not even mention disability, there is no article in the old Constitution on disability, on children, on women, on the family and so on and we think we have come this far and I think we have made an attempt to deal with that kind of situation and then we have said in the same article ni legislation will be passed to do so. Sama awuoye ni there is a disability bill which is pending in Parliament, there is a special education bill which is also pending. When there are passed they will fill in the gap ma onge in the Constitution. Constitution okoni there should be legislation, Parliament has an obligation to pass legislation mabiro wacho for example, ni documents should be made available in Braille, which will pay they as they ...facilities everywhere in public places. Which will require public busses to have facilities for people with disabilities and so on. We cannot put that in the Constitution, the Constitution is a road map manyisi how to get to a particular direction. Ka owacho ni ni ma endi e direction to Siaya then we are saying Parliament ensure ni there, there is a good road, there is abridge, there is tarmack and so on. All those are part of the obligation of Parliament and I think we have dealt with it adequately in that same article.*

*Secondly, iwacho kani ni we have given women a lot of powers but let us remember one thing. The primary distinction*

*mar human beings en between a man and woman, that is the primary distinction. Kata e ie kanyo koro ka nitie disability, eie kanyo nitie youth, eie kanyo nitie children but division by sex is the primary distinction. To ka wawacho ni 30 or that one third will be women we are not saying that those women cannot be youth, they cannot be disabled. You understand.*

**Charles Juma:** No.

**Com. Prof. Okoth Ogendo:** *We are saying... I know what you are going to tell me. Iduaro ni mondo wawachi ni ei 30 ma women go we should have women with dissability, women who are youth and so on.*

**Charles Juma:** Yes, that is what we are saying.

**Com. Prof. Okoth Ogendo:** *That is all right, it is all right but let me explain ni the reason we have talked about men and women is because that is the primary basic primordial distinction ma wan godo. Once we have dealt with the issue of men and women then we can deal with those other aspects of it and may be there is room for more specific people. But I don't want people to argue ni we have spent more time on women and not people who are disabled because those are two different things and you should not confuse them. Ibiro neno for example Juma that, under the Commission on Human Rights and Administrative Justice we have provided that one of the Commissioners will be somebody with disability, one of the Commissioners will be somebody who has expertise on matters relating to children. So where we need to be specific we have done those, read the whole Constitution and then tell us where else we can be specific rather than making general comments. Omiyo an bende i-annoy a kabisa. (Laughter)*

*Juma Oduko, you are talking about basic education. Ka ing'iyu article 58 (i), wacho ni Kenyans are entitled to free primary, primary and secondary education. That is one, entitled to. Sub section (ii), to wacho ni primary education shall be free and compulsory so there are two things there. You are entitled to education upto secondary and then primary education will be compulsory. There is an education bill which is also peding ma will replace the present Education Act and if it is passed it will then specify how the entitlement to primary, secondary and pre school education will be implemented, so that is taken care of.*

*Political parties: Ok waduar a situation ma foreigners are coming here to sponsor political parties. Ka un gi friends who are not Kenyan citizens let them pay into the political parties fund nikech mano bende obedo established by the Constitution there is a political parties fund. They can pay it in that fund and then the registrar of political parties, which is the Electoral Commission, will decide on how that money is used. But we don't want a situation ma i-wake up one day to iyodo ni Arap Sheikh has poured money and they are sponsing something called the Islamic Party of Kenya to cause cheos in the sea or whatever. On that we are very clear as Commission ni that could be undisireable, it is not*

good for security in this country.

Francis Awange, please note ni Deputy Prime Ministers and the Prime Minister must be elected Members of Parliament. The 15 ma are outside Parliament ok o-include the Prime Minister and the Deputy Prime Minister, those three must be Members of Parliament.

Government and national unity: The Constitution talks about coalition all the times, ka there is no clear majority political party in Parliament there are free to covel up a coalition. They can call it a government of national unity or whatever they want but there is that provision, we have made sure ni parties can do that.

Pension right, I think is a matter that applies elsewhere, I don't know of that government gazette mane owacho ni everbody must earn at least Kshs. 2000/=, it may be there, I am not aware of it. I would like to see it myself but that is not a matter ma the Constitution could have dealt with.

Do retrenches qualify to be rehired? Of course they do, under this Constitution as long as they are not above the age of 65 they can be rehired. If you are above the age of 65 there is no job for you in the Public Service.

I think I have talked about women. The question mar currency, we have given the Central Bank. First of all we have created the Central Bank as a constitutional institution and the office of the Governor and the Deputy Governor are constitutional offices and they have the power to make that decision. Ka gi-decide ni currency biro ting'o rech kata giraffe or whatever, they will be free to do so. In fact, in our report we have said ni people do not want the faces mag past President or current President on currency, so we have acknowledged that.

I think that covers most of it, nitie gima awayo? Poverty reduction and Chairman, I agree with you ni political will be necessary to implement the Constitution. As a politician, it is your duty to create that political will. **(Laughter)** And if everything we have said in this Constitution including resources being made available, equally and equitably, the devolution of powers and functions and so on, the control of resources at the local level. If all those things are implemented and if there is political will to do so, poverty is eradication is in fight. Thank you.

**Speaker:** ...(Inaudible)

**Com. Prof. Okoth Ogendo:** Mano to jo Alego will sort out. **(Laughter)** I think gima Councillor wacho en ni ubed piny kaka un jo Alego, ung'I your report, uornwa report bang'e mawacho ni newawacho magi to magi uweyo oko and then we will with it at that level. Thank you.

I think I can take two more questions.

**Speaker:** ...*(Inaudible)*

**Com. Prof. Okoth Ogendo:** Okay, five more.

**William Odhiambo:** The last five. *Ne wasemiyu numbari. One, two, three, four. In bende ne ibet piny, nende amiyi. Bedi abeda piny pok atieko Jaduong". One, two, three, four, five.*

**Joseph Okaka:** *Commissioner to gi jothurwa duto. Nyinga en Josepho Aura Okaka, an ja Alego to an japuonj. Aduaro ni urang chapter 7, page 112, section C. An gi luoro matin kanyo, gino kawaseyale ka wabiro tere e Parliament to section C kanyo to wacho ni nitie jotelo moko ma ka oseyier to olal to jopiny onge kaka de ugolgi. Koro kanyo ne aduaro kwayo Commissioners that safeguards should be put such that if an MP is elected and disappears ...*(Murmurs from the audience)**

*Okay, give me time nitie ema omiyo awacho section six.*

**Com. Prof. Okoth Ogendo:** Safeguards should be put.

**Joseph Okaka:** *Eeh, safeguards should be put when to go to Parliament but kik gikal akal ni gino nono mano does not favour them. That is the only question I had, then I have got an observation.*

The observation I have got is that, you be strong and fight because this is a legacy and this legacy will be written down in your nome. Thank you very much.

**William Odhiambo:** *In iyorori Bwana ok iruako yellow ribbon. Number two?*

**Com. Prof. Okoth Ogendo:** Let me explain something. *Bwana Okaka ka the National Constitutional Conference okadho this document with amendments ma wa-revise mawatere e Parliament. When it goes to Parliament must pass it in total or reject it in total. When it goes to Parliament they cannot pick one clause and say, this one we don't want, what goes to Parliament is what they must either pass or reject. To ka the recall provision is still there when it goes to Parliament, they cannot take it out.*

**Benjamin Ooko:** *Haya ero kamano Commissioners. Mokuongo...*

**Com. Prof. Okoth Ogendo:** *Ul nyingi.*

**Benjamin Ooko:** *An iluonga ni Ooko Benjamin. Awuoro ahinya ka gimoro kaka mani maduong' kama nyalo biro Siaya to aneno mana ji abich.*

**Speaker:** ...*(Inaudible)*

**Benjamin Ooko:** Aah, I am going to tell you why are failing. We are going to fail even when we going there, one person is going to scuttle this thing and the election will be done under the old Constitution because of you. *(Laughter)* I must say this.

*Koro the other thing, almost all I wanted to talk about has been said but I want to encourage you and I want to talk about this harambee. I want to put in something, harambee is very important and we Kenyans we must accept that harambee is important just as it is important in the Church but nobody should contribute and that amount be announced ni ng'ane ogolo pesa makama. (Laughter) Wagol uru agola kaka Yesu nowacho ni dhako moro e Kanisa ni in ema igolo mang'eny mologyo jogi te. E atieko. (Laughter)*

**William Odhiambo:** *Number three, pok awinjo ng'ama openjo wach illegal brews, donge?*

**Vitalis Oluoko:** I am Vitalis Oluoko. There is an issue that has been talked about and I have something small to add to it. This is in chapter 4, this issue on citizenship: In other parts of the world when we travel outside perhaps in Britain, especially in the developed world. You must apply for VISA so entry in certain countries is very difficult and getting citizenship in other countries is extremely difficult.

I am afraid that ours is being pegged on marriage and marriage as an institution today is very weak, we have heard of cases where a man and women live for 3 or 4 years and later on it is claimed they were not married. Therefore, I think pegging our citizenship on marriage period of 3 years is going to be extremely dangerous and again when you consider section 22 (ii), dealing with adoption of children. That anybody below the age of 18 can be adopted. It makes it possible for an Osama to come here, get on of our daughters, stay with for three years or fake to have stayed with that person for 13 years and then adopt 14 other Bin Laden's who are younger than 18 years and I think there is some danger.

Therefore, I think this question of pegging our citizenship on marriage is very serious and then the question of adopting children from outside this Republic again that one is also extremely dangerous. We have children in the streets of Nairobi who can be adopted and they are Kenyans, some of them are even here in Kisumu. So if there is some good fellow who is a foreigner but has come here to gain citizenship there should be checks and balances so that if he is so enthused about adopting children then

he should adopt children only from within.

Secondly, there is this question of dual citizenship, surely you cannot be and not be. You cannot be a woman and at the same time, you are a man. Similarly, I would like suggest that you should not be a Kenyan, a Ugandan, a Zairian at the same time. I think that is equally very dangerous because we have heard of cases where these foreigners have infiltrated this country and they have done havoc. So I think it is very important that we know that you are either a Kenyan or you are not a Kenyan and if you are coming in as a Kenyan then you must do what Kenyans are doing. Surely, well Kenyans can own property anywhere, they can own property even in America that is allowed even Ethiopians can come here and own wealth but when it comes to citizenship, that is the heard of this country because we cannot have cases where you are trusting this one and again trusting the other one. Therefore, if we are not allowing polygamy, polygamy is not popular today and this does not mean that it is unconstitutional. How are we going to allow citizens polygamy? (*Laughter*)

Another issue, ...

Glorify people and in the end people were over glorified and then they develop into day's watch. What I am saying is, it is good to have women because they are the foundation of the family, it is very good but I want to talk about inheritance. It is in chapter 5, sub section 35 (iii), where there is a question of men and women having equal inheritance rights. I think we need to treat this section with a lot of caution. We should specify which kind of woman is going to inherit what and where. For example, you may find that perhaps my sister is married in Gem for that matter and when she is going to inherit her husband's property in Gem then come here and inherit my father's and my wife will also want to go and inherit hers from her parent's place whether it is South Nyanza or anywhere. This will bring the question of double inheritance, I think the Constitution should be clear on who should inherit.

Perhaps if a lady is not married at all, she should have the right to inherit from the father and if she is already married she should be barred from inheriting from the father so that we avoid the confusion of having double inheritance. (*Applause*)

Another issue, we have the District Councils and the Locations Councils. The Locational Council has its duties specified but these Councils their duties are not specified but if they are it may be unfortunate that I have not come across them.

**Com. Prof. Okoth Ogendo:** Excuse me, I have explained that we are still working of the schedules.

**Vitalis Waringa:** Okay, thank you very much. Finally, to owning land today in Kenya is very expensive, as the Constitution discussed the question of land I hope or I suggest that this Constitution should make it easier for the citizens to transfer land from one person to another. Today the cost of just transferring a small piece of land from one person to another is exorbitant. Even sub dividing a small piece of land between three or four brothers is extremely expensive. Therefore, I think this one

should be addressed, I am not sure whether it has been addressed but I am suggesting that if it has not been addressed let it be addressed. Thank you very much for giving us this opportunity today. (*Applause*).

**William Odhiambo:** *Ere number four.*

**Jared Owuor:** *Ero kamano Commissioner, Chairman mar Siaya County Council kaachiel kod Mayor mar Siaya Town, amosou duto? Nyinga en Javan Jared Orinda ma an ja Alego kani an Anduro to kata kamano e an kani to ae adok be uso gazette matin. (*Laughter*). Koro an kod weche adek, akuayo Commissioner mondo oketie chik moro manyalo konyo.*

*Mokuongo en wacho lowo, land: Ewach lowo ma ong'ad ni nitie joma ok nyal bende nitie ng'ato ma ok nyal yudo kata pesa omiyo akuayo Commissioner mondo olosie chik moro manyalo miyo ng'at ma ok nyal mondo oyudie title deed mar lope. Mano kuayona achiel.*

*Mar ariyo, en wach osuptal ka ituo, ng'ato nyalo bedo matuo sani nyocha tuo moro owuok Kitale mar malaria. Ne wawinjo e radio ni joma tuo malaria dhi osiptal to othiedho nono. Akuayo Commissioner mondo kanyo bende girangie kaka joma thagore kata joma odhier kaka inyalo thiedhgi ei osuptal ma onge chudo moro.*

*Somo mar nyithindo e primary kani, akuayo Commissioner mondo oketie kiwango moro matin to kata kamano kanyo to akuayo ni mondo skul ka skul mondo obedi kod pesa moro magichiwo matin manyalo konyo skul. En mana ni ok nyal somo nono kabisa lakini skul bende igero. Omiyo aduaro ni oketie pesa moro matin kata ka en siling mia ariyo ewi janyuol ka janyuol, ok ni nyathi ka nyathi. (*Murmurs from the audience*) Bas, mano kende ema an godo.*

**William Odhiambo:** *Mogik. Mano e penjo mogik ang'eyo idwaro penjo mang'eny abiro nyisou kaka ubiro timo.*

**John Omuok:** *Agoyo ero kamano kuom yudo kindeni. Agoyo ne Commissioner ero kamano kuom biro Siaya. Nyinga en John Omuok, comment mane antie godo, aduaro wuoyo kuom bill of rights. Bill of rights nitie mawuoyo kuom the older members of the society, jom ma oti. Jok ma oti, iwuoye kama: Older members of the society are entitled to continue to enjoy all the rights and freedoms set out in the bill of rights including right to participate fully in the affairs of the society. ....their personal development. Ae moro nitie ka mawachoni, must live with dignity and respect. Aduaro wuoyo in this area, ondike kanyo maber ahinya to ok ang'eyo kaka wabiro implement gi mondo jogo o-enjoy. Ng'at ma oti chal gi nyathi matin ma itimo dani? Mihia ka onywol aparo ni useneno kaka mihia matin chal, chopo kama iti ma isechopo 70, 80 or 80. In fact, piny mawan tie ni kaparo ga ni abiro ti to I just fear (*Laughter*) nikech ka arango the way the elderly are suffering in this country, I just ask God mondo atho kapod ok ati.*



*In developed countries giseloso mwandu ma gintie kod gigo. Kenya ka owinjo obedi gi gima iluongo ni Old children's Home but we have never heard of Old People's Homes. Aduaro ni new Constitution olosi ma Parliament budget for money ma imiyo jok ma oti ma ok nyal. Sometimes you don't even have your children to.....members of the family nyalo konyi, seche moko gionge.*

*Mar ariyo, under the bill of rights owachi kamoro kani ni gima ng'ato osewach to ok nuo to akwayi Professor ni mondo nuoye the right of workers, that one is very important. If workers are not taken care of it is very unfortunate that this country from independence, awinjo ni ka isomo history, Mboya, the Union Pioneers nene oketo chik moro kanyo ma Trade Unions ma fight for the rights of workers, ok oyienegi mondo gikan gimoro ma ginyalo miyo workers.*

*Agendo paro solidarity, piny moro nitie ma iluongo ni Holand, colonianism man kuro ne oloki because of workers solidarity, en bende ema oloko sirikal. We are in a country here ma idwaro aduara ni ka iseyudo tich, first of all yudo tich no moro en mana kahawi to ka iseyudo kata ibedo like maid nobody cares. It is very unfortunate that civil servants in this country are like maids, maid ok nyal dhi kwayo ng'ato kata ok nyal kwayo wuongo mono omiye kata mana kinde, kata ni mondo omede misara, kowacho to iriembogi. Civil servants onge kod such unions, jopuonj kende ema nitie godo, koro mano orang, a member moro osewuoye.*

*Education and the right of the child: One of the rights of the child, according to the new Constitution nyathi ok onego obedi ni ichuado and I think you have borrowed it from developed countries. In America and Britain, nyathi ok onego obedi ni ichuado and in fact children have got the right to go court. Even neighbours are empowered to go and report ni parent makama ne ochuado nyathi. Koro when we come to Kenya here, we are introducing this law whereby teachers are not supposed to can children and in extention I am seeing a situation in future where parents will not be allowed to cain their children. But one point moro ka ma pod jogi ok orango, we should stop borrowing things from the sake of it.*

*If you go a classroom in Britain or USA and you compare to a classroom in Kenya it is pathetic particularly in the rural areas. The learning environment in Britain and the learning environment in Kenya opogore by far. Nyithindo manie Kenya ko onge kod gima iluongo incentive to education. Go to a place like Japan, from Nursery waia obedo induced, incentives are there ma nyathi oero somo, ma wabed piny. Nyithiwa bet e lowo, that is true. Koro sama ok duar ni nyathi ochuadi, nyathi ok obiro gi exercise book, mihia is poor to ok obedo empowered mondo oyud education. Mano biro timore nade, nyithindo adi ma oseringo skul nikech wach mar chuato. Nyithindo adi mawachuado e classroom. Akwayo Commissioners ni urange that area, ka udwaro ni nyathi kik chuadi please go to Britain, penjgi kaka giloso classroom margi. Bring here all the requirements of good education. ....to nyithindo biro ero skul, ka nyathi chiemo maber, makendo gibedo comfortable. Eduction there is related with respect and this one we should not play about with it.*

*Maluwe, right to own property: Atieko, it is a rare chance ok obiyude kendo, I will not get it again. Right to own property, the Constitution wacho: Kenyan citizens have got the right to own property, in gi thuolo mar own property to while you own that property nobody can take that property from you without compensation. To the Constitution is silent on how does the State help individuals to own property.*

**Speaker:** Correct.

**John Omuok:** *Place like Israel, it is the responsibility of the government to provide housing facilities to its citizens. In places like America ka pod ok iyudo tich, wan koro sani gi lweny mar unemployment. In America kata kapok iyudo tich to nitie property moro ma State miyi kanyo. State orangie ways moko ma dhano nyalo own godo property kapod odhi mayogi.*

*Maluwo, the mentally disabled: Aneno Bwano moro ka ochung' ka ma en physically disabled, wang'e ema ok ne, to dhano ma ochung' kaka achung' ni obuongo na e an. Without my brain, I am not a human being and I am requesting the Commissioner odhi ...(inaudible). The mentally disabled should be given special attention, it is shameful in this country to walk around and see people walking naked. I saw one in Kisumu this morning, people walking naked is shameful. (Laughter). Ji wuotho awuotha duge duge maka ineno to iluong'e mana wang'i. The mentally disabled should be given special attention, a lot of funds should be set aside by Parliament. Jogi ariko bedi ni ikawgi to iketogi e special places where they are treated, taken care of ...(Inaudible). (Murmurs)*

*Then, moro mar Presidential retirement package: I think Kenyans are shaky a bit because the President chal ma oluor, yande ok oketoga chunye ni onyalo wuok ...(Inaudible). Koro jogi losoga package moro mondo omi owuogi, ema omiyo ka iduagi irango, in fact they are so different. In fact, .....(Inaudible), agolnu usome. This package is too expensive for this country.*

**Com. Prof. Okoth Ogendo:** Can you comment on what is in the bill we don't have that in the bill.

**John Omuok:** *Owachi ni itere e Parliament. I am just telling you but it is supposed to be table in Parliament. (Laughter)*

*Lastly, education uwacho ni the State should provide resources to enable pupils to learn freely up to primary school level but it is silent on .....(Inaudible). An japuonj, aseno nyithindo ma bright madong' adong'a ka, in fact moro nyoro oweyo Yala High School. Osomo first term kende, second term ok odhi nikech ang'o, nikech wach mar pesa. To bende wang'eyo ni in this country the society is classified, nitie the lower class, the middle and the third. Mondo ichop malo, ka iwuok e dala madhier, babe ok noweni any property, there is no free education such that you compete with the rest*

*of the society mondo in bende ichop malo. Ka ok inyalo go through secondary education I am telling you, you are no more. Nyithindwa mang'eny nitie manigi obuongo ma ok nyal chopo malo. Ok abinyalo chako .....(Inaudible).*

*The struggling society is ....(Inaudible). Ji struggle mondo ji ochop malo, ng'ama osomo ochopo e form four ma odhi e University chalo ng'ama okadho poverty line oidho kamoro matin, how about joma onge pesa. Onge tiende kawo nyathi to ipuonjo nyaka primary school level to iweye kuoro, nyaka ochop university. Therefore, the government sani gilos line moro ma idwaro make-go secondary education compulsory for all the citizens. So I am requesting the Commission to take this issue seriously. If you are talking of rights, rights without education is useless. Thank you.*  
**(Applause)**

**William Odhiambo:** *Koro yawa uwe Professor oduok penjo go.*

**Com. Prof. Okoth Ogendo:** *Aduaro respond in very general terms and then my colleague will take up specific questions. Ne a-hope ni ng'ama owuoyo last no will have read the report of the Koech Education Commission, everything mawawacho kago are in there. We have not borrowed anything from Britain, we think that canning is barbaric. The Koech Commission said so, the Ministry of Education banned it, there is nothing new in this document which this country has not discussed before, there is nothing that we are borrowing. We have taken care of special education, I have mentioned it, there is a bill in Parliament where special education is not simply education of people with disabilities but also for exceptionality to give the children.*

Many of the things *mowach ka* are not new, I have been teaching for the last 32 years. I don't agree that our children do not have motivation to study. **(Murmurs from the audience)**

No, excuse me, I am talking as a teacher also, I have taught for 32 years. We have exceptionally given the children, we have exceptionally motivated people but we are a poor country and that is what we are trying to do. *I don't accept ng'ama biro chung' na ka to wacho na ni nyithindwa are just sleeping and they don't want to be educated, they don't want to improve themselves.* I can't accept that.

**Wycliffe Owade:** I will continue from where the Professor has left.

*Ooko Benjamin, you talked on harambees ni amount kik bedi announced, mano view mari wasekete e report, mano ema anyalo wacho.*

David Oluoko, you talked about citizenship saying citizenship should not be pegged on marriage, setting at 3 years will be extremely dangerous. We have taken that concern very seriously including the adoption below 8 years. Dual citizenship,

double standards Professor had said earlier, we have also taken that into consideration.

On inheritance of property, Parliament will be able to work on more details about that. Ownership of land being very expensive; when we were talking about the land issue I had said we have established a Commission on land who will look into all those complaints. So that one is taken care of, we cannot say everything because the Constitution cannot spell out everything but there is the establishment of the National Land Commission. The same goes to Javan Jared Orinda on land.

*E weche mag osiptal it falls under the bill of rights where we are talking about the basic needs, health, education and everything.* Again, those other details will come out more clearly on that. Education of children also, if you read very very carefully under the bill of rights there is a provision in education of children where we want the State as the Parliament has refined various legislative procedures then the State will have a right to take care of the education of children because education is a right.

The older members of society and how to implement it; again that one we leave to Parliament to do it. Ours was to provide a framework and thus the Constitution says that the older members of the society, *joma jodongo nyaka mi luor, nyaka ritgi. To iritogi e yo manade, ng'ato ne openjo. Ema koro awacho ni mokuongo wan gi Commission ma iluongo ni Human Rights and Administrative Justice Commission. Besides that, Parliament biro work out kaka gima kamano nyalo bedo implemented.*

*Rights of workers mang'ato bende openjo.* If you check there very carefully on labour relations, all those provisions are provided.

Rights of the child again, I think Professor has talked about that and I need not to.

Right to own property, I think I have also talked about that, on how the implementation will be done, that one again is the duty of the Parliament to ensure that whatever has been proposed as a framework in the Constitution is implemented. So they are supposed to provide the strategy and the implementation of how these issues can be ironed out properly.

Mentally disabled; again we have taken special attention to that. *Gima ne awuoro mano ni to koro janeko makoro ka sirikal omiyo law to kendo ochak ogonyo aganya to dong' mana duk to koro itimo nang'o. To gima ayiego en ni mondo okawgi mondo oketgi kamoro maber to ing'iyogi kuro, right? I think that was the main point, yes?*

**Audience:** Yes.

**Wycliffe Owade:** *Okawgi mondo otergi kamoro aeto mondo ong'igi kuro properly.* Again, if you look at what we were

saying on basic rights, right to life, access to equality in all the basic needs, again that one takes care of that. What is emerging is that, the Constitution cannot say everything, normally it just gives a framework other details can be worked out.

On free education at secondary level: Again, the bill of rights has covered it and it is upto Parliament to interpret it and to ensure that it is implemented because the bill of rights states that the government will ensure that each and every child has got reasonable measures and to make education accessible and available. So I think I will stop there.

**Com. Prof. Okoth Ogendo:** *Jo Alego aparo ni bende wagoyo mbaka maber to maudok go eiu ndikuru to umi Bwana Odhiambo mondo obinwa ka pok National Constitutional Conference otimore mondo wan bende wayal. Thank you.*

**Speaker:** ... (Inaudible)

**Com. Prof. Okoth Ogendo:** *En e mane omiyo ji thuolo ok an.*

**Speaker:** *Ne wasekwaye Jaduong' to ok owacho, koro minegi to oweyo nang'o.*

**Com. Prof. Okoth Ogendo:** *Okay, mine ariyo.*

**Speaker:** *Okay, mage ariyo. Mama moro ere?*

**Margaret Onyango:** *Aduoko ero kamano maduong'*

**William Odhiambo:** *Nyingi.*

**Margaret Onyango:** *Iluonga ni Margaret Onyango, kata Wali kata Owegi. Mago nyinga duto, joma bende ohero bende luonga ga ni Anyanga Jabalo. An gima ndende an godo matin, asebedo kawinjo kaka ji wuoyo ka to ok anene ka ji omulo kanyo ero. Ema omiyo ne aparo ni mondo achop kani mondo amule. Ne andike e kalatase manene udhigo mokuongo kande. Ok onego alokni dier ng'eya Jaduong' in ema awacho kodi. Ero kamano ahinya, agoyo ero kamano ne Chairman marwa kod Mayor marwa kod Jakomwa. Gimoro ne andike e review mane ubiro ka mokwongo chande kane akwayo godo to atemo rango gino kuma ne abetecha to aneno ka ok bedo commented on.*

*Ne akuayo ni onego salaries mag jopuonj onego orang, to ne akuayo ni onego salaries mag jo daktache kor nurses, osiptal as a whole onego orang. To ne akwayo ni polis en ema otiyo matek kabisa maloyo ng'ato anga'ta e Kenya kaeri, onego orang salaries gi kargi ji adek gi. To ok anene ka gino obedo commented anywhere e kalataseu gi. Koro gini eri pod obiro bedo ni en shida e Kenya karka ni ka ok wanyal rango salaries mag ji adek gi nikech magi e joma*

*tiyo matek. Ka japuonj onge to dak ibed Professor kama ibetie kani.*

**Com. Prof. Okoth Ogendo:** *Mano ok timre.*

**Margaret Onyango:** *To ka laktar onge, dak ibet piny karka ni ingima inyalo loso kodwa ka. To sani ng'ama ritowa e Kenya karka eni en mana polis. Kata ka sama lweny ochakore karka to ibiro goyo simu ne polis ni obi orange, to jogi gin ema sirikal ochayogi miyogi the lowest salary. Koro gini aduaro ni adiera sirikal onego orange mano ero ni these three parties onego orange wach misach gi mondo omigi a better salary to ubiro neno ni adiera Kenya biro tiyo machal nade. Mano gimoro achiel mawakuayo.*

*Secondly, a-feel ni aber ka wach mar jo Parliament, Jaduong' ok ihero mondo iwinj wach mar jo Parliament to an pod atemo mana chako diye githuoni ni wacha mar Parliament joma dhi e Parliament karka gi Jaduong'. Gin gihikore mar medore misara to tich magitiyo maduong' kacha chande gitiyo mana only three times a week, that is the longest time they work. To duka maginyiepe, ginyiewo e duka manyiepe ka eri. Ka wang' Oloo Karingo biro Siaya ka once in a while obiro dhi mana Supermarket kama anyiepo nga ka, Self Service ka ema obiro dhiye. Kuma anyiewe sukari kilo siling piero abich, ema Oloo Karingo biro ng'iewe sukari kilo siling piero abich. To ng'ani odhi omedore misara ochamo One Million in one month, ja thurwa, to igoyo mbaka ne japuonj ni misara ma imed japuonj to onge.*

*To iwacho ni polis oti atiya to misara ok nyal chule malong'o, laktar thagore kod jotuo, nende oywe diep koni gi koni en to ok range ni nene oywe ga diep gi ochule a better salary for that dirty work he is doing. Omiyo kani pod akwayo ni onego kata ka sirikal ok duaro ni mondo omul Parliament pod a-feel ni onego salary mar jo Parliament onego omi raia bende o-decide mondo ochiwie comment kapok gimedore misara no. Ok onego ng'ato ocham One Million in Kenya in one month to jomoko to chamo siling alufu ariyo in one months and we are buying goods from the same shop. Otherwise, if they don't want to accept that to mondo gipognwa duke, omiwa duke jodhier to omiwa duke joma chamo salary mar One Million no. (Applause) Nikech mano ero, we have to share things because we are all Kenyans. If we are all Kenyan, we should share things, share our problems and so on. Our children also go to the same schools.*

**Speaker:** Poor schools.

**Margaret Onyango:** *Yes, poor schools and those poor schools of ours are not considered and are not looked after. Koro kani akwayo jatelo ni kata ka nende ok okete within your programme to akwayo ni onego kata ka udok chien to u-reconsider e mondo urang une ni adiera magi e gik moko makelo problem in Kenya. Wach jopuonj, wach osubtal gi wach polise, gik moko adek go kendo maka olosne jogi misara maber to dune kaka jopuonj gi beyo, dak gichuad ng' ato da. (Laughter) In nende ichamo a lot e odi, sukuma to mihia ni biro kadhoge dum ring'o to kore ka odwaro ga thago chunyi gi wacho. Othago chunyi giwach nikech wuon mare ong'iewo lori. Koro omiyi in bende nyaka ing'I*

*kama itoye mirima koda miyanye kata nikech wuon mare nigo. Omiyo onego wa-consider jopuonj, housing onego obedi ni imiyogi good housing. Onego omigi proper housing.*

**Audience:** *Oromo.*

**Margaret Onyango:** *Iwacho ni oromo to a pod akwayo ni tafadhali ka idok Nairobi, salary mar jo Parliament Jaduong' ok onego obedi One Million. Wan wadagi mawabetie nikech onego obedi ni pasagi ema onego obedi ni imiyo jok moko ma onge gi salaries. There are young boys around here maonge kata gi tich magitiyo ma pesani ema onego obedi ni ilosnwa godo kata factoché. If one persons is consuming One Million in one month what about he poor person. Thank you very much Sir.*

**Com. Prof. Okoth Ogendo:** *Wycliffe, respond to that one.*

**Wycliffe Owade:** *Ero kamano mama ma olosono. Mama molosono aduoki. Mama ma olosono aduoki niyaa, ne waseloso e weche mag Commission mar Salaries and Remuneraiton Commission. A wawacho ni sani jatich aticha matiyo e public office kata obedi mana ja Parliament, kata obedi mana daktari, kata obedi mana civil servant, kata obedi mana ng'a, kata doctors gi polise ma iwachogo. Nitie Salaries and Remuneration Commission mabiro handle that, all complaints duto te mae en Commission ma is independent in the Constitution ma onge joma nyalo by-pass e. Koro kata obedi yuakne mar Parliament, kata mar jopuonj, kata mar polise nitie Salaries and Remuneration Commission. To bende awacho e Public Service kane wachoko ni terms and conditions of service mag jotij sirikal nyaka bedi improved. Koro aparó ni gin gik mawase-take care of e Constitution.*

*Ere mama machiel mondo watieki?*

**Sophie Otieno:** *Okue uru? Abiro wuoyo gi dhok manyalo wacho maber. Kisungu is not my language. Commissioner in ema awuoyo kodi.*

**William Odhiambo:** *Wach nyingi?*

**Sophie Otieno:** *Nyinga Sophie Otieno. Kata Ogola. Aduaro wuoyo on education, akia ni en bende en aie kanyo pok ne adhi through the Constitution. Sani as a parent and a widow at the same time, I feel so frustrated. Ne asechulo pesa mar boarding e skul ka ang'eyo ni nyathi dhi lawo chiemo e skul ne ok ang'eyo ni strike biro betie. Nyathi oduoge ot laro koda mane ase-budget ni abiro chamo upto November. Ka oloro skul to oduogo, koro ok ang'eyo ni pesa mar boarding mane asechulo ka gibiro bedo carried forward koso gibiro bedo backdated, koso abiro chulo diriyo kendo. Mano gima chanda as a parent maka Consittution nyalo nene gima nyalo timo kanyo. Asewacho ni an a*

widow I can't pay school fees twice and if anything, the boarding aspect of it is not taken into consideration nor the tuition which the teachers are demanding now.

*Koro awacho kama, pesa te ma ochoki e skunde, I am not the Minister of Education, I am sorry, akia ni en pesa adi e third term ni. Oketgi e skul moro achiel then we as mothers we can discuss, budget and plan with that money.*

*Number ariyo, aduaro wuoyo kuom nyathi. Nyathi nigi right, you as a parent mondo itere e skul. Awinjo ni sani ka ok itere e skul to ibiro maki to akua ni udwaro mako ji adi nikech gima iluongo ni poverty eradiction ni to pok u-clear thurwa ka, idwaro tim nang'o. Aweyo aweya kamano jo thurwa sa ng'eny abiro law u Yala.*

**Com. Prof. Okoth Ogendo:** *Aparo ni ... Sorry, I cant take any more. Aparo ni koro wature maber to I have been asked to comment on two things. One, gima omiyo we have Kadhis Court in the Constitution and not court of other religions. My response to that, en ni we have always had Kadhis Court, we have not changed the court structure.*

There is nothing new in the Constitution that does not already exist even in the present Constitution and we did not receive presentations made that we should remove them. Now, from the 28<sup>th</sup> of this month, the Commission is calling the National Constitutional Conference and Siaya District like other district will be sending three delegations there. What I can advise you to do is to ensure first of all you fully understand the draft, that you have a position which you want to present at the Constitutional Conference and you argue your case as we go through the draft. We expect that we will be meeting for a full months and then after than the draft will go to Parliament but please get the mandate of the people you are representative, come with their views, lobby others in your position and be specific about what it is that you want changed or added to the draft. That is all I want to say. Thank you very much everybody.

**William Odhiambo:** *Okay, ero kamano ahinya. Just a minute. Ero kamano ahinya Professor. Chairman pok watieko, watieko atieka. Gima Professor owacho ni wan gi National Constitutional Conference mabiro on 28<sup>th</sup>, kaka anyisou wan gi ji adek madhi Nairobi. Wan gi Mr. Obare, wan gi Councillor Owino gi Grace Ogot, ji adek go. Koro penjo te te ma un go, penjo ma udong' godo te, kas uru ji adek gi. Kik uwegi gidhi Nairobi kagionge gima gidhi wacho, donge? Koro u-make sure ni gimoro amora ma un go unyisogi mondo kagidhi Nairobi giwakilisha u maber.*

*Kae wan gi report mar Alego Constitution, en ka, ng'ama duaro nene en free ibiro ofis to isome, ineno gima newandiko kae nitie. Gini nitie e ofis. Aluongo Father motelo kani mondo olemnwa mondo wadhi. Father?*

**Father Michael Olita:** *Ero kamano District Coordinator kuom miya thuolo ni. Ne Commissioner Professor Okoth Ogendo gi officials ma obirogo mag Commission. District Coordinator wuon gi County Council Chairman, Members of the Committee mar Constitution Review Alego Usonga, Civic Education Providers kog ji duto ma osekawo thuolo gi mondo obi kae kawuono kendo orit nyaka sehegi. Aduaro kawo thuolo mondo ago ero kamano maduong' ahinya*



ahinya ni Commission ma obedo represented ka gi Professor kuom tich magisetiyo maber kendo mawaseyie go kendo wasechiwo pachwa kuonde matindo mawaduaru mondo gimedi. Koro wamedo kwayo Nyasaye nikech tijni pok orumo pod wadhi nyime kod National Constitutional Conference ae bang'e kore ka itieko tich itero e Bunge. Wakwayo mondo tich pod otire mana kaka osetiyore maber no mondo gikone wananchi ma Kenya obed mamor ka onuang'o chik manyien ma gin ema giloso. Kuom kamano agoyo ero kamano maduong' ahinya Professor kendo aduoko ero kamano mar Alego Usonga ni Commission mangima. Thank you very much.

Koro waloro gi lemo:

**Prayer:**

Nying Wuon gi Wuowi gi Chuny Matakatiifu, Amin. A Nyasaye Wuonwa, gik moko duto mabeyo chakore kuomi kendo gik kuomi, wamedo duokoni ero kamano kendo kuom kony ma isekonyowago kendo isekonyowa gi rieko mawachiwogo paro mondo obed chike. Wagoyoni ero kamano kendo kuom chir ma isemiyo Commissioners mondo ondik weche mane owachinegi maonge luoro. Kendo bende wagoni ero kamano kuom chuny ma pod gin godo mondi gidhi nyime gi tich nyaka tijni rum. Yie igwedh process ni mangima, buche ma podi nimbele go mondo odhi nyime kare kendo raia duto obedi mamor kod gima timoreni kaluowre giduaroni. Kamano wakwayi e nying Yesu Kristus Ruodhwa. Amin. E Nying Wuon gi Wuowi gi Chuny Matakatiifu. Amin. Ero kamano uru.

**William Odhiambo:** Wuoktich wan Ugenya, Wuok tich wan Ugenya Kamkunji, jok manyalo biro ubi Ugenya.

The meeting ended at 5.00 pm.

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