

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

Verbatim Report of

DISSEMINATION OF REPORT AND DRAFT BILL,

RARIEDA CONSTITUENCY, HELD AT

ASEMBO BAY HALL

ON

09 OCTOBER 2002

DISSEMINATION OF REPORT AND DRAFT BILL, RARIEDA CONSTITUENCY, HELD AT ASEMBO BAY HALL ON 9TH OCTOBER 2002

Present

1. Professor Okoth Ogendo - Commissioner

Secretariat Staff in Attendance

2. Wycliffe Owade - Programme Officer
3. Jacklyne Obiero - Assistant Programme Officer
4. Abigael Nyakundi - Verbatim Recorder
5. Walter Korege - District Coordinator

The meeting started at **11.13 a.m.**

Walter Korege: *Akwayou mondo joma kawo kombegi okaw. Pile pile kapok wachako function makama, a ber ka waduto wakwayo Nyasae koro omiyo daher kwayo Father Oginga Alaro mondo obi oyaw newa chokruok marwa ma kawuono gi lamo. Ero kamano.*

Prayer: Father Oginga Alaro: *Walem. Nyasachwa wagoyo nu ero kamano kuom mich mar ngima, wagoyo ni ero*

kamano kuom mich mar odiochieng' manyieni ni. Wagoni ero kamano ka igolowa kuonde ma opogore opogore kendo ichokowa ka. Gik moko duto mabeyo chakre kuomi kendo rumo kuomi, molooyo wagoyoni ero kamano kuom chike, draft mar chike ma wan godo e mbele wa ka. Wakwayi ni mondo imiwa rieko mane imiyo Solomon, imiwa teko mar wacho adieri kendo imiwa teko gi rieko mar neno gino maber kendo mar kete e tim mondo walos chike mabiro konyowa gi chike mabiro konyo nyithindo makawuono kendo nyithindo makiny bende. Magi duto wakwayo e nying wuodi nogo Yesus Kristus Ruodhwa.

Audience: *Amina.*

Father Oginga Alaro: *Ero kamano.*

Walter Korege: *Ero kamano, beduru. Kawachako daher nyiso jo Rarieda duto ni odiochieng' makawuono en odieochieng' maduong' ahinya e Rarieda Constituency koluwore gi mpango manyocha dhi nyime kata review process ma nyacha dhi nyime e Kenya mangima. Odiochieng' makawuono wan gi welo mag Commission ma obiro mondo olos kodu kendo kaluwore gi pachu mane ogolo on the 14th as well as 17th of June this year. We are lucky enough again to have with us Professor Okoth Ogendo, en Commissioner mar CKRC to kendo odiochieng' makawuono obiro gi support staff ma mage mabiro konyowa tiyo tijni ka wawinjo kaka newa loso gi kaka ondiki gigo gi kaka wabiro dhi mbele. Wan kae gi Mr. Wycliffe Owade, Bwana Wycliffe fwaye no jo Rarieda matin mondo ging'eyi.*

Wycliffe Owade: *Amosou.*

Audience: *Wakawo*

Walter Korege: *Wan kendo gi Jackline Obiero, Jackline.*

Jackline Obiero: *Amosou.*

Walater Korege: *Then we have a lady, Abigael. Mago e Commission staff ma obiro mondo olos kodu e gima wan go kawuono, nanyisou notice ni dissemination of the report. Constitution of Kenya Review Report ma nyocha osekaw kuomu ma okaw kuom jo Kenya mamoko kendo ungi documents go mbeleu ka en mana ni daher nyisou ni the newspaper pullout ma un go no, mano ema oting'o the draft Constitution. Nitie the report itself, a shorter version en copies mage ok nyal dhi round to kata kamano an kaka the District Coordinator we are in touch with our headquarters mondo obi o-supply u gi enough copies for the Rarieda Constituents. Omiyo mano kata inuang'o ka jomoko nikode to jomoko onge go en mana ni copies ma wan go ok nyal dhi all round. Therefore you will have to bear with us to the documentation centre ma Bondo nigi enough copies moko bende wabiro tero e Library ma Nyilima ma*

ka ng'ato koro dwaro somo the full report to nyalo dhi kuondgo to more so the moment ma wanuano o copies wabiro distribute ne all the constituents kamoro amora ma wanyalo yudogie nikech the dissemination process pod dhi nyime and probably up to the end of the month. Thuolo masani daher mana miyo Chairman mar Rarieda Constitutional Committee mondo otawa ka waruoako wendwa kendo ka introduce koda Committee Members ma mage. Mr. Ougo James karibu kaka Jakom mar Rarieda Constituency Constitutional Committee. Ero kamano.

Jonah Ougo: Professor Okoth Ogeto, wendwa ma odhial kawuono, Coordinator marwa mar review mar Bondo District, Members mag Committee mane owuoth kuom jopiny, welo ma Professor owuothogo, amosou ni misawa uru?

Audience: Misawa ahinya.

Jonah Ougo: Ka pod ok achungo members mag Committee daher nyiso Professor ni ma limbe ne mar adek ka. Mokuongo ne obiro ka onyisowa gima onego watim kaka jo Rarieda, nobiro mondo onyiswa tiend tich mane sirikal omiyogi mondo giti kuom chik mar Kenya. Oloso kodwa maber ma opuonjowa maber. Limbene mar ariyo ne obiro mondo ochok parowa kata ne gibiro mondo gichoki parowa kuom weche mar loko chik mag Kenya. Kawuono to obiro mondo onyiswa gigo mane wawacho to kaka giselosogi mondo koro otergi nyime ma nyaka gichopie Bunge.

Professor, ka iyiena abiro timo ero kamano maduong' ne tich mar Commission, tich mar loko chik ni ok noyot. Kane ochake mokuongo jo Kenya ne ok oyiere, ne nitie migepe ma opogore opogore mane dwaro ndiko chikne mane omiyo ne okaw saa mang'eny ka itemogi mondo giyiere to kuom hawi maber to Jaduong' Ogeto ne joyiere mane gibedo kamoro achiel magi chako loso chik. Ok gisebedo gi tich mayot kuom tijni to be ne en tich maduong' ok ne en tich matin to gima daher wacho Professor ni utimo gima Kisungu ji luongo mana ni miracle. Utimo gima ne ok wapar, ok apar ni jopiny neparo ni un uwuogi gi gima koro ukelo e nyimwa kamo nikech ne un gi chandruok mang'eny, facilities bende ne tin to utiyo matek ma ugolo chik mano ma aparo nibiro kawo Kenya kuom higni mathoth manie nyimwa ka.

Professor daher wacho ni jomoko wacho ni nitie opposition kata ni nitie ng'ur. Ng'ur go very health, ng'ur go ema nyiso ni uchopo, unyono lalutu, unyono kuonde moko ma jomoko ne ok duar mondo onyon. To be joma ng'ur go ok apar ni gi'ngur e the real the Constitution, an ng'ur ma aneno to aneno mana jomoko malaro tiye, jomoko maneno opportunities makoro chik ni dwaro tamogie. To ng'ama pingo chik ma undiko ni Professor to ok asewinjo, gin mana neno ni oh, yande ne an DC to kamoro DC dwaro baya. **(Laughter)**.

Yande ne an Judge to atimo mana gima an ema ahero to ma dwaro baya, magi joma aparo ni temo, to mano ok can't be essence of the Constitution. Wan ne wadwaro ni Kenya mondo obedi gi chik maber kendo gimoro utimo kanyo ni sovereignty, ang' ne iloknegi Jaduong' dhako moro ne openja ni sovereignty to ang'o. Sovereignty is the core of the Constitution, kaka piny ritore owuon. To Professor utimo gini maber, mad Nyasaye ritu mondo ubedi gichir mondo

gini ochopi. Kata unu bedi maonge Jaduong' usendiko your own history, en gimoro ma ok norum nikech ogolo Kenya e chuodho matut, chuodho ma ugolowani wiwa ok nowil. Ok aduar loso mang'eny a en mar Professor koro kapok abet piny to daher mondo a-introduce members mag Committee mar loso chik.

Nyar Masaye, pakrie ne jogi ane? Ne wan gi Wakyni adek to achako gi osiepna ma nyar Maasai, nyar gi Saitoti.

Esther Nisulu Omolo: *Nyinga Mrs. Omolo, a-reprepent East Asembo.*

Samuel Nyamboya: *Opak Ruoth. An iluonga ni Bernard aburo Samuel Nyamboya, an ja Uyoma to an Arch Decon ma Bondo kendo an Vice Chairman.*

Grace Owuor: *Okue uru?*

Audience: *Okue.*

Grace Owuor: *Nyinga Grace Ajuang' Owuor, a represent Central Asembo.*

Fr. John Alaro: *Amosou ni osaore uru?*

Audience: *Osawore.*

Fr. John Alaro: *An Father John Maria Oginga Alaro, an e Catholic Church Aluor a represent jo West Asembo. Ero kamano.*

John Odundo: *Oyawre uru?*

Audience: *Oyawre.*

John Odundo: *An John Odundo, a represent South Uyoma, ero kamano uru.*

Rose Otieno: *Oyawre uru?*

Audience: *Oyawre.*

Rose Otieno: *An Rose Otieno, a represent West Uyoma.*

Cllr. James Okelo: *Oyawre uru?*

Audience: *Oyawre.*

Cllr. James Okelo: *An to an Councillor James Onguru Okelo an Vice Chairman ma Bondo an a represent interest mar Council, civic.*

James Ougo: *Professor Ogendo ka iyiena, osiepna Jaramogi newachona ni ka idhi e siasa to ok idhi gi dhako to anto abiro gi dhako. Yiena mondo en be omosie ji. (Laughter)*

Alice Ougo: *An Alice Ougo.*

James Ougo: *Jaduong' waruaki e Rarieda ka kendo kik wiyi wil kaka awacho ni utimo tich ma impossible but well done.*

Com. Prof. Okoth Ogendo: *Jo Rarieda amosou ni osawre uru duto?*

Audience: *Osawre.*

Com. Prof. Okoth Ogendo: *Kane an ka mogik nawacho ni weche ma umiyowa, duondu mane wabiro kawo, parou mane wabiro kawo Bondo ne wadhi ng'iyogi, wanonogi kaeto wandiko Katiba manyien ma parou onego obedi ni odonje eie kendo ne awacho ni kawatieko gino to wabiro duogo, kaeto ka waseduogo to wakonu ni nyiswa uru ane pachu e gima wandikoni. Ok e kaka nawacho?*

Audience: *Eh.*

Com. Prof. Okoth Ogendo: *Saa mane awacho gino to ne awacho ni ubiro bedo gi dweche ariyo ma ung'iyu wachni to Parliament ne odhi oloko wachno ma ong'ado ma koro odong' mana dwe achiel. Koro October ma wantiere ni e dwe ma idwaro ni mondo ugoe mbaka e gima wandiko no kendo mora ahinya ni aduogo ka to aduogo ka ja adiera. Nawacho ni abiro duogo to abiro duogo gi gima wandiko mondo wago mbaka ka aduogo kode. Ok mamano? Omiyo ok apar ni arimbo. Gima nie ie no nyalo bedo ni gik ma wandikogo ok oyiego to adiero to wachung'e ni wawacho ni waduogo mondo wayal wach ni kendo.*

Wach mar Katiba bi en gima ose kawo Kenya ndalo mang'eny ok ochakore machiegni. Gini ne ochakore chono,

ochakore mana ka ndalo mane waduaro ni mondo wach mar single party mar KANU mondo orum. Jaramogi Oginga Odinga oyigi wach mar Multi Party no kabisa ma oyi ma oyi, ma oyi.

An ndalo moro ne Jaramogi kona chieng' moro ni Okoth amenda rach ma ka ayi kodi kata igoya piny to aa mana malo nyaka wang' anyagi. Face one mar gini Jaramogi ema no oyigo, face mar Multi Party Democracy. Gichake gi Anyona mar Section 2A obedo repealed ma Kenya ochako political parties mangeny. Face two koro ne ni to ere kaka wabiro yudo Kenya ka, ere kaka wabiro chako ndiko Katiba manyien, kanyo be ji onyagore jomoko ni hapana ni wananchi ok nyal ndiko Katiba, Katiba idwaro ne mana jok ma riek, jok ma ne osesomo Katiba ema bedo piny e ot kamoro to ndike. Mano bende owachi kamano, bang'e ji oyiere ni aa, dhi upenj Jokenya duondgi, ginyisu gima thagogi.

Ka waa e mano to wadhi e face three kama koro lweny ne en mana ni ma koro wadhi penjo jo Kenya ni ere kaka wabiro make sure ni gima jo Kenya owachonwa en gima waduaro mondo giwachi. The trouble for control of the process . Kanyo ema ne lweny malich mokadho waringe kor piny ka endi to jok ma ok dwar mondo ji owuo ema thoth. Mano bende wakado ma wabiro wawuoyo gi ji, an e wach mar kawo duol ni aringo nyaka Moyale kamoro ni Ileret ka local piny Joluo Turkana, adhi nyaka mwalo Kajiado ma aduogo koni adhi South Nyanza kamoro ni Wuoth Ogik, ung'eyo kuma Wuoth Ogik nitie?

Audience: *Ah.*

Com. Prof. Okoth Ogendo: *An Nyatike, ikadho Wat Ong'er koka idhi kamoro ni Wuoth Ogik ei Karungu piny mwalo. Ma wawuotho wasuto asuta gi ludha ma wasutogo ni to wapenjo mana Jokenya ni nyiswa uru gima uparo kendo ji owuoyo ndi. An nawacho neji gimoro amora mathagi mano e gima ilosogo Katiba, kik ng'ato wuondi ni Katiba ni en mana jomoko mosomo ma ong'eyo tiende. Gimoro amora ma iwacho kata gima thagi en mana ni gwendi moro ema ikawo to ok chuli, magi gik madhi e Katiba te. Omiyo wakawo everything mane ji wachonwa. Jo Borana, jo Rendile ka ne wadhi irgi gin gima ne thagogi en otoyoy, ondiek mar otoyoni machamo lori. Ja Rendile kaduaro yanyi to okoni ichalo nyathi otoyoy, mano oyanyi ayany magongo kabisa nikech mano e gima thagogi. To gima ginyisi en ni ka koro ukonegi, ka otoyoy thagogi to uwacho ni mano en wildlife to ni wildlife ok mul ni en mar sirikal. En sirikal manade ma otoyoy thagowa athaga to kendo en o-defend otoyoy, en matiende ni o-choose between animals and human beings. Mano e gima thagogi. And you have to worry about all these things, everything mane ji owachonwa was important for the new Constitution.*

Koro ka nyocha watieko face no ma wadhi wabedo piny Mombasa dwe achiel ma wabedo abeda e hotel waling' alinga to wagoyo mana mbaka to wayie ayie, ne en lweny ndi, amen mokalo ma jomoko bende ochako oketo ni gini ok ndiki. Lweny mar ndiko Katiba ni ne en lweny malich ahinya ma jomoko obiro abira ni nomigi pesa to gin giduaro mondo

gikethi buro. Mano bende wakadho ma wandiko Katiba. Koro sani lweny ma koro odong' sani, ni to e ondike koro jomoko ok dware to ok gidware ni ondike marach mana kaka Wuon Ochieng' owacho. Ne iparo ni kawabiro ndike to wabiro yie gi dwond jomoko manie telo to wang'eyo wakeni aah, wananchi to onyisowa gimoro nono. Omiyo gima wakelo ni koro en maru to un ema nyaka ogo lweny no, koro ochopo kama koro wananchi ema nyaka insist ni the new Constitution mondo okadhi. Ka wananchi ok o-insist to onge gima nyalo timore nikech lweny makoro nitie ka end ni to warit Katiba manyien eka wadhi e yiero koso wawite oko waweeye.

Gima be nothago ji ahinya en ni, ne wawacho ni wabiro report ne the public to ji mang'eny ne ko ni onge Commission ma ose-report to the public. Commission dhi ir President kasedhi ir President to President ng'iyoy to koni ma gima ok oduar to okane to mano e wach, mano e kaka orumo. To marwa ni uk uneno, wadhi adhiya direct to the public, ok newadhi ir President bende ok wadhi ir Parliament. Parliamentary Select Committee oluongowa mana ka wasemiyo gini the public nikech mano e gima ne chik owacho ni nyaka wa-report to the public, we don't report to the President, we don't report to Parliament. Koro kase-report President onene mana e newspaper kaka in bende ne inene. Onge station moro mane wadhi e State House wakoni Jaduong' ee neye gini mondi kapok watere ne the public. Nikech mano ema ne chik owacho. Koro gima aduaro ni watim sani, aduaro ni mondo wawuothe karatas ni matin, wang'iane kanitie gimoro eie kanyo ma uparo ni ne onego wandiki differently. Kata ka nitie paro moro ma uparo ni important mane waweoyo oko, nikech gima wakelo ni en draft mawaduaro ni mondu u-discuss. To draft for discussion matiende ni pod en open to improvement, sani waluongo National Constitutional Conference ma 700. Jo Kenya 700 biro dhi discuss in Nairobi, waluonge from the 28th of October and we are budgeting ni discussing it will take about a month ma waduaro ni watieke by 29th of November.

That conference ema koro biro yale kabisa ma ogik ka un bende useyale kodwa koro en ema odhi yale mogik, matiende ni gima nie yie ka some of them are going to change. Nitie moko mane wachako paro to parowa pod ok orumo maber, nitie kuonde moko, loose ends nitie. Mago ema waduaro mondo ukonywa ng'eyo ni to gin mage. To kata ka nitie moro ma uparo ni important ma uparo ni onego medi to bende unyisowa ni ka endi to ne onego umede kama, ka endi uhango, to ka endi bende ubidhe to pod ok ubidhe malong'o ahinya. Mano e wach ma wan godo kawuono. Koro an kaka Japuonj ma bende osepuonjo higni mang'eny abiro gi Kijana ma wiye bith ma iluongo ni Wycliffe kendo en mana ja Bondo u ka. En ema aduaro ni mondo ochanwa wachni malong'o to kanitie kamoro matekne to bende adonje to ochopo kama koro un gi penjo to bende waduokonu. Ok uyie kamano, nikech gini watime ne generation te koro nyaka be kane aseringo, an aringo achopo ka koro Wycliffe be ochake ng'uech to ka ool e yoo to bende wachodhe. Wycliffe, ere go. Eh go.

Wycliffe Owade: *Amosou kendo un duto.*

Audience: *Ber ahinya.*

Wycliffe Owade: *Ero kamano Professor kuom miya thuolo. Koro wabiro loso gi Dholuo kae to be wakiko bende gi Kisungu, ato eka bende koro wadhi maber. To kaka Professor owachono ni ka watiyo gi pullout ni to biro bet mayot nikech ondike e Kisungu mayot koro waduaru ni chapters kaka ung'eyogi gin chapters 20. Koro wabiro chako from preamble kaeto wachi chapter one by one to chapter ka chapter wabiro timo highlights kata overview ma nitie kata gima omedie e the new Constitution.*

Koro ka ung'iyoy page 2 nitie kama ondiki ni preamble, wan duto kanyo achiel?

Audience: *Eh.*

Wycliffe Owade: *Iwacho e Muma ni kar chakruok wach ne nite, ok kamano. Koro chako wachno ne en Nyasaye to koro wawacho kama bende ka. Ni kar chakruok chik ne nitie to chik no en jopiny to jopiny e duong', ok kamano? Koro ema omiyo nyocha ka ne wawuoth kaka Professor osehacho no, jopiny ne ochiwo paro ni mondo omi ka indiko Constitution nitie chapter ma mondo obedie ma iluongo ni preamble, manyiso wuothno kata focus mar Constitution ma waduaru dhi eni. Koro ma e chalo kata kit mise manyisowa gik ma idwaro ka gi. Mano wawinjo maber? Koro preamble kanyo ka ing'iyoy in short oloso e details mag'eny ma Constitution biro ting'o.*

Mokuongo, we the people of Kenya. Tiendeni Constitution ni en marwa mar jopiny Jokenya wan ema wamiye teko to kendo en Constitution marwa ma wan ema waloso. Kaka ne wawuotho mane wakawo pachu, pachu no ema omiyo Constitution ni teko kata duong', ok kamano? Koro we the people of Kenya, haya, ibiro neno words ma ondiki in capital go. One, aware of our ethnic, cultural and religion diversity. Tiende ni wanie oganda ma opogore opogore, oganda mar kabila makama kama, oganda mar culture machal kama kama, oganda mara dini machal kama kama. Mar ariyo, committed to naturing and protecting the well being of the individuals, the family and the community. Ng'at achiel, family kod community ema loso nation, ok kamano?

Then mar adek, 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. Tiende ni chik e weche mag freedom, weche mag democracy moriwo ng'ama dichwo gi ng'ama dhako mae Kenya ka and then gima Mweshimiwa wacho. Excising our freedom and inalienable rights tiende ni duong' marwa. Tiende ni duong' marwa e Kenya ka, duong' kata teko no aa kuom jopiny. Koro preamble no nysisowa wuoth mantie Constitution no kendo en e kar chakruok mar.

Bas, ka weselerore kanyo maber. We will now go to chapter one, mawacho ni sovereignty of the people and the supremacy of the Constitution. Koro wa-check page 4. Page 4 kanyo ka wang'iyoy chapter one we have sovereignty of the people and the supremacy of the Constitution. Kaka asewacho e sovereignty we are saying ni all the authority belongs to the

people of Kenya and may be exercised only in accordance with the Constitution. *Gimoro amora ma jotelo timo kata ma authority moro amora ma itimo ka in jatelo kata itelo e wi ji, kata itelo e wach moro amoro, telo no ok en mari to en mar jopiny, mano owinjore maber? Ema omiyo duong' ma omiyino kata ibedi mana ja ohala kata Japunj skol, kata ja Kanisa, kata ja Siasa, duong' no aa e Constitution, to koro tiende ni Constitution is supreme. Onge chik moro amora maloyo Katiba ma uloso ka ni, Katiba ni ka useloso en the over ridding en ema ohingo chike te te ma ilose epinyini. Mano owinjore maber? Koro that is the sovereignty of the people and supremacy of the Constitution kendo saa ka saa kata ka chik ni oselose kata osekadhi nyaka ubed ka wang'eyo waduto te ni chikni ema duong' molooyo chiko moro amora ma iloso e pinywa ka ma onge ng'ato ang'ata manyalo kethe.*

Haya ka waseaa kanyo wabiro dhi e the laws of Kenya. Ka icheko kama wantie, defence of the Constitution, just down there, namba abich, ibiro neno the laws of Kenya. Are we together?

Audience: Yes.

Wycliffe Owade: *The laws of Kenya, chike mag Kenya opogore e midienge ma opogore opogore. They are as follow, we have the Constitution which we are talking about now. (b) Acts of Parliament enacted under the Constitution. Nitie chike ma bende Bunge loso to ka uluwore mana gi chik maduong' ma waloso ni. Then (C), African Customary Law, chike ma mawa kaka jo Africa kata mag timbewa. Then (D), Islamic and Hindu Personal Law, chike madhi gi jo Islam kata jo Hindu. Then (E), the rules of law generally know as the common law and the rules of law generally know as the doctrines of equity as they related to the practice and procedures of the Courts of Kenya. Koro nitie chike ma moko bende wango mag doctrines, then we have also the East African Community Law, we have the Customary International Law. Then it says there in number 2, Parliament shall within two years of the coming into force of the Constitution by an Act of Parliament make the amendments that are necessary or expedient for bringing the existing law into conformity with the Constitution. Koro mano bende ni, kanyo. Generally gima sovereignty gi supremacy of the Constitution wacho ni chik ni ema duong' ma ohingo chike te, aparo ni mano e point maduong' ma mondo wakaw.*

Haya wadhi e chapter 2, chapter 2 is talking about the republic. Are we together?

Audience: Yes.

Wycliffe Owade: Yes, chapter two is talking about the republic. Trying to define the Republic and to tell us what is the republic and it is said there, 6 (i). Kenya is a Sovereign Republic and number (ii) the Republic of Kenya is founded on republic principles of good governance through multi party democracy, participatory governance, transparency and accountability, separation of powers, respect for human rights, fundamental freedom and the rule of law. *Gima chik ni temo wachnwa en Kenya en Republic tiende ni Kenya en mar ji te, Kenya ok en mar ng'at achiel, gimoro amora mamoako Kenya omako*

dhano te, mano etie Republic. Ema omiyo Constitution ma awacho ni supreme cha omiyowa duong' as a republic of Kenya. Kenya ok en mar ng'ato gi osiepene, ok en mar kabila achiel, ok en mar jomoko mosomo to en Republic moriwo dhano te. Wan kanyo achiel? Ndiyo, koro watieko kanyo.

Then territory; the territory of the Republic of Kenya comprises the areas, territory *wanyalo discuss later e later pages* but you can see them there *ni wangi terigory, wan gi capital of Kenya ma wa-propose ni obedi Nairobi ma podi entie no then languages ma wabiro duaro, ma wa-propose. Ka nyacha wawuothe constituencies ma opogore opogore jo Kenya ne omiyowa paro koro maoni margi mane gimiyowa koro wa-addopt gi as follows: Ni official language mar Kenya obed Kiswahili kod English and all official documents shall be made available in both languages. Wach moro amora biro bedo available either e English or Kiswahili. So the national language of Kenya again will be Kiswahili, wawinjore kanyo maber.*

Haya wadhi e State and religion: We are giving a special recognition there out of the views of Kenyans, that is 10 (i). State and Religion shall be separate, onge gimor ni State Religion, ok usewinjo State Religion no, onge gimoro ni State Religion, they have to be a clear demarcation and the State shall treat all religions equally. Dinde duto te ibiro kaw ni gin e level achiel.

National symbols: *Nitie symbols moko malich mokadho manyaka bedie Constitution kor symbols gi bende gin ranyisi mar our Republic of Kenya. Koro there are four main symbols (i), wangi the National Flag, (ii) wangi the National Anthem, (iii) wangi the Court of Arms, (iv) wangi the Public Seal of Kenya as prescribed in the third schedule. Koro ma bende ka pod un gi maoni u moro amora e paro podi unyalo chiwo. Oaths wabiro discuss bang'e.*

Then wadhi e National Days, that is number 13. Commission kane osewuoth e konde koni gi koni nyocha gi adopt a recommendation or they recommended that the following holidays be observed as National Holidays, these three main days. (i) 1st of June ma ong'ere kaka Madaraka Day, obedi maintained. (ii) 12th of December ma ong'ere kaka Jamhuru Day obedi maintained and (iii) the date ma wa-enact the Constitution ma koro watimo ni, waluonge ni Katiba Day. Kapodi ni dubedi gi paro moro ma opogore gi magi bende ang' omiu thuolo mondo uwachi. Wawinjore kanyo maber? Kamano.

Bas koro abiro wacho very very briely on chapter three, which is National Goals, Values and Principles. Number 14 (i) ka wasomo achiel, mano mana piny kanyo the same page 4. The national goals, values and principles contained in this chapter apply to the Executive, Parliament, Judiciary, Local Authorities and all other State organs and officials, citizens and private bodies whenever any of them, then there are all those articles as you can see them. What it means here, en ni in various positions of leadership, in various management situations ma wantie, kamoro amora ma intie, kamoro amora ma itele sana sana ma-apply ne joma otelo, jotend sirikal, joma nie Parliament, joma nie Court, joma nie Local

Authorities.

Waseneno kaka views mar jo Kenya newacho, ni luor kata ritruok maber, kata nying maber tinde gore piny. Koso ok useneno kamano? Gik moko ineno mana ka ji timo to ji ulo aula, nitie timbe moko mag alila, ng'ato ineno ni jatelo to ka ing'eyo timbene to ok inyal paro ni en jatelo. Koso ok kamano. Ineno ng'ato en kata jatend ohala moro, en ng'ama oluor kabisa to ka ineno gik moko ma otimo to kendo koro iwuoro awuoro ni to kendo ma koro ranyisi machal nade. Koro gima chapter ni temo wacho ni kamoro amora ma watele kata e gimoro amora ma watimo nyaka wabedi gi values moko, ethics moko mabiro ritowa mondo wa-conduct gikwa kata relationship wa gi public e yoo maber. Koro mae jo sirikal kata jo siasa kata joma nie courts nyaka gibedi gi values moko mamiyo kendgi gi raia bet e yoo makere. Kanyo owinjore maber? Erokamano.

Bas, koro waduaru dhi e duties of a citizen, that is page 5. We have number 15, e waselose values mag jotelo kata joma nie management ma opogore opogore but we are also saying, we as citizens of this country, we have a duty to do various things to improve our well being and the well being of the nation. It is not that now that the Constitution is there we expect to find these leaders doing these good things here and there, they should come and even cleans the toilet in my home, right or even to prepare some foot path going to my home.

There are some things we as citizens also have a responsibility to do, ok kamano? Maka poni chik wacho ni in raia ibedi nitie tije moko ma nyaka itim kaka a citizen ma ka oyudi ka ok itim to tiende ni koro iketho chik. Koro tiende ni kaka awacho jo sirikal gi jo siasa ka, in as much as we expect a heavy responsibility from them in terms of values and rights and duties to the people of Kenya, the citizens of Kenya have also a responsibility to comply and do things necessary as a citizen of Kenya. So ka wanyalo highlight our duties as citizens kendo ma bende luwore gi views mane wayudo kuom jo Kenya.

15 (i) in order to fulfil the national goals, values and principles, all citizens have the duty to: (i) acquaint themselves with the provisions of the Constitution. (b) Uphold and defend the Constitution and the law. What this means is that like in the current Constitution ibiro yudo ka ji mang'eny gi onge kata mana gi access gi gima Constitution no wacho, kata pok gisome, koso ariambo. Koso thuru ka samoro usenene, uwinjo awinja ni Katiba, ni Katiba owacho kama, iwinjo kang'ato wachoni kata kamoro obiro e rally moro kata barasa moro, ni chik wacho kama. Koso ok mamano? To chik no to in iwuon pok isomo ma ikia kata ni ochal nade, to koro wawacho sani ni chik ma koro waloso mar Katiba ni obedo gima ng'ato ang'ata nigo, ng'ato ang'ata nyalo somo mang'e ni chik wacho kama. Nikech ang'o momiyo chik onego obedi siri, koso? Nikech chik ok en mar jo piny. So we are saying in the Constitution, it is your duty ni mondo ing'e ni chik wacho ang'o.

Haya, ka wadhi e number C, the citizens have the duty exercise their democratic rights by voting and being involved in other forms of political participation. Chik sani koro duaro ni ng'ato ka ng'ato nyaka kaw ombulu bas dhi ling' ombulu ne no.

Pok uwinjo jomoko ma goyo agoya dhogi e chiro to ka ochop kar ling'o to gionge, koso ok timre karu ka. Voting mari no is very powerful to exercise your democracy. Koro chik koro dware keto matek ok en matek to oketo maber ni koro sani nyaka ibedi ng'at manyalo ling'o ombulu kendo I-participate e weche duto te mag siasa, mag telo nikech gigo duto te gi affect I kata idagi kata iyie. Koso ok kamano? Ero kamano.

Bas koro in D, all the citizens of Kenya have a duty to engage in work including home making for the support and welfare of themselves and their family, for the common good and to contribute to national development. Chik duaro ni in kaka raia, in kaka citizen nyaka i-participate e dongruok mar odi kama idakie, chik duaro ni in kaka raia onego ing'i ngima kata welfare mar family mari. Be uneno kuonde moko ma ng'ato samoro oweyo aweyo family ojuang'ore ok o-care, koso. To sani iduaro ni mondo family nyaka ng'ato ng'i maber, ibedi janyuol, ibedi nyathi, the foundation of the family must be looked at. Then role mari e national development be nyaka i-participate.

E, the right of the citizen to develop their abilities to the greatest possible extent through acquisition of knowledge, continuous learning and the development of skill. Kamoro amora ma intie bedi ka in ng'ama ohero weche mag somo, kik ibedi abeda kata kane iseweyo school to koro tinde itomo ang'o, tinde iling'. Bedi jakinda kata buche ma ji dhiye, weche mag dongruok, seminars matimore kamoro amora. Chik duaro ni ibedi ng'ama updated ma obungo ne oyawre. Mano wawinjore maber? Ero kamano.

Haya, number F: Contribute to the welfare and advancement of the community where they live. Nyaka ibedi very active in your community.

G, strive to foster national unity and live in harmony with others. Bedi gi kue gi joweteni e piny mangima, bed kodgi bende e achiel.

H, promote democracy and the rule of law, bedi ng'ama ong'eyo ni democracy chal nade to kendo nyaka I-promote demoacry kamoro amora ma intie. Promote family life mane wasewacho cha, protect and safeguard public property from waste and misuse. Osetimore e ndalo moko mang'eny. Osetimore e ndalo moko mang'eny, ndalo moko ne wan e college moro to iyudo ka samoro ng'ato odhi kata mana e bathroom kama nyithindo luokore ka oseluokore to oweyo tap cha koro pi ang' olore ahala kata nyaka kiny piny ru. Ka ipenje, hiyo ni mali ya serikali, koso pok uwinjo kamano.

Eeh, ni hiyo ni mali ya serikali to koro iwacho ni nyaka ibedi responsible. Mali ya serikali, sirikal no en ng'a, dong' en jopiny, so there must be accountability on the part of the citizen of Kenya.

Haya koro wadhi e environment, that is K: Protect the environment and conserve natural resources. Bungewa mang'eny kata mana yeinde wa mang'eny sani lal kato gore piny, ng'ato tong'o gi atonga, onge chik. So that the environment is no longer there, we are suffering because we don't have the environment any more. We are not preserving them, we are not

planting trees. *Chik koro dwaro ni en your right as a citizen to participate to preserve the environment, ka ng'ato ketho yien ma opidhi kamoro kata anything to do with the environment ingi right mar wacho ne ni kae, oula gi dwaro mondo olose yoo macholo kama. Kik ibedi ka gima iroto ni ofisas mag sirikal ang' nobi opunj nyawadi, to obed ni wan duto te wan gi that philosophy mar punjo jowetewa kendo wan bende wabedi gi that role mar playing an active role in the environment. Konyo owinjore maber? Ero kamano.*

Number L, cooperate with law enforcement agencies for the maintenance of law and order. Joma rito chike gibedi jotelo kata police kik gibed ka jasigu e kindu kata kik unegi ka jomoko maa maboro, beduro kodgi machiegni mondo gimed rito chik e yoo makare nikech gin ema girito ngimau to un bende un ema okonyo e gweng'.

Then M, desist from acts of corruption. Wasewacho ahinya weche mag magendo kata kuonde mane wawuoth, many Kenyans are really lamenting about the level of corruption in our country, ni asoya ng'eny kamoro amora ma idhiye, kuonde ma iwuthe ineno mana ka asoya ng'eny. Iduaro ni in iwuon nikech asoya en kuom kind ji ariyo, koso ok kamanao? Koro in iwacho ni Police chandi e ndara duaro asoya kuomi to in to imiye nikech ang'o. Both of you have committed felony, koro idwaro ibedi, it is your duty as a citizen to protect yourself or desist from acts of corruption.

N, understand and enhance Kenyas place in the international community. Kamoro amora ma ibetie kata oko mar Kenya in kaka jambetre mar Kenya, koro idwaro ni nyaka i-understand kendo iyie bende position mar Kenya e international community, nikech o dwa live in isolation from the international community.

Now wasetieko, no I think, yes. Wasetieko the citizenship.

Koro ema omiyo rights ni nyaka ing'e, now what are the rights. The righth are state there but I want to take you to the particular rights mantie like when you look on the second column. Duty of the State to promote right and freedoms, 30 (i), are we together? The State can observe, look at those words. The State shall observe respect, protect, promote and fulfil the rights and freedoms in this bill of rights. Tiende e kar chakruok kanyo wacho ni chik omiyo the State mondo oluor rights mag a citizen of Kenya. Chik omiyo the State power mondo the State omi those rights mag citizens recognition and protection. State nyaka protect those rights, State nyaka respect those rights and these rights also you must be aware of them, so that is the main thing there.

So let us go, I just want to highlight just to give you an overview on these rights but I think the most important thing nitie various sections of the society ma aduaro highlight nu makoro the new Constitution is incorporating. (i) Which was there but now we are expanding it, the right to life that is number 32, are we down there. Everyone has the right life nobody has got the right to take away somebody's life. Mano wawinjore go maber? Number (ii), the death penalty is abolished, kuonde mane wawuoth ji newacho nwa ni wach mar ni en ka ikumo ng'ato e jela to ni koro iyalo ne buch nek, ok

gidwar mano koro wan be wa-recommend ni mondo wach mar buch nek otim, nade? Okethi. So the death penalty is abolished, that is ther right to life.

Equality, *bedo, equality cha wawacho nang'o?*

Audience: *Marom.*

Wycliffe Owade: *Bedo marom. Haya number 33.* Every person is equal before the law and has the right to equal protection and equal benefit of the law. We have had many cases whereby some people are treated special than others, is it not so? Yes, as if they are special citizens, *samoro ni en ja kabila moro kata nikech en ng'ama osomo ma oingo jomoko, kata nikech oa dala jotelo ok, kamano. Jatelo nyalo bedo kata Chief, nyalo bedo DC kata PC. Iyudo ka en chike momakogi cha bet ni ileng'e mathin, koso ok kamano? Ema koro waduaro ni* all of us should be equal before the law. So equality will include the full and equal enjoyment of all rights and freedoms.

Number 35, freedom from discrimination. The State shall not unfairly discriminate directly or indirectly against anyone on work or more grounds including race, sex, pregnancy, marital status, ethnic or social origins, colour, age, disability, religion consience, belief, culture, language or birth. So the State must protect these rights. *Nitie kuonde moko mang'eny ma samoro iyudo ka mine mapek ok omigi luor e yo moro ma owinjore koro chik wacho ni gik machalo kamago nyaka rum. Weche mag kidini, weche mag belief, weche mag language ma ng'ato wacho, magi duto te nyaka bedi protected kendo onge ng'ama biro bedo discriminated.*

But I want to take you to three or four specific groups of our society, which is very important to highlight in this Constitution and I want to read them. (i) Number 35, I'm I very first or we are together?

Audience: We are together.

Wycliffe Owade: Okay, then number 35 there we have women. There is a special recorgnition of women in the Constitution.
35

(i) Reads: Women have the right to equal treatment with men including the right to equal opportunities in political, economic and social activities. (ii) Women are entitled to be accorded the same dignity of the person as men. (ii) Women and men have an equal right to inherit, have access to and control property. (iv) Any law, culture, custom or tradition that undermines the dignity, welfare, interest or status of women is prohibited. (v). The State shall (A) protect women and their rights taking into account their unique status and natural pertanal role in society. (B) Provide reasonable facilities and opportunities to enhance the welfare of women to enable them to realize their full potential and advancement.

Koro gima mano temo wacho e yoo machiek, en ni joma mine ma wango e society gise feel ni nitie gik moko ma richo ma ok dhi maber koro gi-feel ni wehegi onego losi ka ochopo korka weche mag mwandu mae udi, mwandu kata mag ohala. Ere kaka onego otimigi. Koro wawacho ni joma mon bende nyaka wakawgi kanyakla mag joma chuo so that is also a recommendation we have there.

Haya, wadhi e second category, older members of the society. Older members of society wa refer to jodongo, jodongo nyalo bedo jomoko mane ose-retire chon kata gin agina jodongo mae gweng'. Wangi tendency ndalo mang'eny e kuonde mawadakie ni jaduong' kata kane oseweyo tich to ng'ato koro paro ni kamoro wiye koro tinde otimore nade, ni nono. Ni en ng'at moro ma ok inyal dhi ire mondo omiyo advice moro, en ng'at moro ma kata Kisungu luongo ni slow puncture. Koso? Koro tinde oonge teko moro en ng'at moro ma useless, koro mano osebedo a big concern. Koro jodongo mabende oloso kodwa ne ooro yuakgi ni ooyo wakete uru gini e chik ni mondo wang'I ni joma jodongo gi gin gi a very big role to play.

Therefore, in the new Constitution we are saying, older members of the society are entitled to continue to enjoy all the rights and freedoms set out in this bill of rights. So the bill or rights, they have to participate fully in the affairs of society, they have to persue their personal development, they should be free from all forms of discrimination, exploitation or abuse. They should live with dignity and respect and they should retain their autonomy. Therefore, what we are trying to say *en ni joma jodongo gi onego omigi luor kik ng'ato ne ni gin jomoko ma useless e society gin gi hekima kata wisdom ma podi wanyalo kawo kuomgi.*

Let us go to children, page 7. *Nyithindo matindo, 37 (i)* reads. Children hold a special place in society, it is the duty of their parents, wider family, society and the State to nature, protect and educate them so that they can develop in a safe and stable environment in an atmosphere of happiness, love, respect and understanding. Be able to fulfil their full potential in all respects physically, interllecually, emotionally and spiritually for the benefit of themselves and society as a whole. *Gima gini temo wacho niyaa, e ndalo mang'eny wase underrate the role mag nyithindo. Nyithindo gi joma lich ahinya nikech gin e generation maboro, koso ok Kamano? Kata mana Constitution ma walose ni nyithindo will also benefit, koso. Koro iwachonwa kani sani ka ochakore ka Katiba ni pono okadhe nyithindo nyaka rit e yoo makare, e yoo mar key education, e yoo mar lemo, e yoo mar dongruok gi e yoo moro amora. Makata ka ineno ka nyathi moro janyuol ne ok orite e yoo maber chik omiyi teko mondo ibende ibedi confirmed kik ine ni ma nyathi ng'ane, nyathini en nyathi mar society, en nyathi mar community. Koso ok kamano? Koro mano bende ne nitie olose rights mar child. Then there are some interesting issues I want you to capture there.*

Number 2, all children whether born within or outside wedlock are equal before the law and have equal rights under this Constitution. *Nitie kinde mang'eny ma wasekawo ni nyathi ma obigo kata nyathi ma onyuol kapok, ok ang'eyo ni iluongo nang'o. Koro ni nyathindo kaila go chalo mana jomoko ma ok onego...gichalo mana lee, koso ok kamano*

thuru ka. Gin agina jomoko ma ojwang' ma nyithindo gi osedongo e yoo marach to bende wayudo ni ema omiyo samoro nyithindo bet maricho kendo wan ema ang' giduogo gichandowa e koro gweng', koso ok kamano? Nikech odongo ka ong'eyo ni obedo hated, ng'ama ohere onge, chik koro dwaro chuno wa ni nyithindo duto te romre kuom chik.

Number 4, a child mother and father whether married to each other or not have an equal duty to protect and provide for the child. *Koro mano bende is very clear I need not to highlight. Aeto to koro mago mapiny go ni rights of the child ma podi wanyalo somo.*

Then the other aspect is on the family, that is number 38 (i) page 7. Are we together? The State shall recognize the family as the natural fundamental unit of society and as the necessary basis of social order because the family is entitled to the respect and protection of the State. *Koro the highlight maka en ni gima iluongo ni family en gima muhimu sana e piny, koso ok kamano? Wach mar family, institution mar family ng'ama dichwo gi ng'ama mama gi nyithindo, family en gima lich ma okadho koro family kanyo bende koro chik o-recognize nikech wang'iyoy ni family e foundation mar ang'o, mar piny. Aparo koro mano watieko and I will take you to the freedom of religion belief and opinion, on the same page number 44.*

Freedom of religion, belief and opinion: When we were walking, all over the constituencies we received views of Kenya as regard religion, beliefs and opinion and therefore we have recommended the following: 44 (i). Every person has the right to freedom of conscience, religion, thought, belief and opinion. *Tiende ni ng'ato ang'ata e Kenya ka chik wacho ni omiyi freedom mar lemo, mar paro kata mana mar rieko moro amora miparo. It is very difficult to interpret in Dholuo but you have the right to freedom of religion, though, belief and opinion. Yoo moro amora madiher mondo ilemgo kata yoo moro ma mondo ichiwgo paro moro, paroni no ingi right nikech mano donge e parchi, koro in gi right mar chiwo pachi e yoo moro amora. Kende kata ka in dhano mang'eny o-support gimoro to in iwuon iwuok ng'at achiel, paro mari no be nyaka bedi mana considered. Uwinjo mano maber, eeh kata kama ji nitie mang'eny to into imuoch iwuok mana gimari kendi mano e mari. Koro democracy wacho ni marino bende nyaka mi ang'o? Nyaka mi respect kendo nyaka bedi listened to. So it also applies to religion, koto ka ang' nitie wach moro mondo udwaro ni walernu we shall clarify later.*

Freedom of expression, page 8, number 45: *Koro kaka wawacho ni ng'ato ka ng'ato nigi freedom mar paro, it says here 45 (i). Every person has the right to freedom of expression, so what are these freedoms of expression. A. Freedom of the press and other media. B. Freedom to receive of impart information or ideas. C. Freedom of artistic creativity and D. Academic freedom and freedom of scientific research. Tiende ni omiyi, freedom ne wawacho ni en ang'o?*

Audience: *Thuolo.*

Wycliffe Owade: *Thuolo. Omiyi thuolo mondo ing'e gimoro amora matimore e piny kata obedi gir jo press kata obedi gazette kata Television ok onego opandi ni wacha moro amora. Ingi right mondo ing'e gima timore e piny kata obedi mana e media kata obedi mana e radio, kata obedi mana yor somo, kata obedi mana yoo mar dwaro information moro amora, kata loso giri moro ma iparo you have the freedom to do. So there is that freedom of expression, which is clearly emphasized in the Constitution including publication of opinion. Any opinion ma in to chik nitie mawacho ni that opinion of yours can be published.*

Freedom of association or rather access to information which is also more or less like that. *Ingi right to acess any information, onge gimoro ni gimoro siri koso ok kamano? Nitie weche moko ma iwacho ni magi siri oko onego ing'e. Kata ka ndalo mag ukoloni kata ka ne ocheko, kata sani aparo ni moko pod nitie kata e civil service. Nitie moko ma ipando to bende ka ing'iyohinya to be ok gin gik moko malich ahinya ma onego opandi. Koso ok kamano? To ema koro iwacho ni sani idwaro ni jo Kenya obedi gi freedom mondo ong'e information moro amora.*

Freedom of association: Freedom of association *nyiso ni* you have a right to associate with anyone in any sector of the society, in any political party *ingi right mari*. For example, *kidwaro wacho ni for example I-belong to Shirikisho Party, samoro pok uwinje thuru ka. Shirikisho ng'eny Mombasa to in inyagori anyaga ni hapana an Asembo wa ka an ja Shirikisho mano right mari. Koso ok kamano? Kiki ng'ato muochni ni hapana party ni pok wawinje be ok waduate, hapana, chik ok owacho kamano. Chik wacho ni kama I-belong e no that is your democractic right. Mano owinjore maber? Ero kamano.*

Then we also have other freedoms like political rights, *inyalo make any choice you want, ka idwaro choose any party mana kaka awacho cha*, you have a right. If you want to choose any leader of a certain political party, nobody should impose his ideas or feelings on you. You have the freedom to feel and to do whatever you feel is right because that is your right.

Then we also have freedom of movement and residence. *Inyalo wuotho kamoro amora e Kenya ka kata obedi mana Province mage, kata piny makure provided ni en e Kenya. In kaka ja Kenya you have a right to freedom of movement and you can also stay anywhere. Are we together?*

Audience: Yes.

Wycliffe Owade: Freedom of trade, occupation and profession: *In kaka ja Kenya you have a right to choose any trade you want, occupation or profession. Ka idwaro timo ahandi moro e yoo moro amora yoyote, you have a right to do it.*

Now, I think I need just to give you a brief highlight on labour relations. Labour relations *kaka iwacho ni pile pile jatich ber*

gi ang'oni? Gi mishara, so there are also conditions there. For example, that is on page 9 number 55. Labour relation: Everyone has the right to fair labour practices for example, number 2. Every workers has the right to a fair remuneration. Onego omiyi mishara e yoo makare kendo e yoo ma owinjore kata ibedi mana japunj, kata ibedi mana jatich moro amora ingi right to fair remuneration. Koso ok kamano? Ndiyo.

Then number 2, every worker has the right to reasonable work conditions. *Kama itiyeno conditions mag tich bende nyaka bedi e yoo makare. Koso ok kamano?* Then C, every worker in Kenya has the right to form, join or participate in the activities and programmes of a Trade Union. *Aparo ni usewinjo kuonde moko ma samoro itamo ji ni hapana profession ni ok dwar mondo u-join ang'o? Trade Union, koso ok kamano? To koro nikech ne uwachnwa kaka jo Kenya ni onego ubedi gi right mondo udonji e Trade Union koro wan bende wawacho e Constitution ni kaka ne jo Kenya owacho mondo ja Kenya ka ja Kenya obedi gi right to join a Trade Union. Right? Then every worker has the right to strike, strike is within the law if it is justifiable. Ka u-feel ni gik moko mane undiko e contract ok tim kaka onego bedi ni timore ungi right to go on strike. Mano owinjore maber? Nikech en haki maru.*

Then apart from *jatich*, also we have an employer so let us look at that carefully. Every employer has the right. (a) To form and join an employers organization and (b) to participate in the activities and programmes of the employers organization. (c) Every Trade Union and every employer's organization has the right to: (i). Determine its own administration, programmes and activities, organize, form and join a federation. So other facts are just highlighting on your social security, health, *weche mag education, weche mag housing, food, water, sanitation, environment, language and culture, consumer rights, fair administation. Mago duto te kata ka ubet piny ma odhi usomo ginyisou ni all your basic needs ma awacho ka obedo cattered for. Koso ok kamana? Koro mago duto te wanyalo somo.*

Right not to obey unlawful instructions, that is number 66 on page 9. *E waselose weche mag chike* and I was telling you, you need to be aware of your rights. We have got some situations or some cases whereby somebody just tell you, obey the law and even that law is not law, it is something illegal, isn't it? And you are told no, the law is saying like this and yet you know this is not lawful. So the Constitution of Kenya is telling you where you are sure it is not lawful don't obey. Are we together? Don't obey, so you have the right not to obey unlawful instructions.

Access to courts we can handle later but I think we would talk on rights of arrested persons. *Joma otue e jela kata joma otue, gin gi rights mag gi* and it is important that we know this. That is page 9, 68 (i) down there. Every person who is arrested for allegedly committing an offence have the right to: (i). You have the right to remain silent, right. If you want to remain silent even if you are asked any questions, that is your right. (ii) Every person who has been arrested, you have the right to be informed promptly in a language they understand. *Ok nyisi ni kia code maka ma, section maka ma wacho kama kama, gigo to ok iwinji. Koso ok kamano? Koro ka omaki ber mondo onyisi e simple language ma i-understand ni*

omaka nikech ang'o. (iii) Of the right to remain silent and also of the consequences of not to remain silent. *Ka bende ineno ni iling' to bende ibiro nyisi ni ka iling' bende magi e consequences ma ibiro face. Wawinjore kanyo maber? Ndiyo. Koro those are the rights.* Even if I don't explain all of them you can read but at least it gives you a framework of what it is all about.

Then we have got also fair trial, we shall discuss them later where we expect the courts to give us fair trials in their judgements. We have also the right of persons held in custody. *Nitie gik ma osetimore mang'eny ne joma omaki e custody, koso ok kamano? Ni en aena ng'at moro ni iwacho wach moro kuome to iketo aketa kuome to aeto jogo kete aketa ni hapana itimo makosa. Koro ka usomo gigate to iloso on the rights of persons held in custody mondo ng'ato ang'ata ma omaki kiny ma oter e custody koro in aware ka the new Constitutio osebetie ni gin your rights even as you are in the custody.*

The Commission of human rights we will discuss later. At this particular time I want to take you to elections. What we call the electoral system and process, page 11 part (i) just at the top there, there is number 76. Are we there?

Audience: Yes.

Wycliffe Owade: Now, the issue of elections is very critical in our country even as you realize now and according to the views of Kenyans they raised many issues concerning elections and therefore it is very important as we are just approaching the election period that we understand some of these issues should the new Constitution come into place. So there are general principles there, 76 (i). The electoral system is based on the right of all citizens to vote and to stand for elections to legislative and executive bodies. I had just highlighted on your rights as a citizen to vote and you also have a right to stand. *Kik ng'ato neni ni ng'ane giri gi be nyalo chung' aah, in bende ka ineno ni iromo aroma to donge iromo. Eeh, iromo aroma ichung' achung'a, koro kik ng'ato bedi gi propaganda moro ni ooyo ng'ano ok oromo go.* It is your right to stand and it is also your right to vote.

Then voting number (ii). Voting is by secrete ballot, *mano wawinjore maber? Voting nyaka bedi mana mar siri.* (iii). Elections must be free and fair. (iv). Elections shall ensure the fair representation of the people. (v). Elections shall ensure fairness representation of women, disabled and the minority. So we are saying these three categories of people women, the disabled and the minority must be taken into account. (vi). Elections are conducted by an independent body free from political interference. So we need an independent body to conduct all these. This as Professor told you is just a draft, if there is anything you want to modify, adopt, or adjust you can do that.

Further provisions regarding elections: *Nitie gik moko ma Parliament biro timo ma* perhaps I should just highlight. (i). The number of constituencies for the election of members of Parliament, I think this one I would rather deal with at the regulations so

I will not talk about it. Just check at number 2, under elections? The political parties, the management of political parties, 2 (a), are we together? That at least one third of its candidates for direct elections are women. There is that emphasis that for a political party when they are having their list of candidates for direct elections one third of them must be women, that is a proposal. (b). That 50% of its candidates for proportional representation as public elections are women. This one I shall explain when we come to devolution and that the remain 50% are distributed among persons with disabilities, the youth, ethnic minorities and other interest groups. What is coming clearer here is that unlike other elections we want to cater for a reflective population, which is taking into account all groups of people in the society? I think that is the principle behind it, so better just know it that we want everybody to be involved so that a certain section of the society doesn't feel that they are neglected.

Having said all that, I think I now want to take you to the Electoral Commission that is on page 12. The Electoral Commission, which is really in charge of elections. On page 12 there is that part (ii) on the Electoral Commission. Now, Electoral Commission is a very very important body in our elections so it is important that you can read it thoroughly detail by detail but it is important to highlight that we have also expanded its role so that you are aware of it. Having just briefed you on your rights as a citizen and your rights as a voter, so when you look at the functions of the Electoral Commission that is 84 (i). It is important for you to know that it is a very important body.

- There will be the continuous registration of voters, right? *Gimoro ma iwacho ni hapana omiu period ni kende ema ikawe kura, wa –recommend mana kaka ne uwachonwa ni wach mar kura obedi abeda chakre nyaka giko. Koso ok kamano?* So there should be continuous registration of voters. *Saa asaya ma idwaro, obedi abeda gima permanent.*
- The limitation of electoral constituencies, they are supposed to look into that.
- The conduct and supervisions of elections and referenda.
- The promotion of free and fair elections and referenda.
- The Supervision of political parties, the Electoral Commission is supposed to supervise the political parties.
- The management of political parties fund, Electoral Commission will now manage the funds of these political parties to ensure efficiency.
- The settlement of electoral disputes, if there are any disputes it is the Electoral Commission which will look into it.
- The promotion of voter education and culture of democracy. That this Electoral Commission will be doing continuous voter education and promoting democracy among the voters.
- The facilitation of the observation, monitoring and evaluation of elections.

Therefore, those are some of the functions of the Electoral Commission and the most important thing to capture here is that we are talking of a very strengthened Electoral Commission which has got independence to carry out elections and ensure that it is done fairly.

Political parties: Part (iii), that is number 87. Are we together? So the right to form a political party. I will just brief you on the rights, so this is on political parties. 87 (i). In accordance with article 50, any citizen may form a political party so you have a right to form a political party. (ii). A political party is entitled to financial support from the State on the basis prescribed by an Act of Parliament. *Political moro amora ma obedo registered in conformity with the law nigi right mondo oyudi fund from the State.* (iii). No person may use State resources to support any political party. *Nitie seche moko ma inyalo yudo ka ng'ato nyalo temo tiyogi pesa mag jopiny kata pesa mar sirikal mondo odhi otingo campaign mara chama mare, koso ok usewinjo kamano? Mago ema koro wawacho ni magi gin mali mag sirikal kendo gin mali mag jopiny. Chik manyien wacho no onge ng'ama omi thuolo mondo oti gi State resources.* Is that clear? Parliament shall enact a law providing for the registration of political parties, so that is basically on the political parties *then wan kanyo bende gi functions of political parties ma bende ang' unyalo neno.*

Haya, gima qualify somebody for registration of political party, I think the most important thing to understand there is that it is now the role of the Electoral Commission in determining what constitutes a political party and what are the requirements which are needed. I think that one also you can read. There are also regulations on cancellation or registration. *Ka giduaro ni mondo political party obedi de-registered,* there are also conditions there. Sources of funds, purposes of funds and other sources.

Supervision: *waduaro ni political parties gi onego wang'i* how they can be best managed, their conduct. Some political parties are just there, they tend to harass people, they tend to stifle the views of the people. So political parties should be well managed, they should be civilized in their dealings with the public, isn't it? They should be first people to sell and to share democracy with the electorate. Therefore, if it is a political party which is not behaving the way democracy requires it means there is something wrong, so the new Constitution is putting very strong rules on how political parties should be supervised.

Having said that, I want now to move to chapter 7, which is Parliament. I think we will go to page 14. Parliament, normally we know that Parliament.... Here I would like to combine the views of Kenyans together with our recommendations and I want us to listen very carefully so that it carefully comes out. Having listened to the views of Kenyans across the country from all sectors, we as a Commission adopted the following:- We adopted a bicameral legislature, in other words two Houses in Parliament. That Parliament shall be composed of two Houses. Just like at the independence Constitution we used to have the Senate, isn't it? And which other one?

Audience: The Upper House.

Wycliffe Owade: The Upper House, so right now we are also recommending that can we have two Houses. So Parliament will be composed of two Houses, one House will be called the National Assembly, what we have now. Are we together? The other House which is the Upper House will be called the National Council. Right? These will be the two Houses and what will

be their composition or how will be look like. Let me start with the National Assembly. The National Assembly will be like what we have now, with representatives of the people of Kenya at the constituency level as it is now. Are we together? I am saying, Parliament will be composed of two Houses, one House is called National Assembly, the other one is called National Council. So the National Assembly is like the the model we have now, these are 210 Members of Parliament plus the 12 who are nominated so they are 222, isn't it? So that one will continue, we have recommended that. The other House which will continue we call the Upper House, this is the National Council, now in the National Council what we are suggesting from the views of Kenyans is that, they shall 100 members, right? Of these 100 members, 68 of these members will represent districts throughout the country. In other words, each district will have a representative who is directly elected. Are we together? So we are saying, out of the number of district we have, we have 68 districts in the country. Is that okay? So 68 districts will have 68 representatives. Then Nairobi as a capital city will have two representatives, so 68 plus two is how many?

Audience: Is 70.

Wycliffe Owade: Is 70. Therefore, out of 70 how many more do we have?

Audience: We have 30

Wycliffe Owade: We have 30. We are now recommending that 30 seats be reserved to women. How will the distribution take place? Each province will send 4 representatives, that is women representative, four from each province. We have how many provinces?

Audience: Seven.

Wycliffe Owade: We have eight but we are saying each province will have 4. So, seven times four is how many?

Audience: Twenty-eight.

Wycliffe Owade: Twenty eight. The other two will again come from Nairobi. I want to come again. Parliament is bicameral, we shall have Parliament this time. We are recommending to two houses in Parliament, the first one is the one we call National Assembly, the one we have now like Honourable Ngure is representing you in Rarieda, that model will continue. Are we together? The second one is the one we call the Upper House, this is the National Council. National Council will be composed of 100 members of these 100 members, each district will have a representative. For example, you in Bondo, you will have a representative to the National Council. How many districts do we have in Kenya? We have 68, so there will be 68 representatives from the districts, the other two will represent Nairobi, so that adds up to 70. The other 30, we are recommending let them be reserved for women. So women we are saying, each province have 4 presentatives, so four times

seven will make it 28. The other two will be women representatives from Nairobi. Therefore, that is the composition of the National Council. The other day somebody was saying, oh, you know the name Senator should remain why are you people changing. No, we leave that one for you to decide but that is basically the framework of what we are recommending.

Now, apart from that I want now to take you to the Local Government levels. Many Kenyans expressed the need that they want to participate more actively in the development and the affairs of the nation.

(Interjection)

Speaker: ...(Inaudible)

Wycliffe Owade: No, No, No, I have not reached there, I am just briefing you I will come to that stage. What I am trying to say is many Kenyans said they need increased participation in the affairs of the country, that people in the villages, people in the districts, locations want to have a very strong say. Having listened to those views we came up with what we call a devolution structure and that devolution structure, I think it is on page 26. So I am combining Parliament and the Local Government you will see as we go through. Are we together?

Audience: Yes.

Wycliffe Owade: There is this devolution of powers chapter 10. What we are trying to say there if we can read it very briefly. 213 (i). The principles and object of devolution:

This will give us a framework of why we are calling for the Upper House or the second chamber, so 213 (a). The principles and objectives of devolution are to: 1 (a). Give powers of self-governance to the people at all levels and enhance the participation of people and communities in the exercise of the powers of the State. (b). Strengthen national unity by recognizing diversity in ways that promote the sense among all citizens that they belong to Kenya and share in the district government. (c). Ensure democratic and accountable exercise of power. (d). Increase checks and balances and the separation of powers. (e). Promote social and economic development throughout Kenya. (f). Ensure equitable sharing of national and local resources throughout Kenya with special provisions for marginalized areas. (g). Facilitate the decentralization of Central Government powers at the location of Central Government institutions and departments away from the capital territory to ensure equitable distribution of resources in all the provinces. (h). Provide essential services to the people effectively and economically. (i). Protect and promote the interests and rights of minorities and disadvantaged groups. (j). Facilitate cooperation between national and devolved authorities.

What this simply means in a map cell are three major things and these are also the views of Kenyans: (i). We need to bring the government or administration closer to the people. (ii). We need to have what we call equitable distribution of resources in all the districts. *Koso pok uwinjo ga ni jomoko nitie ma gin giyude ma ohingo jomoko, koso ok kamano? Jaramogi ok*

nokoni ni notiyo ne uhuru koro iyudo ka kuonde moko iwijo mana ni jokomo winjo mana maber. Ka idhi thuche gi lam ogo agoya, ka idhi thuche gi ude iyudo ka un gi market mar pamba for example ok uyudi to kuonde moko to market mar cash crop pod iyudo. Kata ka ichiwo pesa to un area maru ing'eyo ni pesa pok obiro, to budge to ilando higa ka higa e Parliament, koso ok kamano? Koro ema omiyo koro wawacho ni kaka jo Kenya bende ne yuak ni ooyo, wabede uru ni gima waluongo ni Village Council, joka dayo, joka dayo kamoro amora ma gintie kuonde ma opogore opogore. Gibiro fomo gima iluongo ni Village Council. Koro joka dayo gi biro bedo gi teko kendo gi chik mag loso weche mag development gi weche moko amoka mag chike kata obedi mag traditions, kata obedi mag ang'o, ma affect joka dayo. Maono owinjore maber? Koro mano waluongo ni Village Council kendo gibiro yiero jotendgi to joka dayogi, joka dayo gi ema ang' nomi Location Council be obedie. Nikech koro groupings mag joka dayo kata Village Councils gi will also vote directly those leaders at the Locational Council. Location ok nyal bedo gi teko ka joka dayo ok otimogi nade? Ok omiyogi. So we are also proposing a Locational Council ma bende biro bedo gi jatelo margi.

From the Locational Council we go to what we call the District Council. *District Council ok nyal bedo gi teko ka Locational Council ok otimogi nade? Ok omiyogi teko, nikech it is the Village Council which constitute the Locational Council and it is the Locational Council, which constitutes the District Council. So the District Council is a very powerful body and you elect your person, you may call him or her District Governor, who will be a very powerful person in the district. Ma gimoro amora kata obedi resources, assets magu, involvement, planning mag development, weche mag education obedi for example we are suggesting like on primary education, weche mag osuptande kata clinics manitie within the district, all those managements will be under what you call the district heads. En ng'ama un uwegi jo district no oyiero directly ma gimoro amoro ka otimo makosa, there is even a fixed term or period of his leadership there and you have a right to tell him, you are not performing, we are voting you out. Instead of ng'ama ikelo nu ma oa kata piny moro oko ni en jatendu, ni en no ema koro otelonu kata mana e district, kata mane e ginene to ok ong'eyo gine maru. Onego waketi uru ng'ato moro manigi mandate from the population. Mano owinjore maber?*

Audience: *Owinjore.*

Wycliffe Owade: *Ma ka one k a ji ok duare to ikone ni i-fail, wayier ng'at machiel. So that is the basis of the devolved system of government. We want somebody who is directly responsible and impose it to the mandate of the wananchi.*

Ka waa e Distict Council wangi what we call the Provincial Council. Provincial Council again various District Councils will constitute what we call the Provincial Council but the Provincial Council will be more or less of a coordinating body. It coordinates all the district units within the province, mano owinjore maber? In terms of their assets, in terms of District Council relations and all that. There is a powerful secretariat there but it is not interfering with the districts, no. The districts have got their own autonomy but the provincial level is just there to coordinate the activities going on. Are we together there? Ka poni nitie penjo moko kata clarifications to ang' ne upenjwa bang'e. That is generally, what we call a framework of

the devolved government.

Councillors, units *nitie ma waluongo ni wards*. The ward will remain it is like the electoral unit where two representatives will come, so these two representatives will also be elected directly by the people to be representatives at the district council. We shall also clarify that one later in their specific terms but in summary. What I'm I saying? I am saying, we have two Houses of Parliament, we have the National Council and we have the National Assembly. Apart from that, we have another aspect of Members of Parliament. I want you to listen very carefully. These Parliamentarians, this was also from the views of you Kenyans.

There was a feeling that Parliament is not representative enough there are some sections of the society who feel they are not adequately represented and therefore some formular came up from various Kenyans. Can the marginalized, the disabled, women and such like people be accepted? When we look at the framework of the Kenyan system, our election system we call it the majoritarian electoral system or what we call the winner take all situation. *Inyalo neno for example, kata ka ne itimo yiero mar the rulling party 1992 or 1992, iyudo ka the rulling party oyombo with a simple majority to ka itally votes duto te mag jopiny to kendo koro oyombo gi. Koso ok kamano? Koro mago ema nyocha watemo ni, can we get a formular where by ng'ama bedo jatelo mar piny obedi gi ng'ama nigi ng'eny mar votes. Tiende ni engi ng'eny jopiny moloyo just a section of jopiny. Kanyo owinjore maber.*

So the formular we are adopting, we want also to cater for the interest of other people in the society so that Parliament may look more reflective.

Therefore, taking from the views of Kenyans the Commission came up with a recommendation that we should have 90 additional Members of Parliament. *90 gi ibiro yiergi kama, ji piero ochiko gi ibiro yiergi kama. Political party ka political party ma obedo registered e Kenya biro tero nying' piero ochiko ne Electoral Commission of Kenya, kanyo owinjore maber? Kapok otim yiero preferable one year to, political party ka political party biro tero ji moro piero ochiko mondo odhi ka Electoral Commision.*

To ji piero ochikogi nyaka i-balance gi, nitie order of priority, mokuongo ibiro ng'i ni to bende en gi national outlook. Ok ni gin mana Joluo kende, hapana nyaka o-reflect national outlook. To bende gin jomoko ma are so called the marginalized, to bende oting'o joma mine, to bende oting'o jo disabled, to bende oting'o jo youth nikech jo youth bende newachnwa kuonde mane wawuothe. Ni wan bende waduaru represent wechewa e Bunge kor waduaru ni gino o-spread across.

Abiro weyo ne Professor much later mondo ang' o-clarify nu kanyo but I am just giving you a view ni the views of Kenyans and the recommendation ni the 90 people en what we call proportional representation. To nitie yardstick manyaka

gilu, nitie conditions ma omi political parties ni kik obedi ni o-favour kabila moro, kata mana ni o-favour jomoko ma osomo moro, kata ni o-favour mana joma chal nade. Nitie criteria, then another formular for its implimentation is like this. Number of votes ma a certain political party oyudo chieng' elections percentage no wabiro use against the number of seats. In other words, ka a political party, lets say ni en Ford Kenya otim yiero to Ford Kenya oyudo 10% mar seats 90, mano tiende ni onego omiye seats adi?

Audience: *ochiko.*

Wycliffe Owade: *Onego omiye seats ochiko. Koro luwore, iwacho ni gima ne...*

Audience: *Gima ichuoyo ema ikayo.*

Wycliffe Owade: *Eeh gima ichuoyo ema ikayo. Koro the percentage will be against the number of seats that is what we allocated. Just like in the nominated Members of Parliament but which has been so narrowed, you know! So it should be seen to be repretative, so that one has to be very clear but Professor will explain it more more clearly later. That is the role which we have, so each political party will bring a list of 90 but agains what is important, on the election day you are voting twice. Uniro ling'o diriyo, ling'o diriyo tiende niyaa, iling'o ne candidate to kendo iling'o ne party to bende ka ihero en haki mari in inyalo jok mana ni iling'o ne party. Kanyo owinjore maber? Inyalo ling'o ne party kaeto inyalo ling'one candidate mondo omi ka koro idhi yier ji piero ochiko ka to wadhi neno teko ma ingo as a political party. I think I will stop there...*

Com. Prof. Okoth Ogendo: *We amedi ameda an bende a point on gima waluongo ni Mixed Member Propotional representation. Some of you nyalo remember a little the general election in 1966 mar Jaramogi. Kane ong'i the total popular vote mane Jaramogi oyude ne ohingo mar jo KANU but the number of seats mane giyudo was much more than mar jo KANU. So the question ma wa-deal with en ni to ere kaka jopiny nyalo wacho ni party ni ema wahero to party no onge gi seats.*

Gima timore e nitie jerrymandering ma itimo, I-define boundaries in such a way ma uyudo kama uparo ni udhiyudo votes kaeto udhi uyudo your electorate to total number of votes mag joka to oyombo. Koro gima wawacho en ji at the end of the election, ing'iyo percentages mag each party to koro ing'iyo ni un nuyudo adi, uyudo adi, kaeto ichak ing'eyo ni to number of MP's ma uyudo gin adi? Kaeto I-distribute the 90 go proportionately mondo uyudi Members of Parliament as nearly as possible as the proportion of seats, I mean votes mane uyudo. Okay. Kane uyudo enough members kata ma ohingo the proportional votes you don't get any more from the 90, mano the first point.

The second point, *en ni those 90 ichiwo in advance omiyo ji ong'eyo in advance ni party ni wacho ni ka wang' wagocho*

negi to magi e ng'at magiwachi ni biro dhi e Parliament. You understand? Koro inyalo decide ni jok ma otergo ok iduar ema omiyo party no ok igochne. So we must know in advance, gigo wuok kapok ji ka o-vote ok ni ka wang' ji ose-vote korka ji dhibedo piny ni wan koro proportional representation omedowa ji abich kore ka imany Okoth Ogendo, Ouma and so on. Those one go in advance, so wang'eyo. Ma un jo Rarieda ung'eyo ni magi e joma ibiro gochonegi.

Number three, waduaro ni iketo nying go in a zip system matiende ni ka indiko nying ng'ama dichuo to mar ariyo en ng'ama dhako, mar adek en ng'ama dichuo in that sense. Nikech gima timore ga, ni ka iweyo aweya ni miwa 90 to ibiro keto 45 men and then 45 women at the bottom, kaeto ka koro wang' iyiero to ikone women tatu, ...the first five men. So they have to be zipped, u-follow what I am saying?

Audience: Yes.

Com. Prof. Okoth Ogendo: *So that, nyaka wang' men bedi, women bende bedei eie kanyo. That is the way we want to do it nikech wawacho in article 109 kanyo ni at least one third of Members of Parliament should be women. So the whole of this draft is trying to ensure that happens, omiyo with proportional representation gima timore en ni if this is accepted to of those 90 there will be 45 women and there will be 45 men. Matiende ni ka election pok ochaki to ung'eyo ni there 45 women in Parliament and there will be also 45 men but we know who they are, ma ung'eyo in advance. Koro ka idhi vote to inyalo decide ni an to adwaro Okoth Ogendo MP to party ma ochung'ne no to ok aduar. So you vote for another party, so you can split your vote, you don't have to vote for the individual and the party ma ochung'ne no. Inyalo dhi vote for the individual to party to I-vote another party. Seche moko inyalo decide ni ng'at ma ochung'no to ok aduar to party to aduar, so you vote for the party you don't vote for the individual. It is a very flexible system.*

Wycliffe Owade: *Ero kamano Professor aparo ni koro en clear maber. Bas koro abiro teru e page 14 kapidi wanie Parliament. Page 14 ka wang' iyo piny kanyo nitie role of Parliament. Are we okay?*

Audience: Yes.

Wycliffe Owade: Yes. Page 14 on the role of Parliament. *Mago aparo ni unyalo somo to gima very importa ma aduar emphasize just down there there is approval of appointments by Parliament. It is very important mondo wang'e the role of Parliament in the new Constitution as far as public appointments are concerned. So that is 103, are we together? If the Constitution or an Act of Parliament to provide for an appointment to be made with the approval of Parliament that appointment shall not be made until it has been: (a). Reviewed by the relevant Committee of Parliament and (b). Approved by the relevant House of Parliament then you come to number 3 on the same page under approval of of appointments by Parliament.*

Appointments in respect of the following institutions shall be referred to the National Council for approval before they are made.

These are some of the major duties of the National Council *ma wawacho cha*:

- Judicial Service Commission.
- Ethics and Integrity Commission.
- National Land Commission.
- National Environmental Management Commission.
- Teachers Service Commission.
- Salaries and Remuneration Commission.
- Constitution Commission.
- Commission on Human Rights and Administrative Justice.
- Attorney General.
- Director of Public Prosecutions.
- Public Defence, Police Commission, Judges and Chief Kadhi.

Abiro elaborate on them much later but I am just trying to tell you that Parliament now has got a say in any Commission being established as you see them. So those are the Commissions we are proposing but for anything being done Parliament must have a say and Parliament must be the body to state that this Commission is recognized under the law. *Mano owinjore maber? Ok waduar ni Commission obed formed by anybody.* It is Parliament and Parliament alone.

Number 4, appointments in respect of the following offices shall be referred to the National Assembly for approval before they are made. *Nitie specific public appointments manyaka bedi referred to National Assembly, koro ka gise-approve eka koro ginyalo chako tich.* There are here some of them I might elaborate later, for example the Prime Minister which I will talk about shortly. Deputy Prime Minister, Minister, Deputy Minister, Permanent Secretary, Ambassadors and High Commissioners, Electoral Commission, Auditor General, Controller of Budget, Director of Central Bureau of Statistics and Governor of Central Bank of Kenya. I think you can now see the autonomy we are trying to give Parliament because Parliament is there because of you, isn't it? It owes its mandate there because of the people of Kenya. Whatever they do should be final, so it is Parliament who should be able to approve these appointments, if they don't approve then they cannot be accepted in law. I just wanted to make you have an overview of what Parliament contains.

Approval of expenditure simply says, as it is now, all expenses and everything shall be done by Parliament. Structure of Parliament I have already talked about, I need not to go into that. Qualifications and disqualifications of Members of Parliament, I think you can read that but of more significance, which the Professor has just said is representation of women, that is page 15 section 109. It says, subject to clause two, at least one third of the members of each House that is the National Assembly and the National Council shall be women.

Number 2, within 3 years of coming into force of this Constitution Parliament shall enact a law to implement the requirements of clause one. Elections of Members of Parliament, I think that one you can read, perhaps I could read to you tenure of office of Members of Parliament, that is 111. Are we together?

Audience: Yes.

Wycliffe Owade: The office of a Member of Parliament become vacant. So it is just stating when the office becomes vacant:

- If the member resigns the office in writing addressed to the respective Speaker.
- If circumstances arise that if the member were not a Member of Parliament would cause that person to be disqualified for election as a Member of Parliament.
- Subject to the Constitution upon dissolution of Parliament.
- If the member is absent for eight sitting of the house concerned without permission. I think you have been hearing about some members not taking their duties seriously in Parliament. Isn't it? Now we are saying there should be discipline because they are there because of us Kenyans, isn't it? Therefore, there are rule there now.
- If the member is found guilty by the appropriate tribunal of violation of the leadership code of conduct which we shall also talk about and the punished imposed is or induce the vacation of the office of Member of Parliament.
- If he is recalled by the electorates which we are going to discuss.
- If the member leaves the political party for which the member stood as a candidate for election to Parliament to join another party or to remain in Parliament as an independent member.

I hope you have come across all these, somebody elected by you on some party when he goes to Parliament he is singing a different tune, isn't it? So the electorates are confused. Therefore, we are now saying let them stick to their parties, if they want to cross to another party, they have to seek fresh mandate from the electorates.

Let us go to recall of a Member of Parliament, I think this will be very important for you as citizens of this country. 112, are we there? 112 reads, subject to this article the electorates of any constituency that is you, has the right to recall their Member of Parliament before the expiry of the term of Parliament. If you feel that your Member of Parliament is not performing, the new Constitution is saying, you have a right as a constituency, you have a right as voters to recall him back or in other words to dismiss him from the job. You don't have to wait for the 5 years to come, yes, you don't have to wait for 5 years. If he is not doing things properly you have a right to recall him and fresh elections be called.

Number 2, a member referred to in clause one, may be recalled from that office on any of the following grounds and these are very important.

- Physical or mental incapacity rendering that member incapable of performing the functions of the office or

- Misconduct likely to bring hatred, ridicule, and contempt on disrepute to the office.
- Persistent desertion of the electorates without reasonable course. *Ok uneno ga moko ma lala ga, ka useyiero jo Bunge to gilal ema koro idwaro ni joma lal go ungi right mar ketho negi tich.*

Number 3, the recall of a Member of Parliament shall be initiated by a petition in writing. You shall write a petition, setting out the ground relied on and signed by at least 30% of the registered voters of the constituency and shall be delivered to appropriate Speaker. *Koro kawanyalo yodu 30% in a constituency manyalo petition ma ndikne speaker mano oromo ketho ne Mbunge tije.*

Number 4, on receipt of the petition the Speaker shall within 7 days require the Electoral Commission to conduct a public inquiry into the matters alledged in the petition and the Electoral Commission shall expeditiously conduct the necessary inquiry and report its findings to the Speaker.

Number 5, the Speaker shall (a). Declare the seat vacant if the Electoral Commission reports that it is satisfied from the inquiry of the validity of the allegations made in the petition. (b). Declare immediately that the petition was unjustified if the Commission report that it is not unjustified with the validity of the petition. Parliament shall enact a law prescribed in the procedure to be followed for the recall of a Member of Parliament. What it is also saying here is that, *nitie moko ma bende nyalo wuok gi fitina. Ng'ato wuok awuoka ni hapana wachokre uru 30% mondo wadhi wagol Mbunge, donge kamano?*

Audience: *Eeh!*

Wycliffe Owade: *Koro mano bende chik wacho ni nitie some procedure, Electoral Commission gi speaker biro nono man'gi ni to bende en gimoro ma justified. Concerning procedures mag recall mang'eny, Parliament biro enact a law to deal with that. Aparo kar recall of the Parliament, it is clear.*

Speakers and Deputy Speakers I think you can read on your own but I think what is more important, let us talk on the leader of the minority party which is on page 16.

Speaker: *Kaka Anyone. (Laughter)*

Wycliffe Owade: What we are trying to say here is that Parliament should be a representative as possible. That even the voices of the minority should be heard and be recognized. Let us not underrate somebody because he belongs to a minority party, let his rights be recognized that is democracy, isn't it? That is democracy, isn't it? So if you read 120 (i). It reads, the Parliamentary parties not forming the government shall elect as leader of the minority party in Parliament the person which the leader to the largest party or coalition of parties in Parliament. (ii). The leader or the minority party shall have: (a). Official

status immediately following the President and the Prime Minister, that is a very important position you know. (b). The right or participation at all official State functions. (c). The right of second reply after the Prime Minister to an address to Parliament by the President.

(iii). The standind orders of Parliament shall provide adequately for the effective participation in Parliament of the leader of the minority party. I think that is the point I wanted to come.

Having said all that, there are also all other details concerning official languages, quorum, registry, introductions of President to Parliament. I would like us, there communities of Parliament, powers and privillages.

Can we now go to the executive, chapter 8 on page 19. Page 19, chapter 8 we have the executive. Now in the new Constitution we have got some specific position which we have created again arising out of the views of Kenyans across the country. There was this general feeling that the President has got too much powers and that these powers needs to be reduced, these powers needs to be shared, these powers needs to be distributed. But too much powers does what?

Audience: Corrupt.

Wycliffe Owade: Corrupt, so we need to have some level playing ground in as far as power is concerned. This was the feeling of majority of Kenyans, so arising from that we decided to distribute these powers in the two levels. We shall have the President who is an executive President, he is not a ceremonial President. He is an executive President, he is a President with authority but we shall also have a Prime Minister. So the Presient will be the Head of State and the Prime Minister will be the head of the government. Are we together?

Audience: Yes.

Wycliffe Owade: The President will be the head of State and the Prime Minister will be the head of Government. What we are recommending is that, the President shall appoint the Prime Minister, the President shall have the power to appoint the Prime Minister but the President has no choice. He has to appoint the Prime Minister who is from the majority party in Parliament. Are we together?

Audience: ...(Inaudible)

Wycliffe Owade: In other words, that party which wins with the number of seats in Parliament, the dominant party or the majority party in Parliament, the leader of that party who is also a Member of Parliament he shall automatically be the Prime Minister. So what we are saying is, the President has got the power to appoint the Prime Minister but again he has to appoint that Prime Minister from the leader of the majority party in Parliament who will be the head of Government. Again, we are

saying, the Prime Minister is the one to chair the Cabinet. The Prime Minister will have 2 Deputy Prime Ministers, 15 Ministers and also 15 Deputy Ministers. So let us now go and read them one by one so that we understand them clearly.

Okay, let's look at the President powers one by one. Authority of the President, it is important I think that we read this one very quickly so that you understand instead of brushing them aside. Authority of the President that is page 19 from 150 because people have been talking ooh! The President now is just ceremonial let us see how the executive he is. So, (a). The President is the Head of State, Commander-in-Chief of the Armed Forces, the Chairperson of the National Security Council and the Chairperson of the Defense Council. (b). The President is the symbol of 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 Kenyan people and protect their human rights and fundamental freedoms. (c). He shall uphold, safeguard and respect the Constitution and the rule of law.

Two, the powers of the President shall be exercised in accordance with the Constitution and the law.

Three, the President shall not hold any other public office including any elected or appointed office within a political party.

State functions of the President:

1). The President: (a). Shall address the opening of each newly elected Parliament in accordance with article 141. (b). He or she shall address a special sitting of Parliament once each year as provided for in article 14. (c). He may address Parliament at any other time. (d). He may dissolve Parliament only in the circumstances contemplated in article 142.

2). The President shall appoint and may in accordance with this Constitution dismiss: (a). The Cabinet consisting of one: (i). A Prime Minister who shall be the leader of the political party that enjoys the majority support in Parliament but subject to the approval of Parliament as provided for in article 171. In other words, if the President has got the powers to dismiss the Prime Minister he can only do it with the approval of Parliament. (ii). Two Deputy Prime Ministers nominated by the Prime Minister as provided for in article 175. (iii). Not more than 15 Ministers nominated by the Prime Minister as provided for in article 175.

(b). Not more than 15 Ministers nominated by the Prime Minister as provided for in article 175. (c). Judicial Officers. (d). Any other public officer whom the Constitution requires the President to appoint subject to the applicable provisions of the Constitution or legislation.

3). Reads, with the prior consent of the Cabinet the President may: (a). Appoint Commissions of Inquiry or (b). Sign instruments of consent by Kenya to be bound by international agreements.

- 4). After consultation with the Cabinet and the National Defence Council the President may: (a). Declare a state of emergency.
(b). Declare war.
- 5). The President may: (a). Appoint person to represent the Republic as High Commissioners, Ambassadors, Diplomatic or Consular Representatives but with the approval of the National Assembly and may dismiss them. (b). Receive foreign diplomatic and consular representatives. (c). Seek an advisory opinion from the Supreme Court of Kenya on any matter concerning the interpretation protection or enforcement of the Constitution. (d). Pardon or reprove offenders and remit fines, penalties or forfeitures in accordance with article 211. (e). In consultation with the Prime Minister confer honours in the name of the people and the Republic of Kenya.
- 6). The President shall ensure that: (a). The international obligation of the Republic are fulfilled and submit a progress report to Parliament annually. (b). The Courts and Constitutional Commission and offices are able to secure their independence, impartiality, dignity, accessibility and effectiveness as contemplated in this Constitution. Those are the States functions and the authorities of the President. Is it clear?

Audience: Yes.

Wycliffe Owade: In case of any clarifications we can ask later.

Speaker: *Kore ka ichako Kenya.*

Wycliffe Owade: *(Laughter)...*

Speaker: *Kamano e kaka wapenjo nikech sirikal otamo wang'wa,*

Wycliffe Owade: *Ndik andika bang'e kawasetieko to wabiro miyou thuolo.*

Further to that, I could just give an overview of legislative functions of the President. May be you can read them, I think you can read that. Can I now take you to curtailment of the Presidential powers? That is page 20, 154.

Or rather let me take you to term of office of the President first on that same page 20, 160. Term of office of the President as per the proposed draft Constitution. Are we together? One 160 (i), reads: The President shall hold office for a term not exceeding 5 years beginning from the date of assumption of office. (ii). A person shall not hold office as the President for more than two terms of 5 years each. Is that clear?

Audience: Yes.

Wycliffe Owade: Then we come now to protection of the President in respect of legal proceeding during office, 161 (i): Subject to clause 2 of this article 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. I can see you are listening very keenly.

(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. (a). And at least 30 days notice of the proceedings has been served on the President or the person performing the functions of the office. (b). The nature of the proceedings, the course of action, the name and the address of the claimant and the relief sought are specified in the notice.

(iii). Parliament shall enact a law to provide for the operation of clause two. (iv). Where a provision is made by law limiting the time in which proceedings may be brought against a person. A period of time during which the person holds or performing the functions of the Office of the President shall not be taken into account in calculating any period of time prescribed by law. So that is about protection of the President with respect of legal proceedings except on a private nature.

There there is the removal of President on grounds of incapacity. That one you can read but the most interesting one is the impeachment and removal of President on page 21. Are we there? It reads on 163:

(i) This is very important to understand because the President is a very important person in this country. It reads: 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. So the President can only be impeached or removed with two thirds of the Members of the National Assembly and subject to the National Council convening a meeting and hearing charges on the same.

(ii). The Speaker of the National Council shall, so those are procedure, which the National Council shall do. I think I need not to read that but I think what is most important here is that there is a provision that Parliament which is composed of the National Assembly and the National Council shall have the power and the right to impeach the President. So if you have any query on the impeachment or election of President in respect of legal proceeding you can pick it up later.

We have the office of the Vice President and functions of the Vice President which is here you can read but what is very important is that from now on. *Ka ng'ato duaro bedo a candidate kaka President to chik duaro ni nyaka obedi gi ng' ama iluongo ni running mate ma running mate ni biro bedo Vice President mar kendo ma nyaka bedi wazi mondo*

jopiny ong'e ni an awuon an ng'ane ng'ane kata an kaka Owade adhi chung' kaka President, ok kamano? To Onyango ema dhibedo jalupna, koro ema chalo running mater mari, ok ipandi. Ber mondo jopiny ong'e ni to ng'ama dhi run codi mondo obedi Vice President mar en ng'a. Kanyo owinjore maber? Kendo President gi Vice President ibiro yier ratiro kod jopiny. Mano owinjore maber? I think that is the most important things I wanted to capture on the office of the Vice President ma ng'ato ok poyi apayo ni kawuono tiji orumo. Mano owinjore maber?

Audience: *Eeh.*

Wycliffe Owade: *Ero kamano. Bas koro waduaru dhi e Prime Minister and the Cabinet.*

So page 21, part three number 170, we have the office of the Prime Minister whom I had said will become the head of Government. The Prime Minister is the leader of the Cabinet and presides at meetings of the Cabinet.

2). The Prime Minister and the other members of the Cabinet exercise the executive authority within the republic. So what are some of the authorities or the duties of the Prime Minister. This should be very clear because this is a new position, which you Kenyans again should create, so it is better you listen very carefully. (a). The Prime Minister developing and implementing national budgets and policies, that will be his or her duty. (b). Preparing and initiating government legislation for introduction in Parliament. Let us look at page 22. (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. Those are the duties of the Prime Minister.

What about the appointment of the Prime Minister? 171, (i). Within seven days following the summoning of the National Assembly or whenever necessary to fill a vacancy in the office of the Prime Minister the President shall propose to the Speaker of the National Assembly the appointment as Prime Minister. Remember I said, the President shall appoint the Prime Minister, so let us see what happens in the appointment process:

(a). The leader of the majority political party or coalition of parties, it could be a majority party or where there is no majority there could be a coalition of parties. Do we understand that? So the leader of the majority political party or coalition of parties represented in the National Assembly, that will be the Prime Minister.

(b). The leader of the minority political party or coalition of parties represented in the National Assembly if the leader of the majority party or coalition has been unable to command or retain the confidence of the National Assembly. Some situations will arise whereby the Prime Minister is no longer enjoying that respect he should enjoy in Parliament. You know such a situation can arise and there can be anarchy in Parliament but we are also giving that provision, that can we go for somebody with some respect and a person who enjoys some confidence in Parliament. So he could be a leader of the minority party or a leader of a

coalition of parties.

(c). If neither person contemplated in paragraph a, or b, has been able to command or retain the confidence of the National Assembly the any other member of the National Asembly who in the President's opinion may be abel to command or retain the confidence of the National Assembly shall be the Prime Minister.

2. Still on the process and appointment of the Prime Minister. Upon receiving a proposal from the President in terms of this article, the Speaker shall summon the National Assembly and introduces the proposal from the President. Therefore, within seven days of the Speaker receiving a proposal from the President, the Speaker shall call a vote in the National Assembly to confirm the appointment of the person proposed by the President. So that tells you about the Prime Minister that but let us look at number of the same article. If within 30 days of the President first proposing a person to be appointed as Prime Minister no person has been confirmed by the National Assembly, the President shall and here again you see the authority of the President. He shall dissolve Parliament.

(d). Require the Electoral Commission to conduct a fresh general election for Parliament because Parliament will be hanging and Parliament needs a Prime Minister.

Term of office of the Prime Minister, 172 (i): A person whose appointment as Prime Minster has been confirmed by the National Assembly assumes the office of the Prime Minister by swearing of affirming faithfullnes to the people and to the Republic of Kenya and obedience to the Constitution in accordance with the fourth schedule before the Speaker and Members of Paliament. (ii). The term of office of the Prime Minister constinues until...note those two. (a). The Prime Minister dies, resigns or is dismissed from office or, (b). Until the next person appointed Prime Minister following a general elections assumes office. Then we also have the resignation of the Prime Minister, dismissal of Prime Minister which will be subject to approval by Parliament we have already highlighte.

We also have the Cabinet, would you like me to read the Cabinet?

Audience: ...(Inaudible)

Wycliffe Owade: Now, Cabinet on 175:

(i). The President shall appoint the remaining members of the Cabinet in accordance with the recommendation of the Prime Minister and with the approval of the majority of the members of the National Assembly. What we are saying is that the President shall appoint the Cabinet but only subject to recommendations of the Prime Minister and only subject to approval by the National Assembly.

(ii). If the National Assembly by a vote supported by a vote of more than 50% of its members, passess a motion of no

confidence in a member of the Cabinet other than the Prime Minister the President shall remove that member. What we are also trying to say is that, the National Assembly can also pass a vote of no confidence by about 50%, so if that vote of no confidence is passed the Minister will cease to be a member of the Cabinet.

(iii). The President shall not appoint: (a). A Member of Parliament to the office of Minister or Deputy Minister. (b). A person other than a Member of Parliament to the office of Deputy Prime Minister.

(iv). Each person appointed a Deputy Prime Minister, Minister or Deputy Minister: (a). Assumes office by swearing or affirming faithfulness to the people and the to the Republic of Kenya. (b). May resign by delivering a written statement of resignation to the Prime Minister and the President and (c). Continues in office until either he or she dies, resigns or is dismissed or until the next person appointed to that office following a general election. The point I wanted to highlight here is that, in this new provision we are recommending as per the views of Kenyans, some people felt that Ministers when they are Members of Parliament sometimes it is very risky, the main reason being they don't have time to attend to their constituents. They are busy with their ministerial duties and so like the constituents, he cannot access them in spite of voting them in, even accessing them in their offices you cannot, he is always busy moving up and down.

2. Some of the Ministers are just appointed on some special favours so that they don't really have that legitimacy. Out of some special favours, maybe he is loyal to me therefore I appoint him as a Minister and therefore they don't really meet the criteria of being a Minister. Therefore, a point to raise that why can't we consider, say, let the Minister not be Members of Parliament but people with some wealth of experience, people with some knowledge, people with some expertise to bring in so that they can competently handle various ministries. If he is in the Ministry of Education, we need somebody who is a competent educationist, if he is in the Ministry of Health, we need somebody who is a competent technocrat, somebody who is able to write proposals, take to donors, and talk to partners. Talk in a conference with a more professional authority. He is able to handle things in a technical way. So let them not be Members of Parliament but let them be professional of a unique ... Therefore, we are proposing as a Commission that can we have Ministers who are not Members of Parliament and that is also the reason why we came to you here to consider whether to approve or to disapprove.

So I think in a nutshell we are saying, that in the new composition we shall have the Prime Minister who shall be the head of the Cabinet and these shall include two deputies, Prime Minister and then we shall have not more than 15 Ministers. This idea of having so many Ministers also many Kenyans felt

Judicial and legal system, which is chapter 9, on page 23. Are we together? Yes, on the Judicial and legal system before I go to the structure of the courts the way they should look like in the new Constitution, I would like to say that from the views of Kenyans there were many observations made towards the improvement of the Judiciary. Kenyans felt that cases take too long to be disposed of in courts. Is that true?

Audience: Yes.

Wycliffe Owade: That why can't we have some mechanisms whereby justice is dispensed immediately. You know you take a case to court, it takes years until you will find the person who is being sued or who is suing dies even before the case is over, isn't it? So people concerned with the length of time it takes, that was one.

Two, accessibility to courts that it is as if courts are living in another world. It is as if they are not part and parcel of wananchi and yet these courts are there for the citizens. Even in terms of language, can the Judges simplify their languages which wananchi can understand. Can they be within the reach of wananchi even in some cases you will find perhaps notices giving information on what is going on within the courts? Wananchi are not aware, so the Kenyan are saying we need a court, which can handle cases speedily.

Secondly, the expensive nature of the court system, that there are many expenses you incur so can we address all these issues. Can the courts be accessed, people are also saying even the way you look at some of the judgements when they are made it seems as if they are biased, isn't it? They are not fair at all, what can we do to improve efficiency in the courts, we need justice and fairness in the courts, we need speedy decisions to be made in court and that courts are there subject to the will of the people.

Having accessed all that, the Constitution of Kenya Review Commission came up with the following structures, number 23, we have the hierarchy of courts. If you check the hierarchy of courts what we are stressing there is the independence of the judiciary, that we want to judiciary to be independent. So, we have established at the very top the Supreme Court, that is article 187. Are we there? So we are saying, the Supreme Court shall consist of: (a). The Chief Justice who is the head of the judiciary and (b). Not more than six Judges, so that is the composition of the Supreme Court. What is the general jurisdiction of the Supreme Court? They are all there you can read them.

Two, we have the Court of Appeal, that is article 190. Are we together?

Audience: Yes.

Wycliffe Owade: The Court of Appeal shall consist of: (a). The President of the Court. (b). Not less than 10 Judges, so that is also very clear, there is also the jurisdiction of the court.

Then let us go to 192, which is the High Court: The High Court shall consist of: (a). The Principle Judge of the Court and (b). Such number of Judges not being less than 50 as may be prescribed by an Act of Parliament. So we are saying, at the top we have the Supreme Court then we shall go to the Court of Appeal, then we go to the High Court.

After that, I want to take you to the appointment of Judges on page 24, article 194 and I think it is better I read all these: 194

(i). When there is a vacancy in the office of the Chief Justice, the most Senior Judge of the Supreme Court by reference to the date of appointment shall be appointed the Chief Justice. (ii). When there is a vacancy in the office of the Court of Appeal, the most Senior Judge in the Court of Appeal by reference to the date of appointment shall be the President of the Court of Appeal. (iii). When there is a vacancy in the office of the Principle Judge of the High Court the most senior Judge of the High Court by reference to the date of appointment shall be the Principle Judge. Then number (iv), we have the other Judges of the Superior Courts of records and the Chief Kadhi who shall be appointed by the President acting in accordance to the advice of the Judicial Service Commission and subject to the approval of the National Council.

Can we now quickly look at the qualifications for appointment of Judges? Now, one guiding principle or issue we shall notice here, that for the Supreme Court, the Court of Appeal and the High Court there are two major issues to look at: (i). The intellectual ability as demonstrated by academic qualifications and legal practice. That we want from now on, coming into force of the new Constitution, a Judge must be somebody of high intellect and this must be demonstrated by academic qualifications. Is that clear?

(ii). High moral character and integrity. *Ng'ama iluongo ni Judge nyaka bedi ng'ama nigi luoro, ng'ama oritore, koso ok kamano? Nikech ka ok iritre, isiko inyuandori anyuanda ji bende ong'eyo koro ka ji dhi e chamber mar to ji ochayi achaya. Koso ok kamano? Koro ema omiyo waketo a Judge nyaka bedi ng'atma nigu luor kendo ng'at ma oritore. To kendo sembe bende nyaka koro wang'I ane ni karatase wacho ang'o, ang'o mane osoko kendo jopiny bende nyaka ng'e, nikech wayudo nii Judges moko ni mana kanyo ok gite, moko to riek ndi. Moko nitie kanyo to gin agina tie nikech weche mamoko. Uwinjo kanyo maler?*

Audience: *Eeh!*

Wycliffe Owade: *Koro mago duto te biro apply to all of them.* Now, other qualifications, it will depend of the Chief Justice, Judges of the Supreme Court, High Court and even the Court of Appeal. We shall need, years of experience it could be 15 years of experience, it could be 10 years of experience, so years of experience is very important. Another thing, he must have practiced as an advocate.

The Supreme Court, the Supreme Court ng'ama bedo head mar Chief Justice or Judges to the Supreme Court: (i) He must have 15 years of experience. (ii). He must be a Judge of the Court of Appeal or the High Court, he must be in practice as an advocate. (iii). Full time law teacher in a recognized university. *Ng'ama bede Supreme Court ing'eyo ni ng'ama lich ma iwuoro koro ema omiyo gik machalo kamago nitie.*

Provisions mag Court of Appeal: (i). Ten years experience, he must have been a Judge of Court of Appeal or the High Court or in practices as an advocate or a full time law teacher in a recognized university.

Then Judges of the High Court, ten years experience, he or she must have served as a Magistrate or must have been in practice as an advocate or a full time law teacher in a recognized university. These are some of the qualifications of Judges, you can read them so that it becomes clearer.

Tenure of office of Judges, 196 (i). A Judge and other judicial officers of the subbordinate courts shall retire from office on attaining the age of 65 years but may retire at 60. Previously it used to be 74 years but in the new recommendation is that they should retire at the age of 65. This is again subject to you Kenyans deciding.

(ii). On attaining the retirement age, a Judge of the superior court of record may continue in office for a period not exceeding 6 months to enable the Judge to deliver a judgment. That is where there is case going on, he or she will be all six months to enable him or her to deliver judgement or perform any other functions in relation to proceedings that were commenced before the Judge prior to attaining the age or retirement which we are now recommending to be 65. Is that okay? Therefore, that is about the tenure of office.

Removal from office, 197: A Judge of a superior courts of record may be removed from office in accordance with this article and under these grounds. There are those grounds where a Judge may be removed from officer, where we have the Judicial Service Commission, so we have the subordinate courts there. I want to take you to the Kadhis Courts: We have dealt with the appointments, the hirachy of the courts and qualifications for appointments.

The Kadhis Courts, the Muslim community or Kenyans so to speak were of the view that we also need to recognize the Kadhis in as far as they exercise their jurisdiction in accordance with the Islamic law. So we have also set up rule of the Kadhis Court but I think of more importance is that we are now ranking the Kadhi to the level of a High Court and even there, now we have the Kadhi, he will be the High Court Judge. I will leave that one also for the Professor also to highlight on it but if you look at the qualifications for appointment of Kadhis, that is number 202, page 25. Are we together?

Audience: Yes.

Wycliffe Owade: 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). He 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 of Islam from a recognized university. (c). He has obtained a degree in Islamic law from a recognized university and has not less than 10 years experience in the practice of of Islamic law or has held the office or a Kadhi for a similar period.

The qualifications for appointment as a Kadhi or Senior Kadhi is the same as the qualifications for the appointment of Chief Kadhi except that the requisite number of years experience shall be 5 years. So this is basically giving us an overview on the appointment of Kadhis but I would like to take you a little bit more on the Judicial Service Commission which, has now been expanded in the new Constitution because it is important to understand. That the Judicial Service Commission will ensure the independence and the accountability of the judiciary, so there is a new composition of the Judicial Service Commission to make it more independent and more answerable to the people of Kenya and more reflective to their needs. So, what does it say?

On 204, the Judicial Service Commission: The Commission shall consist of: (a). A full time chairperson who is qualified to be appointed a Judge of the Supreme Court, appointed by the President to the republic and in each case approved by the National Council. That is a very powerful position. (b). Muslim representation, a Muslim woman to represent the Muslim community nominated to the National Muslim Organization. (c). The Attorney General must be a member of the Judicial Service Commission, he is the principle legal adviser. (d). One Supreme Court Judge elected by the 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). You better note this, two Magistrates one of whom shall be a woman elected by the Magistrates, that is the new expansion now. (i). Two advocates of 15 years standing, one of whom shall be a woman nominated by the Law Society of Kenya.

So we are saying now that we have even opened the doors to the Law Society of Kenya, you have heard the tension going on, isn't it? But we now want everybody in the law practice to be involved, so like the two advocates nominated by the Law Society of Kenya one of whom is a woman be a member of the Judicial Service Commission. (j). Two law teachers, one of whom shall be a woman elected by the faculties of law of public universities. So we are even involving the law scholars of the university. (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 of who is a woman to be nominated by the Non Governmental Organization established under the NGO's Act. So we are saying, let the NGO's be involved by also nominating three lay members.

Members of the Commission shall hold office for a term of 5 years and are eligible for re-appointments for a further final term of five years. So that is about the Judicial Service which I thought was important that you understand that. Having said all that, there are appointments and removal of Judicial Service officer. You need not to go into that. I want to take you to the legal system part two, which is very important.

The legal system that is page 25: You realize the judiciary is so big. Now, the office of the Attorney General has been split now but we are giving more independence to the two offices. That is, both the office of the Attorney General and the Director of Public Prosecutions, we are recognizing their independence and we want the two offices to be entrenched in the Constitution.

Is that okay? So, let that one be very clear.

I want us to move to page 26 where we have created a new office. Page 26, article 210, the new office we call it the Public Defender. Kenyans have been crying over the excess in court, it too expensive so whom shall we turn to. From the views of Kenyans, people are really crying about the legal costs and about the advocates and all these kinds of things and even the court system. Therefore, the Commission is recommending from that, that we have the office of the Public Defender, which shall be constitutional offices. This office shall give free legal aid or service to Kenyans whom I can say the poor or the poorest. Are we together? The poor or the poorest, needs somebody to represent them in Courts and this will be the Public Defender, this will be a fully entrenched independent officers who are there to offer service poor Kenyans and cannot access the courts. All right? So the office of the Public Defender you can read it there but that is a new office which is now in the new Constitution.

Having said that, I want to finish on the part of the judiciary by taking you to part three. Legal profession, the profession of law:

There has been a concern also from a number of Kenyans that the lawyers or the advocates also need to improve their relations with the public, isn't it? There has been a concern that they need to improve their public relations because the privilege of practicing law is a public trust, isn't it? It is a privilege and it is a public trust, they are serving the public and they need to be accountable to the public. So we are saying that the legal practitioners have a fundamental duty: (a). To uphold the Constitution. (b). To observe, respect, protect and promote the rights and freedoms set out in the bill of rights. (c). Conduct the practice of law with integrity and to be scrupulously honest in all dealings with clients, other legal practitioners, the courts and any public office or officer. You have heard of cases where by, ooh, this advocate did this and that, ooh, this advocate did this and that, isn't it? So we are now saying they must also behave. (d). They must advocate fearlessly before the court or any tribunals on behalf of and in the interest of the client. (e). Assist the court in the development of the law. (f). Subject to the confidentiality of a client's business and communications by drawing the attention of the advocates authority to any actual or apprehended violation of the Constitution. Therefore, this is basically on the profession of law, so that you as the public know that even for the advocates now we have got a benchmark of which to metal them. Are we together?

I am still in the judiciary and I want to tell you very quickly on the public service. So, public service....you are tired? I want to move very fast because I know when you break it will be a problem coming back. *(Laughter)*. *Uderu e chongu, awenu thuolo matin, udwaro dakika adi?*

Audience: ...*(Inaudible)*

Wycliffe Owade: *Wadhi uru mbele.*

Audience: *Wadhi uru mbele.*

Walter Korege: *Presentation madhi nyime ni, bwana ni dhi adhiya kode mbele aeto nitie kama chopo ma aeto koro comments chakore. Koro podi wachi adhiya mbele nyaka otieki ae ka koro chako seche ma onego wadhi e comments ema unyalo rieru e matin.*

Audience: *Ok waduar riere...(Inaudible)*

Walter Korege: You want 15 minutes now *koso* later.

Audience: Now.

Walter Korege: *Okay, we will leave it open ng'ama duaro riere nigi thuolo mar riere jomoko wadhiuru mana mbele.*
Lets proceed.

Wycliffe Owade: *Okay, abiro dhi mbele kaka District Coordinator owacho, ng'ama duaro wuok matin to wuok mos to chak oduongo aduaga. Koro aduaro lose e public service e tich mar sirikal. Page 32. When we were going round all over the country a number of Kenyans expressed their views on civil service and suggested various issues which should be looked at. One big concerned is that there is ...on the civil service. Civil service and the civil servants are a ..., they are tire, they are demoralized, that when you visit a civil servant in the office it is as if it is not a public officer. You know, that image of a public office is not there. Are we together?*

Audience: Yes.

Wycliffe Owade: *Ni ka idonje e ofis ja sirikal to chal mana kagima ichune mondo idonje ofis no. Ola moro maduarore mar jatich sirikal kata bedo ng'ama ni thuolo kodi mondo oyangni wach e yoo maber kata mor moro onge. Civil servants chalo mana kamoro kaka jatiji, kata chalo ng'at moro mabor kodi and yet onego obedi ng'ama serv-i. Koso ok kamano? Koro jo Kenya ne oloso mang'eny ahinya e weche mag civil servants, jatij sirikal en kanyo nikech jopiny. Jopiny ema miye misara ema omiyo obet kanyo. Ka aduaro kipande, ka aduaro passport onego obedi free mondo ayude e yoo makare koro mano ne concern mar jo Kenya.*

On the other hand, *ne wapenjore ni to ang'oma omiyo civil servants timore kamano, kata ka ok gin te to ang'o ma omiyo gitimore kamano kata ka ok gin te, to ang'o ma omiyo gitimore kamano. Nyaka bedi nitie chadruok moro. Koro civil servants gi newayudo ni kara yuto margi bende otimore nade, nok. Samoro promotion ok miyi e yoo machal nade, yoo makare. Iyudo ka isebet e ofisno higni moko apar gi abich to iyudo ka jomoko to kadhi akadha, koso ok kamano?*

Audience: *Eeh.*

Wycliffe Owade: So what is happening is, many Kenyans expressed concerned. In summary I would like to say as follows: The independence of the Public Service Commission should be completely entrenched in the Constitution because *ka civil servants oyudo independence margi e Constitution to nyiso ni gik moko gibiro timo e yoo makare kendo e yoo maber. Koso ok kamano.* So one recommendation which we have come up with is, appointments in the public offices should be strictly on merit. *Ka omiyi ofis onego omiyi ofis mana ma iromogo, kik miyi nikech in jakabila makama, kata kik miyi nikech in oeri gi jatelo, to onego merit ng'i in appointments. Mano owinjore maber.*

Nar ariyo, terms and conditions of civil servants: Jatich ber gi mishara, yuak osebete mang'eny ahinya ni mishara to imiyi to samoro ok oromi kata mana chulo odi, tero nyithindo e skul kata timo ang'o gi ang'o. Koro wawacho ni onego wabedi gi Commission moro mar remuneration mang'yo jotije duto te mag sirikal mondo omigi gidag maber kaka joma tiyo. So terms and conditions of service should be looked into a fresh. In the same public service, *wawacho niya, Teachers Service Commission ma otelo ne jopuonj obedi completely entrenched in the Constitution as an autonomous body within the Public service mondo omi kagitiyo tijegi to kik gibedi giluro moro ni abiro bedo sacked, ibiro riemba e tich. Ooyo, obedi Teachers Service Commission ma nigi power mar timo gik magiduaru gimo under the Public Service Commission. Kanyo owinjore maber.*

Mar ariyo, Kenya Police be koro waduaru ni Kenya Police bende obedi fully entrenched in the Constitution ma ka oyier Commissioner of Police to engi tenure of service. Wawacho ni Commissioner of Police for example, wa recommend obedi gi 10 years e ofis no kendo engi teko mar ofis from the Constitution ma onge gimoro ni ng'ato biro goli ni oyiero Police Commissioner. Mano owinjore maber? Mondo omi Commissioner of Police obedi gi teko kendo oti tije ma ok en e ofis no ni en o-serve an individual, ni o-serve wang' ng'ato, ooyo. Commissioner of Police serve jopiny, ok kamano? En wuon jopiny kendo en ng'ama lich miwuoro, koro term of office of Commissioner of Police nyaka bedi kendo nyaka obedi gi independence mare. So in summary, I am saying that those were the recommendations we made to improve the Public Service.

I would like to take you a little bit further *ni ka wang'yo* article 265 on page 32. You remember we have now changed it, we are now calling it Kenya Police Service.

265 (i). There is established a service to be know as the Kenya Police Service, right? The Police are there to serve you not to rule you. Are you getting the point? *Police ni kanyo mondo omiu service, Police ok onego obedi jasik raia, raia bende ok onego obedi jasik Police. Kik ine Police ka ng'ato moro mabor kodi, Police gi ok gin bende gi aa mana e gweng'wa ka, ok gin mana ji. Donge wanyuologi e gweng' ka? Ema omiyi Police gi raia onego obedi jo kanyakla mondo gi maintain law and order. Koro wawacho ni Police mondo waluonge with effect of the new Constitution ka obedo*

passed, waluong gi ni Kenya Police Service, service to the people of Kenya.

Appointment of the Commissioner of Kenya Police, article 266: There shall be a Commissioner of Kenya Police Service, now what are the conditions. (ii). The Commissioner shall be appointed by the President but with the approval of Parliament for one term of 10 years. We are recommending *ni mondo Commissioner obedi ng'ama independent. Yes, President, appoint e to mak mana ni Parliament nyaka tim ang'o? Nyaka approve then ka Parliament ose-approve obedie ofisno for 10 years ma ok ni ng'ato sack e. Mano uwonjore maber?*

(iii). No person may be appointed as Commissioner unless that person: *Koro magi are the conditions mondo omi ng'ato obedi Commissioner of Police:* (a). He or she must have a degree from a recognized university. *Gima omiyo wawacho kama en niyaa, Commissioner of Police ng'ama lich ma iwuoro ibiro tere kata mondo o-attend conference moko madongo dongo kata e piny kata mae oko. Ibiro duare ni mondo o-produce kata mana documents machalo kama kendo onyalo explain gik magigo wacho. Ka oonge degree to samoro ok yot, koro wawacho ni nyaka obedi ng'at moro manigi somo moro mar kiwango mar adieri. To wawenu kaka jopiny mondo u-decide.*

(b). The Commissioner of Police must have served in the Police Service for at least 10 years. The Kenya Police Service shall be under the command of the Commissioner who shall be assisted by two deputy Commissioners. *Ok waduar chain mang'eny mag Deputy Commissioners, they should only be two to help him. So that is the condition of the Police but I think in the course of time I think we are getting here, ni appointment kata removal of a Commissioner of Police is subject to approval by Parliament.*

Okay, let us go to the Prisons: We have page 33, part (iii), correctional services. Are you getting it clear? Are we together? So this time we are not just calling it a prison, we are calling it correctional services. *Tiende niyaa, ng'ato ka nie jela ok onego wanene mana ka ng'at moro ma jaricho ma koro jarich ma nyaka chieng'. Gin e jela mondo gibedi counseled, mondo gibedi jo Kenya ma timbe gi beyo. Ok kamano?*

Audience: *Kamano.*

Wycliffe Owade: *Koro kik wati gi wach moro ni ooh, gin mana jomo ma osebedo condemned ni gin joricho. Gin kanyo mondo gibedi corrected, koro from now on prisons wabiro luongo ni correctional services. Ka un gi wach moro kanyo bende podi unyalo raise bang'e. Then apart from that, we have chapter 15 ma – deal gi the defense forces and national security ma kanyo bende wangi composition. So like when you look at article 272 page 33, are we together. Composition of the National Security Council we shall have the Presiden, the Vice President, the Prime Minister, the Minister in charge of Defense, the Chief of General Staff, Army Commander, Navy Commander, Air Force Commander, the Commissioner of Police, the Director of Kenya Correctional Services, the Director of National Security Intelligence Service*

and then the Chairperson of the relevant Parliamentary Committee and the Attorney General. These are the people who will compose the National Security Council and their functions are there.

Then article 274, we have defense forces and the compositions shall be as follows: The President, the Vice President, the Prime Minister, the Minister in charge of Defense, the Chief of General Staff, Army Commander, Navy Commander and Air Force Commander. So that is again about them, I need not to go into all the details but at least that gives your framework of what we call the Defense Forces and the National Security.

Having said all that, I want to take you now to what we call leadership and integrity, that is page 34, that is chapter 16. *Aparo ni wadhi maber?*

Audience: *Eeh.*

Wycliffe Owade: *Koro chapter 16 ka deal gi weche mane asewacho motelo ni jogo duto te majopiny omiyo teko mondo obedi jotelo nyaka gibedi jogo manigi luor kendo morito ofise gi e yoo makare. Ma kendo ka ibiro ndikgi e ofis nyaka gi sign gima iluongo ni leadership code kata code of conduct manyiso ni kagitelo ka timbegi, wehegi, parogi, kaka gi behave gi jopiny nyaka bedi reflected e yoo makare. Kendo ka ok gitimo kamano raia nigi teko mar nyisogi ni ok olu chik kaka chike ne owacho. Mano owinjore maber?*

Therefore, that is what we call leadership and integrity. *Nitie jomoko ma jotelo, unenogi kata un e kor gweng' samoro kata mana e piny moro, to uneno kata kaka gi behave. Uneno mana kaka timbene chalo, koro be mako mana dhogi nono to ma be jatelo adier koso mano ok une thuru ka. Ema omiyo koro wawacho ni from now on, ka koro the new Constitution ka po okadhi ma obedo taken in place wangi code of conduct ma jatelo ka jatelo manie ofis nyaka bedgo nikech ok en kanyo nikech en owuon, en kanyo nikech teko mar jopiny. Koso ok kamano? Therefore, we have that chapter 16 which is dealing with leadership and integrity. Ni jatelo nyaka bedi ng'ama nigi luor kendo ng'ama oluoroji.*

Can we now go to chapter 17 on page 34, it is dealing with Constitutional Commissions and Constitutional offices. I had already highlighted to you the number Commissions, which are now in place, their compositions, they are spelt out. If I could just mention them in ... (Inaudible). We have a very important Commission which we are creating now and that is on page 35. The Commission on Human Rights and Administrative Justice: The Commission of Human Rights and Administrative Justice is an independent Commission. *Omiye teko mar listen to weche duto te ma raia nigo, raia nyalo bedo gi wach moro amora ma chando ngimagi, ok uparo bill of rights mawacho ka? Nitie bill of rights go to koro chandou ni to gini ng'ato ero kethona kama, gini chik wacho kama to koro timore mana kama, koro watim nang'o. Nitie ofis ma oyier manyien mabiro deal gi ma, ofisni iluongo ni Commission on Human Rights and Administrative Justice. En gi teko e Katiba mondo okony raia e yoo moro amora ma giduaro kendo inyalo dhi kuro mondo itim petition mari. Mano owinjore*

maber?

Then we have got the Ethics and Integrity Commission: Ethic and Integrity Commission *ng'iyoweche mag ethics mana kaka awacho cha, kaka jotelo onego obedi kata onego ohore seche magitelo. Koro weche mag ethics bende ni kanyo, ni jatelo nyaka bedi ng'at moro ma morals mage kata timbene winjre.*

Teachers Service Commission, *ase handle.*

I think I would like to take you to the Constitution Commission on page 36, article 292. We are recommending the creating of a Constitution Commission. Why do we have this Constitution Commission? This Constitution Commission will be there, if you check 2 (a). To ensure the implementation of the provisions of the Constitution which requires new legislation and administrative action for full implementation. (b). To report twice a year to Parliament on the progress of implementation of the Constitution. So in summary what I can say is that, we shall have a Constitution Commission *nikech wach mar Katiba ma walosoni en gima tek miwuoro to kendo en gima lich miwuoro koro Commission ma independent manie chik nyaka bedie mabiro konyo kendo biro tayo piny kaweche dhi maricho. Mano owinjore maber?*

Audience: Eeh.

Wycliffe Owade: *Koro in a nut shell what I am trying to say is, wan gi a number of constitutional offices ma are independent. They are not subject to anybody, they are subject to the Constitution kendo constitutional offices gi nyaka migi luor nikech gin gi teko e chik. What are these Constitutional Commissions? Mano ka icheko article 293, page 36. (i). The office of the Attorney General, mano biro bedo a very very powerful constitutional office. (ii). The Auditor General. (iii). The Controller of the Budget. Ang' ne wa discuss e weche mag finance mane awayo. (iv). The Director of Central Bureau of Statistics. (v). The Director of the Kenya Correctional Services. (v). The Director of the Kenya Police Service. (vi). The Director of Public Prosecutions. (vii). The Director of Public Prosecutions. (viii). The Governor of Central Bank. (ix). The Public Defence. So, these are the Constitutional Offices, which are recommending subject to your approval to be enacted in the Constitution.*

Before we go to the last pages, which are dealing with the amendment of the Constitution and the schedules, I would like to take you back to public finance, which is on page 29. Public finance and revenue management, page 29 article 243. Are we together? Now public finance and revenue management *gina weche mag pesa kod management mag pesa. Ok o-apply ne sirikal kendo to apply bende ne kata ne wan jopiny kata mana private sector. Chik duaro ni mondo wabede gi some standard criteria ma seche ma i-manage ohandi moro kata i-manage company ni moro, kata i-manage tiji moro to there must be financial discipline. Is that okay? Nikech weche pesa ema oseduoko tich chien kata dongruok chien, ok kamano?*

Audience: *Kamano.*

Wycliffe Owade: *Koro ema omiyo chik manyien ma waduaru bet go wacho ni nyaka wabedi gi discipline e the way ma watime finances mawa kata obedi yuto mawa mag riwruok ma kidala, kata nyoluoro, kata grube wa, kata companies mawa ma wango, kata e weche mag sirikal. Nyaka wabedi gi proper financial control and financial discipline. Also seche ma wabiro lose devolution of power for example, wawacho mar locational, village, district councils.*

Nitie weche mag finance ma will have to come out, isn't it? Waduaru ng'eyo ni to bende wan raia wangi thuolo mar ng'eyo ni wan equally represented e yuto ma iyudo no bende wayudo e yoo makare. To bende otiyo e yoo makare manyalo satisfiy ji duto te e gweng' no. Kata ka gin deye kata ka gin locations, kik bedi abeda ni location cha ema samoro oyude mang'eny ma ohingo moro. Koro ungi right e public finance and revenue management mondo ung'e ni gik moko duto te ma itimo onego obedi elela nikech weche pesa ema ketho gimoro amora, ok kamano? Koro section no deal gi weche mag revenue management, weche mag taxes and all the rest.

Chapter 12 on the same 29, environment and natural resources: *Weche mag environment osebedo ka very very serious in our country, usewinjo ni jomoko bukore abuka to ketho forests, koso ok kamano? Kata ng'ato bukore abuka to dhi e yiend ng'ato to omuoch go amuacha ni en oduaro loso makaa, samoro kiny ka ichiewo kiny to iyudo mana ka yiendi moro maber mihero ng'ato osetong'o, donge?*

Audience: *To donge.*

Wycliffe Owade: *Koro chik owuok mager ni weche mag forests, pii, kuonde ma pii okadhe wach moro amora mar environment kata obedi weche mag minerals nyaka waritgi. Koso ok kamano? Koro environment and natural resources nyisowa ni nyaka wa-protect the environment.*

When you read article 239 (i). It reads, every person in Kenya has a duty to safeguard and enhance the environment, so it is your duty *ma kata ka oyudi ka environment kethore kama idakie kata e gweng'u to ibiro penji ni to ne itimo ang'o. Mano owinjore maber? Koro oma omiyo yien kata forest ma waneno gi nyaka waritgi, pige ma Nyasaye omiyowa nyaka watim nade?*

Audience: *Nyaka wariti.*

Wycliffe Owade: *Nyaka wariti. That is also telling us, gima koro onyisowa ni wan gi chik bende e weche mag environment and natural resources and it is very clear.*

Wach ma ogik ka pok wadhi e the last chapter is land and property. Wherever we went all over the country land was number one. Koso thuru ka land ok ne number one? Land no en wach malich miwuoro because it is affecting the life of our people, isn't it? Wo what we have done, we have overhauled land policy in Kenya because many things have been going wrong with the systems and structures of land. So what we are suggesting is a land policy framework to deal with land. When you read chapter 11, page 28, article 232, what does it say? It says, Land being Kenya's primary resources and the basis of livelihood for the people shall be, note those words. It shall be held, used and managed in a manner, which is equitable, efficient, productive and sustainable.

Owinjo mago maber? Tiende ni wawacho ni lowo nyaka tigo e yoo makare makonyo jopiny, lowo ma bende itho weyo awayo lowo to ok pur chik koro bende duaro ni lowo go nyaka tim nade? Nyaka pure ka ok iduar purogi migi sirikal mondo oti kodgi e yoo makare. Mano owinjore maber? Koro lowo nyaka tigo e yoo maber, lowo nyaka bedo lowo manyalo chiego gimoro e yoo makare, koro mano e gima gino temo wacho.

Number 2 says, the State shall define and keep constantly under review a national land policy directed and ensuring among others the following: There are five major things here which the State will do concerning land: (a). Equitable access to land and associated resources. (b). Security of land rights for all land holders, users and occupiers in good faith. *Tiende ni joma nigi lowo kata joma tiyo gi lopno, kata wuone lowo, security mar land ma ingo no nyaka bedi gima is properly in law. Mano owinjore maber?* Management of land, ownership of land, has to be very clear. (c). Sustainable and productive management of land resources.

(Interjection)

Speaker: *Awacho kanyo ni to.....*

Wycliffe Owade: *Haya, we mondo atem awachi gi Dholuo. Abiro wacho gi ...*

Speaker:(Inaudible)

Wycliffe Owader: *Ero kamano asewinjo.*

Speaker:(Inaudible)

Wycliffe Owade: *In ema ibiro iri, haya wuod Asembo asewinjo yuakni koto gima ne watemo wacho ka en ji lowo nyaka tigo e yoo makare. Lowo nyaka tigo e yoo maber joam ketho wach mar lowo chik koro nitie ni ka ok iluwo chik korka weche mag lowo to koro chik biro maki. Ema omiyo lowo ma Nyasaye omiyowa gi pige ...*

Ka ucheko numbers aduaro ni asom kodu, ka nitie wach moro to unyalo wacho. Abiro wache gi Kisungu kaeto aloko gi Dholuo.

Ownership of land 233: All land in Kenya belongs to the people of Kenya. *Mano owinjore maber?* (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?*

Speaker: *Mano iwinjo nang'o.*

Wycliffe Owade: Haya. (iii). 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. *Koro gima watemo wacho en kama, ni lowo duto te manie e Kenya o-belong ne jo Kenya, mano kamano. Kendo watemo wacho kama, ni onge ng'ato ang'ata to mak mana ja Kenya ema biro bedo gi right mar lowo ma e Kenya. Mar adek, joma ok jo Kenya ka uyie ... (murmur in the background)*

Ore uru mos wachiegni tieko, wan gi chik mar bet ka, omiwa teko gi sirikal mondo wabedi ka ema omiyo ng'ato ka koro duaro ketho bura to chik koro biro maki. Bas, koro gima atemo wacho ni joma ok jo Kenya maduaro lease lowo kata maduaro mondo opur lowo or hire lowo kuom ndalo moko, ka uyie to ginyalo dakie lobno kata ginyalo bedo gi lowono kuom higni piero ochiko gi ochiko, to ka udagi to mano be ok timre. Anuo kanyo kendo?

Audience: *Nuo ane kendo.*

Wycliffe Owade: *Joma ok jo Kenya to digiher dakie pinyini to giduaro lowo mondo gi hire, proposal wacho niyaa ni mondo oyiene jok ma ok jo Kenya go mondo o-hire lopno kata obedi wege lobno kuom higni piero ochiko gi ochiko. Koro ka uyie to wakawo mano e chik to ka udagi to wakete oko.*

Audience: *Wadagi.*

Wycliffe Owade: (Laughter). *Haya, waling' uru matin wachiegni tieko.*

Wang'iyu article 236, weche ma ungo to undiko andika piny koso sani waduaro donje weche mag penjo. Haya, article 236, protection of property in land. (i). It reads: Subject to this Constitution property right in land lawfully acquired shall be protected and may be freely alienated without discrimination on the basis of gender or any other course. Gima itemo wacho ka en niyaa, ni ka lobno iyude e yoo makare, e yor chik to chik nyaka time nade, nyaka rite. Wawinjore kanyo maber?

Audience: *Eeh.*

Wycliffe Owade: *Bas, koro wadhi e final chapter mondo watieki and I will take you to amendment of the Constitution, chapter 18, page 36. Aparo usewinjo ahinya kendo usepenjore uwegi to bende kata ka nyocha wawuotho e constituencies jo Kenya ne yuaki ni yaye koro sani wathagore gi loso chik to wang' kaae ni Bunge kiny ka kiny oloko chik. Koso mago pod ok usewinjo karu ka?*

Audience: *Wasewinjo.*

Wycliffe Owader: *Koro ipenjori ni chik ni tiende ang'o nikech iloso to kiny ka kiny ni chik ni abedo ang'o, obedo amended ni section ni otim nade? Oloki. Koro miyo jopiny ol gi weche mag chik, ok kamano. To koro e provision marwa, e Constitution of Kenya Review Commission kane wasewinjo yuak mau, waketo the following conditions. Abiro some gi Kisungu kaeto aloke gi Dholuo.*

So when we read chapter 18 on page 36, amendment of the Constitution, article 294, (i). It reads: Subject to the provisions of this Constitution, the new Constitution. Parliament may in exercise of its constituent power amend by way of addition, variation or repeal any provision of this Constitution in accordance with the procedure laid down in this article. (ii). An amendment of this Constitution may be initiated only by the introduction of a bill for the purpose in either House of Parliament and when the bill is passed in its second and third readings in each House, by not less than two thirds majority of the total membership of that House. It shall be presented to the President who shall give his ascent to the bill and there upon the Constitution shall stand amended in accordance with the terms of the bill.

What is this one saying in summary? What we are trying to say *en niyaa, Parliament ma en representative maru raia em podi nigi teko e loko weche mag chike, kanyo owinjore maber? Nikech un raia ema uwacho ne jo Bunge ni kae to kata ne chalo kama aparo ni koro watime uru kama to ka udagi to be ok timre nade? Ok timre, to Parliament ema podi nigi teko mag loko chike. To number ariyo wacho niyaa, ni ooyo wang'ni ok en Parliament achiel, National Assembly ma wawacho ok upare. Wang'ni en ni ka National Assembly osekadhe kore ka odhi e Upper House which is the second house. Koro all of them kata ka digi-debate ni giduaro nigikadhe nyaka giyudi two thirds majority kuom houses ariyogo te. Mano owinjore maber? But waduogo piny e number three. Nitie amendments moko ma ok nyal timore ka raia giwegi odagi kata a bedi mana ni Parliament oyie to raia nyaka tim nade? Nyaka kadhi. Tiende ni nitie gima iluongo ni referendum, nyaka ang' bi kuom raia ma raia nolose makadhe ni eeh gima Parliament owachono watimore go nade? Wayiego. Mano owijore maber?*

So let us read, (iii). An amendment that seeks to make any change in: (a). The territory of Kenya as set out in article 71 and described in the first schedule of the Constitution. (b). The sovereignty of the people. (c). The Principles and values of the

republic as set out in article 62 of the Constitution. (d). The bill of rights. (e). The structure, values and principles of devolution as set out in chapter 10 of the Constitution. (f). Citizenship. (f). The provisions of this article.

Koro weche gi te te te, Parliament ok nyal kadho gigo gionge tekoni. Tekono inyalo kadhi mana ka un raia ema utimo ang'o? Ema ukadhe. Mano owinjore maber?

Audience: *Eeh.*

Wycliffe Owade: *Koro weche ma raia nyaka kadhie, weche machalo gi territory mar piny Parliament ok nyal kadho nyaka gi-consult u un kaka raia. Mano owinjore maber? Weche machalo kaka sovereignty un jo Kenya, ng'ato ok dang' bukri abuka ni hapana koro wakaw gi ni mondo gibedi jo Uganda kata jopiny moro amora. Duong' maruno nyaka bedi maintained, ka ng'ato duoro loko duong'u, nyaka obi mana iru eka uyiene. Mano owinjore maber.*

Audience: *Owinjore.*

Wycliffe Owader: *Haya. The principles and values of the republic. Kane wachako ne awachonu wach republic ni republic mar Kenya ok en mar ng'ato en mar jopiny. Ok en mar ng'ato gi osiepene, ok en mar kabila moro, en mar jopiny. Ka ng'ato duoro kawo republic no mondo okete ofuke nyaka obi mana iru ma umiye chik no. Kata mana Parliament ok nyal kawo teko mar republic kuom raia, mano owinjore maber?*

The bill of rights: *Ne walose bill of rights mang'eny, rights mag raia. Rights mag raia bende Parliament ok nyalo loko. Number (e), weche mag devolution, Village Council ma walose, Locational Council, District Council mano Parliament kata obedi mana National Council kata National Assembly, Parliament ariyo ma wawacho ka, ok ginyal timo gimoro amora e weche mag deye kata weche mag location, kata weche mag District Council. Raia nyaka penj mondi eka kadhi, mano owinjore maber?*

Citizenship: *Mondo omi ng'ato obedi ja Kenya, mano bende ok ginyal wacho gimoro. Koro mago e kaka amendment of the Constitution e new Constitution masani wa promote. Aparo atieko chapter 18.*

Ka koro wadh e chapter 19. 19 is just dealing with interpretations, en koro unyalo some kata kaponi en High Cour, o-mean ang'o, Supreme Court, o-mean ang'o. En gi various terms, ng'ama iluongo ni public officer en ng'ama chal nade. Mago unyalo somo mos to uwinjo.

Koro wadhi e chapter mogik, ageno ni wadhi maber. Chapter mogik iluongo ni transitional and consequential provisions. Abiro miyo Mr. Korege, District Coordinator mondo o-handle this mondo an bende koro ayue matin.

Walter Korege: *Just a minute, aiko giga. Ero kamano jothurwa, nyinga Korege, District Coordinator. Mr. Owade be koro owacho ahinya koro okoni an bende awache matin. Kama adokie kodu, adok kodu chien matin ekae wabiro biro mbele kuma owachono, wadok kamoro deal gi territory. That is the republic, republic en chapter two. Page 4, kama ondike ni chapter two, the republic, declaration of the republic, chal ka osewache to podi abiro nuoye matin ni declaration of the republic manyiso ni article 61, wacho ni Kenya is a sovereign republic. Mano ne Mr. Owade osewacho, haya ka wadhi e article 62.*

The Republic of Kenya is founded on the republican principles of good governance through multy party democracy, participator government, transparency and accountability, separation of powers, respect for human rightst for fundamental freedoms and the rule of law. *Ni mago ema miyo Republic mar Kenya ma osekoni ni Kenya is a sovereign State. Koro the fundamental principles makoro govern e en ma wawacho ka ni good governance, nyiso ni ritruok malong'o through multi party democracy. Demokrasia mag multism be betie, participatory governance, en governance ma kata raia bende participate in the process. Transparency and accountability, iduaro e adiarara, adiera bende iduaro kanyo, separation of powers for respect of human rights. Separation of powers nyiso ni institutions mane uselose cha obedi executive, obed Parliament, obedi judiciary wang'ni Constitution masani oketo ni ng'ato ka ng'ato nigi powers ne ma ok inuang' ni ooh! President malo kucha kaka en executive to wach moro nie court kucha to en bende odhi odonjo e court kucha ni ooh!, ni ng'at ma obiro no maka sure ni itimo ne kama kama. Kaponi ni en legislature to wach mar interference gi legislature of duar to legislature bende ok interfere gi executive. Mano e gima iluongo ni separation of powers, nyocha oonge e Katiba masani e gin uwinjo ka jatelo nomi nguvu mang'eny. To nguvu ne no ema omiyo onyalo timo atima gimoro ma oduaro e any sector. Koro sani Constitution mawuok manyien ni, nitiere gima iluongo principles mag separation of powers within the republic mane wawacho chande.*

Koro ka waaye republic no, ka koro waseng'eyo ni Kenya is a sovereign republic to aaye wadhi wawinjo principles ma govern that republic koro wadhi e gima ma iluongo ni territory. Territory nyiso ni boundaries mag Kenya, international to gi internal to kamoro sani we will focus on international. Koro territory mar Kenya ni wacho nang'o? En article 71 ma asomo gi Kisungu nikech ema ondike go to a-explain gi Dholuo.

The territory of the Republic of Kenya comprises the area described in the first schedule. *Nyiso ni draft report ma wango ni, towards the end wangi schedule moko mabiro govern gik ma opogore opogore. To first schedule ema o-describe gima Republic mar Kenya en, the territory mare kendo owacho kanyo ni the republic is divided into districts and provinces as set out in the second schedule. Nyiso ni kendo wabiro dhi e second schedule kanyo mondo wane second schedule no wacho ni to districts gi to to provinces go gin mage.*

Koro waduaru donje first schedule, nyiso ni tung' kabisa eka abiro duogo moko e kore kanyo. Tung' kabisa e first

schedule kama nitie, aelo abiro nyisou kama onego uyude. Page 37, kama ondiki ni schedules. Kama ondiki ni first schedule unene? Nawinjo giita ka nene jo Bondo Constituency gi Rarieda Constituency loso gi Commissioners ka. Gima ne onyisu chieng' moro ka mane Professor Okoth Ogendo onyisou kane oloso gi jo Rarieda e school mar Luak Girls. Nowacho nigi ni e Constitution mar Kenya masani territorial boundaries ma iluongo ni international boundaries ok obedo specified, onge. Koro ji paro apara ni ah! Nyaka bedi ni ka e boundary, aah! Nyaka bedi ni kacha boundary, ok obedo stated to nyocha uwinjoga ka complaint nitie kuom jolupo ni samoro ka gilupo to ka giringo matin to giromo mana gi jo Uganda gi Polise ma Uganda kata jolweny ma Uganda.

To Jolweny go ka oyudogi to ni ka uome ang'o, ma en territorial waters ma Uganda. Koro rech ma usenao go koro wakaw, koro gidhi kodi nyaka highland margi kucha, kagisechopo kucha to jomoko bende igoyo fine, gigu ka bende gi confiscate. Mano notimore nikech ang'o? Notimore nikech jo Uganda na kara ndalo manyocha giloso Constitution ne giketo boundaries magi e Constitution wanto ok wang'eyo ni giketo, gin to ging'eyo niketo ni kanyo e kama boundary gi kadhe. Koro omiyo en e Constitution to wanto marwa ne onge, koro nyocha ochopo sama this review process kadhi nyime ginuang'o ni Kenya as a territory must also have defined boundaries ma international.

Koro kama important chieng' ma nyocha wadhi e seminar Nairobi kucha to counterpart mar ma Busia nokelo wach moro, nolow kucha to okoni kane gino owuoko, ni description mar territorial boundary no owuok to jo Busia oringo mana nyaka ofise ni description ma owuok mar Constitution Review cha, gima owuok e report cha macha walal. That boundary okaw parts of Kenya moko oweyo oko omiyo gini nyaka bed taken up gi the Review Commission. Koro kane okelow wachno, nokone aah, doguru adoga sani koreka ochopo thuolo ma idhi disseminate go that report to all the constituents within the republic. To ka koro joma nie mbawa, joma nie border kata joma nie dho nam onuang'o ni gima obedo included there as boundaries kama obedo defined no, gineno ni mago parts mag Kenya moko odong' kanye? Odong' Uganda and that one should be looked into, mano podi omiu thuolo to nikech gini uduaro debate-e up to end of this month to ka use-debate upto end of this month to comments ma ungo, you will put them down to I-deliver to my office. Office mar District Coordinator to iore Nairobi ka pok delegates meeting cha ochakore kata korumo, mondo mago views madhibedo taken into account nikech that is the time ma bende gini biro bedo valid kaka ne Professor onyisou cha, during that particular meeting.

Omiyo sani thuolo en maru jo Bondo kaachiel gi jo Rarieda ni gik manitie eiye ka duto ma ok oyiego to kata iduaro ni mondo olose ma ok ineno ka olos maber, podi omiyi thuolo. Bang' kawaseloso ka bende ibiro miyou thuolo kam mondo icomment kaka iduaro. To when it comes to the territorial boundary description ma nika ni, en technical samoro ok wanyal winje to ka wadhi wabet piny to inyalo winjo kuonde magino oweyo oko. Omiyo owacho ni kara territorial waters mag Kenya chal nade? Wadhi wang'ikama ondiki ni Kenya – Uganda international boundry. Unene piny kanyo? Haya.

A some gi Kisungu yawa. Commences in the waters of Lake Victoria on the parallel degree, parallel one degree South Latitude at a point due South of Western most point of Pyramid Highland. Nyoro nyo apenjo jo Bondo kuma Pyramid Highland nitie to ok nyo ging'eyo, koro nyiso ni either ochakore gi Busia kocha ma ok un aware kode to wachopi ane kuma ochopogo korwa koni. Then, by a straight line still Northerly to the most Westerly point of Kiringiti Highland. Kiringiti Highland ni ung'eye?

Speaker: ...*(Inaudible)*

Walter Korege: *Eeh, ung'eyo. Then by a straight line still Northerly to the most Westerly point of Mageta Highland. Nyiso ni Mageta Highland to chal ni gini koro oweyo ei Kenya, to nitie highlands moko mane iwacho, iluongo ni Oyamo?*

Audience: *Eh, Oyamo.*

Walter Korege: *Eeh, mani iwacho ni chon ne ni Kenya to sani gin Uganda.*

Speaker: *Oyasi.*

Walter Korege: *Oyasi, bas kaluwore gi description mar boundary ni, nyiso ni highland magino oweyo koni mana Mageta. Then by a straight line North Westerly to the South point of Sumba Highland. Nitie kamoro ni Sumba Highland bende eie kanyo. Then by the South Western and Western shores of that highland to its most Northerly point, then by a straight line to the North Easterly centre of Mountain of Ceo River. Ceo River ni Busa. Gima aduaro nyisou ni Constitution masana o-define territorial boundaries mag Kenya as a republic, uwonjo wachno? Kenya as a territory niggi boundaries mage, nitie boundaries ma Kenya – Uganda to nitie moro bende mag Kenya – Sudan international boundaries, nitie kendo Kenya – Ethiopia, Kenya – Somalia bas to ae gi Nam ma yoo Mombasa.*

Koro wan kaka jo Bondo District ma bende wakiewo e dho Nam, ka magi gin international boundary ma wango kani. Koro en thuolo ma marwa mondo wanuang' interpretation mar gini malong'o, ma wang'e ni to laini to okadho kanye. Nitie kuonde mane Kenya chon to kaluwore gi kaka koro gino donje e Constitution to koro waweyo part of it ne Uganda kaka nyocha jo Busia wacho cha. Omiyo please note that point for consideration nikech achiel, wangi the three representatives mane oyier mabiro dhi e bura mar National Conference from Bondo District. Bas, kamano en an issue ma u-come up this way the three representatives should be notified. To you are also duty bound kata in bende ingi thuolo mar ndiko gino e kalatas to i-explain kaka ing'eyo gi history mare gi kama iparo ni poko masani kaka koro international boundary marwa mane i Nam kani, ni ok odhi maber ahinya. Ingi other observations to make, you are free to submit your suggestions through the Documentation Centre ae waooro kucha mondo jogo oyudgi in time.

Bas, mano first schedule to second schedule bende nitie, en on page 41. Dhiuru ane e page 41, second schedule mar the Constitution nyisowa provinces and districts manie Kenya ka makaponi province ni ok inuang'o kanyo to kara en ni Constitution masani manyien ni kara ok o-include your province. Koro, which are these provinces? Provinces en Nairobi, Central, Eastern, North Eastern, Coast, Western, Nyanza and Rift Valley, they are eight provinces. Mago obedo described e Constitution manyien kaka provinces mag Kenya kendo gin e second schedule of the draft Constitution. What about the districts? Districts bende obedo described e second schedule ka ma districts. Nairobi Province nigi District achiel kaka Nairobi en treated as one. Bas, koro Rift Valley onyisi districts manitie, North Eastern bende onyisi districts manitie, Coast Province bende onyisi, Eastern, Central, Western haya ka wa-turn over the page wangi Nyanza.

Koro kaka district marwa ni en Bondo, Bondo is a district within Nyanza Province. Lets find out ka obedo listed, gin district mage ma obedo listed e Nyanza Province. Siaya, achiel. Rachuonyo, Kisumu, Homa Bay, Migori, Suba, Kuria, Kisii, Nyamira, Bondo, Nyando and Gucha. Now, Rarieda Constituency is within Bondo District and therefore Bondo is listed as one of the districts within Nyanza Province.

Haya, wadonje gima iluongo ni third schedule, third schedule to list ang'o within the draft Constitution. Achiel, o-list gima iluongo ni National Symbols mawa mar Kenya as a Republic ma mano (a), part en the National Flag. (b). National Anthem. (c). The court of Arms and (d). The Public Seal of Kenya. Mano e gima o-comprise the third schedule to list all those four national symbols of the Republic of Kenya.

Fourth schedule, to national oaths and affirmations. Gin mapogore opogore, oaths kanyo nitie ma ng'ato bedo sworn in ka en President, ng'ato bedo sworn in ka en Minister, ng'ato bedo sworn in ka en MP, ng'ato bedo sworn in ka en MP, ng'ato bedo sworn in ka en Judge. All those offices ma ji bedo sworn in, all the oaths go obedo listed e kama iluongo ni fourth schedule. Koro mano ochakore e page 42, gin kanyo duto nyaka page piero ang'wen gi adek ma wadhi nyaka page piero ang'wen gi ang'wen. Ae koro orumo to wadonje gima iluongo ni fifth schedule.

Fifth schedule, what does it comprise of? En to oting'o ang'o? Awinjo kabisa ka koro Mr. Owade otimo nu presentation ni gima lich ahinya e document masani ni, e new Constitution ka en gima iluongo ni leadership and integrity code of conduct. Mabiwo affect ji duto mabiwo bedo appointed e various positons kata gin elected, kata gin appointed, kata gin civil servants nyaka gi go by the code of conduct. Koro the fifth schedule oting'o gima iluongo ni leadership and integrity code of conduct ma obiro spell out kata obedi ng'at ma President kata obedi mana Prime Minister kata obedi ng'ama nade, Ministers in the government, nyaka o-comply gi magi. En ng'at moro kaka koro sani nitie Constitution masani oyie ne President mar appointing ng'ato ang'ata koro iwinjo mana ni ng'ato kaka Korege kama obedo appointed ni dhibedo Ambassador somewhere to ukia background mare kaka chalo, en ikoni mana ni ooh, isewinjo radio ng'ane osenuang'o tich wuod gweng'wa ero kamano odhi kama kama. To kara en ng'at ma kite rach ma nyaka

nene ma ong'e mabe nose mi kata kambi moro ka otiye ma ogoyo piny to en kambi mar jopiny to pod imiye amiya moko. Mano pod ok bitimore e Constitution manyien, jopiny nyaka cheki manuang' ni to in ng'ama nade, omiyo nyaka i-abide by the leadership and integrity and more so with that code of conduct. Mano e kaka Constitution masani ni duaro, en kama nende Mr. Owade oselose. Koro that one is found in the fifth schedule.

Aeto wadhi kamoro ni sixth schedule, the sixth schedule ni un kaka ne uloso jo Rarieda nawinjo. Gik mane uwacho neng'eny kabisa to gik mane uwacho koriw gi gik ma jopiny moko owacho in all the 210 constituencies ng'eny saidi makata ka igoyo repode igoye mana report manyalo pong'o hall ma wantie ni. Koro omiyo penjo ma ang'eyo ni kabiro chopo saa penjo to ng'ato nyalo penjo ni aah, gik mane uwacho mang'eny ka ang'o omiyo giwuok mana e gimoro matin kama. Gima nyaka ung'e ni Constitution ok nyal ting'o ating'a gimoro amora ma ji nowacho ni giduaro, gik mauwacho mudaro kaka ma uneno ni onego otim nitie yoo ma Constitution ochiwo go nguvu ma onego otimgi go. Ne aneno kane ulose, ji nelose taabu magin go magi mag dak, health, education, corruption, gik mopogore opogore kata infrastructure.

Magi duto sama nende Mr. Owade cover gima iluongo ni bill of rights gin duto gin included kacha as your rights now ni ingi right mar mar yudo food, en right mari mar housing, en right mari mar economic empowerment ma magi ne oselose duto ma ose-cover. Omiyo kabiro saa penjo ng'ato biro koni aah! To dak aneno ka ibor geronwa ndara ni, dak aneno ka uwacho wach yath, dak aneno ka uwacho gigi. Gin koro oketgi e Constitution ni kaka ne useng'iso gi Commissioners mondo okawgi piny. Oketgi e document ni as a form of your rights and your rights go bende egin awinjo ka obende osomonu duties mau as Kenyans. As much as you have your right ma State onego omiyi, ibende as a Kenyan ingi duty mari as a Kenyan ma obedo spelt out gi the Constitution kaka in bende inyalo conduct yourself. Awinjo kawachi ni in bende nyaka ibedi ng'ato moro ma is development conscious manyalo rito familiy mare, manyalo timo kama. Mano ka itimo kamono in bende nyaka i-promote, i-protect kata the Constitution ni as an individual eka koro Constitution bende protect-I through rights mane obedo spelt out ka. Koro omiyo kane inuang'o kuonde moko ma ok clear within the Constitution, bedo take care of by legislature. Nyiso ni jogo o-recommend ni gima kama wase-notice ni jopiny duaro to ok onyal donje e Constitution nikech Constitution ok nyal ting'o everything, koro obiro bedo effected through an Act of Parliament. Koro Parliament obedo empowered mondo olos yorego duto on the given days or suggested date. Mano ema kelowa kama iluongo ni sixth schedule.

Sixth schedule nie page 45, ka unyalo turn to that one. Page 45, uneno kanyo. Now the sixth schedule wacho ni actions to be take by Parliament, gin actions ma the Constitution recognize ni gik ma onego bedi ni the Constitution take care of. To kata kamano, ok gibedo spelt out separately kata within the Constitution ka ma omiyi all the details. Constitution ok oting'o all the details ma onego otimre. Professor makoro obet ni owachnwaga ni Constitution apar ni biro nyisougo ni en gima iluongo ni a road map ma onyisi direction kuma onego idhiye. Koro Constitution marwa ni nyisowa kuma Kenya onego o-move towards. To example ma ohinyo ga golo kata ka obet ka I have a forum to quote

him. Ni ka koro wachonwa kae ni to in ka idwaro wuok ka ni direction madhi Kisumo en mane, to ibiro nyisi ni direction ma Kisumo en koni. Uwinjo wachno? Mano bende e kaka Constitution nyisi ni kama Kenya onego o-move e onego o-move towards that direction.

Bas, koro gim in between ka iwuok kae, e ndara ka ka iwuok ma iringi ma ichope aoche moko ma inuang' ndara mogomo, ma inuang' potholes, ma inuang' samoro iidh pip ma inuang'a kama kite nitie. Mano to ok wabi nyisi ni direction, wanyisi mana ni Kisumo nikoni, omiyo ka idwaro dhi Kisumo to idhi kama kama and therefore the Constitution bende miyowa mana direction ni country or the State onego o-move towards which direction. All the finer details, gik manie in between kanyo to ok obi specify and that is why wangi gima iluongo ni sixth schedule ma bende gin gik ma o-concern Kenyans kata the citizens to Constitution ok o-state precisely negisekawo ni mago tabu u. Koro omiyo gibedo spelt out ni Parliament onego o-take some actions there for the benefit of wananchi kendo gimiyogi time limit.

Now, what are the examples of those? Under the first column, sixth schedule page 45, action to be taken by Parliament. Legislation to govern or provide for, regulate and prescribe, ae second column of course manyiso article magino fall-e ae third column onyiso time limit magi-propose ni Parliament onego okaw that action for the benefit of the citizens. Afew will be like of access to information, that one is spelt out under article 47 (iv). Commission miyo Parliament six months within which to enact that law mondo o-take care of the situation.

Secondly, entry and residence in Kenya of persons other than those spelt out in article 26 (i) and the status of permanent residence. That one again, the Constitution miyo Parliament one year or it could be less but they suggest not more than one year. So all those actions listed there mago onego obed taken care of by Parliament kagi enact various laws to omigi koda time limit moko bende onge time limit. All those will take care of up to kama ochope piny kacha, will take care of whatever problem you mention but could not be taken care of directly in the Constitution because the Constitution cannot include all the details.

Haya, wadhi nyime, wachopo e seventh schedule: Seventh schedule ka chiwo powers of national and district governments. Mr. Owade awinjo kanyisou maber kabisa ka u-cover gima iluongo ni district government kamane otiyegi devolution of power cha. Koro at this particular juncture within the seventh schedule obedo listed powers mag various governments nikech wangi National Government kendo wan koda gi District Government. Koro powers gi obedo listed down here, ni what will they be doing? Idwaro ng'eyo ni District Government biro timo ang'o, to National Government biro timo ang'o.

So when you turn to page 46 you will see that the National Government will be handling national defense and security, international relations, international trade, telecommunication, natural resources, national relations, formulation of national

policies. Development planning, currency, courts, prisons, citizenship, immigration, national public service, control and management and disaster and epidemic, national surveys and mapping or statistics, central government. Banking including incorporations, regulation of banking, insurance and financial corporations.

Then 19 will be patent, inventions, designs, trademarks and copyrights. Standard weights and measures, administration and management of research and institutions of national importance and lastly ancient and historical monuments of national importance. *All those items biro bedo handled by the national government.*

What about the district government ma bende Mr. Owade o-bring out clearly. Koro district government biro handle ang'o? The district will be doing that as district planning, district statistical services, district project identification, agricultural services, land and sanitation, land surveying, physical planning, trade development services, trade licences, cooperative development, social rehabilitation, market and labour matters and of course crop, animals and fisheries husbandry extensions.

They will also be concerned with human resources management and development. Professional and welfare, community development, cultural affairs and of course district information service. They will be required to re-donate, control, manage, administer and promote and licence any of the service which the district is empowered or is required to do and of course they will be expected to establish, maintain, control, manage and administer and prescribe all charges to be levied in respect of the services provided. So we also have all those, which you can read, they are all listed there up to 16, still on page 46.

It may not exhaustive and therefore that is why we are still calling for your comments if you feel that there are some areas that were left out, that should be included in the draft either national or district list. Alternatively, if you think that we should switch them from one area to another, you are free to do so during this period of dissemination of the report.

Then come to list three that is concurrent list on what is to be listed under the District Government or the duties to be performed by the District Government. List 3 will outline concurrent list, which you can read through. That brings us to the eighth schedule and that is on page 46. *Ka ing'iyu eighth schedule manie page 46 koro question modong', transitional and consequential provisions, kama in between the two. How will you handle the situation? Sama wawuok from the old to the new, koro the new ose-come into force, how will this be done? The Constituion itself o-take care of any situation, which might arise which mightand bring some difficulties in the implementation of the new Constitution. Koro mago em obedo listed on how to handle those issues as per eighth schedule ma on page 46. May be the last time when we were with Professor he is the one who covered this exhaustively so let me inquire from him if he can cover this part as well.*

Professor, eighth schedule.

Com. Prof. Okoth Ogendo: Schedule 8, *mani kanyo no, ka chik manyien okadhi maduaro ketho chik machon to nitie gik moko manyaka golieyo. Ok inyal chako achaka ni kawuono manyien ochakore machon go onge te. Gima watimo kanyo mokuongo wawacho ni nitie obligations moko mag Kenya, nitie treaties ma Kenya no-sign, nitie government contracts ma osebedo signed, nitie a lot of duties and obligations ma have been done by the present government ma onego obedi ni continue. To that eighth schedule wacho ni those obligations and duties of the State will continue as if they were made under the new Constitution.*

Secondly, chike, ok waduar ni chieng' ma Constitution manyien odonjo ng'ato nyalo wuoko to wacho ni chik ma nyoro nitie nyoro cha koro onge. Inyalo kata wacho ni chik ma nyoro nyo wacho ni I was married to kawuono there is a new Constitution the marriage is automatically dissolved. We don't want that to happen. Koro we have providing ni laws will continue as long as there are consistent with the Constitution, okay. Laws ma ok consistent with the Constitution will not continue. For example, the Constitution o-abolish death penalty koro ka nitie a law ma impose a death penalty that law will to the extent of that consistence be void and gima wawacho kanyo en ni ka in under sentence of death to that sentence will automatically be combuted to life imprisonment. Ma sani ka adhi Kodiaga gi that message I think I will be a hero there. (Laughter)

Remember ni nobody has been executed in our prisons since 1984, there are many people on death role but nobody has been executed since 1984 may probably means ni the State doesn't want to execute them. So the laws will continue as long as they are consistent with the Constitution.

Thirdly, nitie jokma hold certain offices ma we think are still important, offices of government parastatals, consitutional offices. We are saying ni jok mane hold those offices will continue to hold them, some of them will hold them in an interim capacity until they are reappointed or confirmed in those positions but we don't want a situation ma kata a ...in government chiewo to oyudo ni oonge gi tich so there is continuity of offices.

Now, in the case of Judges, ma endi e gima okelo lweny e kindwa gi Judges. Wawacho ni ne wayudo so much evidence against Judges or bribery, corruption and so on, ma the Judiciary must be cleaned up. Gima wawacho is the following:

(i). Wawacho ni all public servants and all holders of constitutional offices will retire at the age of 65. so if you are a Judge ma is over 65 you will automatically retire on full pension, that one is going to catch quite a number of them. If you are below the age of 65 to wawacho ni you can opt to retire at 55, ka isechopo 55 but you are not 65 you can take early retirement and if you take early retirement for purposes of calculating your pension we will say that you are 60. Wamedi 5 years, okay. So ka iparo ni ng'ato biro ng'ur kodi to you are under 65 you can take that early retirement to idhi for observation. Ka ok ikawo mano and there is a camplaint against you with any office and there are many

complaints against Judges, to you will be suspended immediately on full pay while the complaints is being investigate and if the camplaint is established you will be fired.

To ka complaint onge against you and this is the fourth thing, you must file with the Integrity Commission your assets and the Commission will ask you, ni to in Judge ma nyocha wang'eyo your salary ni gik mang'eny gi iyudo kure? To ka ok iyudo gi properly to you will go. Kanyo ema lweny owuoke ni, nikech there are evidence that shows ni if you go through that process only about 3 our 50 Judges will remain. Jo Ulaya mane obiro konyowa investigate matters of setting up an anti corruption unit nowacho ni only 3 Judges ema ne gineno ni clean. (Murmur in the background)

Speaker: *An awuon ok aduogo atimo...(Inaudible)*

Com. Prof. Okoth Ogendo: *Ineno dhi adhiya oko gimiyi. Orege, dhi imiye.*

Then, wawacho ni ka nyacha nitie cases mane nie court, matters which are still being dealt with those matters will continue. Again we don't want a sitution mane iyalo gi ng'ato Constitution manyien obiro kaeto koro owacho ni ni Constitution manyien nitie case no ok nyal continue. So proceedings will go on and then wawacho in the eighth schudule ni ka elections are held under the present Constitution or rather ka elections are held under the new Constitution, to we have said two things ma important.

Mokuongo en ni present Electoral Commission will stay to conduct those elections and after they have conducted those elections they will wind up within 90 days of the Constitutions or elections so that a new Electoral Commission can be appointed.

Number 2, we have said ni jok mane qualified under the old Constitution to be President ma would otherwise not be qualified under this Constitution will remain qualified during the first elections under this Constitution. Let me repeat that, kane in qualified under the old Constitution to run for elections kaeto Constitution ni obiro to owacho ni koro ok in qualified you will be deemed to be qualified for the first elections. Ka udwaro ni a-name names, it means in Kibaki can run and Nyachae can run. Kibaki because the age ma waketo ka wawacho ni a President should be between the age of 35 and 70. Nyachae because wawacho ni President onego obedi gi degree to wawacho ni for the first elections under this Constitution those people will be qualified.

Then wawacho ni political parties ma registered and we have them time to register with the Electoral Commission. Condititions mar registrations of political parties are extremely tough and we don't think ni we are going to end up with more than 10 political parties. Ji ne duaro ni mondo wa-limit the number of parties, the way we have done it is to create conditions ma so tough ma at the end of the registration period we are going to find that we have very few

political parties, only serious political parties will qualify.

We have also said, when the new Constitution comes into effect the Provincial Administration will stand dissolved. Now, if you just say ni they are dissolved what is going to happen e ni they are going to start selling government properties, they are going to loot it and so on and so forth. So the first thing we have done is to say, all properties held by the Provincial Administration or any other officer is declared to be public property and immediately held by the National Government on behalf of the Council. Then we have said that people employed by the Provincial Administration must report to the Public Service Commission for re-deployment. Akiani be ung'eyo ni there is no law ma establish Provincial Administration, it is simple the office of the President. The only people mar are employed under law are Chiefs not DO, DC nor PC's, there is no law that they should be there. They are employees of the Public Service Commission as we have said basically they will go back to the Public Service Commission and ask them for a job. Those functions will be performed by the devolved authorities but until those authorities are established the functions will be done by the national Government and the properties will be held on behalf of those authorities.

Then we have set up Constitutional Commission ma Wycliffe osenyisou about. To supervise the implementation of the Constitution and we have also said ni nitie past human rights abuses. Kane wadhi Coast and Rift Valley there were many complaints about land clashes, ethnic clashes and what have you. Houses that were touched and so on and some of us though ni mano is not something ma the Constitution should deal with. So the way we have dealt with it is to say, ni ka the Human Rights Commission is established it must investigate all those cases to establish their validity and suggest what to do with them because you cannot handle that in a Constitution.

On wach mar lowo, aduaro ni mond a-emphasize ni what we have done is first of all to say, ni lowo en mar jopiny. To jopiny nyalo mako lowo as individuals or as communities or collectively as a public, so wa-abolish category ma iluongo ni government land koro walunge ni public land. Wa-create a National Land Commission mabiro own that land not a Commissioner for lands and not the President, it will be held by the Commissioner on behalf of the people and a law will be passed to specity kaka the Commissioner can use and can transfer that land on behalf of the people. Otherwise, the County Council will no longer have control over trust land, trust land will become community land. And ot Ramogi will be controlled will be controlled by the community around it for example. We have provided for transitional provisions ni ka pok chik okadhi ma miyo communities control over land that land will be held as public land by the National Land Commission.

Korege ne onyisou ni wa have a long list of things ma Parliament must do in order to make sure that the Constitution is implemented. For example, article 109 ma wacho ni one third of Members of either House should be women, ne wayalo ma, ma wayalo. We could not arrive at an agreement on how to make sure ni you infact get one third women in the assemblies. So what we did was to say, give Parliament three years and say Parliament annuate and make sure

that within three years there is a law that make it a reality. So there are many things like that, kama uyudo ni wawacho ni Parliament will make laws to it means either ni we were unable to arrive at a solution for ni en gima ok onego obedi e Constitution because it is a matter of details. So these are some of the things ma we have done and I think we should take questions and we will take your advice as well.

Let me add and emphasize ni this is a discussion document, it is for discussion, it is not finally. Secondly, don't look for answers in this document. Bwana Korege wachonu ni an awachoga kendo aparo ni nawacho gino maler ka abiro ka, ni a Constitution en a road map. It is like a survey, okoni this is the direction madhi Kisumo and then you don't say to the road map ni to dak ninyisa ni nitie aora, ni nitie bend, ni nitie pothole. Okay. The road map doesn't know those things, mano gima nyaka iyudi yourself. So what we have done in this Constitution is define the road map kaka wakone Parliament ni build a bridge here, make a bend here, repair the road here, that is what that schedule is about. Okay, then the questions.

Walter Korege: *Gigi bedo recorded di waher ni ibi imak komo mondo ilosi gi gini eka duondi mondo wamak maber. Just a minute, bi abia koni. Mokuongo iwacho nyingi ka isewacho nyingi to ae ipenjo penjo, ka isepenjo penjo mana ma-brief matin, ae bang' mano ibiro dhi loka cha ir joka dhikawo nyingi to ndiko piny kanyo.*

Jared Odundo: *Ero kamano. Nyinga Jared Owala Odundo. Ero kamano Professor naketo parona kago, ero kamano ni ng'enygi owuok. Mokuongo agoyo ero kamano kuom keto Ministers mondo obedi joma ni oko nikech aparo ni mano right, kanyocha aneno sani ka teachers dhi e strike to Ministers duto ringo koni gi koni katimo campaign mar party. Aparo ni kanitie independent Ministers to tich nyalo continue kaka waduaru, ero kamano to aparo ni 15 tin onego gidhi up to 20. Mano achiel.*

Parona mar ariyo mane aketo ne en ni societies laws, weche ma govern societies. Aneno kamar parties uketo to ne awuoyo kuom religious societies mane awacho particularly Nomiya Church manitie greater groups here and there, mane akuayo ni onego ukete mondo obedie gi yoo moro ma inyalo run-e go under one umbrella. En an indigenous religious sect to Churches moa oko kamaro nigi power ka oweye kamano to onyalo dis-intergrate into death ma onyalo bedo ma kamoro onyalo lal nono. Ne akoni Nomiya Church ne ochaki gi John Owalo 1907 but sani koro engi higni mang'eny to nikech power hunger sani koro ong'eny nitie, Nomiya Church, Nomiya Sabato, Nomiya Fweny, they are many I can't count them all. To moko gin mana duaro telo koro this bulkanization mar a small Church ma indigenous aneno ka ok ber be aduaru ni mondo ikete restrictions kaka iketo ne political parties mondo en bende obedi one Church kaka Anglican Church or Catholic Church, they are many ma bedo run under one umbrella. Gino anyalo emphasize kendo aparo ni ka udhi abiro chako ndiko.

Mogik akuayo ni gin en 30 days to awinjo koro ulero pachwa to akuayo Japuonj Hezekiah kaka Jakom manie Rarieda

Constituency mondo onyiswa kaka wanyalo timo ma moko mawadok godo dala ma ok wanyal wacho sani nikech saa nok to waketne, wa discuss, waket idea kendo wa-agree ma by 28th wangi ideas moko ma wanyalo ketonu ma ok waradgo kamano. Thanks.

Walter Korege: *Ero kamano.*

Com. Prof. Okoth Ogendo: *Ka pok aduok penjo*

Batholomew Ajuoga: *Ero kamano. Nyinga en Batholomew Muga Ajuoga. An to an mana gi penjo abich. Mokuongo en ni a uwacho ni Constitution biro bedo made accessible to citizens to ok ang'eyo ni onyalo bedo accessible nade nikech the citizens are so many and the facilities are limited.*

Mar ariyo, a uwacho ni dual citizenship uyiego, an ok ayie gi mano nikech giko onyal encourage crime.

About death penalty, kanyo bende a critisize nikech in case of murderers the first murder is very difficult to ka ng'ato ose-commit murder for the firs time, it is very easy for him to commit it a second time. Omiyo just life imprisonment to me will to deter

Leasehold, ka owachi ni en 99 years mano gima okadho nyakwaro ma okadho doklihunda ma okadho mieny ma ochopo mana e banga. Banga ang' nong'e nade ni ng'ani ne ok en ja Kenya. I think leasehold should not be more than 33 years. Aparo ni mago kende e weche ma an go. Ero kamano ahinya.

John Charles Wanga: *Ero kamano. Mokuongo.*

Walter Korege: *Nyingi.*

John Charles Wanga: *Nyinga John Charles Wanga, East Asembo. Utimo a commendable job, job ma all Kenyans no-record e history, ni utimo gima kata South Africa nyocha ok otimo, watime kendwa omiyo wan proud of you. Take our thanks to your Chairman.*

Cap three, ka wamiyo Parliament power ...

(Interjection)

Speaker: ...*(Inaudible)*

John Charles Wanga: *Eh, cap 3, article 14, section 14 (i). Aneno ni mondo the values, goals, principles contained in this chapter apply to Parliament followed by Executive and the Judiciary because we want to give Parliament power.*

Cap 3, section 32 (ii), death penalty, wayie mondo death penalty obed abolished to aduaro ni mondo the Constitution obedie ma-irrivocable life imprisonment ma deny the President or any clemency of mercy a chance to select their preffered people to come out after committing capital offences, violent robberies, murders, rapes and so on and so forth.

Section 42, a en on religion: Aneno ka wamiyo Mongiki Sect some sort of recorgnition ma aparo ni onego the main religious bodies onego obedi listed mondo wa-exclude extremists machalo mongiki, achiwo as an example and we have if I recall in the United States mass murders under the guise of religion. I would have preferred the Constitution mondo obedi clear on religious bodies just as it is very clear on Islamic and Hindu Personal Laws.

Finally, 99 years as has been stated is such a long period for somebody to hold lease, I appeal, I concur ni non citizens should be given half the 99 years and thereafter the land returned to the people. I feel citizens ok onego obedi subjected to lease of 99 years whether on property or on community land. They are citizens, they have acquired lease let their decendants enjoy the life infinitely. Thank you.

John Otieno Oyomba: *Ero kamano uru ahinya. An John Otieno Oyomba, an gi matin ma aduaro wacho kae, achiel kuomgi en wach mar bill of righs, human rights, women rights and children's rights. Aneno ka joma chuo onge any right koso gin ema gi hold the right mar bill of rights and human rights. (Laughter) Ka ok kamano to ndalo biro ma men biro laro wach ni mondo gin bende gibedie mana kendgi kaka joma moko gi eki. Omiyo ng'i ane uru kar men's rights, ka kiny women gowa to wana ringi wanadhi kanye.*

Mar ariyo, wasewacho mang'eny ewi wach mar jo Kanisa to moloyo nyawadwa maoa ka owacho one example, jo Kanisa gi kawamiyo amiya thuolo machalo magin go sani to biro chopo kama kata gitimo gik maricho to gitimo atima. To mabeyo ma onego gitim to be gibolo mana piny nikuop power magin go nyalo hewo wa. Migie uru moro mathin ma nyalo govern e. Aneno ka wan gi thagruok ma ok onego wabedga go kata mana gik manyocha watimo gi dine Kanisa puonjo mana gima nene oketnegi. Aparo ni wach mar human rights ok dakwa donje nikuop law number abich mar Kanisa gi law number ang'en ka in ja Catholic, wacho mana citizens rights to giweyo ok gitimo, omiyo Kanise ma ok tim mago uneye gima ginyalo timo nwa.

Mogik, eto makoro gigi dhi mana e university degree ni donge class moro mar joma osomo bedo set above here. Joma ok ochopo e university gi notimre nade kata ka ginyalo lead, ka ukonywa gi law madimi kata joma nichien gi. Ne aneno ndalo moko higa mar piero abich gi bathe nyaka piero auchiel gi ochiko ng'ato ne nie Kenya ka ni Mboya

Kandiego to ne oonge gi university degree lakini ne obedo recorgnized kaka ng'at moro ma osomo economics malich kabisa ma iluongo ni Practising Economist. Ka uyie mondo wan bende wajoma ok ochopo e university gi wayude kama wadonje. I believe leadership skills is not only for the university graduates.

Walter Korege: *Ja degree. (Laughter)*

Wilson Okwiri Odundo: *Nyinga en Wilson Okwiri Odundo. Aduoko ero kamano jo Commission kuom duoku mondo usomnwa gik manene wawacho ka. An mabet ka ni ne andiko wechena auchiel mane andiko e my note book ma an go koda sani ka. Ne obuoga ka weche chako wuok, ka aneno joma dongo, Ministers kawacho ni wechego ng'ano mane owachogi. Achiel kuom wach mane awacho mane aketo numba achiel ne en ni Provincial Administration, sirikal nyodhowa go, nyodho go rembwa onego wagole oko to aneno ka owuok maler ma joma nika ma ong'eyo gi, jogi ong'eyo. Asebodo a leader e this division, jogi ong'eyo. Negi yie ni gima awacho ni nawacho kendo ne awacho ni kuondegi mondo okawgi leaders mag party to ayie gi yoo ma Commission oketego. Mano wachna makuongo.*

Mar ariyo, ka nenen ipuonjowa kama Chairman makoro omiya gima awuoyogo nitie Kaladin, ka gin gi Japuonj Ougo ne apenjo gi gimoro. Ni to machike to nitie to ok lugi gi, maduaro ndikogi to wang'eyo nade ni chieng' ne lu. Koro nyo obuoga ka aneno ka gik manyo wandiko ni chike ng'ama duong' ma ok aduar loso e nyinge wacho ni mano to ne ondiki nade, mago ok noti. Miyo amedo kuayo ni Commission konywa uru, gik mane wandiko Rarieda ka anuang'o ka osom ka, ma kagiduaro ni ma to ne awachi ging'a to awacho ni Provincial Administration ogol oko to gibi ng'i record mar Wilson Okwiri Odundo mane ondiko tarik apar gi ang'wen dwe mar auchiel e ot ka to gibiro nuang'o ni ne awacho adier.

Seche mane awuoyo no, ne awacho ni mondo ukonywa Commission. Civil cases ni malo ka iyalo gi e court ne akuayo kata ne aketo ni obedi chik, ni oyalgi ayala nono kaka iyalo criminals.

Wachna machiel ma bende ne akuayo ma kik wiyoa wil godo. Wan jopiny lwetwa ok rom to fees kata dang' aluonge ni charges ma I-charge ng'ato eka donjo nuang'o Councillor, MP kata ang'o ondong' mana ne lords, tajiri. Koro joma lwetgi ok nigi nyalo ok nyal chope miyo ne awacho ni chutho onego Kenya wabedi gi gimoro ma ok nyal tamo ng'ato telo ne jopiny nikech oonge fees.

Mara ma ogik ka ok alambo jomoko to mokuongo ayuak ni wechewa mane wawacho ka mane ok awinje ka ilando ni wan wawuoyonu to kuonde moko to awinjo ka ilando ni owuo kama, madhi uru wang'ni uwuoge ni jo Rarieda owachon nan'go. Makoro awacho kani awacho ni gik mauwacho gi nikare kendo wayiego to achung' ka apenjo, mad ne uyinwa chike ma osom mabeyogi ema wadhigo e elections kik terwa e election gi gimoro machon, motow, to ma osechamo pesawa to iwito piny. Thank you.

James Ombuor Okelo: *Basi ero kamano. An nyinga en Councillor James Ombuor Okelo, an gi mathin. Mokuongo awacho kama, gima negowa e Kenya ka maduong' en corruption.*

Com. Prof. Okoth Ogendo: What's your name again?

James Ombuor Okelo: *James Ombuor Okelo, Vice Chairmen Bondo County Council. Gima negowa e Kenya ka en corruption to utimo maber ni u-recommend ni Parliament ma nyocha ne loso misachgi kendgi koro nitie Salaries and Remuneration Commission mabiro loso misachgi kendgi. To kuonde moko to u-recommend to ok uketo kaka gibiro yudo their earnings. Achiel kuomgi en Village Council, Village Council biro yudo earnings mag gi namna gani? Ma waluongo ni Joka Dayo, gin gibiro yuto kanye? Locational Councils biro yuto kure? District Councils biro yute kure nikech gima osenegowa e Councils gi eki kata umiwa ni Jaduong' Gweng' corrupt, en oonge kamoro ma oyude gimoro to ka koro ukete e chik to ok unyiso kaka obiro yudo pesa donge obiro bedo mana corrupt. Kanyo aduaro ni mondo bende ung' iye.*

Mar ariyo a-recommend kabisa powers mag President ni owuok, be ok ane gima omiyo nyoro ng'ato yuak ni power mar President ogol oko, to aparo ni yuak en mana ni ma ogol omiye to okone but. But no ema nege to kade ne omiye amiya to oonge but to a en okay. Moreso, article 272, ing'eyo ni ka eni wasebe ka President to kata ka waloko korka defense. Article 272, wuoyo korka security, ka security ka eri nyocha en mana en owuon emane, Vice President ne onge, Prime Minister bende ne onge, Minister in charge bende ne onge. Ne en mana kende kata ka ia to idhi mana kuom the Chief of General Staff ema odhiye, gin agina ji ariyo koro kanyo ero aneno ka composition is okay.

Ae article 272 bende is quite okay nyaka article 288, mano ber. Mar Ministers mabedo appointed outside the Parliament, jogo ma ok members mag Parliament ema koro bedo Ministers. Ok ang'eyo nikech ka oponi kata party moro o-form a government sama olor ma o-campaign mondo odhi e Parliament olose through manifesto ma mare ma ka chieng' moro ok o-fulfill gik mane owacho e manifesto ma mare to koro party machielo gole agola. Ok ang'eyo ni koro Cabinet ma obiro yiero outside the Parliament gi eki gibiro a from different parties, bende gibiro tiyo within their manifesto mar that party moloso sirikandno ero. Mano a penjona manitie kanyo ero.

Maluwe, ne wa-recommend very strongly about Majimbo nikech kaka piny odhi sani e wa-feel ni Majimbo is very necessary, to Majimbo no ok aneno ka obedo mentioned somewhere koro ok ong'eyo ni ang'o manerach ma omiyo Majimbo ok owuok. To aparo ni o ber kabisa mondo owuogie.

Korka women, an personably a-agree ni mondo women obedi involved e politics to women odhi e politics not as women but as politicians. Kik odhi adhiya konyo ni an dhako aduaro ni mondo oyiera mondo adhi e Parliament. Go

to the Parliament ka ing'eyo ni idhibedo a politician, a-remember sometimes back mane a woman Cabinet Minister ka odhi e Cabinet to en o-serve mana jogo kod chai, chai ema o-serve gi godo. Omiyo though it is very important wowed nyaka koro sani ng'e ni ka waduaru mondo wabed equal to gibed gi dignity. Recently nyocha ne adhi yoo Mombasa koni to kane awuotho along the street, slums mag the area, wan ji ariyo mane wawuoth kanyo to apo ka mine moko mosa ni, habari customer? Habari customer koro apenjo ni customer means what, ang'oma iuso ka. To gin agina mon mauso ndendgi ema luongowa ni habari customer. **(Laughter)** Omiyo the dignity must be there, that dignity must be there ka waduaru ni women mondo gibedi machal gi men. Wach mar habari customer no bende do weye mokuongo.

Haya ma chak adhiye en freedom. Nitie freedom of worship to obedi freedom of worship, a colleague osewache ka. Obedi freedom of worship towards God, kik obedi abeda freedom of worship to i-worship mana Mongiki, to i-worship mana jochiende, devil worshippers, kik obedie.

Ae, wan ka endi kod freedom of movement, freedom of movement ni aneno ka obiro danger seche moko, ang'eyo ni Parliament biro modify e to nikech chieng' moro ne aromo gi jomo gotieno to ipenjo gi ni to udhi kama nade to gikoni wepenjowa kuma wadhie, to eventually iwinjo od ng'ato ne omuki kanyo. Omiyo control bende nyaka bibede e that freedom of movement, nyaka bedie control.

Freedom of trade bende nyaka bedie control nikech sani njaga ketho nyithindo to ka waweyo awaya ni ng'ato wuotho kod nyaga round, I hope ni mago biro bedo modified. Okoni ni chik biro wachnwa ni in gi thuolo mar timo atima ohala ma iduaru. Aparo ni mago gik makaber to onego obedi modified. Thank you very much.

Walter Korege: Ero kamano. Wach chal kama, jo Rarieda wach chal kama. Committee mar Jaduong' Ougo mano Committee malosho weche mag Constitution ei Rarieda Constituency. Kawuono team ma obiro ma Professor nitie ok bitieko weche te at the same time we also need time amongst ourselves to debate this document and come up with our comments madaher mondo obedi included e bura mabiro cha. Koro omiyo Professor biro wuok kadok Nairobi nyaka wa-release-e chon omiyo ok wabikawo penjo te. To committee mar Jaduong' Ougo will come up with a work plan, kuonde ma ibiro chokie buche ma jo Rarieda Constituency ka-debate this document. Mano biro timore kamano manyisu ni chieng' makama wangi debate e venue makama to gi chakre sama kama. Mano ema ne wabir losie wechewa duto kata ka waseneno that document, modong' to gi kata diwaher, recommendation madiwaher chiwo kendo and all our comments. Omiyo today is not the final day, in the mean time abiro kaw a few questions from the floor to we have to be gender sensitive, is there any lady who wants to give her views? Ah, mama nitie, mama bi.

Alice Ougo: An iluonga ni Alice Ougo to an mana gi penjo achiel kende. Saa mane iwuoyo e tije mag district, gik ma itimo e district awinjo ka owachi ni watiyo atiya e district to onge ng'at moro ma watudorego. Onge kata kuma

watere gigewago kawasetiyogi. Koro apenjo ni jo district gi, kawatiyo e district wanyalo konyore gi jo province koso ka watiyo to waling' aling'a kanyo, ok bedie kamoro ma wadhi inquire-e ni wasetimo kama koro onego watim nade. Ita onyisa mana ni tich to watiyo atiya kaka osechanwa no to ok wadhi ir jo province. Ema apenjo ni to district diti nade ka ok tudre gi province. Mana penjo achiel no.

Walter Korege: *Abiro kawo two more questions to ae koro wamiyo Professor thuolo mar duoko penjo ma usepenjo ka pok saa koromo. Councillor bi ane?*

Speaker: *Achiel ariyo gi(Inaudible)*

John Ogone Wasindo: *Ero kamano. An John Ogeno Councillor mar South Asembo. Ka agoyo ero kamano ni gima usetemo, usetemo matek ma uketo rarieny ma waweyo chike machon kendo koro wangi chike manyien. To akwayo jo Commission ni chik osewuok gi dho Kisungu to akwayo ni chik mondo owuogi gi dhouidi duto mag Kenya. Uwuogi e dhoute mag Kenya duto makata ka yalo moro obetie to yudo thuolo kaka ng'ato nyalo ng'eyo ni ma to mane, ma tomane ma Sub Chief marwa gi Chife mawa mondo otigo.*

Mar ariyo ka ang'yo page 16, Members of Parliament, en umber 121 kare achiel wacho salary mar MP's, President gi Prime Minister to akwayo en act mane mawacho mana salary mar MP's alufu mia auchiel, alufu mia abiriyo while Councillors to onge salary. Akwayo Commission upare Councillors nikech gin e jopiny, gitimo harambee ne Churches, Primary Schools, Group to jogo ok wanegi to Councillor to tho gi alufu abiriyo to onge pesa. To imedogi higa ka higa.

Mar ariyo,end of tape 4 side A.

Note: *Tape 4 side B is not recorded therefore a summary has been made from the Verbatims Record's notes*

RESPONSE TO QUESTIONS BY PROFESSOR OGENDO

Dual citizenship: We can control freedom of worship

Dual citizenship: The Rendiles, Boranas, Maasais etc get harassed tremendously. It is is a question of of reciprocity but we can look into it.

Lease of 99 years to non-citizens: This is standard and leahold can always be revoked and land reverted back to the government. We are saying non-citizens should not get more than 99 years lease of public or private land.

Death penalty: No one has been executed, there are many people in death role who have not been executed to date.

The Executive in article 14 and 18: The President is under obligation to address the public on government performance every year.

Linkage between District Councils and Provincial Councils is being worked out before the National Constitutional Conference on devolution to control powers of Village Councils up to the Provincial Councils.

Village Council and Locational Councillors payment: We shall indicate funding to Village and Locational Councils, this issue will be dealt with at the National Conference.

Translating the Constitution into local languages: This will be done progressively, it is important and ought to happen.

Thank you.

Walter Korege:.....(notes not written)

Jonah Ougo Ocheing: ...(Notes not written)

Ven Samuel Nyamboy:(Notes not written)

Prof. Okoth Ogendo: Those are some of the reasons why we can recall an MP.

Samuel Nyamboya: ...(Notes not written)

Prayer not recorded.

Walter Korege: ...(Notes not written)

The meeting ended at 4.16 pm.
