

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

Verbatim Report Of

**DISSEMINATION OF REPORT AND DRAFT BILL, NORTH MUGIRANGO
BORABU CONSTITUENCY, EKERENYO DIVISIONAL HALL**

ON

9TH OCTOBER 2002

Transcribed by Lillian Momanyi

Final Draft

**DISSEMINATION OF REPORT AND DRAFT BILL, NORTH MUGIRANGO BORABU CONSTITUENCY
HELD AT EKERONYO DIVISIONAL HALL HELD ON WEDNESDAY 9TH OCTOBER 2002**

Present

1. Com. Pastor Zablon Ayonga

Secretariat Staff in Attendance

1. Lydia Manyoni – Asst. Programme Officer
2. Vivian Muli – Verbatim Recorder
3. James Masaki Mong'are – District Co-ordinator

Meeting was called to order at 10:30 a.m.

Com. Ayonga: *Ninki mokomiganera igabu ne ebirogo biichere iga? Igo ntagete abanto bosu bwane iga. Ninki mokomiganera igabu? Ikaransa gochiaa. Nabaria more nyumba inchu iga kamoranche. Ninki gaki mwanchera kobera ari iga mwatetenti abantu chibenchu chiichire iga? Ninchwo iga.*

James Masaki Mong'are: *Ikaransa gochia, kei! Abagochaa tigabana goikaransa gochia magegega.*

Com. Ayonga: *Eeh bono.*

James Masaki Mong'are: *Abanto ba minto bwakire mbuya more?*

Response from the audience: *Eeh bwakire, mbuya tore.*

James Masaki Mong'are: Yes, I think we can now start our meeting and I want to request that we all stand and have a word of prayer from Mzee Charana.

Mzee Charana: *(Prayers) Nyasae oito, mbuya mono aseng'encho yo obuya bwago na mbuya mono ase enng'encho yo obomoyo gwatoretire mpaka rituko ria rero. Kwa rorire abarai baito be Constitution bachire ase rituko ria rero ase engencho yo gototebi na ninki keru kendererete asengecho ye katiba. Nyasae oito twasabire chingati echi iga ekero twachakire omokutano oyo, obe omonyakerogo, tochake buya, naende tokore buya. Onsi otwa sabire na twaegenire gwatoigire ekiagera twasabire goetera ase obuya bwa Kristo oyo re omochenu, Amen.*

James Masaki Mong'are: Thank you very much. Let me take this opportunity to welcome each one of you to this meeting. It is a meeting that I must admit as the Co-ordinator that we organized rather haphazardly but more important than that I think I am extremely happy that even within that short notice, that you have been able to respond in the manner in which you have done.

With that therefore, allow me, I know you all know the purpose of the meeting. You read that on paper, it was on radio, we have even gone round this morning and yesterday telling people about the function. But when time for the Commissioner comes I am sure he should tell us why we had to have this function.

Before the Commissioner comes to talk to us, I would like you to allow me to introduce my office assistant, Helen Nyakoni. This is a lady who we have worked with in Nyamira and I am sure you know my name, my name is James Mong'are, I am the District Co-ordinator, co-ordinating this exercise of reviewing the Constitution.

Before us here we are happy to have with us Commissioner, Pastor Zablon Ayonga, who has come on behalf of the Commission to oversee this exercise. So Commissioner, karibu, karibu sana.

Com. Ayonga: Thank you.

James Masaki Mong'are: Just as I seat down, Bwana Commissioner, this is North Mugirango, Borabu Constituency and I must report with a lot of pride that during the period of views gathering, this Constituency was extremely active. Very, very active and this is one area where we collected very focused views which have now found their way into the Constitution that is in the process of review. So, this is the Constituency that has been extremely responsive in this exercise of reviewing the

Kenyan Constitution. We have not had any problems and I am sure you can even feel a change from the faces of the people we have before us.

So, allow me therefore with those few remarks to welcome Pastor to introduce to us the members of staff with whom he has come down here with from Nairobi. And then to tell us why the function of today had to be organised. Commissioner.

Com. Ayonga: *Bwakire mbuya more mwensi?*

Response from the audience: *Mbuya mono.*

Com. Ayonga: I want to take this opportunity to introduce to you the staff I have come down with from the Secretariat. I have Ms Lydia, she is our Programme Officer, she is a lawyer and she is going to assist me. *Lydia kwania abanto ba minto.* She comes from Keumbu, Nyaribari Chache and she is working with us in the exercise. Then with her is Muli Vivian, she has come from the Secretariat, she is the Verbatim Recorder and she is going to record any views that you might have. Then we have two other ladies, stand up and introduce yourselves. They have to observe and see what goes on.

Number one, I have been here before. I have been here at the school and this morning I had hoped I was going back to the same place only to be told right here by my driver that he was told yesterday that the place was burnt down and that there is no (inaudible). And I am sorry for what must have happened there, but then work must go on.

I remember that particular day and that day, that ka-hall there, was full to the capacity. Where are those people? Those people who gave me their views? Because, today's meeting is to reflect and focus on the views that you gave us that is the reason why we have come down here. And I noticed you have taken the Katiba, which is a draft. In order to consult that, I would like for you to listen to me without being busy reading. Actually you should have gotten this material earlier so that you read it and then when I come, like I have come then we would talk.

But unfortunately, things didn't work they way they have worked. Of course now you have it, *more na amaiga yo korora ime nga ninki bono eke kegakare iga?* At the same time I am talking to you. You will have divided attention. Before I start how many of you do understand English? Thank you. How many of you do not understand or cannot follow the conversation in English? *Oyomo bweka? Two? Monu ki motagete nkwane?*

Is there anyone who does not follow *Ekegusii*? Because I want to cater for everybody. I just want to be sure that the kind of crowd I have what kind of language am I going to use? Okay, I will use a mixture of everything. *Egento nareng e gosaba*, for those of you who have got the Draft Katiba, if you could set it aside for a while so that after I have talked you can look at it, *tekoba buya?*

When I came here last time, at that Girls Secondary School, we gave you a chance to talk, to tell us what you want and you told us what you wanted. Then we told you, that we have recorded your wishes, what you would like a Katiba be like. And that we would go back to Nairobi, after we have collected the views of everybody, then put these views together. Many views have been similar, what you thought was your problem was the problem of a Kipsigis, of a Kuria, of a Luo, of everybody in Kenya. And so all those views have been reflected in that report, which you should have read but unfortunately you haven't.

Now, I want to take you through some of those important features that you might see, which we have put down in writing to make a Draft Constitution. What you have there is not the real thing. You see we call it a 'Draft', why do we call it a 'Draft', because you haven't looked at it, because the National Conference has not met to say this is what we want and then it becomes a Katiba.

Bono ne egentu mogosoma erinde morigereri eeh, eke nkeri twatebete. Eeh, omochando oyo noro oria twabwate. Ndio, oyo mbuya orikire, lakini iga haukuandikwa sawa, sawa. Hapa sielewi. Mnaanza sasa ku-debate au jambo fulani, fulani lililokuwa na maana sana halikuandikwa, limesahaulika. Nimeanza kuona Atwoli, huyu COTU Secretary General anaanza kusema kwamba maoni ya wafanyikazi hayakupewa uzito. Hamjasoma hiyo, simumesikia hata katika redio? Yeye amesema hayakupwe uzito, na sisi tunasema yalipewa uzito unaofaa.

Lakini kwa maana sasa ni wakati wa kuangalia kilicho andikwa na ambacho hakikuandikwa, nut ambayo haikukazwa sawa sawa au ambayo imekazwa zaidi. Kama ambavyo majudge wanasema ooh, hawa watu wameanza kutukata miaka, hawa watu wameanza kutuita majina, hawa watu wanataka hivi na vile na hii hatutaki. Hiyo ni Sheria. Lakini vitu ambavyo tumeandika ni vile tulitoa wapi, kwenu.

Maneno ya majaji ambayo tumeandika ni yale ambayo tumekusanya kutoka kwa wananchi. Wananchi wanasema hivi, wananchi wanasema hivi. Wananchi wanasema kuna corruption, na kama kuna corruption ni sisi tutaandika jina lingine? Situtaiita tu corruption? Basi ni juu yako kama unaona hiyo haikuwekwa ufike kwa National Conference na useme hapana hapo mlivyosema hivi, hii haikuwa namna hivi, hii ilikuwa namna hii. Lakini sisi tumeandika maoni ya wananchi ambayo wametupa.

Nikianza ili nifuate orodha ambayo ni ya Constitution hii, Draft ambayo tumefanya. Mlisema kwamba katika ile Constitution ya zamani hakuna preamble. Hapa kwenu mlitaja neno hilo la preamble? Lilisemwa? Na tukaenda pahali pote katika Kenya nzima na kila pahali tuliambiwa hamna preamble, hamna preamble katika hii Constitution ya sasa.

Na sisi tukaenda ndipo tukasema wananchi wamesema tuweke preamble. Na sasa mimi ninawasomea yangu hapo na hamtakuja kuona hapo. Ndipo tukaenda tu, tulipoangalia samples which people gave us, we came to draw one preamble na

tukasema “We the people of Kenya, aware of our ethnic, cultural and religious diversity, and determined to live in peace and unity as one indivisible sovereign nation. Committed to nurturing and protecting the well being of the individual, the family and the community within our nation. Recognizing the aspirations of our women and men, for a government based on the essential values of freedom, democracy, social justice and the rule of law. Exercising our sovereign and inalienable right to determine the form of governance of our country and having fully participated in the Constitution making process, to our draft. Enact and give to ourselves and to our future generation this Constitution. God Bless Kenya. We came to that.

There were so many samples because you asked us, give us a preamble, which focuses, to our State and then we came out with that in this Draft. So we fulfilled one thing that you wanted. You may not have wanted it like that but after reading several samples of preambles, we have come out with this.

Now, next to the preamble, you told us to state clearly who is sovereign and we said, the people of Kenya are sovereign. The sovereignty of this country belongs to the people. and you told us, that the Constitution is supreme. Hakuna mkubwa kwa Constitution, watu wote katika Constitution ni nini?

Response from the audience: Ni sawa.

Com. Ayonga: Mkasema ni sawa. Kwa hivyo sote tutawaliwe na nini? Na Katiba. Nasi tukasema kuna chapter one ambayo inaongea juu ya sovereignty of the people, supremacy of the Constitution, enforcement of the Constitution, defence of the Constitution and the laws of Kenya. Hivi vitu vyote put together vinawafanya watu wote kujijua kuwa sisi sote ni Wakenya na tuko chini ya Katiba. Hakuna mkubwa, hakuna mdogo. Hakuna maskini, hakuna tajiri. Watu wote under the Constitution are what, they are equal.

Ndipo chapter 2, tunaongea juu ya declaration of the Republic, territory ya Kenya iko mpaka wapi, capital ya Kenya ni nini, you may ask. Watu wengine walituaambia, pengine hapa kwenu hamsemi. Mnajua kwamba capital ya pahali inaweza kubadilika wakati wowote? Mnajua nchi zingine capital yao inaweza kubadilika kwa maana haikuwekwa kwa Constitution? Na sisi tukaweka lazima capital ya nchi yetu iwe katika Constitution ili kesho fulani asije aseme hivi, ‘sasa mimi Nairobi sio inaweza kuwa capital, mimi ninataka kuleta capital Nakuru, au ninataka kupeleka capital Kisumu, au ninaweza kupeleka capital Eldoret,’ pahali popote, hata Garissa, whatever.

Na kwa hivyo tukaipanda katika Constitution. The capital of this country ni wapi, Nairobi. Kwa hivyo hakuna mtu ambaye anaweza kuitoa. Akiitoa atakuwa amevunja nini, Sheria na Katiba ya nchi. Mnaona jinsi Nigeria, si walihama wakaenda huko kwingine, wakaenda Abuja? Zamani tulijua wapi? Lagos. Sisi tumesoma shule tukijua capital ya Nigeria ni Lagos. Haya maneno mengine haya sisi hatukujua, lakini ilihamishwa. Tanzania tulijua capital ilikuwa wapi? Lakini sasa ni wapi? Unaona umesema Dodoma tena ukasema Arusha. Unaona, vitu ambavyo vinaenda namna hivyo, ni kwa maana Constitution

haikupanda hicho kitu kiwe kigumu ijulikane kwamba ni hivyo. Kwa hivyo tuliweka katika Katiba capital yetu ni Nairobi.

Halafu language, unajua kwamba language pia inakuwa shida? Mlituambia kwamba language lazima tuwe na two official languages; Kiingereza na Kiswahili. Na national language iwe nini, Kiswahili. Na tukajua kwamba jambo hilo lazima liwekwe katika Constitution. Lisiwe jambo tu la kusema lakini liwekwe, ili kesho mwingine asije asema hapana na lugha hii lazima mjue.

Kwa maana unajua mtu akitawala an akiwa na uzito wa nguvu, mnaweza kuambiwa lugha nyingine. Kwa hivyo vitu kama hivyo tumeweka.

Halafu, mlituambia juu ya the State and religion. Kuna shida katika nchi zingine za ulimwengu ambako dini inakuwa dini ya taifa.

Mmejua nchi kama hizo? Kama ipi mfano? Mnaona watu wengine, Sudan mnaona uko pande za juu ni Waislamu na chini? Na kuna nini?

Response from the audience: War.

Com. Ayonga: War. Nigeria tunasikia sehemu zingine ni nini, Kiislamu na zingine ni Wakristo. Kwa hivyo kuna vita, kuna vita kwa maana nchi zingine zimefanya religious State. Na sisi tukasema hapana, jinsi mlivyotuambia. Tukasema watu wetu wanasema State ni State na dini ni dini. Kila watu waabudu jinsi wanavyoweza kuabudu. Kwa hivyo msije mkaleta mambo ya Serikali na mkachanganyana ndio Serikali inatawala na inatawala dini. Kwa hivyo si hayo mambo tumeyaweka na mlituambia, ama nyinyi wa hapa hamkutuambia?

Halafu kuna mambo mengi ambayo tumeweka hata siku za kupumzika. Ni siku gani ambazo ungeita national days, ni siku gani ambazo zingekuwa hivi na hivi. Kwa hivyo mtakuja kuona mtakapo soma, mtakuja kuona suggested days ambazo zimeitwa national days. Kwa maana tusije tukaacha a loophole, fulani kesho akija naye afanye siku yake, mwigine akija siku ingine naye afanye siku yake. Hiyo itakuja kuwa na national days nyingi na zingine zianze ku-lose meaning.

Ndipo mlituambia tena juu ya citizenship. Wengi mlituambia juu ya watoto kuoja nje, kijana wako ameenda ameoja uko America, ameenda huko India akaoa, ameenda sijui wapi akaoa. Akaja na bibi na bibi ana shida, sasa huyu bibi anaitwa nini? Na sisi tungependa akiletwa huyu bibi naye aitwe Mkenya, si mlituambia mambo kama hayo? Mtakuja kuona hayo yamemulikwa katika masomo ambayo mnayosoma. Tumetaka hawa watu wote wawe na haki.

Mkatuambia juu ya haki za citizenship za watoto. Mtoto huyu amezaliwa na watu rangi mbili, sasa huyu mtoto naye atafanywaje? Kuna watoto ambao wamezaliwa hapa Kenya na hakuna wazazi nyinyi. Je wangepanwaje wakati tunapofanya kazi ya uraia? Kwa hivyo mambo hayo yote yamemulikwa katika Katiba.

Mengine ambayo mmetuambia ni juu ya Bill of Rights, Haki za Mtu bila ya kubagua mtu mwingine. Wakisii au wanaume mara

nyingi wanabagua wanawake. Si mmesikia wanawake wakilia kwamba wamebaguliwa?

Response from the audience: They are not here.

Com. Ayonga: They are not here. Ni kwa nini pengine hawako hapa? Hawako hapa, na hao pia unaona mara nyingine wanajibagua kwa maana wanajua wanabaguliwa, wamezoea kubaguliwa.

Speaker (from the audience): Hata hapa ni wanaume tu.

Com. Ayonga: Hata hapa ni wanaume tu. La kuna mama huyo, huyo mama yuko hawa kina mama wako. Unajua hata lugha yetu hii ya Kikisii unasikia mtu anasema kama ulikuwa unaenda pahali na unauliza umekutana na watu kwenda hapo? When they mean watu they mean who?

Response from the audience: Men.

Com. Ayonga: Men. Wanaweza kukuambia, la sijakutana na watu kwenda upande huu nimepata tu wanawake. Au nimepata mtu mmoja na wanawake. You see ubaguzi wa namna huo ambao umeingia hata katika lugha yetu ya kuongea ya kawaida. Tumeanza kuweka kwamba kila mtu ana right ya kuishi, right to life.

Kila mtu ana haki. Mzee, kila mtu ana haki ya kuishi, ya kuwa hai. Kila mtu anahaki ya kulindwa. Kila mtu anahaki ya kupata mali, kuzalisha mali na mali kuitwa yake. Tunaubaguzi ambao hata sisi wazazi tunawapa watoto wetu. Mtoto msichana, Wakisii hapa tunapogawa mashamba tunagawia nani?

Response from the audience: Wavulana.

Com. Ayonga: Lakini mlituambia, kama nyinyi hapa hamkuniambia nilipokuja hapa lakini niliambiwa pahali pote ambapo tumezunguka Kenya. Kenya nzima inasema kila mtoto agawiwe mali ya baba yake. Kama wewe bado ungali unafikiri kwamba mtoto asigawiwe mali, umechelewa, umechelewa. Watoto wote ni wako. Kwa hivyo mzazi anapogawa mali yake ama mali yako lazima kila mtoto aridhi. Unajua kuna zile siku mzee, siku zile zenu zamani kidogo, kila msichana alikuwa anaolewa. Siku hizi kila msichana anaolewa?

Response from the audience: Hawaolewi.

Com. Ayonga: Na atakwenda wapi? That is the question. Mimi nilifikiri ni hapa Kisii tu tumeanza kuona wengi hawaolewi, lakini nikapata kote ambako nilikwenda. Wasichana wako na hawakuolewa. The question is what do you do? Tukasema

katika Katiba, kila mtoto anahaki ya kuridhi mali ya baba yake. Lakini tena ujue hivi, nimepata kwamba watoto wasichana ni wazuri sana, ni wazuri sana. Kwa maana pahali pengine tulikuwa tunaambiwa hivi, ninadhani hapa Kisii, sitaki kuambiwa pahali niliambiwa habari hiyo na nikafikiria iko important.

Ambako pahali tuliambiwa, na ilisemwa na Mkisii, *agoteba nga, abagaka tiga baagacherwe omochie bwa abagaka na abang'ina. Ikiagera abanto aba babeire enuisance. Mwaigure egento ekio? Moigwete egento ekio? Ng'a abagaka ekeru kwagotire, karubwogo, urusigwe bwogo, uchie obekwe omochie, obweri bwa abagaka abanto baria abagotu. Obere oo goika orue ense eye. Timbabwati ribaga ria ogokorenda, abu bagoteba mbanto ki? Abana bago. Tibabwati ribaga, they are busy working, eeh. Na ogokorenda is very expensive! Mbuya obekwe ase ebomeyuo oberee oo chinsemo chinde, ee bono nao ogochia kokuera.*

Chinsemo chinde tobwate, nyumba za wazee. Si zinaitwa hivyo? Nyumba za wazee. Kwa hivyo tunasema kila mtu ana haki ya kuishi. Na hata tukaweka, kuna section inayodeal na hawa senior citizens, wazee wetu. Awe na mali yake, afanye apendavyo na mali yake na ikiwa anauwezo wa kuchangia Taifa, na achangie. Kusiwemo discrimination. Tumeanza kuiga tabia tu za watu wengine huko, za kizungu ambazo ni mbovu. Watoto hawabarikiwi na mababa zao, sasa mzee unabebwa kutoka mji wako kwamba kwenda huko, kwenda huko, na unafungiwa uko ni kama mtu yuko korokoroni. Utoke boma yako uende huko korokoroni ukae huko.

Kwa hivyo tuna rights hizo na kuna right ya kuwa sawa na watu wengine. Na haki ya wanawake kufikiriwa kama watu, sio mwanamke tu bali kama tu ambaye anaweza kuchangia Taifa. Mwanamke anaweza kuwa na mali yake, yeye mwenyewe na yakaitwa yake, na akafanya apendavyo na mali yake ikiwa atafuata Sheria. Kuna haki ya kuoja, kuna haki ya kuolewa, kuna haki ya kuishi jinsi unavyo taka, bora usivunje Sheria.

Kuna haki ya walemavu. Mtu hakulemaa kwa kupenda kwake, amelemaa kwa jinsi ambavyo yeye mwenyewe hakuchagua kulemaa. Mwingine amekuwa mgonjwa akalemaa, mwingine amepata ajali akalemaa, na mwingine amezaliwa akiwa mlemavu. Lakini mtu katika hali yoyote anahaki ya kuhudumiwa kama mlemavu, ya kupewa kazi kama mlemavu, ya kuishi kama binadamu mwingine katika vile vitu ambavyo anaweza na kufanya kazi kwa mambo yale anaweza. Hayo yote tumeyaweka.

Heshima ya mtu, kwamba mtu ni mtu, mtu sio mnyama. Kama hii sasa unianza kuana watu wanabeba watu juu ya carrier ya matatu. Unaona zile carrier ziliwekwa huko juu ya matatu, ziliwekwa za nini?

Response from the audience: Za kubeba mizigo.

Com. Ayonga: Na siku hizi unaona nini?

Response from the audience: Zimebeba watu.

Com. Ayonga: Unaona binadamu. Lakini binadamu amechagua kufanya yale mambo. Binadamu amechagua kufanya hayo mambo, mambo ambayo sio sawa. Ile sio dignity ya binadamu, binadamu anawekwa huko kwa carrier. Hata huduma ambayo inayopewa wanyama haifanywi namna hiyo. Kwa hivyo hapa tumeweka, kuna human dignity. Haki ya binadamu kuwa na security, freedom of security, kila mtu anahaki. Hayo yote yamefall under the Bill of Rights.

Kuna habari ya privacy, mtu aishi hiti tu kama mtu yuko uchi, lazima mtu anaprivacy yake. Unahaki, unahaki ya kuwa na privacy. Freedom of religion, and of opinion. Mlituambia kwamba Uhuru wa kuabudu, na huu umesemwa kwa kila constituency ambazo tulikwenda. Haki ya kuabudu. Na sasa tumeiweka katika hii Katiba. Utakuja kupata kwamba tumesema hakuna mtu yeyote atakuwa compelled kufanya kazi wakati ambao inampasa aende kuabudu. Na hii mlituambia juu ya watoto wa shule ambao wakienda shule fulani, fulani wanaambiwa leo ni kazi, wengine mnaenda mnasema mnaenda Sabato, hakuna hicho kitu mnatuambia Sabato. Kama ulikuwa unataka Sabato hiyo, kwenda hiyo shule yenu inayo fanya mambo ya Sabato.

Au siku ya Jumapili, huyu mtoto analazimishwa kwenda kufanya kazi. Au mfanyikazi, wengi wamefutwa kazi zao kwa maana hafanyi siku ya Sabato. Kuna zile benki ambazo zinafanya siku ya Saturday moja sijui in a month, na kama ulikuwa unafanya huko na kama pengine wewe ulikuwa cashier au whatever au teller, unaambiwa kwamba kama hauwezi kufanya kazi siku hiyo, mambo yako yatakuwa namna gani? Yamekwisha.

Na tunasema katika hii Katiba mpya, hakuna mtu ambaye atakuwa compelled kufanya kazi. Hakuna mtu ambaye atanyimwa employment kwa maana ya dini yake. Watu wengi wanapiga lami kwa maana akaitwa kazi akaona kazi imetangazwa huko, akienda kutafuta hiyo kazi, well qualified to take that job, lakini unaambiwa utafanya siku hii au the first week of that which you got, unaenda ukamwambia boss wako kwamba, kesho unajua boss, sitakuweko kazini. Boss anasema kama hutakuweko kazini, you are through with us. Si hayo mambo yamefanywa na mlituambia, na tumeweka katika Katiba.

Freedom of opinion, freedom of expression, access to information, assembly, demonstration na political right. Ukichagua unataka kuwa na chama chako, unahaki, bora tu umepata following ya kutosha. Freedom of trade, occupation and profession. Unaright ya kuwa na property, ku-own property. Unahaki ya kupata matibabu. Mara nyingi mlituambia kwamba siku hizi hata ukienda hospitali hakuna dawa. Unaandikiwa tu kakaratasi hivi na unaambiwa enda pale ile chemist uko chini na hiyo chemist ni ya mtu huyo huyo, ndipo unaenda kununua dawa. Hayo yote tumeweka katika Katiba, mambo ambayo utakayo soma. Freedom to education, housing, chakula, maji, usafi na hali ya mazingara. Vyote hivyo viko katika chapter 5.

Na katika chapter 5 kuna mambo mengi, consumer right, right not to obey unlawful instruction, hata hiyo tumeongeza. Kama mambo unayoambiwa sio mambo mazuri, you don't have to obey, utakataa kama hayalingani na Sheria. Ile habari ya kugandamizwa, mtu anachukua kuku yako, anashika kuku, tu hiyo kuku inakibishwa inakwenda huko kwamba ilete hapa mimi

niende kumchinjia fulani, tumekataa kwamba hiyo kuku haiendi, tumekataa. Unlawful instructions.

Tumeingilia hata haki ya fair trial. Mtu anashikwa tu na anawekwa kambi tu, hapo ndipo anapokaa na hajafikishwa kortini. Mlituambia kwamba hiyo inawasumbua. Mtu unashikwa tu unawekwa hapo, unawekwa tu na hakuna anayejua, na ni lazima uambiwe umeshikwa kwa nini. You must always be told umeshikwa kwa hii, kulingana na Sheria. Na pia ufikishwe kortini, sio habari ya kuwekwa kando kando hivyo. Hayo mambo yenu yote tuliweka. Kwa maana ndiyo tunaita rights of persons held in custody, hiyo mliyotuambia. Tena unahaki ya kuongea na wale Human Rights Commission na kuwaambia wakati ambako rights zako zimekuwa interfered with.

Pia mlituambia habari juu ya elections. Tumeandika yote juu ya elections. Mkatuambia mnataka voting inapofanywa papo hapo, votes zihesabiwe papo hapo. Basi tukaenda tukaweka jinsi mliyotaka. Papo hapo zihesabiwe, na watu wote wawekek sahihi kwamba fulani atapata hizi, huyu akapata hizi, huyu akapata hizi na maneno yenu yanaishia hapo. Sio habari ya kubeba sanduku kutoka hapa Ekerenyo ikimbizwe huko, ikaenda iko na ikija kufika Nyamira imekuwa kitu kingine. Sasa situlifanya kazi yetu?

Response from the audience: Ndio.

Com. Ayonga: Temefanya? Na kama iko pahali ambako utakuja kusoma hiyo pole pole na ukaona iko pahali ambapo hiyo useme sio sawa, kuna ule mkutano ambao unaitwa National Conference. Mmeshasikia kuhusu huo mkutano?

Response from the audience: (inaudible).

Com. Ayonga: Mmeshasikia juu ya huo mkutano? Mmesikia. Mnajua jinsi ambavyo niliwaambia wakati ule. Sisi baada ya kuyakusana mambo yenu ambayo mliotupa, tutaenda tuketi tuandika haya maneno, tumeandika. Halafu baada ya kuandika, tunawapa haya mambo tumeandika myasome, myasome kwa siku ngapi? Thelathini! Kuna mwezi mzima wa kuyasoma hya mambo.

Halafu tarehe ishirini na saba ya mwezi huu, ikiwa mambo hayatageuka, ninasema ikiwa kwa maana hapa Kenya yetu mambo yanakwenda namna hiyo, huwezi kujua. Lakini tunaomba na kuamini, kumwomba Mungu kwamb atusaidie mambo yaende jinsi yanavyo takikana kuenda. Tafadhali, umejiandikisha kule nje mzee?

Speaker: Eeh.

Com. Ayonga: Asante. Tunaomba kwamba baada yetu sisi kuandika haya, Wanakenya wote wamepewa siku ngapi, thelathini. Za kusoma na za kushauriana nyinyi wenyewe. Halafu mkaanza kusema sehemu fulani hii hatuitaki, au sehemu fulani hii ni ngumu sana, hii itatumiza kama ikiwa namna hii. Ingawa watu engine waliona namna hiyo, lakini sisi tunaona hii

itatumiza. Ndipo tutakuwa na mkutano, ule wa watu mia sita, sijui iko makumi mangapi.

Huo mkutano utakuwa represented na two hundred and ten Members of Parliament. Watakuwa in attendance to this meeting, 210. Halafu kutakuwapo three district representatives, ambao watakuja katika huo mkutano. Halafu tutakuwa na viongozi wa makanisa ambao wamechguliwa, ambao watakuja pia katika huo mkutano. Together watakuwa mia sita na kitu, na watu hawa watakutana for a month. Kutafuna maneno haya word for word, mstari kwa mstari, page by page, na kumaliza haya mambo.

Wakikubaliana, basi, mambo yataenda parliament. Lakini wasipokubaliana katika mambo fulani, fulani, mengine watakubaliana na kutambia sisi tuliitengeneza hii kusema hii section fulani, fulani, this we want it out. Hii haiwezi kufanya kazi, toa hii na hii, au hapa mliyoweka ni machache, tunataka include this and that. Na tutaenda tufanye hivyo. Lakini ikiwa watakataa hao wenyewe kwa kupingana kwao, sisi sasa huko tutakaa tu, hatusemi kitu. Sisi tutaangalia na macho, kusikia na masikio jinsi ambavyo wanadebate juu ya hii.

Ikiwa kutakuweko na mambo magumu ambayo hawa representative watakuja kataana kabis na kusema I don't like thins na huyu mwingine anasema this is what I want, na mwingine anasema this is what I don't want. Basi itakuwa ni nani ataamuwa watu wakiwa namna hiyo? Mnajua ni nani atakaye amua? Ni nyinyi. Mnakumbika hapo kwanza niliwaambia ni nani sovereign hapa Kenya?

Response from the audience: Mkenya.

Ni Wakenya. Na ikiwa representatives wamekuja kule na wakashindana wakawa hawakukubaliana juu ya jambo fulani muhimu, basi tunasema throw it back to the people. The people out there are very important, let them go, vote about this. Na sasa hiyo tunaita referendum. Tunatumaini haitakuwa necessary kufanya referendum. Kama kutakuweko correction, tunatumaini zitakuwa zile corrections pengine za maneno au pengine za kutoa kipengele fulani na kusema it is not necessary. Au hii, it is good lakini hii inatuacha kwa wakati huu. Lakini kama hawatakubaliana basi back to the people.

Lakini wakikubaliana, sisi tutaenda tusafishe hiyo kwa kalamu pahali ambako wamesema hii itolewe, hii iongezwe, twende tufanye hiyo. Na ikiwa tayari tunampa Attorney General apelize sasa Katiba hiyo, draft hiyo kwenda kwa parliament. Parliament ambao ni hao watu mia mbili na kumi ambao juzi wamekuwa nayo haitakuwa ngumu sasa ikienda kule kwa maana it is the same, same thing ambacho watakuwa wamekuwa wakifanya that past one month. Kwa hivyo itapitishwa.

Hao wakiipitisha, basi itaenda kwa Rais kufanya nini? Kuweka kidole. Akiweka kidole sasa hiyo inakuwa Sheria ya Kenya ambayo itawalazimisha Wakenya wote kuifuata. Na tunaoma Mungu kwamba ifanyikane hivyo. Kwa sasa mnaona kuna vita vya maneno, vita vya kusema wengine wanataka elections zije haraka na zifanyike chini ya Katiba tuliyonayo. Na wengine wanasema la, tungoje hii Katiba mpya ilitutumie katika elections. Ndio maana yake ninasema tumwombe Mungu atusaidie,

kwamba njia ipatikane ambayo Katiba hii inaweza kuingia.

Kwa maana hii jinsi mlivyotuambia, mlisema kwamba, kwanza mnaona tumeiita jina. Mnaona 'Choice of the People'. Ni uchaguzi wako, maneno yaliyomo hapa ni yako. Na kwa hivyo maneno yako haya tunataka uyafanyie kazi.

Tumesema kuwe na President, mlituambia hivyo. Mlisema kuwe na President aliyechaguliwa na watu. Na pia kuwa na Vice President, aliyefanywa nini, aliyechaguliwa na watu pia. Kwa nini, tukawauliza ni kwa nini mnataka hivyo? Mkasema kwamba Vice President hana kazi, yeye anaweza kufutwa akaachwa njiani. Lakini tunataka Vice President ambaye ni sisi tuliyemchagua. Na yeye anaweza kuendelea na term yake of service mpaka miaka mitano ile ikaisha. Kwa hivyo tumefanya hivi.

Mkatuambia mnataka, kuwe na Prime Minister na tukasema ndio. Katika Katiba hii kuna Prime Minister na kuna deputies wawili wa huyo Prime Minister. Na tukasem Prime Minister ndiye atachagua Cabinet. Sasa mmeanza kusikia sio hivyo, sio hivyo. Lakini hayo yote ni sawa, kwa maana you must have something ambayo unaweza ku-criticize. Tusingalisema hivyo, msingalisema hivyo, mwingine asingepata nafasi ya ku-criticize na kusema la, hii ikiwa hivi na hii iliwa vile, sasa mambo yatakuwaje? Ndio maana yake tunakuwa na ile National Conference ili sehemu zingine ziangaliwe sawa sawa. Hapa kweli ikifanywa hivi, hapana, hapa hata ingawa tulitoa mawazo namna hivyo mimi nimeona kwamba mambo yangukuwa namna hivi.

Mlituambia kwamba wabunge wawe wabunge tu. Si mlituambia hivyo? Na kwamba Ministers wawe professionals kwa maana mmepata, tukawauliza ni kwa nini mnataka namna hivyo? Mkatuambia tunaopata Ministries being guided or led by unprofessional Ministers. Wengine hata hawajui inaelekea wapi, na kwa hivyo tumetaka professionals walead Ministries. Na sisi tukasema tutafanya hivyo, tumeandika hivyo kwamba Ministers watoke nje ya parliament na wawe professionals. Lakini sasa nimeanza kusikia, ninasikia jinsi mambo yanakuja. Na jinsi yanavyokuja, that is very healthy kwa maana lazima uwe na kitu ambacho mwingine atatoa makosa.

Mlituambia tukatishe Ministries, mkate mpaka fifteen, tumekata. Ninadhani leo asubuhi nimesikia pahali fulani, sijui ni katika redio au nimesoma kwa newspaper, mwingine akisema zingekuwa ishirini. Unaona? Hayo ni mambo ambayo ni healthy, wacha watu waongee. This is what the debate is all about for people to look into the matters ndipo watuambie jinsi mambo yalivyo.

Na tena mkatuambia kwamba mumetaka two Houses of parliament, mumetaka Upper House na Lower House na tumeweka. Kutakuwa na Lower House na Upper House. Na kwa hivyo mtaweza kuangalia haya mambo na muanze ku-form opinion. Hii kweli, hii kweli uchumi wetu utabeba hii? Uchumi wetu utabeba hii? Hayo mambo yote tumeweka.

Tumeweka pia mambo juu ya mahakama. Mlituambia mahakama yanawasumbua, mahakama yamekuwa corrupt. Na saa hii

ninapozungumza, leo ni siku yetu ya kuwa kortini na mimi niko hapa Ekerenyo. Sijui kama nitabebwa juu kwa juu toka hapa au namna gani tuko kwa contempt. Lakini leo ni siku yetu ya kupelekwa kortini kwamba tulisema majaji wanafanya mambo mabaya. Kwa hivyo tuliposema mambo mabaya yanapatikana katika ma-court tumeshtakiwa, tumekosea. Lakini sio sisi, ni nyinyi mliotambia, ni nyinyi mlisema. lakini unajua mtu ambaye anatoa maneno katika mdomo au aliyefanya maandishi ndiye anashikwa sio wale waliomwambia. Lakini tunajua Wakenya wote walitambia na haya ni mambo ambayo yako dhahiri.

Tumesema mtu akishikwa afikishwe kortini na kesi yake ifanywe na competent, qualified people. Watu wasiwe wanapelekwa pelekwa tu mambo yanaishia kwingine na yameishia kwingine. Promotions zifanywe na njia inayofaa na pia iwe through professionalism. Na watoto kama hawa pia tulisema walindwe hapa without discrimination. Huyo ndiye Mkenya wa kesho, wa leo na kesho. Kwa hivyo tukasema hao watoto walindwe kabisa, kabisa. Watu wasiwafanyishe watoto kazi. Tunaposema kazi, ni ile kazi ngumu ambayo mtoto asingeweza lakini kwa maana anasumbuka analazimika kuifanya. Hakuna ubaya wa kazi, kazi kuna dignity of labour na kuna kazi ambayo ni ya kuumiza ambayo haikufaa. Mtoto kufanyishwa kazi asiende shule kwa mfano.

Tukasema watoto ni lazima wasomehswe, mliutambia hivyo. Na mkasema watoto wapate elimu ya bure and compulsory kwa primary schools. Mkatuambia waalimu wa nursery walipwe kwa maana hao ndio waanzilishi wa elimu. Kwa hivyo mambo yenu yote mtakaposoma katika hiyo draft, mtayapata. Na kuna vijitabu vingine, hebu ni muulize Co-ordinator. Unavingapi hivi/

James Masaki Mong'are: Bwana Commissioner we have twenty of these (?).

Com. Ayonga: Na how do you make them accessible?

James Masaki Mong'are: Because of that limited number we thought that we shall first limit them to the documentation centre. The twenty of them are not even enough for the CC members.

Com.Pastor Ayonga: Okay, lakini hizo twenty zitagawa namna gani? Kuna documentation center hapa?

James Masaki Mong'are: In Nyamira.

Com.Pastor Ayonga: Hiyo tu?

James Masaki Mong'are: Yeah.

Com. Ayonga: Sasa hawa watu wa Ekerenye wawe wanaedna mpaka Nyamira kusoma?

James Masaki Mong'are: Well, that is the arrangement we have had all through, maybe we will think of something else when we have enough books.

Com. Ayonga: Kwa maana, let me suggest this, we are going very first and there is no time to waste. Kama una twenty, si kumi zingebaki hapa na zingine ziende Nyamira?

James Masaki Mong'are: But how shall we share the ten?

Com. Ayonga: Sasa hiyo ni internal administration. Hiyo sasa mtagadiliana kati yenu, si kuna watu wa 3C's hapa?

James Masaki Mong'are: Who are more than ten...

Com. Ayonga: Sindio, wako hapa? Si mnaweza kufanya your internal administration hapa na kukubaliana pahali hivyo vinaweza kuwekwa. Sio ati mtu abebe aende nacho Nyumbani kwake lakini pahali ambako mtu akifika atasoma na aende ID aache kitabu hapo.

Ninadhania kwamba ofisi yetu inaedelea kuchapisha vingine. Nikwambie we are going very fast na hata machine zinawaka moto. Ukifikiria tuna constituency mia mbili na kumi, halafu kuna institutions, halafu kuna nini, na ndipo ufikiri kila moja ipate ni work na ni money. Na tunajua tunakimbizwa na tunataka kukimbizana na wanaotukimbiza. Kwa hivyo the few you get kama mnaweza kushare, kwa mfano leo hivi kila mmoja wenu, nikuja nikasema kila mmoja wenu halafu zitakosekana.

Lakini I think those who have come and who have registered watapata a copy ya Draft Constitution ya kuweza kuenda nayo. Kwa hivyo ukipata, uende uisome. Na yule mzee mwignine anakaa kando yako, mwite kuja tusome Katiba iko hapa, njoo tusome. Njoo tujadiliane. Na wakati ambao mnakutana wherever you are, ongea juu ya hiyo, ambayo mmeona kwamba haikufaa, jadiliana juu ya hiyo ambayo unaona haikukazwa. So that in this one month ambayo tayari karibu wiki moja inakwenda, iwe kwamba we are informed about what we had given views for.

Halafu mlituambia juu ya independence of the judiciary. Mkatuambia kwamba judiciary ya sasa jinsi ilivyo, independence yake imenyang'anywa na executive. Mkasema sometimes wanaingiliwa na mkasema mnataka judiciary ambayo ni independent. Na mkasema njia ya kuweza kuifanya independent ni kwamba the appointment of judges iwe vetted na parliament. Na sisi tukaenda tukaweka hivyo, tuka kaza nut hiyo na kusema yeyote ambaye anapandishwa cheo, magistrate anayekuwa judge lazima jina lake linaweza kuwa recommended lakini anayesema la mwisho ni nani? Ni Parliament. Parliament inaweza kukataa na kusema hapana leta jina lingine, this person is not qualified. Au mtu huyu sifa zake ziko hivi na hivi, huyu mtu hawezi kuwa a judge in the High Court.

Mkatuambia tena kitu kingine, mnataka Supreme Court, si mlituambia? Nasi tukaenda tukaitwanga tukaweka, Wakenya wamsema wanatka Supreme Court. Na hiyo iko hapo. Na tena tukaweka kwamba lazima kuwe na Judicial Commission ambayo inaangalia mambo ya judiciary. Ya watu ambao ni wasomi, watu ambao wanajua mambo ya makorti, mahakama, jinsi yanavyofanya kazi na ilindwe namna hivyo. Iweze kuwa independent ya any other arm of the government, na tukafanya hayo.

Kitu kingine mlichotuambia ni juu ya devolution. Mkatuambia mambo yote yamewekwa Nairobi, everything is there. Na mambo kutoka kule yanafikia hapa katikati yakaishia hapa na hata hatujui. So we want powers from down. Tukasema Wakenya wamesema mambo yaletwe chini mpaka district level. Mkasema tutoe provincial administration ambayo bado nayo inapiganiwa. Wengine wanasema hapana, lakini tutaweka nini? Mkatuambia tutweka watu ambao tumechagua, watu wachaguliwe ambao wataendesha mambo yetu. Tukasema hiyo itawekwa na itapiganiwa katika National Conference, lakini iko katika Katiba hii.

Mkatuambia hamtaki madeni yanayotoka nje, yanaletwa na pesa hizo zikapotea na nyinyi hamkujua. Tukawauliza madeni gani?

Maksema kuna madeni, hayo yanayosemwa ya Taifa. Pesa zinatoka ng'ambo, zinakuja na projects ambazo pesa hizo zilifanya hamzujui. Mkasema mnataka kujulishwa everytime there is such an undertaking. Na tukaweka katika Katiba, madeni yanayoletwa kutoka nje lazima yajulikane in parliament, yawe approved in parliament. Ili tunapodaiwa deni tunajua ndio, hilo ni lile deni ambalo pesa zilitoka ng'ambo na zikajenga hii barabara yetu ya Sosiot ikaenda mpaka Kisii huko chini. Na kila mtu atakuwa ameelewa.

Halafu mkatuambia police wanawasumbua watu. Lakini pia mkatupa maana ya ni nini wanayowasumbua watu. Ninakumbuka sehemu zingine huko za Waluhya uko, tulipata habari kwamba wanawasumbua watu juu ya pombe, hii ya busaa. Na hali Nairobi watu wanakunywa busaa na hakuna masumbuko haya. Wakatuambia, kuna pahali tuliuliza mbona mnaudongo mzuri sana hapa na hatuoni nini, *amasakara taiyo okorora na abanto bairemaa, ase na atobu atobu, naki asaiga are?*

Wakatuambia, zamani zao ile busaa ilikuwa inawekwa, ile ya mtungi halafu unaita watu, shamba lako, mzee anasema hapo ningetaka (inaudible) *baremire bakorire. Bamanyagocha basibe egentu eke ng'ooro bagenda emechie yao. Ingotaka bache gosimeka, naende mbeke ekende egetono naende bache bang'use bakore egasi eyuo. No okogesa nabo igo.* Sasa hakuna kazi inafanyika kwa maana ukiweka kitu kidogo, askari ndio hao. Ndipo watu wakasema, Wakenya waksema kuna mambo ambayo tunaita ya culture, culture ya watu, tradition ya watu. Mambo ya namna hiyo yaheshimiwe. Isipokuwa jana mzee mwingine alisema anataka yeye iwekwe kwa Katiba isemwe watoto wetu wasichana watahiriwe. Lazima, sign, hiyo ndio inafanya *omogusii to be omogusii.* Mimi nikwambia nitakuwa *omogusii* bila ya hiyo.

The whole of Kenya, watu wanaona kuna sense ya kutahirisha wanaume, mtoto wa kiume lakini it doesn't add to our tradition kuwatahirisha watoto wetu wasichana. Na katika Constitution hapa, inasema kudhulumu mtoto yeyote, na unajua mtoto ni mtu wa miaka mingapi? From 0 – 18 years. Mtu yeyote ambaye atamdulumu huyu mtu, basi Sheria nawe itakuangalia. Kwa

hivyo wewe utaniambia mtoto wako wa miaka kumi na tisa utamtahirisha si huyo ni bibi yuko kwake? Utaenda kumchukua bibi kutoka kwake aende kutahirishwa? Na mtoto wake analia kutoka nyuma akimfuata, ‘mummy unakwenda wapi?’ Hiyo ni dhuluma sana, hiyo ni dhuluma.

Now, in short, *abagaka, no mongina gose na abangina? Abangina bacha bameta bono? Babere, onde tamenteti nyuma ari? Mbaroo? Eeh, bono rende abangina mbuya mono ase ogocha. Bono ase obweng’e, ase obweng’e, eyuo nero ekatiba eyemwatotomete. Ayuo naro amang’ana mwatoete ase obwenge. Na amangana ayuo onsi tayakorire. Ei koranche, bono ngosaria ore naintwe uhuru yaito iga. Ne haki yaito tobwate iga. Tobwate ehaki ya to assemble in peace and discuss. Nere onye erigeti kobugi ebing’oro biaye agende naere arigie evenue yaye. Arueororo atarasari richiko, ekiagera baria togotobia bwango nabo bagocha.*

Bono ase obweng’e eye nero edraft eye twakorire. Twakorire obototo bwaito koreng’ana buna mwatoete obosie bong’ana. Bono, bono igo torigetie buna mochi gosoma, mosome, moboranie. Enee, Co-ordinator, abanto baria batabo bachorire korua edistrict ya Nyamira aba bakorokwa na nabuo chi representatives, leave alone tobwate abajumbe babere korua Nyamira.

(Interjection) **From the audience:** *Mbatato.*

Com. Ayonga: *Eeh batato, correct. Ntobwate abachumbe batato korua Nyamira, abuo barepresentetie chi constitutency chiabo. Ntobwate abanto batato abuo barepresenteti wananchi in jumla nabarabwo. Abanto aba batato, oroche abanto aba baminto mbabamanyete?*

James Masaki Mong’are: Some know them and some don’t know them.

Com. Ayonga: Okay.

James Masaki Mong’are: Maybe you can allow me to just mention their names, Bwana Commissioner.

Com. Ayonga: Yes, *batebie ne ekegusii.*

James Masaki Mong’are: *Abnto ba minto, abanto bachorwa bagorepresent edistrict ya Nyamira, Electoral College, ya County Council ya Nyamira yachora igo bare batato. Korua econstituency ya North Mugirango Borabu igo tobwate omosubati okorokwa ng’a Mary Obonyo Orweyo. Representing the women fraternity ba the whole of Nyamira District cum North Mugirango, Borabu. Then we have omogaka Councillor Samson Ogero Kegoro, representing the County Council, which was serving as the Electoral College, cum West Mugirango. Then we have Omosike Richard Kebagendi*

representing the civil society cum Kitutu Masaba. Those are our three representatives from Nyamira District. Thank you.

Com. Ayonga: *Mbuya mono. Mwabaigure abwo?*

Response from the audience: (inaudible)

Com. Ayonga: *Eeh? Yaya, ntori gokwana igo bono. Igo omonto agokwana oyomo yagera twaigwa. Naki kwaregoteba?*

Samuel Nyang'au: (inaudible) Kegoro representing the Councillors and West Mugirango. Then I am saying if Kebagendi is representing the Civil Society the young people of the constituency or of this district are not represented.

Com. Ayonga: *Igo narigia momanyerioka. Igo narigia momanye rioka ng'a abanto mbare batato bakogenda abagochia gosoa aswe National Conference. Na twatebigwe amarieta ya abanto batato, abwo bachorirwe, tarie seito igaa oka, kera edictrict was allowed three people. Na three people bagomanya koba toranyare bono konachana abanto baito aba batenenerete aba, aba batenenerete... they are not in fact coming to tell us about the civil society. They are not coming to tell us about the Council. They are coming to contribute ase ekatiba enigma, and they are not coming ati abanto baruete Nyamira, they are coming as abanto ba Kenya barangeretigwe bo.*

Igo ekerotokogenda ase omosangerekano oria, we are not talking Nyamira, Nyamira doesn't come. We are not talking Kisii, Kisii doesn't come. We are talking of the Constitution of Kenya. Eye omomombasa arapinge egento eng'encho gete nonye naye oigwe ng'a amaene abanto aba igaria asebagakare ebinto ebi nabo bigochia kobaroma. Particularly when it comes to land issues, ekeri igo come to titles, nabo ogochakuigwa na kei, inue seino abou timwana gotwara chititle? Igo momenye iga rioka efuaa! Noroche. Aye nomanyete ng'a abanto mbareiga Kenya batabwati land titles? Intu igaiga igo egento gia kawaida. Na nonye no omonto gakogoririe egento etitle ntage. Lakini chinse chinde igaria buna Coast, title nchiyo, nchiyo. Uraigwe mpaka okumie.

Bono, bono eria ne egento giakwanwa, it is not the issue we were going to address. Eissue yaito ee tocherete iga ngento ki, edraft. Na bono, mwaberie tayari mbabagere edraft? Gose ase amang'ana aya nakwanire naboerabe abande mbare gatagati yainao iga, barigetie komenta egento. Baraa ororo? Nabo toraigwe amang'ana aino. Na igotogocha kobwatia amagoko buna bono kwaimokia okoboko halafu oria, halafu oria. Na tebena negento mkomboria risuari, ekiagera rero tari rituko ria gento ki? Yaya.

Bono, bono motegerere moigwe buna agoteba naende omonto oigwe ekia akwana na nakio kwagania okwane bono aye genda nyumba.

Speaker: Yeah, the Commissioner...

(Interjection) **Com. Ayonga:** *Gwakwana erieta riago ritangani.*

Samuel Nyang'au: My name is Samuel Nyang'au Nyanchama, from Ekerenyo Division. I am giving a comment on your highlight. I am particularly impressed with the introduction of the preamble and in the sentence where you raised an issue of aspirations of men and women; I am hoping that the children have aspirations. Children have aspirations; we have the men, women and children of this country. So it should be changed from aspirations of men and women, to read as aspirations of men, women and children.

I am particularly touched with the issue that there are people in this country, a corner of this country who want to oppose the people's opinion. In my own view and in my own well considered opinion I want to say, I personally support the opinion which has been put down by our Commissioners because that expresses the views of the people of this country. With that in mind, I want to say, *Alluta Continua* and we want to see this draft out as a new law and I hope the President will give it an accent.

There is an issue that came out which I feel, in your preview there is one component which was not highlighted, particularly the economic component. When we raised an economic commission of the land. We need to address our infrastructural facilities to a level to give the sum total of the improved good roads, improved railways per constituency. Besides that, Kenya has been a dependant economy, we have been depending on debts, foreign assistance. We want it written in the Constitution that this country is able to sustain itself, this country is able to raise its own resources. Such that we stop being beggars and being the servants in the international community where the resources are being distributed.

On that note, you realise, everybody realises that 30% of this country is productive and the rest 70% is semi-arid and arid regions. I am therefore of the opinion that our Constitution should come out clear, that it should be the endeavours, it should be the work of the Kenyans through the Constitution that we improve the productivity of our land for the sake of being economically independent. With that one, I am only giving a view that I have had interest in the oil pipeline that we can have a parallel pipe carrying water from Lake Victoria if the (?) is removed then we get the lower regions of Eastern Province irrigated and improved as a productive area.

If that one is entrenched in our Constitution, I will be a happy man to see this country economically independent, because on politics we are independent. Thank you very much.

James Masaki Mong'are:

gone you put down your name. Thank you.

(inaudible) before you sit down, go there where Nyanchama has

James Okeri: Jina langu ni James Onkeri. Yangu mengi ningesema yule mwenzangu ameyataja. Lakini sasa nitarudia jambo moja. Kenya ni nchi ya wakulima na umeongea vizuri sana kuhusu wale watu walikuambia pombe kidogo ndio ilikuwa inafanya kazi inaendelea. Sasa huyu mkulima, sijasoma hiki kitu lakini nimeona kiko very difficult hata nikienda kusoma sitafahamu sana. Na hiyo copy ingine nimesikia iko na details kidogo kuliko hii draft. Kwa hivyo sitafahamu au sitajua yale ambayo tulitoa wakati ule yalielezwa ama mlielezea kwa Katiba kamili namna gani.

Sasa huyu mkulima na vitu vile ambavyo tunalima, tuko na kahawa, chai na substance (?) imepewa umuhimu gani katika Katiba. Kwa maana hukutaja ulitaja pombe tu, hatujui hiyo pombe inatokana na nini na inatokana na mimea. Sasa hiyo ndio tulikuwa tunafikiria mkulima aangaliwe kikatiba sana kwa maana hakuna mtu anakaa ofisi bila kula.

Kuhusu ng'ombe, mkulima hawezi kufuga ng'ombe, bei ya vitu vimeenda juu sana. Akitoa vitu shambani hana mahali pa kuuza, haonyeshwi mahali popote, Katiba imsaidie alinde Taifa la Kenya kwa kuwapatia chakula cha kutosha na pia yeye alindwe asipate hasara, kutokana na magonjwa, kutokana an kiangazi. Wakati mwingine drought iko, ngo'ombe wake wanakufa, mimea inakufa na haangaliwi ama hapatiwi usaidizi wowote. Huyu mkulima anaachwa nyuma sana, hiyo ningetoa. Asante.

Com. Ayonga: (inaudible) umetuambia utakapo kipata kitabu hiki ukasoma utapata kwamba hayo maneno unayofikiria yalitiliwa maanani. Yako kabisa, kabisa. Mkulima lazima atafutiwwe soko, mkulima asaidiwe na ni maoni mazuri. Na pia, nilitaka niwaambie hivi, kama kuna jambo ambalo utakuja kupata kwamba hili kwa kweli halipo kabisa, basi wale wanaokuja, hao watatu niliosema juu yao watabeba na mjumbe atabebe. Kwa maana wanapokuja watakuja kuongea on your behalf.

Now haya mambo yetu, details hazingewekwa hapa yote mzee ingekuwa kitu kikubwa hata huwezi kubeba. Ukienda ofisi yetu uone makaratasi yaliyomo, utasema na haya yote ni ya nini? Sasa ni hivyo.

Speaker: One, I am sorry but I am also concurring with Atwoli that the section of workers has not been looked into very properly. For example, there is a lot of oppression, you find that maybe a graduate is employed by an Asian and is paid maybe Ksh 1,000. The public sector also is oppressing the workers in more ways than one. So in my view, I feel that it would have been at least fair if our Constitution of which we have here today and which we hope that is going to go through, to give guidelines about employment, about workers, their rights and the way they are to be paid. I think that would be a solution to very many problems that we are encountering.

Another observation is the one, which our brother talked about the three representatives. I think he did not talk about it in the right way by saying the woman representative, Councillor and the like. It is only that we were supposed to give three and we gave three. I think you will have to apologise on the criteria that you used because it is not impressive at all. Thank you.

Com. Ayonga: That is the right of expression. You use your right of expression.

Robert Odege: Mimi jina langu ni Robert Odege, kutoka magwagwa. Iko jambo moja ninaona sijui kama mmeshaeleza zaidi au mimi ndio sikushika. Ninaona wazee wakongwe kama hawa, na wasichana wale wasioolewa na kina mama wale wakongwe, Katiba imewekwa namna gani ya kuwalinda kwa maana tulitaja siku ile. Ndio ninataka kama ingewezekana wazee wakongwe kama hawa walindwe pamoja na mali yao. Kwa maana nimeshaona wazee wengine wanasumbuliwa sana na watoto wao vijana. Wanataka kuwanyang'anya wazee mali yao.

Com. Ayonga: Hayo mambo yote yako kwa Katiba kabisa. Mzee anahaki ya kuishi jinsi anavyoishi. Mzee mali yake ni mali yake, awe ni mzee mwanamume, au mzee mwanamke. Awe ni mtoto msichana, tunamwita mtoto kwa maana hajakuwa mzee. Lakini mwanamke anahaki ya kuwa na mali na kuendesha mali yake. Na mali yake ichungwe na iheshimiwe. Na mzee aheshimiwe na mali yake, na mzee akule mali yake jinsi anavyotaka kula. Asante mzee, hiyo tulikuwa tumeongea.

Na Katiba inawalinda wazee kabisa, tusipokuwa na wazee hatutakuwa na Kenya. Watoto lazima wawemo, wazee lazima wawemo na kila mtu awemo. Kijana?

Sam Omosa: I am not very conversant with the draft.

(Interjection)**Com. Ayonga:** Endelea tu. Na utaje majina yako.

Sam Omosa: My names are Sam Omosa, a resident of Ekerenyo Division. I will wish to make some observations about the draft, I have had the privilege of going through it and there are some areas that I wish to point out on some observations that I have made.

One, I wish to comment about the devolved power. In your draft you have suggested that provinces and districts will be governed by executives who will be directly elected by the people. But I feel in my opinion, you need to go further and spell out the academic qualifications that need to be held by the persons who will qualify to run for these offices.

(Interjection)**Com. Ayonga:** These people will be very highly qualified, hatutakuwa na watu wale ambao hawaja soma.

Sam Omosa: Well, that is my observation but it should be spelt out, the way you have spelt out that for you to qualify as a President, as a candidate for the position of this country you must have at least a university degree.

Com. Ayonga: Okay, okay those are details.

Sam Omosa: Then, I also propose that, you have proposed in the Draft that an MP who is not performing well, the voters or wananchi have got the powers to sack him by recalling him back. The process looks a bit complicated because if wananchi have already laid the complaint about this MP who is becoming a liability to the voters, it is again going to the National Assembly and then from the National Assembly it is going to the Electoral Commission. I feel once the members of a given constituency have raised issues about the incompetence of the MP, a research survey should be carried out. And if most of the voters within that constituency feel that this man or woman is not performing he/she should pack and go.

Then, that kind of process, the impeachment process should also apply to the executives who are running the Councils, that is the District Council and the Provincial Council. Wananchi should also have the power to sack them if they are not performing their work according to the expected standards.

I also wish to talk about the judiciary. The judiciary is a very important organ of the State which will ensure that as much as we have a good Constitution if the judiciary is not able to implement it, it is not able to see to it that Constitutionalism is upheld, this Constitution will be useless. Because we have cases of some provisions within the current Constitution which are not being upheld.

So I am proposing that the judges should retire at fifty-five like any other ordinary Civil Servant. In Kenya today we have highly learned men and women who can be able to take up these positions. So that at the age of fifty-five and whatever you have been able to do you should pack and go because that is one way of trying to alleviate the monster of unemployment without necessarily taking the age to seventy-five. I think at seventy-five someone is almost advancing towards senility. So it may not be good.

Then lastly, I wish to say that the Constitution comes very clear about the economic roots that have taken place in this country since independence. This country is very rich and very stable but much of the resources have been destroyed by a few individuals. And because of this misbehaviour of the few individuals the masses are suffering. So there should be a very stringent provision within the Constitution for an exhaustive audit of the resources of this country. So that kama umeiba kondoo unarudisha, kama umeiba shamba na kitu kingine... so that these resources can be used to boost the economic and the wealth of this country.

Clapping from the audience

Com. Ayonga: Sio kurudisha kondoo tu, tena ushtakiwe. Kondoo utarudisha lakini ushtakiwe tena. Enda huko ujiandikishe kijana.

Now, *momanyete ebinto mbire ntagete gokora. Tebasakoba buna rero maoni nacha kuoyia iga. Tayari edraft eye mbwate igaa.* I want you to address yourself as *egento bwate iga, not as egento ekeyia.* And by the way young man, vitu ambavyo umesema, vyote viliwekwa together. People had told us different ages of retirement, people had told us this and that and that. And we had to come to an agreement kwamba this is where we have come. Huwezi kuwacha tu fluid kind of thing, lakini all aspects were looked into it.

Mzee unataka kusema nini? Si ulishaongea?

Speaker: Mimi nilichelewa kidogo...

Com. Ayonga: Kama ulichelewa kidogo wachatumsikie huyu.

James Raini Kimori: Majina yangu ni James Raini Kimori. Sikuwa nimesikia maneno mengine. Kwanza ningetaka kujua Katiba iliyoandikwa ama Draft inasema nini juu ya unemployment? Tuna mamilioni ya watu, watoto wanawacha shule mwaka kwa mwaka, na wanazaliwa kila siku, Katiba imeandika nini kuhusu jambo hilo?

(Interjection) **Com. Ayonga:** Tumeandika.

James Raini Kimori: Mumeandika?

Com. Ayonga: Kwa hiyo Draft ukisoma utapata.

James Raini Kimori: Haya number of political parties...

(Interjection) **Com Ayonga:** Hiyo imeandikwa.

James Raini Kimori: The issue of sub-chiefs and chiefs?

Response from the audience: Hiyo iko.

James Raini Kimori: The question of Prime Minister, Kuwa awe elected au...

(Interjection) **Response from the audience:** Awe elected by the majority in parliament.

Com. Ayonga: Tafadhali mzee, hebu nikwambie kitu ili tuokowe wakati wa watu wale waliomo hapa. Nitakapokupa hii draft

ya Katiba, utaenda ujisomee na utapata mambo unayouliza yote yamo.

James Raini Kimori: Eeh yako hapa.

Com. Ayonga: Ndio, iko.

David Maera: Kwanza ningetaka kujua, kwa majina ni David Maera. Ningetaka kujua kuhusu ule mshahara wa ma-MP wetu katika Serikali yetu ya Kenya, umeandikwa katika Katiba ya Kenya? Kwa sababu tumeona ya kwamba waalimu wanaomba haki yao lakini hawapatiwi.

(Interjection) **Com. Ayonga:** *Naki ogoteba?*

David Maera: Tungetaka kujua kama mshahara wa MPs umeandikwa katika Katiba ya Kenya kwa sababu waalimu...

(Interjection) **Com. Ayonga:** Imeandikwa kutakuweco na Salaries Commission ambayo itaangalia mshahara wa wafanyikazi sio ma MP kujichagulia mshahara.

David Maera: Na hayo mambo ya District Focus For Rural Development yamefutwa kutoka Kenya?

Com. Ayonga: Hebu niwaambie, wengi wenu maswali mnayotaka kuuliza yako katika maandishi, kuna majibu tayari. Kwa hivyo mpoe. Hebu sikiliza, no, no, no. Let me tell you this, we have to follow order na ninajua disorderlyness jinsi inavyofanya mambo. Ninataka mimi mwenyewe kugawa na sitaki mtu yeyote kuja hapa kujisaidia, please, please. Ninajua jinsi mambo yanakuwa. *Abanto bachake omanyete bono mbigochigotoerera naaende eriogi riria ribe?*

James Masaki Mong'are: (Inaudible)

Com. Ayonga: *Naaba igo ntagete baikaranse buna bareiga tomanyekobaa baikaransete monto atarigocha.*

James Masaki Mong'are: *Aba buna bachire iga* (inaudible)

Com. Ayonga: Now, *baria mwacha bono ntagete mobere nyuma kabisa. Baria mwacha igo ntagete mobere nyuma ekiagera ntagete gotwara abanto chinamna ibere. Eyuo tari discrimination. Ebirogo ne bingee gochia aria magega, mbiyo?*

James Masaki Mong'are: *Nabo mogotenena iga aba mwacha...*

(Interjection) **Com. Ayonga:** *Abana genda magega.*

James Masaki Mong'are: *Abana batenene, abanto abanene baikaranse na aba toscanere erinde tochiche toikaranse buna bono aiga nabo omonto agoikaransa.*

Com. Ayonga: *Aba mwarenge igaa ime aba abatangani motagosuka na gocha bosio iga bokoriria abu bande kurua igabu. Esababu nere ngoteberabo, naende morache monyore nga igo yarengene ne ngencho.*

James Masaki Mong'are: *Abana batenene abanto abanene baikaranse.*

Com. Ayonga: *Abande mbare isiko bataracha?* I want to say this, those of you who have just come in, I understand you are from the Peace and Justice Magwagwa Parish. Can you please raise up your hands. I want to thank you for having come. Who are the leaders of that group? You are one of the leaders? Thank you, welcome.

You came when we are about to close, but all the same we want to thank you. I can tell very clearly the support that you have in the Constitutional Review Commission. You notice they have got yellow ribbons, they are with us. They knew we were going to go to court today and they are supporting us from their hearts. They are not... We are not gone but we were supposed to be in court, High Court Nairobi. Kwa hivyo I can imagine what Nairobi is like new, wako pamoja nasi siku ya leo. Yellow ribbon ni sign ya support, to show the solidarity that they have with us. I want to thank you for that support.

Briefly before we close, because I was going to give out this Draft Constitution and as I can see, I see more people than the copies that I have. You know when we started there were a few people but people have been increasing one by one, and you people have come as a crowd, a big crowd, and I heard you singing. Maybe we are going to want you to entertain us with song. Okay, you are going to entertain us.

But before I give out these copies, which I will give you some through your leaders, I want to tell you the purpose of our coming here. We have come here to bring you home the views that you gave to us, we put them together and we have made a Draft Constitution. And we have come to launch it, we have come to give you the Draft itself so that you can read.

All Kenyans are supposed to have thirty days of reading, reading this material. I have given the people you find in here, I have given them the main features of this Draft Constitution, which I am not going to repeat. And which are self-explanatory once you get a copy of this. We want you to read word-by-word, line-by-line and see whether what you told us is reflecting. But I can assure you for those of you who have come that the response I have gotten here, many of the things people said here have been included in one way or the other in this same Draft Constitution. So I want to thank you once again for making that effort

to come here today so that you could join with us.

Another thing I would like for you all to do is that you pray for the new Constitution to come to the end, so that it is not stopped somewhere. You know the reason why we were going to go to court is because we have said certain things about the judiciary. And we have said some things about some people, some ministries or whatever. But whatever we have said in this Draft Constitution is a reflection of what the Kenyans told us to write. And we have not done our own, we have done what you wanted us to do. And we want to thank God that we have the support of Kenyans throughout the country except a few. And always you will have someone who will never be satisfied no matter what you do.

So, let me now give these few copies, and please for those of you who had taken a copy, don't take a second one. I am going to supervise this myself and I want three young men, upright young men, three of them, come. Once you see three, the number is enough. Now, young men, I want you to give each person a copy. Those of you who had taken a copy please don't take another one and if they get finished, I will save a few for the Peace and Justice group so that I give them a few to take with them. Because I am not going to go back with any.

It is unfortunate, these things were done in a hurry and I hope some more will come, so bear with us, we are doing our very best. And those of you who are taking a copy, after you have read your copy, pass it on to someone else, pass it on to somebody else. Don't give it to mamas to put *chinyanya*, *chinchugu* or whatever else. Please give to another Kenyan to read.

Catholic Justice and Peace, I just want *omorai oyomo*. *Ebinto ebi nebike mbwate igonkoa*
(inaudible) *ecentre eyemo, eyemo*. (Inaudible). *Naki okomaga maga iga ng'o okorigia?*

Speaker: *Yaya igo nataka, mbuya mono monene.*

Com. Ayonga: *Tokobera iga. Kwanyora egento eke?*

Speaker: *Yaya tindanyora.*

Com. Ayonga: *Ee bono rigia aseokobera. Naye igo bakorina? Okwanyorwa? Aya, kera omonto onyorire aa?*

Response from the audience: (Inaudible).

Com. Ayonga: *Aya, baria motanyoretie imokia bono amagoko igoro. Abana? Abana abuo mbare abande bare abanene, mbarenga bare? Bono ira ebinto ebio, ese bitagoisanere bi isane. Obatebi buna biaerire. Bono twakorire.*

Bono...

James Masaki Mong'are: *Okoratiga bara kora nkoratoterera more?*

Com. Ayonga: *Utarecord huo wimbo vizuri?*

Vivian Muli: *Yeah.*

Com. Ayonga: *Motagocha moratoterera? Karanchuo mototerere, mototerere igo, motere koria okuya tokorecord togende nabwuo.*

Peace and Justice, Magwagwa Parish: *Song.(1)*

Twawaombea na Wakenya muwe na amani,X2

Twawaombea na Wakenya muwe na amani.X2

Chorus: *Mungu kwao nii nani?*

Mungu ni mwalimu,

tena,

tena ni amani,

kwa kulingoza kundi letu liwe na amani.

Mungu wao ni nani?

Mungu ni mwalimu,

Tena,

Tena kiongozi, wakuiongoza nchi yetu ikae na amani.

Twaombea na wazee wawe na amani,X2

Twawaombea na wazee wawe na amaniX2.

Chorus

Twa waombea na wazee muwe na amani,X2

Twa waombea na wazee wawe na amaniX2

Chorus

Twaombea abagirango muwe na amani, X2

Twaombea abagirango muwe na amani.X2

Chorus

Twaombea na viongozi wawe na amani, X2

Twaombea na viongozi wawe na amani.X2

Chorus

Song (2):

Sisi sote, X4

Tunaiunga mkono.X4

Chorus:

Katiba ya Ghai,X4

Chaguo la wananchi.X4

Chorus

Wananchi,X2

Wanaiunga mkono.X2

Chorus

Na waalimu X2

Waniunga mkono X2

Chorus

Wakulima X2

Wanaiunga mkono X2

Chorus

Wanasheria, X2

Wanaiunga mkono X2

Chorus

CJPC, X2

Tunaiunga mkono.X2

Chorus

Kina mama, X2

Waniunga mkono.X2

Chorus

Com. Ayonga: *Mbuya mono. Igo nare goteba iga, Justice For Peace ba Magwagwa,* thank you so much for the two beautiful songs you that you have sung for us. May God bless you as you serve him, may His blessing befold upon you as you work for Him and witness for Him.

And so before we close this meeting, I want to ask each one of you to read that Draft. To read it and share it with your friends, with your neighbour. The men who have come here share it with your wives, the women who have come here share it with your husbands, the boys and girls share it with other boys and girls. And please, talk about this Constitution, see where you think it needs some improvements.

And above all, see whether what you said has been reflected in this Constitution. Not in so many words as you said it, but the thinking of other Kenyans as well, that they too had said it in a different way. But if the spirit is there, that is the most important thing. And when you go home, pray that God may help us to get this process through. Before you sit down, let us all stand and pray.

NOTE: Speaker comes after all presentations have been finished and vote of thanks given

Com. Ayonga: What is this that you wanted to say?

Speaker: I just wanted to give my views and personal concerns...

(Interjection) **Com. Ayonga:** Say your name.

Dennis Kambara: My names are Dennis Kambara, I come from North Mugirango constituency, Ekerenyo Dicism. On my views, I wanted to talk about the national symbols. I was suggesting that let us have a permanent currency symbol, because we are just seeing that every time we change the head of State, the symbol is changed based on the portrait of the current head of State. So, one of my suggestions was that let us have a permanent currency symbol, which is keeping, on our nation...

Com. Ayonga: We have that already. That has already been talked about.

Dennis Kambara: Also another issue, I wanted us to protect the people who are aged between 18 – 24 years. I was specially basing my argument that the Constitution should protect them so that they can be protected through their secondary and tertiary education. Because we realise that once somebody is above 18 years they are termed as adults but this person cannot be able to earn a living. So he cannot be able to support himself/herself in education, what if he is neglected by the parents? He is considered a parent by this time but cannot be able to support himself/herself in financing his/her studies.

Com. Ayonga: And what would you like to see?

Dennis Kambara: I would like to say that, let us have a clause that any child is entitled or is guaranteed both primary, secondary and tertiary level of education. So that we can have a part that if in case a parent or the government can be able to support this particular person let him be supported. If the parents can and the government can for this particular individual.

Com. Ayonga: Thank you.

Dennis Kambara: Another view is about the powers of parliament. I would suggest that, let us have a particular group, which can be able to control the laws of parliament. In my view, I don't think that it is fit for parliament to also have powers to amend its own powers because then parliament might be able to amend powers that favour them.

Let us say some are a particular group especially led by the supreme being, I suggest that group can be led by the supreme being. So in case they are just hoping to have, their powers are okay they are talking about the laws, which are governing parliament. In case the Members of Parliament feel that there is a problem in a particular law of parliament, which is not favoring them, let them present it to this particular kind of Commission which you have selected. I propose that let it be led by the... let us talk about the Supreme Court which is under the Chief Justice, so that they can be able to govern these powers...

(Interjection) **Com. Ayonga:** That has been taken care of, in the amendment, you read properly what is under the amendment. How parliament is going to amend any law. Thank you so much Dennis.

Speaker: (inaudible).

Com. Ayonga: You mean (?) I have no powers. You see I am just a Commissioner; I have no powers at all.

Speaker: This is the problem we are now going to have, the people representing us may not represent our views properly.

Com. Ayonga: What people are you talking about? You mean the three?

Speaker: The three.

Com. Ayonga: You see, I have no powers, let them be judged by the district and I have no powers over Nyamira District.

Timbwati chinguru chia tata (inaudible) *ee bono.*

Prayers: Our Father who art in heaven we want to thank you for this session that we have had here at Ekerenyo. We want to thank you for these men and women, old and young, who have come here today to share with us their feelings, their aspirations as regards to the new Constitution which we are hoping to have before long time.

We pray that you would bless each one of them. We thank you for them, we thank you for the land of Kisii, we thank you for the North Mugirango, Borabu Constituency and for these men and women who have left their work to come here and share with us.

