

DISSEMINATION OF REPORT AND DRAFT BILL, UGENYA CONSTITUENCY, HELD AT UGUNJA
KAMUKUNJI GROUNDS ON
14 OCTOBER 2002

Present:

1. Com. Prof. Okoth Ogendo

Secretariat:

1. Mr. William Odhiambo - District Co-ordinator
2. Ms. Jackline Obiero - Ass. Programme Officer
3. Abigael Nyakundi - Verbatim Recorder

Meeting was called to order at 11.10 a.m. with Prof. Ogendo on the chair.

William Odhiambo: *Dak umor.*

Audience: *Wamor.*

William Odhiambo: *Ok umor gi Professor.*

Audience: *Wamor.*

William Odhiambo: *Okay waduaru chako gi lemo donge? Kik uwe wach Nyasaye chien, Mama Cecilia, Mama Cecilia bi lemwa. Wachung uru mondo walam Nyasaye eka wachaki.*

Mama Cecilia: Prayers: *Walam Jehova Nyasachwa waduokoni erokamano kuom odiechieng ma imiyowa ni waduokoni erokamano nikech wangima kendo wachopo ka, kendo wach ma osethagowa aminga ka wawinjo koro wabiro winjo e duond jogo onogogo. Wakwayi Jehova ni ka wan ka to iritwa, imiwa kwe, iyaw wiwa bende mondo gik ma iwacho wawinj gi malongo kama ok wawinjo malonog Jehova mondo wapenji to mondo odonjnw. Kue emaduong ke Nyasachwa, akwayo magi e nying Yesu Kristo Jawarwa. Amen.*

William Odhiambo: *Erokamano ahinya mama Cecilia. Jo Ugenya aparo ni ne wawuotho kodu ma ugolo pachu ma mosendik sani e draft Constitution emeokelowa ka kawuono Professor biro terowa mando wangi anena gima nyicha wagolo e pachwa, to un gi thuolo mar penjo dong'e mondo unge gima nikanyo. Kapok adhi mbele Professor nyicha watiyo ka gi jo CCC Members man kae gi jo Schweppes, akwayo jo Schweppes gichung kama gin tie, jo Schweppes*

gingeyo ga ni oka wanyal wito gi nyocha watiyo kodgi maber manyocha gikonyowa e tich. Aloungo chairman mondo obi o introduce joge jo CCC members meke mondo wadhi mbele chairman.

Peter Oloo Aringo: *Wendowa modhial Professor Okoth Ogendo ma en Commissioner mar Constitution ma watimo manyien ni, jogo mowuotho go, Coordinator marwa mar Siaya District William Odhiambo, Members mag CCC, jogo duto mobiro e odiechieng ma kawuono amosou gi nying Ruoth ni okwe uru duto.*

Audience: *Okue.*

Peter Oloo Aringo: *Mara en mondo afulnu jojo ma Ugenya ne okwanyo mando obed e committee mar constituency constitutional committee. Abiro kwayo gi mondo gichung malo kende ma aseluongo masefulo to bet piny. Nyako ma okwongo chung' no iluonge ni Nereah Marenya. Nereah Marenya a e South Ugenya location, Nereah mos ane oganda.*

Nereah Marenya: *Ruoth opaki jo Nyasaye.*

Audience: *Opaki.*

Peter Oloo Aringo: *Machielo en Mayor Councillor ma Ukwala Helida Otieno, Helida Otieno en e councilor mar Uyondo Ward kendo en nie Mayor ma Ukwala, bende eriwruok mar Ugenya constituency kane obed piny ne oyiere vice chairperson. Helida mos ane oganda.*

Helida Otieno: *Amosou ni okue uru.*

Audience: *Okue.*

Peter Oloo Aringo: *Machielo en mama Cecilia Mutula, Cecilia Mutula a East Ugenya location kendo en osebedo ka jomangeny okonyo e kinde mane otiyo gi joka TLC koro sechegi en achiel kuomwa e bura mar Ugenya constituency committee. Mama Cecilia mosane nyithindi.*

Cecilia Mutula: *Amosou ni Jambo.*

Audience: *Jambo.*

Peter Oloo Aringo: *Machielo e committee ni bende ne waduaru ng'ano ma ochung ne rawere, ng'ano mochung ne jogo mong'ol ma ero mochung no iluonge ne Chrispine Okoth Odemba, Okoth Odemba a e East Mongolo location kendo kaka asenyisou en ema ochung ne rong'onde kendo ochung ne youth. Chrispine mos ane oganda.*

Chripina Odemba: *Amosou ni okwe uru.*

Audience: *Okwe ahinya.*

Peter Oloo Aringo: *Mago ema ahero nyisou mosebiro kendo kaponi moko biro biro abiro wachonu, to mokuongo committee ne a hero landonu, ahero nyisou ni ne en committee moting'o ji apar. Ji apar go nene iyierogi kama, mokuongo en MP mar the area ma ok en kodwa ka bende ungeye iluonge ni Honorable James Aggrey Orengo ma en MP en achiel kuom committee no. Mano ne donjo e an opposed en ok yiere en odonjo automatic. Machielo ma bende donjo automatic nene en Coordinator ma bende ahero mondo a introduce e seche makoro wan kode ka ni, coordinator mar wa en William Odhiambo, William Odhiambo a e Gem constituency kendo en ena osekawo riwruok ni. William chung' mokuongono ok oromo, chung koro kendo ifuanegi.*

William Odhiambo: *Amosou.*

Peter Oloo Aringo: *Erokamano coordinator mano ng'at mar ariyo madonjo e burano ma ok yieri. Machielo chik wacho ni the old council in a constituency chairperson mar council no nene odonjo automatic mano ne omiyo mama Helida ma en chairperson mar Ukwala kaka waku ni Ukwala emane okwongo bedo council e Ugenya constituency en bende ne odonjo e automatically. Wan koro kane wadong gi ji abiriyo, ji abiriyo go ne iduaro ni at least joma ne nyaka bedie adek koro ne wan gi hawi maber ni committee otingo ji adek go makanyo waseneno Cecilia, waseneno Helida kendo waseneno Nereah nyiso ni kanyo ne en complete, machielo ne iduaro ngama ne ochung korka wache Nyasaye ma abaro ni mochung korka wach Nyasaye kendo ne giyiero kaka Jakom en an makoro alosoni iluonga ni Peter Oloo Achieng, Peter Oloo Achieng a kama iluongo ni West Uholo ma kama koro wantieni kendo an e Jakom mar Ugenya constituency Constitutional committee.*

Gimago jowetewa mano nene composition mar burani omiye nene en bura motingo ji a par, koro pod wadhi nyime gi tich kendo odechieng ma kawuono pod wadhi nyime gi kendo odiechieng makawuono uneno gik ma opogu go koro thuolo ibiro kawo kod commissioner biro dhi through kendo wabiro neno. Koro ka nitie moro mane ok waruako to in kod barono maber ema okelo jogi ka biro kawo. Erouru kamano jowetewe. Bwana Coordinator take over.

William Odhiambo: *Erokanao ahinya chairman kuom introduction no jo Urema kiki une ni oweu oko wan gi braille ka ma ngoto angata ma ok nyal neno commissioner ogolo brailles inyalo bet gi thuolo unyalo somo gima ondiki e Katiba manyien. To jo Ugenya bende ne ogalo pachgi wan gi summary mar gir jo Ugenya en mana ni gitin, koro wabiro around kodgi ka wanyisogi gima ne ugole e pachu.*

Thuolo ni en mar Commissioner emadwaro kawo thuolo mondo amiye, Professor Okoth Ogendo karibu.

Com. Prof. Okoth Ogendo: *Oyawore uru jo Ugenya.*

Audience: *Oyawore.*

Com. Prof. Okoth Ogendo: *Oyawore uru kendo.*

Audience: *Oyawore.*

Com. Prof. Okoth Ogendo: *Ne abiro kaendi chon kane wayalo book moro makwar mane wagolo cha, mane otingo penjo mane wapenjou e wach mar Katiba. Kaeto bange commissioner machielo Nancy Baraza ne obiro gi kundi ne magikawo pachu e penjo mane wapenjou no, ne wawacho ni pachu ka osekaw to idhi iriwo gi pach jo Kenya kuonde ka kuonde nikech wadhi e constituencies tee. Nitie constituencies 210 ne wawachi nika waseriwo gi mar jo Kenya to wadhi nonogi matut mondo wane anena nito pach jo Kenya tee ka koro oket kanyo achiel to wacho nang'o, ang'oma jo Kenya dwaro mondo olokre chik, kaeto ne wawacho ni kawase nono mawaseneno monego olokre chik to gi monego wagone mana report to wabiro golo ndiko marwa no to wabiro duogonu mondo ugoe mbaka mondo ungi ma upar anena nito bende mano e kaka nyicha udware koro kane ok wayude maber to unyisowa nito ka to ok ne uyude maber to ka to uyude maber, med uru ma, gol uru ma, lokuru ma obed machielo ok kamano.*

Kendo ne wawacho ni wan ka wandiko repodwa to wabiro mana miyo wananchi ok en ripot ma itero ne ng'ato to ng'ato kawo to kano, ok ne wawacho kamano?

Audience: *Eeh.*

Com. Prof. Okoth Ogendo: *Ne wawacho malongo ni wan marwa wareport directly to the public, ne wakoni repodwa ok waterne President, ok ter ne Parliament iterone wananchi directly, dong nyicha watimo mano? Bas ma utingo e lwetu no, mokwongo ne wagolo ripot maro machielo mokuongo mane waluongo ni chaguo la wananchi, the people's choice, mano bende ne wagolo bende ne wananchi oneno kendo nyicha wagolo koro chik, draft mar chik manyien bende wakelonu koro un godo. Koro gima wadwaro timo kawuono wadwaro wuothe together mondo wawuoth ie chik mwandikono ma wadwaro ni mondo Parliament mondo okadhi mondo eka wangenji to angoma nie iye kanyo bende waloko pach wananchi malongo. To ka wasewuothe chakre tarik 28 dweni wachano ni mondo koro wabed gi bura ma galamoro mar jo Kenya makoro dhi yalo gini Nairobi ji mia abiriyo moluom kuonde ka kuonde kendo angayo ni district kaendi bende useyiero ji adek. Aneno mama moro ka ma bende nyicha ne uyiero mando obi okonywa yalo Nairobi.*

Koro waduar ni koro ji mia abiriyo go kobiro gi dwondu mumiyogi ma ka nitie ng'at moro man gi dwonde moro ma specific ma ok onyal golo sani to ondiko andika to omiyo jok ma biro go tee to biro konyowa yalo. Ka oseyal wachni mokadhe maduong jo Kenya no okadeh koro odhi e bunge, to ka ochopo e bunge ne awacho ni gima ochopo e bunge ikadhe kaka en no kata giriembe kaka en no, matiende nika jo Kenya tetee oseyale to ok jobunge dhi muoch ni clause ni ok waduar ni gol uru oko, ka odhi e bunge kaka odonjo no e kaka owuok uwinja maler. Nikech jomoko paro ni ka ji jo Kenya oseyalo to nika idhi e bunge to jo bunge nyalo golo moko ma ok giduaro, chik mar bunge en ni ka iloko Katiba to bill ma odhi e Parliament mar Katiba no kaka odonjo no e kaka owuok inyalo wite oko kata ikadhe to ok onyal bedo amended. Uwinja maber?

Audience: *Kamano.*

Com. Prof. Okoth Ogendo: *Omiyo mano e kama wantiere sani. Koro ne wabiro ka wan ji adek moa ka commission an an Okoth Ogendo kaka usewinjono. To an kaendi gi nyar Seme ma iluongo ni Jackline Obiero, mos anena jo Ugenya.*

Jackline Obiero: *Amosou jo Ugenya.*

Audience: *Osawore ahinya.*

Com. Prof. Okoth Ogendo: *Kendo wan gi nyar Nyamira miluongo ni Abigael Nyakundi en ema omako dwol. Abigael in kanye?*

Abigael Nyakundi: *Oyawore uru.*

Audience: *Oyawore.*

Com. Prof. Okoth Ogendo: *Bas koro gima Abigael timo kaka pile gimoro amora ma wang' uwacho to imako to kendo wachak wadhi goye chapa Nairobi mondo wane nito dwond jo Ugenya kendo chal nade gima wandikoni.*

Koro Jackline to biro konya wuotho kodu e Katiba ni. Adwaro ni mondo wachak achaka mondo wadhi piyo piyo mondo wawe saa mar penj kata comment moa kuomu. Ok uyiego?

Audience: *Wayiego.*

Com. Prof. Okoth Ogendo: *Bas Katiba mane wandikoni gin chapter piero ariyo, uwinja? Koro piero ariyo go ema*

wadwaro wuotho mana piyo piyo piyo. Abiro chako to awene Jackline, kendo Jackline duogo nago nyaka wang watiiki.

To adwaro chako kama nitie gimoro ma oket kanyo wawaketo miluongoni preamble, uneno kama ondikie ni preamble, eh. Mano kar chakruok wach, preamble no e kar chakruok. Openjo gino wapenjo nito wan jo Kenya ang'oma omiyo ne wawachi ni wadwaro ndiko Katiba manyien. Kane abiro ka mokuongo aparo nine awacho ne Jo Ugenya ni Katiba ma wan godo sani ne omiwa mana gi jo Britain, ne em mar ukoloni mane gigolo to gikonwa ni un tinde dhi uru mondo uritru kendo to wamiyou chik ma udhi ritorugo, uwinje maber? Omiyo ne ok en marwa, ne omiwago gi jo Ulaya koro kanyicha wasebedo kode chiegni higni piero angwen to ne oyieche ma oyieche, ma oyieche ma oyieche, mokidhore kaeto wakoni aah koro, Odhiambo tiek anena gino piyo piyo mando wachak tich, Odhiambo iketho bucha. Ka nitie gima onego I-distribute to iket e conner kamoro ma ng'ato nyalo dhi to kawo gino.

Okay, koro nyocha kane a penjo jo Kenya nito udwaro ni mondo wawach nang'o Katiba ma wandiko manyien ni, ang' ma omiyo wandike, koro wandiko kanyo ni wan jo Kenya mokuongo wang'eyo ni wan ji ma opogore opogore, wan kabila ma opogore opogore e Kenya ka iwachoga ni jo Kenya gin jo Kenya chiegni ji piero ang'wen gi ariyo to ka nyicha awuotho ei Kenya ka to aparo ni wang'eny maloyo kata kanyo, ne wayudo jomoko ma bende ne ok ang'eyo nine jo Kenya to kare gin mana ei Kenya ka. Koro wawacho e preamble kenyo, ni wang'eyo ni wan ji ma opogore opogore to wan jo Kenya waduto kendo wayiere ni kaka jo Kenya wadwaro ni mondo warit ji tee man e Kenya ng'at ang'ata gi familia mondo waritre kende kaka jo Kenya kaeto bende wang'eyo ni gima wadwaro ma mine gi chuo mar Kenya dwaro en piny na okue man gi thuolo, man gi democracia, man gi haki to gi piny ma chik emetiyo ok ni dhano moro emachiko piny.

Kaeto wawacho ni koro kaka jo Kenya wadwaro ni mondo wamire Katiba, wawacho ni wang'ni ok wadhi penjo jo ukoloni ni miwa uru Katiba wan eme wamiyore Katiba kendwa, uwinjo wachni? Kaeto wawacho kanyo nika koro waseyiere ni wamiyore Katiba to Nyasaye okony jo Kenya te. Mano e kaka wachako wach mar Katiba no.

Kaponi nitie gimoro monego bed ni wawachi momiyo bed ni wadwaro chiwo Katiba bende unyiswa ni a kaendi uweyo oko, jomoko ne osekonowa ni ok wawache e preamble kanyo ni ji bende ne ogore e lweny ma ji ne otho, to jogo bende waparo. To wan kaka commission nyicha wang'iyo ni mondo wangi anena gime dhi mbele, mbele emamondo wangi ahinya kar gimane oa chien, to bende unyalo nyisowa ni to watime maber koso ok watime maber.

Koro bang' preamble wadhie e chapter one, chapter one no ondik gi Kisungu ni sovereignty of the people and the supremacy of the Constitution. Teko mar wananchi to gi teko mar chik mar Katiba. Wawacho ni teko te te te miritogo Kenya kae oa kuom raia ok oa kuom Sirikal, ok oa kuom President, ok oa kuom Parliament oa kuom raia, mano e gima wawacho e article mokuongo kanyo. Omiyo wawacho nia, nikaponi omiyo thuolo ni mondo irit gimoro e Kenya

ka to ing'eni thuolo ma omiyono imiyi mana gi teko mar wananchi. Kaeto omed kanyo ni wananchi kaka wan wan ji million piero adek gi achiel ok wanyal bedo ni teko mar wananchi no ni ngato ka ngato ni mana kode ma wa exercise mana ji million piero adek gi achiel. Omiyo owache kanyo ni wananchi owacho ni teko mar loso chike, the legislative power of the state wananchi omiyo Parliament. Teko mar loso chike wananchi omiyo bunge, teko mar administration gima waluongo ni Executive authority wananchi omiyo the Executive branch kendo wabiro yudo bang'e ni Executive branch en President gi Prime Minister gi cabinet. To wawacho kanyo ni teko magirito godo Kenya ka kaka Executive no wananchi ema omiyogi kaeto teko mar yalo miyalogo buche ma ithego go gi wananchi omiyo judiciary ma kiki gimuooh ni giweni gin margi no ao kuom ngama chielo, ok oa kuom ji, mano bende oa mana kuom wananchi.

Ka to nitie bende commissions moko mawaketo e Constitution kanyo ma gin tij gi en ngiyo nito jok ma wananchi imiyo teko gi, gin gitiyo kode nade? Waluongo gi ni Constitutional commissions, wachal jok ma owachi ni kata ka in gi policeman to ja polis no bende nyaka bed ng'ama ngiye eh, nyaka bed a policeman ma ngiyo policemen nikech ka iweye aweya to gin bende ginyalo abuse teko ma omigi no. Koro mano e gima wawacho mokuongo kanyo.

Kaeto wawacho ni teko ma wananchi omiyo jogi ma omi jo bunge to omi jo Executive, to omi jo kot gi ok oyienegi ni mondo teko no giwene ngat moro machielo. Matiende ni ka in chief, ka in chief itiyo gi teko mar wananchi to ok inyal muoch ni kawuono iwacho ni ni an koro ok an chief adwaro ni mondo wuoda moro ema mondo odhi oti ji to ne wananchi ok omiye tijno, uwinja maber? Omiyo teko ma wananchi omiyi ni mondo irit godo Kenya kata kaka President, kata kaka judge, kata kaka Member of Parliament wananchi owacho wawacho e Katiba kaendi ni kik imuoj ni iwene ng'ato ni emakoro tiyo gi tekono to ng'ano ne ok omi teko. Kaeto wadhi wawacho e article two ni teko mar wananchi ma wananchi omiyo ji, omiyo ji e gimoro miluongo ni pend chik Katiba ah wananchi ne osehacho e preamble kanyo ni wamiyure pend chik koro wawacho kama ni Katiba mawandikoni pend chik mawakeloni en chik maduong mohingo chike te te te tee e Kenya ka onge chik maloye nikech kawacho ni en pend chik matiende ni chik te te te tee a kuro. Omiyo ka poni nitie chik moro mopogore gi gime Katiba owacho to chik noero nyaka kethi, uwinja maber? Nikech Katiba e chik maduong moloyo chike te, ema omiyo ka isome kata ka itiyo kode to nyaka ingeni chike tete te mopogore kode nyaka kethi ok nyal bedo kendo. Ubiro yudo ni ei ka wawachoni ni bura moro ginene ni nek death penalty wawacho ni death penalty no ok onego obedie, mano matiende ni wawacho nika penal code pod nitie eiye kanyo ni nitie gimoro ni death penalty mano nyaka koro kethi nikech Katiba pend chik mawakeloni e koro e chik maduong moloyo chik tete tee e Kenya.

Ka to wawacho ni kaka en chik maduong no, mokuongo ng'ato ka ng'ato, ng'at ang'ata moneno ni chik no nitie ngat moro maduaro kethe ng'at moro ma ok ti kode malongo oyiene dhi e court mowachi ni ne aneno, ayudo ka chief moro tiyo ji mana ka gima Katiba onge, omiyo sani adwaro ni mondo ukel chief no e court ka mondo onyise ni mondo kik oketh Katiba. Matiende ni wananchi imi direct access to the court ka ng'ato dwaro ketho Katiba. Chon e chik masani inyalo mana dhi e court ka gino ohinyi in iwuon, ok inyal dhi to iwachoni ne aneno ka ng'ato ketho Katiba to anto ok

ohinya. Sani koro wawacho ni kata ok ohinyi to oyieni mondo idhi e court mondo iyal wachno ka ng'ato dwaro ketho Katiba.

Kendo wawacho ni kaka in mwananchi nyaka imake sure ni Katiba no bende irito aah, nyaka irit Katiba maka poni nitie ng'ato ang'ata maduaro temo loso sirkal ma ok sirkal mowuok ei Katiba to ng'ano oketho chik. Mano e gima waluongo gi Kisungu trisson ka imuoch ni idwaro loso sirkal ma ok iluwo wach mar Katiba be gime omiyo watimo mae wadwaro ni mondo Katiba machon ema mondo ogol Katiba manyien mano e gima waluongo ni legality. Omiyo wandiko kanyo e article four ni any attempt to establish a system of Government contrary to the Constitution is un lawful.

Kaeto wawacho ni koro iKatiba kanyo kaka Katiba osebedo pend chik to chike tete tee makoro wadwaro neno maluwo bang Katiba no bende wachano gi e article number five. Wawacho ni Katiba chik maduong' kaeto chik maluwe gin ma bunge okadho, chik mar a dek en mila mar wananchi. Wawacho for the first time ni African customary law is an important body of law, en chik mang'ongo kabisa ma bende nyaka jo Kenya ng'e ni en chik maritowa.

Chon Wasungu ne wacho ni mago mag jokafiri ok dwar, wawacho kanyo ni mila maru kata ija Islam kata ija Indu, kata ijakure to mila maru no en chik manyaka bende waritrego en marwa. Koro wawacho ni wamiyo Parliament bunge higni ariyo mondo okadh chike mabirio make sure ni chike tete tete tee mantie sani nyaka lure gi Katiba manyien, matiende ni wawacho kanyo e article five (2) wawacho ni Parliament nyaka ngi chike tete tee mantie within two years mar Constitution manyien ni mondo gingi anena nito ere ma ok olingore gi Katiba ni mondo ogol oko, nikech ka ok itimo kamano to ng'ato biro muoch amuocha ni en okawo chike machon matinde Katiba nyicha oketho ni emapod otiyogo.

Koro adwaro chikora e wach mar Katiba no adwaro terou e chapter 18, chapter 18 ondik ni amendments en towards the end. Dware uru une mondi, useyude, dwar uru ane chapter 18 no mondi nikech en gi wach onego obed machiegni gi chapter one, tone wadirogo chien kono nikech kanyo bende ema onego obedie. Na chapter 18 no, uyude?

Audience: Yah.

Com. Prof. Okoth Ogendo: Bas ondik ni amendments, gime ne okelo wach mene okelo tulo e Katiba ma wan godo sani, en ni kane wach moro owuok ni gimoro thago sirkal en gima ok ginyal loso maber to gidhi giloko Katiba, uwinja maber? Ka Oginga Kodinga ne oweyo Sirkal 1966 gidhi giloko Katiba ni mondo Oginga odong e elections. Kane Ngei ne court owacho ni oketho chik kik odog e Parliament Jomo odhi okono Attorney General ni dhi lok Katiba mondo Ngei odog e Parliament. Koro ji ne penjowa kende wan bende ne wapanjo ji ni to ka Parliament nyalo mana loko Katiba kaka giduaro maseche moko iloke within two hours to oseloke ma otieke. Ere kaka Katiba manyien

mawaduaru loko ni biro mono Parliament mondo kik Parliament kethe, ng'inje ng'inje ng'inje kaka nyicha ong'injo machon cha, uwinja maber? Koro wawacho kanyo ni Katiba manyien ni en ka ibiro loke to nitie gik moko ariyo manyaka timre. Gima okwongo en ni ok nyal loke ka Parliament ok okadhe gi two thirds majority of all members of Parliament. Uwinja mano e chik mantiere sani to ubiro neno ni eiye kanyo Parliament wan gi two chambers to wan gi National Council gi National Assembly koro wawacho ni two thirds of all members of Parliament nyaka kadhe. Ka to wawacho mar ariyo and maendi e gime onego ungi maber, ka ungiyo article 294 sub article three, wawacho ni nitie kuonde moko ei Katiba ka ma ok Parliament ok nyal loko ka wananchi ok oyie, uwinja? Matiende ni kata ka Parliament owacho ni wadwaro loko magi to nyaka terne wananchi ma wananchi go vote e referendum ma ka wananchi oyie ni mondo loki eka iloko ka wananchi adagi to ok loki. To gik mawachano ema okwongo ni ka idwaro ketho boundary mar Kenya ka Parliament ochani ni tinde sani Turkana wadwaro miyo Ethiopia uwinja, to wachno nyaka dhine wananchi ma wananchi goye ombulu e referendum eka inyalo kadhe.

Ka Parliament owacho ni wach mar ni wananchi ni eman gi teko ni ok wadwar, wadwaro ni mondo tekono wami kata mana ng'at achiel mondo kik oa kuom wananchi, chapter mawachonu mondik ni sovereignty of the people no ka idwaro golo chapter no oko to nyaka idog ipenj mana wananchi ni wadwaro golo chapter mawacho ni un gi teko, uyie go, ka wananchi oyie to igloo, kendo wawacho ni nitie chapter moro kanyo ma wandiko ni national objective, values and principles, ka idwaro golo mano oko to wananchi nyaka goye ombulu eka igole.

Mar ang'wen nitie chapter moro kanyo ma wandiko ni the bill of rights, haki ya binadamu, haki may raia. Kaponi idwaro golo achiel kuom gi kendo wabiro winjo gima nie iye kanyo mane bende nyaka upenj wananchi. Kendo wawacho ni kama wang'inje teko mar sirkala mawatero ne province, ma waterone district, mawaterone location, ma waterone villages go, ka idwaro kethe kendo ma idwoko teko go tete te ne sirkal kaka agintie sani ni, kendo wawacho kanyo ni Provincial Administration onego okethi, ka idwaro wacho ni mondo iduog kendo, to wawacho ni mano nyaka ichak ipenj wananchi eka ikethe. Kendo wawacho ni chapter madil gi uraia, chapter manyiso ni ng'ani ja Kenya to ng'ani ok ja Kenya ka idwaro ketho mano to nyaka ipenj wananchi.

Kaeto wawacho ni article mondiki e gik ma asomo go tee uwinja article mondiko gik masomo go tee bende ka idwaro ketho matiendeni ka idwaro golo gimoro e list mawachono to bende nyaka upenj wananchi, ah tiende nia kadine wachan achana gigo mawachan achana A nyaka F mondik kanyo no to waling kanyo to ng'ato nyalo wacho ni article no emawadwaro golo oko tee gi kuku ne mano e kaka ne okwong oketh Constitution mokwongo. Ogol amendment procedure emane okwongo ogol ka isegolo ni e to koro gik moko orore aora koro wan wawacho ni kama wawache ni nitie gik moko ma wananchi nyaka goe ombulu no, ka idwaro golo article kende owuon to bende nyaka idhi ir wananchi, uwinjo wachno?

Bas koro wado e article one, koro article one no emawacho kaka asewacho ni Constitution e instrument e gima

wananchi mateko mar wananchi tiyogo, matiende ni wananchi nigiti teko to wananchi ochiwo tekone ne legislature ne bunge to ochiwo ne Executive, to ochiwone court to owachonegi ni teko ma wamiyou no wamiyougo e gimoro mondiki miluongo ni Katiba, miluongo ni pend chik, uwinjo maber?

Koro chapter two, chapter two wacho ondike ni the republic, chapter two wacho mokuongo ni Kenya en republic ok owach ni Kenya tinde eka iundo mano ne olos chon. Chapter no mokuongo owacho ni wan jo Kenya to Kenya en piny ma ok ni under the control of anybody else, Kenya is a sovereignty republic. Kaeto owacho e article 6 two we asome kaka ondikeno, ondike ni the republic of Kenya is founded on republican principle of good Government through multy-party democracy participatory governance transparency and accountability separation of powers and respect on human rights and fundamental freedoms under rule of law. Machuok gima gino wacho ni ok inyal muoch ka Constitution ni nitie ni koro iwacho ni political parties nyaka kethi ni achiel emadong. Section 2A mane ogone lweny cha ok nyal duogo to bende ok inyal wacho ni Kenya kaendi nitie mana family achiel kende mabiro rite, monarchy ok wanyal yie godo, Constitution owach ni Government nyaka bed Government ma wananchi ema oyiero, ok Government mabedo imposed, mano e gime Constitution ni wacho, uwinja maber.

Kaeto wawacho in article 7 ni territory mar Kenya wang'eyo, boundary international boundary mar Kenya wang'eyo kendo wakete e schedule one, ma ungiye maber una anena nito bende olingo boundary mar Kenya maber adier, kane wabiro kae an ne adhi Rarieda ma adhi Budalangi, madhi Bondo, machako adhi Mbita Suba kocha, ma adhi nyaka Karungu kamoro ni Wuoth Ogik, Wuoth Ogik, esewinjo kamoro ni Wuoth Ogik.

Audience: Yah.

Com. Prof. Okoth Ogendo: Karungu, Nyatike kocha ikadho Wath Onger kato idhi Wuoth Ogik, gimane giwachi ni ok wang'eyo ni to e kind Kenya gi Uganda gi Tanzania en kanye ere boundary. Koro waketo go e schedule, wawacho ni maendi e piny mar Kenya. Kendo wawacho kanyo ni Kenya opog e provinces aboro ma wandiko nying gi kendo epog e district 70 ma mago bende wandiko. Matiende ni wang'ni ok ng'ato nyal chung achunga kata en mana President ok ochung achunga to owacho ni amiyu district, uwinja maber, ok onyal chung achunga to owacho ni amiyu district kaka ne omi jo Suba ni kaw uru udhigo, e gin to mar gi ne giseyudo kendo wandiko nying gi kanyo.

Koro ka Constitution ni okadho to idwaro kelo district manyien, nyaka ibringe by way of Constitutional amendment you cannot do to it in a market place. Kata ka idwaro loso boundary mar province manyien idwaro create a new province, you can only do it by a way of Constitutional amendments. Koro chapter no article seven onyisowa boundary mar Kenya kama ogike gi Ethiopia, gi Somalia, gi Tanzania, gi Indian Ocean gi Uganda kendo onyisowa internal boundary, kendo wawacho ni disputes moko nitie e internal boundaries kaka boundary man between Butere, Mumias to gi Kisumu district for example mago ibiro keto boundary commission mondo opuodh gi maler mondo jo onge mondo weche

orum.

Kaeto wawacho ni capital mar Kenya en Nairobi to mano to en gime ungeyo mapile, dong kamano? To wawacho gik moko ariyo, mokuongo wawachi ni ibiro kadho chik ma special mana mar Nairobi kende, mabiro wacho nito capital mar Kenya man Nairobi ni en ere chik mare nikech jomoko wacho ni Nairobi ni margi, jo Kiambu ni maendi marwa, jo Machakos ni ma marwa, Maasai ni ma marwa, owacho ni en mar jo Kenya tee, kendo ibiro kadho chik manyiso ni boundary mar Nairobi en kama to gima timore ei Nairobi pesa michoko kanyo, osuru michoko kanyo no dhine ng'a, ute man kanyo go jomage manyalo enjoy benefits man ei Nairobi.

Kaeto wawacho mar ariyo ni headquarters mag sirkala, departments mag sirkal onego pogi, onego gol oko Nairobi ter e provinces mondo wabed gi distribution ma equal. Ka idho South Africa to iyudo ni Parliament ni Cape Town, Executive ni Pretoria, Judiciary ni Johannesburg. Omiyo gipogogi gipogogi koro wawacho e article eight ni deber ka departments mag sirkal bende ogol oko Nairobi oter kuonde moko. Ka nitie ministry ma-deal gi ports ma Mombasa onge gima omiyo ministry no onego obed Nairobi, onego obed Mombasa kuro, inyalo yudo sani ni Kenya sugar authority ah, office Kenya sugar authority nyicha ne odhi oger Kabete Nairobi, Kabete bende ipidhe niang'?

Audience: *Ok pidhi.*

Com. Prof. Okoth Ogendo: *Ok niang' ni mana koni?*

Audience: *Yah.*

Com. Prof. Okoth Ogendo: *Omiyo it doesn't make sense ni mondo gik ma kamano onego pogi ni itero kamoro nono to kama production nitie iweyo nono. Omiyo wawacho ni sirkal e Katiba manyien ni onego one anena kaka inyalo loso wachno.*

Kato wawacho ni languages, wawacho ni e republic mar Kenya Kisungu gi Kiswahili e official languages, Kiswahili is the National language. Gima wawacho kanyo en ni kalatase mawouk ka sirkala tete tee e Katibani, Katibani biro dwaro ni kalatase ma wuok kuom sirkal nyaka ndik gi Kisungu to kod Kiswahili ok Kisungu kende.

Kaeto wawacho ni languages moko mag wananchi kaka mar dholuo ma koro wawuoyo godoni bende nyaka mi thuolo mondo obed developed nikech gin bende gin mana mawa, ok wadwar ni mondo githo, kendo wawacho ni braille gi sign language bende nyaka nge' mondo jok ma ok nyal neno masommo braille oyud gi support ma a kasirkal mondo braille obed available sign language bende obed recognized as one of the languages of this country.

Kaeto national symbols wawacho kendo kanyo in article ten, inyalo wacho ni an e din mar sirkal, uwinja maber? Omiyo sirkal bende ok oyiene wacho ni wan din ni ema wahero to ma ok wahero, mano e tiende ni en a secular state ok en piny ma dini ema rito. Kaeto waketo number 11 ni nitie national symbol mabende waketo e schedule koro ji ongeyo ni national symbols go gin ango the flag, the anthem, the court of arms and the public seal. Gima biro timore kanyo en ka gigo eseket gi tee to onge a political party ma ibiro yiene ni mondo obed gi colours machalre gi colours mar the state, uwinja? Omiyo parties machalo KANU gini may have to change their colours nikech colour no seche moko confuse ji, iweni mano e national flag to en mana flag mar a political party.

Kaeto wabiro kanyo gi national oaths to mogik wawacho ni wadwaro ni wabed mana agi national days adek kende. Poguru national days gi national holidays, wawacho ni Jamhuri, ni Madarak Day gi Jamhuri Day to gi chieng ma okadhe Katiba manyien kende e days ma onego warecognize as national days. Moko do ok wane teind gi, uwinjo maoko mabiro, moko biro tarik apar to moko bende biro tarik piero ariyo, wakoni ka jo Kenya dwaro ni pod obed ni gibed a holiday to obed abeda holiday to ok obed a national day, uwinja maber.

Ara koro wadhi anena e chapter three, gima chapter three timo mondike ni national goals, values and principles. Wawacho kanyo, ne awachonu jo Ugenya ni Constitution en a road map, ochalo sign manyisou ni maendi e kuma wadhiye kaendi ema wadwaro ng'ado go aora to ma endi e kuma wachope ok kamano. Koro chapter three onyiso values ma wan kaka jo Kenya beacons wa waketo mawachuoyo ma waa go ka mawadwaro wuotho godo kata ka wachopo Wuoth Ogik ei Nyatike to magi e beacons mawa. Kendo wandikogi kanyo mang'eny ndi, e 14 kanyo gidhi adhiya nyaka 18, to gima important kanyo ka ungiyo number 18, 14, 18 wawacho ni atleast once every year the President shall report to Parliament unto to the nation all the measures taken and the progress achieved in the realization of national goals values and principle. Matiende ni wawacho nia, kawanyiso ni ma e yoo ma wadwaro luwo to wadwaro ni every year President nyiso the nation nito wasewuotho wagik kanye, uwinjo maber. Ok mana ni sign ne oket kanyo ni wakete the 2002 to wuoth ma ji chomo godo kuma wadhiyeno onge ma wacreat an obligation ni nyaka President oa dress the nation every year and Parliament manyiso ni magi e gik mawasetimo, ka wawacho ni wadwaro achieve universal primary education to wadwaro ni every year President onyiswa nito wagik kanye e wachno, ere progress mawase make. Uwinje maler?

Audience: *Eeh.*

Com. Prof. Okoth Ogendo: *Kaeto article 15, wawacho ni wananchi ma Kenya bende nitie gi duties mag gi nikech Katiba wananchi emarito en maru umiyoru Katiba uwegi power oa kuom wananchi, wananchi bende nigi duty nyaka gi protect Katiba gin bende nyaka gilinda go mana maber. Koro gima okuongo mokuongo mawadwaro ni mondo otimre, en ni raia ka raia nyaka ngeni nito Katiba wacho ango, nikech ka ok ingeyo gime Katiba wacho onge kaka inyalo rite, dong' kamano? Ok ginge nito wasigu mar Katiba gin ng'awa gini ka ok ingeyo gima nie Katiba, omiyo 15*

kanyo onyiso duties matiendeni gima wananchi onego otim mondo girit Katiba malongo.

Kaeto wawacho ni wach mar rito Katiba no ok mana ni in ja Kenya kende, ng'at ang'ata ma oyud e Kenya kaendi kata en citizen kata ok en citizen nyaka bende rit Katiba nikech Katiba emarite ka en ei Kenya ka, uwinja maber. Koro mano e gima wachako go wachako kawawacho ni wan jo Kenya wadwaro ni mondo wamire Katiba manyien, kaeto wawacho e chapter one ni teko tete te mar sirkal kata matimo ango oa kuom wananchi. Wananchi ema opogogi ne bunge, to ema opogogi ne judiciary, to ema opogogi ne Executive.

Kaeto wawacho ni Kenya republic wang'eye wangeyo boundaries mage, wangeyo provinces mage, wangeyo district mage, wabiro rite kaka ondikeno. Kati wawacho ei national goal and values ni magi e beacons ma wadwaro ni mondo wawuoth godo to President nyaka nyis wa every year ni wasewuotho wachopo kure. To ka pok wawuotho ka gimoro ne otimore to onyis wa gima nyicha ne tek mane thago ji momiyo ok wawuotho, uwinjo wachno?

Koro wadwaro dhi e chapter four mar citizenship ma Jackline dwaro ni mondo okonywa e wuothe. Ero uru kamano.

Jackline Obiero: *Erokamano. Amosou kendo.*

Audience: *Waruako.*

Jackline Obiero: *Koro wadhie e chapter four-mantie namba abich e draft ma wan go ni to chapter four loso about citizenship kata raia mar Kenya. Koro wadwaro ngeyo ni ka in raia mar Kenya to angoma onego bed ni itimo kaka raia. Katiba ma walosoni wacho ni ka in raia mar Kenya to nyaka wang'e ni ria te rom, onge ng'at maduong molooyo ngat moro amora, ji tee rom e Katiba ni. To kendo gimoro ma onego unge ni in kaka raia to nitie duties inyalo paro duties mane wawacho ei article 15, duties of a citizen, gima Katiba dwaro ni in kaka ja Kenya onego itim, to kaka raia mar Kenya onego obed ni duties kata responsibilities ma oket e Katiba nyaka ilu.*

To gimoro mar adek ma onego unge ni in kaka raia nitie gik ma Katiba wacho ni inyalo bedo go to mane wawuotho e constituencies mangeny, ne wayudo ni ji mangeny ne wachoni samoro kata ka iduaro dhi e pinje ma oko gi to ka idhi manyo passport iyudo ni yudo passport en tich matek ahinya nikech nitie jok mangeny madwaro asoya, jok moko bende nyisi ni igol pesa kama may be elfu apar to ka igolo to bende ok iyude. Koro in kaka ja Kenya Katiba ma wagolo ni wachoni in, you are entitled to a Kenyan passport kata any other document so wawacho gik moko kaka ID, birth certificate samoro iyudo ni hati ni yudo gik machal kamago go kalatase gi bende tek yudo, to ka polis omaki to nyaka openji ni ere ID to ka olal to bende yude tek, koro gima wawacho ni in kaka ja Kenya inyalo bedo gi passport, inyalo bedo gi ID kata documents moko ma Katiba wachoni inyalo tiyogo mondo inyisri ni in ja Kenya. Katiba wacho ni in kaka rai inyalo documents gi.

Koro ka wadhi e article 18, e page no wayudo ni raia mar Kenya inyalo yud nade. Ere kaka wanyalo wacho ni in raia mar Kenya, nikech wayudo ni wantiere gi jok moko ma bende obiro Kenya ka gin jok ma odak, to koro bende wanyalo wacho ni jogi gin jo Kenya koso ok gin jo Kenya. Ka wangiyo article 18 kanyo wacho ni raia inyalo yud e yore adek. Mokuongo ka onywoli Kenya ka, wawach ni minu gi wuonu gin jo Kenya ka, Katiba ni wacho ni ka onywoli Kenya ka in ja Kenya.

To yoo mar ariyo en mana ni ka wawachni ka ikawo dhako makata, okendi gi ngat ma ok en ja Kenya kata ka ikendo dhako ma ok en ja Kenya. Katiba ma waloso ni wacho ni bang higni adek ma usekendoru to inyalo yudo citizenship mar Kenya ama inyalo yudo citizenship mar Kenya ka indiko barua to ikwayo ni idwaro bedo ja Kenya, Katiba oyieni inyalo bedo ja Kenya, mano bang higni adek. To wawach ni ka gimoro otimore band ka usekendoru ma isuyudo raia mar Kenya to uweru Katiba wacho ni pod in ja Kenya kata awachni ni ne ia a piny moro pod in ja Kenya.

To yoo mar adek ma inyalo yudo go raia mar Kenya en wawach ni nitie jok moko mane osebiro Kenya ka tone gisedak. Nyalo bet nine gibiro to gichako ohala Kenya ka kata ne gibiro to nitie gik ma gitimo Kenya ka to gisedak kuom wawach ni higni abiriyo, to nitie conditions ma bende osebedo set gi Parliament to giseluwo chik go tee, Katiba wacho ni jok ma osedak Kenya ka e higni abiriyo moluwore to gise follower the act mane obedo set gi Parliament, jogi bende nyalo citizenship mar Kenya.

To kendo wawacho ni nitie nyithindo moko mane oyud Kenya ka to ok wanyal ngeyo ni nyathini min gi kata wuon gi en ja kanye. Ka nyathini wawachni pok ochopo higni aboro Katiba wacho ni nyathini kata ka ok wanyal ng'eni wuon gi kata min gi oa kanye nyathini en ja Kenya. To wawachni Katiba bende wacho ni inyalo bedo raia mar Kenya kendo inyalo bedo raia mar piny moro, wawacho ni inyalo bedo raia mar Kenya kendo inyalo bedo raia mar Uganda. Samoro inyalo bedo raia mar Kenya kendo gi raia mar awach ni piny maro kaka America.

To gima omiyo ne wabedo ti this article, sama ne wawuotho e constituencies mangeny ne wayudo ni ji mangeny ne yuak, wawachni communities moa e boundary mar wawachni jok ma odak e boundary mar Kenya gi Uganda, boundary mar Kenya gi Ethiopia kata Somali nene giyuak tone giwacho ni samaro kane gidwaro tero lee gi kata ne gidwaro tero lee gi mondo oyud chiemo e country moro to ok nyal yienegi mondo gidonj kuro nikech ok gin jo piny no. To koro ne waneno nine ber wabed gi dual citizenship, to wawachni kane iseyudo citizenship wawach ni ka ne iyudo may be through these other ways ma wawachi ni either by registration, kata by naturalization to ka iyude e yoo ma ok ler, ka Katiba oyudo ni ok ne iyude e yoo maler, kata documents mane igologo to ok ne otimore gi kaka sheria wacho to Katiba wacho ni ka oyudo ka ok in ngama otimo sheria maber to inyalo ketho uraia ni mar Kenya no.

Ka waa kanyo to wadhi e article 28 article 28 page 6, abiro some. There is establish a citizenship board to deal with matters provided for under article 27 consisting of not less than five and not more than nine members appointed by the

Parliament or with the approval of Parliament among persons of moral standing. *Koro wawacho hati nitie board moro ma bende biro bedo to board ni ema ngiyo yore mek uraia to parliament bende nitie gi tije ma obiro keto sheria ma pok wawacho tee Parliament biro loso sheria go to sheria gi ka oloso gin sheria makoro lingana gi yor uraia ni kaka ng' ato ka dwaro yudo raia nitie sheria moko makoro ok wanyal donje, kro those people mago tee wawene Parliament ma biro loso.*

Ka wa a kanyo to wadhi chapter five maloso about bill of right bill of right mago haki mari kaka raia mar Kenya. Kumane wawuothe e constituencies ne wayudo yuak mek ji mangeny. Ne wayudo ni jok ma mon bende ne oyuaq ne wacho ni gin bende giduaro ni haki gi mondo Katiba ongi, kendo ne wayudo yuak ka ao kuom jok ma ong'ol ne giduaro ni Katiba bende owinj yuak gi, to ne wayudo yuak kuom nyithindo be. Nyithindo bende ne dauro ni Katiba ongi yuakgi to koro bang' kane waseyudo views kata maoni mek ji gi, Commission nene oweyo ni nyaka bed gi loch kata nyaka bed gi provision ma ibiro mi jok ma mon, nyithindo kata jok ma oti bende Katiba ne oneno ni nyaka bende migi life margi.

To koro wabiro dhi e article 31 makoro adwaro nyisi ni rights ma abiro somo nigi to nyaka inge ni nitie limitations, nitie kama gichope ok ni nikech koro iyudo nitie right ma biro wachoni ok nyal, sheria no ok nyal ketho. Sheria no inyalo kethi ka ok olu yor democracy to bende ok okony ji maber ka bende nitie gima onyalo timo mondo oketh dak mar ji sheria no inyalo gol. Kwa hivyo mawacho ni haki mar binadamu ma adwaro somonu gi kik ipar ni mano koro en e the final ma ok nyal kethe. Nitie conditions maketne limit ma onyalo chope.

Ka wa a kanyo to adwaro ni mondo wadhie article 31, right of life kama ondiki ni right of life kanyo. To wayudo ni wachoni kila ng'ato nigi right mar ngima in kaka binadamu ne ochuyi gi Nyasaye in gi right mar ngima. To wayudo ni ne nitie ga nitie this provision e constution ma wan go ni ma allow for death penalty. Death penalty en nawacho ni jok ma oseyud gi makosa to makosagi no ka judge ne ogolo judgment mare to owacho ni ng'ani ibiro negi, to Katiba wachoni, Katiba ma walosoni wachoni koro judgment mar nek ka ng'ato dwaro nego mano wagolo e Katiba, to mano koro oket ni kogol mano to iketo life imprisonment makoro onge ni ng'ato kata ka sani ng'ato nie jela to orito mondo onege, mano sani Katibani obedo enacted. Gima awacho ni death penalty obedo abolished and all pending cases mapod nitie, jok ma osebedo omigi death penalty koro ibiro lok to life imprisonment wawinjore?

Ka wa a kanyo to adwaro ni mondo wadhi e article 35, ma loso about joma mon, to kaka ne asenyisou before ni hati jok ma mon bende ne ogolo maoni gi tone gigolo yuakgi ne dwaro ni gin bende mondo Katiba owinj yuak gi kendo gibed considered as part of a Constitution. Koro abiro somo, wacho ni women have the right to equal treatment with men including the right to equal opportunities in political economic and social activities. Wacho ni jok ma mon bende nigi haki gi to haki gi sawa gi jok ma chuo, to kendo wacho ni gin bende nyaka gibed gi haki ma sawa e yore mek politics, eyore mek economy kata gi yore mek social activities. Makoro kataba ma walosoni wachoni kata jok ma mon bende nyalo

chung ka gidwaro ni mondo gichung kaka Parliamentary seats, onge gima nyalo tamogi, gin bende gin gi that right. Kendo wawacho ni jok ma mon bende nitie gi right mar yudo inherit property yudo mwandu. Koro wayudo ni nitie laws ma nyalo bet ni our culture kata gik ma pod otamogi mondo kik giyud mwandu, lakini e Katiba ma wawachoni mon bende nyalo yudo mwandu, ginyalo yudo mwandu either from parents, they can acquire properties ka ng'ato nigi pesa nyalo nyiewo to inyalo yudo ni nenitie kata e family moro ng'ato ne onywolo mana jok ma mon to onge kata jowuiyi kata achiel, koro wawach ni ng'atni ok nyal miyo nyithinde manyiri mondo oyud mwandugi nikech our cultures prohibit such things. Koro wawacho ni according to this Constitution jok ma mon bende nyalo acquire property.

Kawadhi e article 36, older members of the society, mano jok ma dongo, wawacho ni rights mar bende Katiba ongiyo gin bende ibiro nigi gi imiyogi right mondo gi participate fully in the plans mar society. Ginyalo donje e weche mag society kendo ginyalo participate, gin gi freedoms margi, waseyudo ni jok ma ka ng'ato osebed maduong ma ochopo kamoro koro en ok nene kagima en dhano en iweye aweya ni mondo otho. To wawacho ni jok ma oti bende gin gi rights margi ma Katiba bende osengiyo.

Article 37 wayudo ni nyithindo bende nigi rights mag gi, ka abiro somo 37 one wachoni children holds a special place in society, it the duty of their parents, wider family, society and the state to nurture, protect and educate them so that they can develop in a safe and a stable environment in an atmosphere of happiness love, respect and understanding and be able to fulfill their full potential in all respect physically, intellectually, emotionally, spiritually for the benefit of themselves and the society as a whole. Wayudo ni nitie kuonde moko ma nyithindi ok nigi nyithindo obol abola to bende okaw gi ni gionge gi haki margi kaka nyithindo to Katiba mawalosoni wachoni ka in nyathi in be nitie right nitie kaka Katiba nyalo ngiyi, nitie kaka sirkal bende nyalo ngiyi. To ka usomo sub section two kanyo wachoni all children born within or outside wedlock are equal before the law and have equal rights under this Constitution. To ka asomeo sub article four, a child's mother and father whether married to each other or not have equal duty to protect and provide for the child. Bill ni ne osekele Parliament but pok ne obedo enacted iluonge ni the affiliation bill. To wayudo hati ni nitie nyithindo moko ma onywol e simba to nyithindo gi ok nigi obol gi abola, Katiba ma walosoni wachoni ka nyathi moro monywol kata ma onywol e simba bende en be en gi right to wuongi gi mingi monywole Katiba wacho ni gibiro bedo gi responsibility. Nitie ting ma omigin gi Katiba ni nyaka gingi nyathini maber, kendo gi provide for the basic needs, ginge ni nyathini odhi school, nyathini orwakore, nyathini nigi chiemo. Mago bende gik ma Katiba wacho.

Ka wadho e sub section five kanyo C wachoni every child has a right to free basic education, which shall be compulsory. Nyithindo nigi rights mar dhi e school basic education nyaka nyathi bed go and ma en compulsory ochuno ni nyathi nyaka dhi school to nyaka obed gi that basic education.

Ka wadhi e D kanyo wacho ni every child has a right to be free of corporal punishment or other forms of violent or cruel and inhuman treatment in school and other institution responsible for the care of the children. Katibani koro golo iyudo ni

nyithindo ne igoyo e school to ka usesomo gazette inyalo yudo ni nyathi ne ogoe e school ma nyathino ne othoo, nikech mana japuonj ne okasirika gi nyathi marach ma ogoyo nyathi makata nyathi othoo. Koro wawacho ni e Katibani corporal punishment obed abolished and any form of violence bende obed abolished. Ka isomo mago tee to ibiro yudo ni mago e the rights mek nyithindo ok abi somo tee, I have just highlight mana a few.

To ka wadhi e article 48, wayudo ni loso about the family to wachonin family bende nigi rights mage, to ka nyathi osechopo wawach ni nyathi osechopo 18 years old and above, higni apar gi aboro in gi right mar kendo, kendo onge ngama oketo ni ok inyal kendo nikech wayudo ni samoro nyithindo matindo ma gin less than 18 years old osechun ni mondo okendo Katiba wachoni only those that are 18 years and above jok ma osechopo higni apar gi aboro and above ema oyienegi kendo kendo in gi right mar chako family mari. To in bende kaka janyuol in bende nitie right ma omiyi ni nyaka ingi family ni no maber, nyaka itung family ni no maber ok ni ichako family to ok inyal ngiyo family ni. In kaka ngat ma ochako family in bende in gi duty ma Katiba o expect ni, kawasomo e duties mek citizens wayudo ni nitie kamoro ma wachoni ng'ato bende ka nigi family to nyaka ngi family ne no maber, mano duty mar, mano tim ni ma Katiba wacho ni nyaka ingi family mari.

Ka wadhi e article 39 mano en right mar jok ma ong'ol mane wawuotho e constituencies joma ong'ol bende ne ogolo yuak gi ka giwachoni ni gin bende giduaro ni mondo gibed recognized. Yoregi bende onego ngi gi Katiba, to ka isomo the whole of sub section manitie article mar nini, wayudo ni jok ma ong'ol bende gin gi right mar education, gin gi right mar yaani kata ka gidwaro wuotho kamoro wayudo ni nitie buildings moko ma olosi to ng'ama ong'ol to ok nyal donjo e buildings gi nikech nyalo bedo ni oket stairs to ok onyal tiyo gi stairs, makoro wawacho ni gin bende nyaka gibed gi that right ma ginyalo donje buildings gi, koro buildings kata ka iloso to iloso in such a way ma consider kata jok ma ong'ol.

In communication wawacho ni nyaka sign language kata braille bende nyaka bed available for them, gi the sign language interpreters jok ma loko sign language. And kawasomo mago to iyudo mago are the rights mek jok ma ong'ol.

Ka a kanyo to adhi e article 44 maloso about freedom of religion, belief and opinion. In kaka raia mar Kenya in gi right mari, in gi right mar lemo, right mar belief mari ma gima you have believed in mawacho ni ka ingeyo ni ma eyor to ma e Nyasacha in gi that right. To angeyo ni inyalo penjo ni hati ni kaka ji ne ogolo views margi, ji mangeny ne owachoni constitution nyaka define ka en freedom mar religion nikech wasebedo ka wan gi devil worship jok ma lamo satan e Kenya ka osebedo jo mang'eny. To emane achoko ni aparonu ne anyisou ni these rights kata these freedoms gibedo limited to ka freedom moro oket e draft bill ni kalo the interest of the people to ok onyal kelo democracy to kendo ok onyal peace and gik ma dewaher ni mondo okonywa to right no inyalo gol e Katiba, kata onyalo bedo defined kata onyalo bedo redeced to a certain level.

Ka wadhi e page 8 article number four page 45, loso about freedom of expression. Mano in gi haki mar wacho gima nie chunyi. Waseyudo ni in the past ka ichung ma iwacho gimoro ka igolo opinion mari to samoro iyudo ni omako gi police ni iwacho kama gima ne iwachono bende ok ne ber koro wawacho ni in this draft bill, wawachoni in gi right mari to express your own opinion, to wayudo ni wasebedo ni nitie media to wayudo ni nitie kuonde moko ma ok wayud information maber, ka wayudo hati ni KBC kende ema wanyalo yudo koni, koso un gi stations moko.

Audience: Onge.

Jackline Obiero: *En mana KBC to koro ka KBC no to ok ochiw information maber ka ogolo to uyud en biased koro owachoni ni nyaka bed freedom mar press gi media ma koro un kaka jo Kenya un gi right mar yudo information kaka timore e piny, kaka timore ok ni that information bende olosi kendo yani ni ngato achiel emanyalo control that information. To wawacho ni in the freedom of expression in kaka ja Kenya in gi right mar yudo information, gik matimore e Kenya ka ok ni KBC kende e the form of broadcast ma unyalo yudo, kanitie wawachi ni moko KTN kata Nation mago bende onego ochop nu kaka jo Kenya.*

Ka wadhie article 47 e page moro no kendo wacho ni access to information wayudo ni nitie commission mane obedo set kata mane obedo established achiel kuom gi wayudo ni the devil worship commission, ne nitie Ouko commission, ne wantie kendo gi Akiumi commission. Findings mek commissions gi pok ne ogal nyaka sani, koro wawacho ni in kaka ja Kenya, in kaka raia mar Kenya in gi right mar yudo information ka nitie commission mobedo establish to enquire kata mondo to find out about gima otimore, in kaka ja Kenya in gi right mar yudo that information ok ni that information dok ne mana ngato achiel, ni ento obet ne information no to information commission no ne obedo in set mondo jo Kenya onge ni wach ni ne odhi nade. Koro wawacho ni e draft ni ni in kaka ja Kenya in gi right mar yudo that information, information in the hands by the state, you have the right as a Kenyan citizen to access that information.

Ka wadhi e article 49, wachoni freedom of assembly, demonstration taking and petition. Abiro somo, every person has the right to possibly and un armed without the requirement of prior permission to assemble to demonstrate to ticket and to present petition to public authorities. Wayudo ni samoro ka ji nitie gi yuak gi to utero demonstration kamoro ioronu ant-riot police to goyo ji to ok dwar ni mondo un kaka jo Kenya mondo uwach yuaku. To Katiba ma walosoni wacho ni in gi right kaka ja Kenya as long as ni ionge gi silaha moko manyalo kelo dhawo, ka idhi in a peaceful way in gi right mar demonstration, in gi right mar tero yuakni ne public authorities.

Ka wadhi e article 50 loso about political rights in kaka ja Kenya in gi right mar yiero political party ma idwaro change. Onge ni ng'ato biro chuni ni ma e political party ma onego ilu to ma e ngato ma onego uyier. In kaka ja Kenya in gi right mari to choose which political party you will belong to.'

Ka wadhi e article 51, freedom of movement and residence, in gi right kata in gi haki mari kaka ja Kenya mar wuotho gi dak kamoro amora e Kenya ka. Wawach ni ka ia Ugunja ka to idwaro dhi dak Mombasa, in gi right mar dak Mombasa nikech mae Kenya marwa, to Katiba ni bende marwa. Koro Katiba imiyi teko ni inyalo dak kamoro amora ok ni ka idhi Mombasa ni to ipenji ni ia kanye, ka iwacho ni in ja Ugunja to inyisi ni aah dog mana dalau, Kenya en mari to inyalo dak ka iwacho ni idwaro dhi North Eastern to kanyo ama iduaro dake Katiba bende oyieni inyalo wuotho to inyalo dhi dak kama idwaro.

Ka wadhi e article 53 freedom of trade occupation and profession, abiro somo, every citizen has the right to choose, choose all her trade occupation and profession freely. Two, the parties of a trade, occupation, profession may be regulated by the law. Wawacho ni in gi haki mari kaka ja Kenya chako ohala ma idwaro kata timo tich ma isomo, in gi right mar timo tij no. Lakini Katiba kendo wachoni tiji no nyaka obed regulated gi sheria, ok inyal chako achaka ohala iwacho nikawuononi an koro adwaro chako ohala mar uso drugs, eh Katiba ok oyieni hati ni, nitie ohelni moko ma kichako to nyaka ibed regulated gi the law, nyaka iluw sheria.

Article 54 mano wacho about property, Katiba wacho ni in kaka ja Kenya in gi right mar bedo gi muandu, you have the right to acquire property. Inyalo yude ka in ngat achiel kata ka ubedo kikundi moro unyalo yudo muandu to Katiba bende wacho ni Parliament ok bi keto chike ma, abiro somo namba ariyo. Parliament shall not enact a law but shall permit the state or any person to arbitrary deprive a person of property or any description. Wacho ni Parliament kata bunge ok bi keto chike mabiro tami kaka ja Kenya mondo kik iyud muandu. Ka isomo mano tee mano nyiso right mari kata wacho haki mari kaka ja Kenya mar yudo property.

Ka wadhi e article 55 loso about labour relationship, waseyudoni seche moko itiyo kamoro to ok chuli maber, ne wayudo yuak mek ji kawacho ni kata kuonde kama titiye ok chulgi maber, gibedo oppressed, jok ma ondiko gi ginyanyasa gi ahinya to wawachon Katiba ma sani koro oketo labour relations. Ka abiro somo article 55 one wacho ni everyone has the right to fair labour practice, two every worker has the right to a fair remuneration, reasonable working condition, C firm enjoy or practice in the activities and programme of a trade union. D, strike. Owacho ni ka ondiki kamoro nyaka chuli maber kendo conditions ma oket ni mek tich go nyaka bed fair ok ni oketi conditions moko ma in itiyo yaani itiyo wawachi ni itimo overtime to ka itimo overtime nit ok chuli maber, to kata ka in a cusual worker nitie laws ma angeyo ni Parliament biro keto ma ka in acusual worker nitie limit ma saa monego ibed ni itiyo and the conditions ma under which you are suppose to work.

Ma angeyo ni ji mangeny osebedo gi yuak ni lakini Katiba koro ngiyo nyaka gi labour relations. Kata jok ma ondikigo bende nigi right margi, in kaka ja Kenya ka ondiki kamoro in gi right mar form trade union, in gi right mar join any trade union ka trade union ni biro konyi kendo support-i. Kendo in gi right mar strike ka condition ma oket ni go ok

ber, in gi right strike wachoni koro an ok ati nyaka conditions ma oketni go oloki ama olosi mondo obed maber. Ka wangiyo mokuongo (**end of tape one**).

Magi tee bende gin rights ma Katiba miyo joge, ni in ka in ja Kenya gi right mar dhie hospital kendo mondo othiedhi. In gi right mar somo ka ja Kenya; in gi rights mar free education. Ka asomo 58 one wacho ni every person has the right to a basic education including pre-primary, primary and secondary education, koro Katiba wachoni in gi right mar dhi e nursery school, in gi right mar dhi e primary kendo in gi right mar dhi e secondary school. Kendo Katiba wacho ni Government bende biro konyo kamanyalo mondo o make sure ni ngato odhi school kendo oyudo somo ma doher no be in gi right mar yudo kata ot, conditions iyudo ni samoro ng'ato odak kamoro to condition mar kama odakie no bende ok ber, to Katiba wacho ni in gi right mar adequate housing to right mari bende ok onego goli e ot wawach ni pok ichulo rent e dweche mang'eny ok onego bi abiya ni woun ot biro to goli agola kamano unless by a cout order, ka ogoli to there has to be a court order accompanying that eviction. Then rights moko to make food, water, and sanitation ok abi dhiye tee.

Wan gi language and culture mago yani timbewa be in gi right mar consumer, consumer life wayudo nito samoro nitie gik moko ma ikelo Kenya ka to kawaluwo ndach gi maber to wayudo ni gigi ne osebedo banned in other countries. Ok giti kodgi koro gikele Kenya ka ati ni ka osebedo a dumping ground. To gik ma watiyo go gi wan bende samoro ok wangeyo waparo ni gigi ao Loka koro wan wakawogi akawa to wachako tiyo kodgi, gin gi adverse effect in our health. To gima wawacho in kaka ngat ma tiyo gi gik ma onyiew gi gik ma iyudo gi in gi right mondo iyud information adequate information concerning these products. In gi right mondo inyisi ni ka itiyo gi gini to ere kaka onyalo konyi angoma onyalo ketho e dendi in gi right mondo onyisi. Koro jo Ugenya nyaka ungeni un gi consumer rights.

Ka wadhie article 68 e page 9; wachoni right of a arrested persons mane wawuotho e constituencies mangeny ji mangeny mane oyuk kendo ne wacho ni samoro imakogi ka iwuotho gotieno itimo business mari to police biro to maki. To ka omaki to iketie cell kata inyalo ketie cell for three months to bende ok ingeyo gime omiyo ne omaki to police dwaro asoya koro wawacho ni sani kata ka police omaki in kaka ja Kenya wa propose ni nyaka inge right mari, maka police omaki in gi right mar ling maka openji gimoro inyalo mana ling to ok iwach gimoro, mano e right mari kaka ja Kenya. Kendo in gi right mondo onyisi maber e lugha minyalo winjo, gima omiyo yaani o explain ni in the language you can be able to understand e lugha ma inyalo winjo ma omiyo omaki kata sheria momiyo omaki nyaka onyisi maber. To wawacho ni kopini iwacho ni koro ka omaki to koro iling nyaka ingeni nitie consequences kata nitie gima omiya kata nitie biro wouke maka you decide ni omaki to iling nitie consequences mar ling no, koro nyaka inge in kaka ja Kenya ni in gi right ma ka omaki to in gi right mar ling, lakini ka iling no bende nitiere consequences nitiere gima koro timore, kosemaki ni iling no nitie consequences ma wouke, to mago bende nyaka inge.

Ka wadhi e article 58, to abiro somo mano about fair trial one, "every accused person has the right to a fair trial which

include to be presumed innocent until the contrary is proved to be informed on the charges with sufficient details to answer it to have adequate time and facilities to prepare a defense to a public trial before an ordinary court or tribunal to have trial begin and concluded without reasonable delay, to vent to be present when being tried, to choose and be presented an advocate and to be informed the right promptly". *Ka wadhhi mbele mano koro awachoni ka omaki ma oyudi kata gi makosa momaki no wawacho ni ok nyal maki ni itimo makosa kendo ok biwach hati ni in emane itimo gini nyaka bed evidence kendo in okawi innocent. Katiba wacho ni in innocent ok kawi ja makosa until ginyalo prove ni in emana itimo gino, kata nitie evidence manyiso ni in emane itimo gino.*

Ne wawacho ni nyaka miyo information, nyaka ibed gi information moromo gima omiyo ibedo charged consequences that accompany that. Kendo Katiba wacho ni nyaka ibed gi right for defense ni inyalo bende inyalo yudo lawyer kata advocate machung to wabiro go kendo wabiro, bange ka wadhie Constitutional commissions and offices wabiro yudo ni ka ionge gi you cannot be able to access a lawyer the Constitution can also guarantee you to get a defender, a public defender to mano wabiro bire bange mondo ingeni ka ok inyal yudo lawyer to nitie ngat manyalo chung ni kendo nyalo kawo ting ni no.

Ka wadhhi e article 70 right of persons held in custody, ne wawuotho e Kenya ka to kendo ne wadhhi nyaka e jela to jok ma otue ne oywak ahinya kendo ka wachoni jela wa ma Kenya ka conditions mag gi richo nitie gik mang'eny matimore kanyo ma ka in ng'at ma pok odhie jela to ok inyal ngeyo. Chiemo rach, accommodation kama gininde rach, touché bende ng'eny iyudo hati ni jok moko bende bedo molested nitie gik mangeny mane jok motue nowacho. Kendo Katiba koro ne oneno ni gin bende kata ka otweyi to right of a prisoner in bende in gi right mari. To ka isomo all those sub section and article 70 loso about the rights mag prisoner ngat ma otwe. In gi right to be treated in a way that respect the human dignity ngama otwe bende en mana dhano ka in. In bende inyalo yudo ni kata jok mane otwegi nitie moko mane odhie jela ok nikech ne gitimo makosa but otwegi atweya nikech they could not even defend themselves.

Nitie jok ma innocent in that jail koro Katiba wacho ni gin bende right mar gi bende nyaka ngi, nyaka gibed gi good accommodation, nyaka yoregi mek health nyaka ngi, yoregi mag some bende nyaka ngi, ka in gi dini mari in bende in gi right mar practice that religion, inyalo bedo gi lawyer be ka in e jela. Kendo ne wayudo ni samoro nitie nyithindo motue to ka nyithindo gi otwe to otwegi gi jomadongo to gima timore ni gibedo molested e jela ka. Koro nyithindo bende gin gi right mondo otwegi separate from the adults. Mon bende nigi right mondo otwegi mopogore gi joma chuo. Ka isomo mago te to oyudo ni mage e rights make jok motwe e jela.

To koro adwaro dhie article 73 right to ask the commission on human right and administrative justice or court to uphold the bill or right. Ka koro adwaro wachoni wa biro biro bange ka wadonjo e Constitutional commission offices wabiro explain nu this commission, this commission wa propose nikech wayudo ni many of the human rights have been violated koro there will be a commission miluongo ni human rights and administrative justice mabiro ngiyo rights make jok ma opogore to mano wabiro bire bange.

Ka wa a kanyo to wadwaro ni mondo koro wadhiye chapter six representation of the people chapter six mano page 11 kachako article 76 abiro somo. The latest system is based on the rights of all citizens to vote and to stand for election to legislative and Executive bodies. Two, voting is by secret ballot, elections are free and fair, elections shall ensure the few representation of the people, six, election shall ensure fair representation of women, the disable and minorities and then seventh elections are conducted by an independent body free from political interference. Koro mago e general principal wawacho ni election mekwa to in this Constitution ma wan go sani watiyo gi system ma iluongo ni representative to koro this draft bill wa propose ni election voting kata voting ibiro tim gi secrete ballot to wa propose ni nyak bed an independent body ma en the Electoral Commission of Kenya. To wayudo in the past ni this commission ng'ato achiel kende ema omi that responsibility kende en ema en gi teko moyiero joge to ji mangeny mane ogolo maoni margi tone giwachi the Electoral Commission ma is the body but oversees election nyaka bed mana independent, ok onego obed gi political interference kaka waseyudo ne nitie there has been a lot of rigging. Iyudo ni ka ng'ato o vote ka ongeyo ni ngani emane dhi donjo nikech en ema oyudo votes mangenya kendo ombulu go idhi to iloko, ka oseloki to iyudi ni ngat mane ji ok o vote ne mangeny ni en ema odonjo. Koro wawachoni this body ma is in charge of overseeing election has to be independent.

Ka wadhi e article 78, the right to vote yaani haki mar goyo ombulu. Koro ngama nyalo goyo ombulu in kaka ja Kenya in gi right mari mar goyo ombulu conditions ma onego obedo ka idwaro goyo ombulu number one, nyaka ibed raia mar Kenya to gi hiki nyaka bed 18 years and above, ka ichopo higni apar gi aboro ka dhi mbele to in gi right mar vote.

Ka wadhie qualifications of registration mano article 79, a citizen qualifies to be registered as a voter for election is at the gate of application for registration of the citizens: -

- a) 18 years and above.
- b) Has been ordinary resident in the republic, one for a period of not less than one year immediately preceding that date.
Two, for a total period of not less that 4 years in the 8 years immediately preceding that date, has for a period all, period amounting in the aggregate two, not less than five months in twelve month immediately preceding that date.

Koro wawacho ni in kaka ja Kenya in gi right mar kata in gi haki mar goyo ombulu to mondo ondiki mondo ibed kata omiyi that registration card mane imiyo ji mar goyo ombulu no nyaka ibed gi higni apar gi aboro ka dhi mbele. Kendo nyaka ibed ni in ngat ma osedak Kenya ka, to kendo wawacho ni registration mak voters yaani indiko jii mondo jok magoyo ombulu obiro bedo continueus process ok ni imiyi time inyisi ni registration biro bedo mana this month, to wa propose ni that registration of voters nyaka bed a continuers period en gima timore pile pila ka thought the year ok ni iwacho ni hati ni nitie mana dwe moko ma biro bedo set a side for registration we are proposing for a continous registration of voters.

Ka wadhi e part two the Electoral Commission establishment of Electoral Commission, to wawacho ni wabiro establish an Electoral Commission, to Electoral Commission ni biro bedo gi chairperson to gi ji ma ok okalo apar members, waseyudo ni in the past ne wan gi Electoral Commission mantie gi so many commissioners apar ni the current one has about 22 members, to wa propose ni this number to be reduced to not less than 8 members and not more than 10 members plus a chairperson. Ka wadhi to wangiyo functions mek kata tich mar Electoral Commission ni. Ji manyeng mane ogolo maoni gi tone giwacho ni the Electoral Commission nyaka bed gi an independent body ma ok bed interfered with kata Executive kata Parliament it is an independent body.

To koro wawacho ni hetu ni Electoral Commission ni biro bedo tich to jik gi en mar ndiko voters, registration voters kendo waseyudo ni ji mangeny ne owacho ni samoro constituencies moko iloso alosa nikech olos ne ngato mondo odonj e bunge. Waseyudo ni nitie constituencies moko mane olos alosa wakati mar campaign kata ndalo ma campaign itimo, koro wawacho ni this power ok bi bedo gi ngato achiel, this power ibiro mi Electoral Commission, koro gin ema gibiro determine the electoral constituency, gin ema gi determine ni constituency ni onego obed ka koso ok onego obed ka. To iyudo ni currently wan gi constituencies 210 e kanya ka. To moko mane osebedo created over a time nikech may be olos ne ngato mondo odonj e Parliament nikech ok onyal donjo ka constituency no ok opogi.

To koro wawacho this time ni no power will be vested in the Electoral Commission, to delimit the electoral constituencies. Kendo wawacho ni Electoral Commission gibiro conduct and supervise election gi referendum ma ka oter gimoro ok obedo adopted e Parliament gik mane Professor ne osesomo nu ka referendum onego obed conducted to wawacho ni Electoral Commission eme biro bedo in charge of conducting referendum. Function moro kendo ting moro maduong ma omigi en mar supervise political parties. Koro wayudo ni Electoral Commission biro bedo gi supervisory functions ma gin ema gibiro ngiyo kaka political parties are being administered, gin eme giketo sheria mag Parliament, sheria mabiro govern political parties.

Kendo wayudo ni ka wabiro dhi e political parties ka wabiro somo to ubiro yudo ni ji mangeny mane owacho ni kik wabed political parties mangeny ji ne owacho ni kik okal kata auchiel, moko ne owacho ni wabed mana gi three political parties, to ka wabiro somo to ubiro yudo ni political parties ok ni omigi limit lakini wawacho ni Electoral Commission biro bedo gi that function ma conditions ma Electoral Commission wabiro somo bange conditions ma giketo ne political parties gin conditions matek ma only parties manyalo meet that condition eme biro bedo registered koro that will take care of how many political parties ma wabiro bedogo.

Another functions en the management of political parties funds wabiro somo mano. Then settlement of electoral disputes, formation of voter education and culture of democracy and the facilitation of the observation monitoring and evaluation of election. Kendo wawacho ni the Electoral Commission is and independent commission ma this time the Electoral

Commission obiro bedo entrenched in the constitution as a constitutional commission. To Constitutional commission wacho ni en gi paras meke to legislate and to do his function ma ok obed interfered with gi President ma President wacho ni ngani emayiero, ngani em kata ka oyiero to Parliament has to approve that appointment.

Ka wadhi e article 86 let's say about denomination of constituencies to kanyo ne ase-explain ne awachoni in the past waseyudoni ni ngato loso alosa kendo opogo constituency loso ne mana ngate nikech odwaro ni ngate ni odonj e Parliament, to ne asenyisou ni function ni wamiyo Electoral Commission to wawacho ni Electoral Commission ni ka wadwaro loso kata ka wadwaro loso a certain constituency nitie gik ma onego gingi, to gik ma onego gingi abori somonu.

Sub section two kanyo wacho ni in demarcating the boundaries of the constituencies the Electoral Commission shall:-

- a) Consult with the interested parties.
- b) Take control of the population density and needs to ensure adequate representation for urban, sparsely populated rural areas and one population trend, means of communication, geographical features, community on interest, the boundaries of administrative areas and the latest census of the population in accordance with the law. *Koro wawacho ni ka constituency moro obed ni iloso or they want to cover a constituency nitie conditions ma onego gi ngi, nitie gik ma onego gilulu to mago e gik ma asesom ka. Nyaka mokuongo gi consult with the interested parties, makoro nyaka gi consult the interested parties madwaro ni constituency no onego obedi, again nyaka gingi population ka kanyo, ma one of the things ji are proposing ni nyaka bed equal, representation, ok ni nitie constituency moko mantie fifty thousand registered voters to nitie constituencies moko ma nitie mana two thousand registered voters. There have to be equal representation.*

Ka a kanyo to adhi e part three malosho about political parties, the right to form a political party, abiro some 87 article 87 one in accordance with article 50 any citizen may form a political party. Mano wawachoni in kaka ja Kenya in kaka raia mar Kenya in gi haki mar loso political party as long as ni onyalo meet those conditions mobedo set in gi haki mar kaka ja Kenya ma loso political party ok ni political moko iwacho ni mae the right political party to ma is not the right one, as long as ni inyalo remit that condition then you have the right to form a political party.

Two a political party is entitled to financial support from the state on the basic principle prescribed in an Act of Parliament.

Three, no person may use political resources to support any political party. And four, Parliament shall enact a law providing for the regulation of political parties. *Koro wawacho ni waseneno in the past ka nitie jok moko makawo resources kata tiyo gi pesa mar jo Kenya to ema giwacho ni ma e political party marwa to kendo giwacho ni mae emakoro giketo e pesa*

tee nitie jok moko manyalo yudo resources kata ginyalo access to the Government resources to nitie political parties moko mosebedo diploid ma ok nyal chung kendo ok nyal timo campaign nikech oonge gi pesa. To wawachoni in this proposal onge political party manyalo tiyo gi pesa kata resources mag Kenyans mondo o promoted that political party, ma every political party shall be equal to wabiyo ngeyo kaka ere kaka ginyalo yudo pesagi wabiyo somo bange.

Then ka wadhie article 88 waloso about the roles and functions of political parties, tije mek political parties abiro somo. In order to ensure democracy and in the participation of people a political party has a responsibility to: -

- a) Mobilize public opinion on matters of national interest and foster national value and outlook.
- b) Being together opinion and resources with people with similar views interest or persuasion so as to generate development on the republic
- c) Provide the(Inaudible) to the people participate in the political and Constitutional process and exercise the civil and political rights.
- d) Use a facility to mediate between civil society and institutions of the state.
- e) Use it's facility to secure representation of the people in state institution and also then economic political, social choices two electoral process and bringing public opinion to bear on the policies of the Government.
- f) Ensure that(?) and discipline in the conduct of Government is maintained.
- g) Hold the Government accountable to Parliament and the people.

Koro wawacho ni political parties nitie tich ma onego bed ni gin bende gitimo ok ni in political party kanyo to ibiro kelo division mano ok oyieni. If you have a political party kata ka en a political party mantie to nyaka o bide to these rules, nyaka okel development nyaka o ensure ni nitie stability kendo nitie coalition, okelo ji together kendo it make sure ni hati he holds Government accountable to the people and the Parliament. Ok ni en mana political party ma kelo propaganda mangeny.

Then wadhie registration of a political party that is 89 wawacho ni Electoral Commission ema biro bedo registrar mar political parties ma ka ngato dwaro register political party mare ka ongeyo ni ose meet the requirements ma Parliament biro keto to idhi register gi Electoral Commission nikech ne asewacho before that ni Electoral Commission biro bedo gi tich mar ngiyo supervise tije mek political parties.

Ka wadhie article 93 mano e page 13 loso about political parties fund asomo there is establishment of funds to be known as political parties fund. Two, the funds shall be administered by the Electoral Commission.

Kadhi e 93 the source of funds, the source of the funds are:-

- Money provided by Parliament each equally and not more than decimal 3% of the national budget for the proceeding financial year.
- Contribution and donation to the funds from any other source. *Wawacho ni this time round nikech waseyudo ni political parties mangeny ma gin gi, they have good policies to ok ginyal konyo ji nikech they are not funded. To wawacho ni each and every political party ibiro mi pesa equally onge ni moro nyalo yudo pesa mangeny moloyo political parties ma moko, but wawacho ni each political party shall be funded equally to kendo pesa ma oket ne gi biro bedo decided by Parliament in the budget, pesa no biro bedo part of the budget, to kendo wawacho ni biro bedo a political party funds ma this fund biro bedo administered kata ibiro ngi gi Electoral Commission, to Electoral Commission ema biro administer anything to do with fund, allocation fund mano biro bedo tij Electoral Commission, ma this time wawacho ni onge ngat ma biro kawo pesa to tiyogo to owacho ni ma e political party mara to an ma an gi pesa manyalo tiyogo to kawo pesa mar wananchi to tiyogo to fund the political parties.*

Ka wadhi e article 95 loso about the purpose of these funds, ka wawacho ni kata ka pesa kata ka Parliament omiyo political party gimoro wawacho ni Electoral Commission biro over see pesani ma ensure ni pesa gi otiyo e yoo maler, nikech waseyudo in the past ne onge accountability and transparency kata ka ngato tiyo gi pesa to tiyogo e yore ma opogore to wawacho ni pesa gi ma obedo allocated to the political parties biro bedo ni gin gi a certain function ok bi tigo atiya for any other purpose. Kasomo A to iyudoni purpose mar this fund will be to cover the election expenses, the political parties and the broadcasting of policies of the political parties ma kila party biro bedo gi pesano ka omigi gi biro bedo gi right and to access the media kendo gi broadcast go gipounjo go jo Kenya about policies mar gi, kendo another function mar, another purpose mar this fund will be for the organization of political party, civic education in democracy and electoral process.

Political partie gi ibiro mi pesa gi mondo gikony ji in the civic education, civic education ma mondo inge go nito Constitution wacho ango, ok ni gin political parties ma ok nyal puonjo jo Kenya. Gin kanyo nikech onego gipounj jo Kenya kendo gimigi civic education to educate the people on what the Constitution says.

Then C wacho ni not more than 10% for the administrative expense of the party, pesa moko less than 10% at least 10% ibiro tigo for the purpose mar administration.

Ka wa a kanyo to koro adwaro ni mondo wadhi e legislation chapter seven maloso about bunge. Mane wawuotho e Kenya ji mangeny ne ogolo maoni nine giduaro a(Inaudible) kata bunge man gi ot ariyo. To proposal wa wacho ni structure mar Parliament biro bedo kama, boro bedo gi ute ariyo in Parliament to wawacho ni A mano article 105 wabiro bedo gi upper House miluongo ni national council gi the lower House ma iluongo ni National Assembly. Makoro in this proposal wawacho ni wabiro bet gi bunge man gi ot ariyo the Upper House and the Lower House.

The Upper House ma iluongo ni national council and the Lower House ma iluongo ni National Assembly.

Ka wadhie members of the national council, achako e 106 kanyo wacho ni elections of the national council shall be held: -

- a) For seventy members on the basis on single number of constituencies. *Wawacho ni national council obiro bedo gi members mia achiel. To wawacho ni e mia achiel ni piero abiriyo, seventy of the members biro bedo elected on the basis of single member constituencies.*

To koro adwaro terou ka ungeyo Kenya ka ni to wan gi districts adi? Ka ungeyo wan gi district adi ka ungeyo?

Audience: Seventy.

Jackline Obiero: *Seventy donge? Piero abiriyo to out of these districts wan gi 68, 69 ma(Inaudible) the district ma wan godo Nairobi is also considered a district. Koro wawacho ni out of the 69 man wan go be or out of the seventy ma wan go kaendi ema wabiro yude members so in each and every district wabiro bedo gi a single member a member mobedo moyier from every district and that is what you will constitute of the seventy members out of the every district that we have. Then wawacho ni nikech ne awachi ni national council biro bedo gi members mia achiel so the thirty modong gi these thirty seat gi ibiro mi joma mon on a multy member of the constituency will be presenting provinces and Nairobi, to wayudo ni wan gi provinces adi?*

Audience: Aboro.

Jackline Obiero: *Aboro donge? To ka ubedo divided equally to iyudo hati out of these the 8 provinces wakawo abiriyo and we divide them into four makoro seven ka igoyo gi ang'wen to iyudu 28 so from every province wabiro bedo gi five women representatives from every province. Kawacho ni koro Nyanza ka wabedo gi representatives ang'wen ma joma mon. To koro odong mago ka ogo abiriyo gi angwen to wayudo mano 28 koro odong ariyo, these two will be given to Nairobi ma biro bedo en bende it's also a province. Koro Nairobi will be given two members and that koro mano loso thirty member ma biro represent joma mon and then 30 members and seventy members ma a form the district and mano koro ema biro loso the national council.*

Ka asomo kar namba two kanyo. The purpose of election under clause one A constituencies shall be based on districts. Mano ne ase nyisou including Nairobi and that for the purpose of election under clause 1(b) the seats will be distributed as follows four women representing each province and three women representing Nairobi.

Then ka waa kanyo koro wadhie the members of the National Assembly mano aseloso about the Upper House ma nigi a hundred members 70 from each district and then 30 from each province representing women including Nairobi. Then ka alosa about the members of the National Assembly ka 107 elections to the National Assembly shall be based on the mix member proportion system in which 210 members will be elected on the basis of single member constituencies. Ka aweyo gi kanyo to awachoni kaka wasebedo ni wan gi constituencies 210 two hundred and ten constituencies koro members mek National Assembly two hundred and ten will be elected from the constituencies kaka osebedo ka timore. Then ka wadhie 90 the member shall be elected on the basis of a listed candidate submitted by political party contesting the election. Mano wawachi ni every year kata every time ma wabiwo bedo election every political party ma osebedo registered to biwo chiwo list mar 90 members and these 90 members ok ni en mana 90 members wawacho ni nitie conditions ma omigi about chiwo list mar these 90 members, abiro somo.

Ka asomo sub section four kanyo wachoni, before a general election is held each political party contesting in the election the constituency based member of the Assembly shall prepare and submit to the Electoral Commission a list of persons nomination by that party for election by proposional representation each list shall owe vote the nominees in order of celerity of nomination. Koro ka list no indiko nyaka bed e order of celerity. B wacho ni alternate between women and men in the priority of nomination. Wawach ni ka number one ondik ni en dichuo to number two nyaka bed dhako to obed order ngat ma idwaro mokuongo ma political party no o prefer ni mondo obed nominated nyaka bed ni nyinge eme obedo mokuongo e list no.

And the C, wacho ni taking into account the needs for the representation of the disabled, the youth and minority. Ka list ni bedo prepared nyaka ungi jok needs mek jok ma ong'ol, jok ma youth gi the minorities. And then four is not a national character, mano every list nyaka reflect the national out look ok ni ka joma mon to en joma mon ema opongo list no aah, it has to be represented well to nyaka ongi needs mek ji kendo nyaka o reflect national outlook. Ok ni ka jo luwo to joluwo kende ema opongo list no nyaka kabinde moko go bende ket e list no, ka gingiyo list nyaka gingi these are the conditions ma nyaka chop ne gi.

All the votes casted in the republic in the general election of the constituency member of the National Assembly shall be totaled according to party affiliation. Koro wawach ni kaka election general be osea to sama koro they are dividing to(?) which person and which party is taking, gibiro ngiyo percentage ma ngato ma a certain party oyudo, koro wawach ni nitie this party A party A ni oyudo 60% of the total general election 60% ka koro ongi kaka ibiro migi, obiro bedo calculated out of the 60 of the 90 seats obiro yudo a certain percentage, makoro nyiso ni in this list mar the 90 members gi every party biwo yudo a certain percentage ei election ka onge party ma biwo, kata ka party ni oyudo mana 10% no 10% no be obiro bedo calculated ma kata ka en ngat achiel no from that particular party biwo dhiye Parliament, wawinjore?

Audience: Wawinjore.

Jackline Obiero: *Okay, ka wa a kanyo to adwaro dhie article 112 ma loso about recalling a member of Parliament, mane wawuotho e Kenya ne ji mangeny ne ochiwo yuakgi kendo ne giwacho ni sama giyiero ngato ma odhi e bunge giyiero a member of Parliament ka ngani sama pok ne oyier ka ne ogoyo campaign to owachani ka adhi e bunge to abiro losonu yo to adhi kelonu pi to nitie promises mane gichiwo to uyudo ni sama ng'ani ne osedhi mane usetere e Parliament ngani ne odhi ma olal, ok oduogi kata e constituency mondo otim gik mane owacho.*

Kata samoro odhi ma olal en msara mar Parliament cha ema ochamo tich mane owacho to koro ok otim, jo constituency mage bende ok nene, ka idwaro nene akia ni nyaka you book an appointment to appointment no bende ok inyal nene samoro nikech en ngama odich kabisa. To koro ji mangeny mane owachoni giduaroni jo constituencies kata jok ma oyiero ngato mondo jok mane okere e Parliament onego omigi power mar duoge ma gole e bunge kanyo. Koro wawacho ni according to draft ni wa propose ni electorate kaka in jok ma oyiero ngato nyaka mi power mar duogo ngato ama gole e tich ka ok o perform. Kata ka nitie gik mane owacho and he is not performing according what he has said, the members of that constituency has the power to recall duoge yaani luonge mondo oduogi and then you have the right to yiero ngat moro kendo.

Ka abiro somo article number 112 mawacho ni subject to this article electorate in any constituency has the right to recall the members of Parliament before the expiry of the term of Parliament. Two, a member referred in clause one may be recalled from that office on any other on the following ground: -

- a. Physical and mental incapacity rendering the member incapable of performing the functions of the office.
- b. Misconduct likely to bring hatred, ridicule, contempt and disrepute to the office.
- c. Persistence desertion of the electorate without reasonable cause.

Ka iweyou ka oringo joge en pesa mar Parliament ema ochamo to onge goma otimone joge un gi right. To sub section three kanyo wachoni the recalling of a member of Parliament shall be initiated but decision in writing setting out the ground relied on and faint by at least 30% of the registered voters of the constituency and shall be delivered to appropriate speakers. On receipt of petition the speaker shall within 7 days require the Electoral Commission to conduct a public enquiry on the matter alleged in the petition and Electoral Commission shall imperiously conduct the necessary enquiry and report its findings to the speaker.

Five, the speaker shall declare the seat vacant if the Electoral Commission report that it's satisfied from the enquiry of the validity of the allegation made in the petition or B, declare the immediately or application was unjustified if the commission

report that it was not satisfied with the validity of the petition. *Koro wawachoni ka member wawach ni members of the Constitution kata jo constituency ok omor gi tij ngato kata osewinjo ni ngani oringogi to un gi right mar by a 30% you know signing a list of 30% of the registered voters jok mane o register jok mane otero ngani e bunge, undiko piny kendo u sign down by 30% registered voters to iterone speaker to speaker ka oyudo barupu ni to biro keto a commission of enquiry through the electoral commission to jo Electoral Commission biro timeo enquiry ka gik mane uwachogo gin adiera, to ka en adiera they will declare that seat vacant mowachoni onge mbunge mar constituency no makoro nyaka uyier mbunge moro. Ka Electoral Commission oyudo ni gik mane owachogo ok gin adiera then that person remains as your member of Parliament.*

Ka a kanyo to adwaro dhiye article 121 malososo about laments of members of Parliament. Waseyudo ni members of Parliament samoro medore mana misara to jogo sama ka wawach ni kawuono gitioko tiwachoni kawuono watero misara ato jogi chamo pesa mang'eny to ji mangeny mane ochiwo yuak gi ka giwachoni power mar members of Parliament mar medore misarani ogol ne gi. So in this article wawacho ni the members of Parliament shall be paid such salaries allowances and benefits as may be determined by the Salary and remuneration Commission. Koro wawacho ni sani according to this draft ni members of Parliament ok nyal medo misara mar gi kaka giduaro, owachoni in this draft ni Members of Parliament kata benefits margi allowance margi ma biro bedo determined gi a committee kata a commission miluongo ni Salary and remuneration Commission mano bange wabiro somo about it in the Constitutional commission. To wawacho kendo ni a member of Parliament shall not hold any office or profit or engage in activities likely to compromise the members office. Koro ok obi donjo e tich moko manyalo kethone tich mane jo constituency mare osetere e bunge.

To kendo gima wawacho kendo ma wabiro somo bange ka in member of Parliament ok inyal bedo minister, maka wa propose ni ka in member of Parliament to in mana member of Parliament. Ministers biro bedo appointed differently koro ok inyal bedo a member of parliament kendo ok inyal bedo minister ka in minister to in minister to ka in member of Parliament to in mana member of Parliament.

Koro ka dhie part four malososo about exercise of legislative power to ne waseyudo ni these legislative power osebedo abused gi President ma nitie bill mane obedo passed e Parliament to President odagi ni ok onyal kalo gi. Koro wawacho ni in this Constitution ni incase ni any bill is passed by the member of Parliament to wawacho nika obedo enact in the Parliament waloso about the Upper House and the Lower House mano national council gi the National Assembly. Once ni, we mondo asom article 127 e page 16 kanyo, wachoni when legislation has been passed by one House of Parliament the speaker of that House shall refer it to the speaker of the other House for introduction consideration and passage. Wawachoni bill nyalo bedo passed by one House to be that bill mondo obed proven in Parliament for discussion kata mondo oterne President those two Houses nyaka winjre, ka giwinjore hati this is the right bill then that bill iterone the speaker of the House biro introduce e biro miye President mondo okal abill no.

Koro wawachoni President ka oyudo bill no onyalo gimo gik moko adek number one, onyalo miyo the supreme court ma wabiro wacho about the supreme court bange e judiciary system. To onyalo miyo the supreme court mondo openj gi for advisory opinion ka oduaro ngeyo ni bill ni bende luwore gi Katiba koso ochomo gi Katiba koso ok en according to the constitution. To ka omiye supreme court to supreme cout either biro dwaro advice e ni bill ni en according to the Constitution koso ok en according to the Constitution. Ka en according to the Constitution ma oduoke ne the speaker of the highest man, the speaker biro tero ne President and the President nyaka kal bill no.

To wawach ni suppose ni that bill is not accordant to the Constitution to obiro duokone speaker to speaker dwokone the highest of the Parliament and Parliament will also have to amend it in a way ma it's right. To the other way ma President nyalo react to that bill en ni onyalo duoke ne jo Parliament jomane okelone bill no, mano iluongoni the President can refer the bill back to Parliament for consideration to ka o refer back to the Parliament for consideration mano nyiso ni hati ni either Parliament is suppose to amend it, to wawach ni ka Parliament odagi ni they are not going to amend that bill ni mondo obed passed kaka ne giwache no bende President will have no other option but to pass that bill.

To the other third way en mana ni ka oyudo that bill then he can assend to that bill. Koro wawacho ni the President can react to that bill in three different ways:-

- *Number one onyalo miyo jo supreme court for no advisory opinion.*
- *Onyalo refer that bill back to the Parliament.*
- *Kendo number adek onyalo kalo bill no.*

Those are the three ways ma President nyalo react to the bill. Koro waseyudo ni many at times ni nitie bills mangeny mapod onindo aninda e Parliament nikech President odagi. Koro in this new Constitution wawacho ni if a bill is referred back to the President the way it is President has no option but to assign to that bill, wawinjore?

Audience: *Kamano.*

Jackline Obiero: *Okay. Then ahie article number 134 to wawachoni the official languages of Parliament biro bedo Kiswahili, English and sign language. Sign language ibiro ti go e Parliament be.*

Koro magi emanyalo wacho concerning the Parliament, mogo go to abiro weyo aweya mondo usom nikech saa bende dhi to waduaru miyou time mondo un bende upenjwa to bende uchiw maono maru concerning gik mawasesomogi. Erokamano uru.

Com. Prof. Okoth Ogendo: Thank you. *Erokamono Jackline aparo ni bende ohinyo pend wach aah, we mondo one of two things madwaro ni mondo o emphasize number achiel e the legislature adwaro ni unge clearly ni the national council term mari is 4 years, the National Assembly is 5 years, gima wadwaro kanyo wadwaro ni mondo overlap obedie between the national council and the legislative the National Assembly maka iyiero en National Assembly to nitie a body manyalo pass laws, sani ka President o dissolve Parliament sani the Executive will continue, the judicator will continue but there will be no Parliament. Ok waduar a situation ma Parliament bende ni onge at any one point in time, okay. Infact gima waketo ka wadwaro ni legislature Parliament obed abeda gi kata ka four years to en four years without interruption ka en five to five years without interruption.*

Namba ariyo a Jackline owachonu ni power mar Parliament mondo okadh misachgi wagolo wakoni misara mar Parliament koro gin ok gikadh giwuon kaeto gi implement wamiye commission ma waluongo ni salaries and remuneration committee. That commission nigi power wabiro wachonu en ema obiro dhi determine salaries mag public officers te ok mar Parliament kende kata mar President, mar Prime Minister, mar everybody else.

Kendo wawacho e article 128 ni ka po nono ni Parliament ikadh chik moro ma benefit gi, ginyalo kadho chik mar kawo loan, ginyalo kadho chik mar pension. Wawacho ni ka gikadh chik ma kamano chik no does not come into effect until the dissolution of the Parliament ma okadhe no, uwinja?

Audience: *Wawinji.*

Com. Prof. Okoth Ogendo: *To ka Parliament owacho ni giduaro medore pesa mar pension to Parliament na okadhe no ok benefit from that law (Clapping from the audience). Koro eka odonjonu, matiendeni koro ka gikadh to nyaka bed mana ni jambo ni ibiro duogo e Parliament nikech it will benefit the next Parliament not the Parliament mokadhe no.*

Bas koro wadhi anane e wach mar the Executive. Wadwaro dhie very quickly gima ne ji owuoye ahinya ne en power mang'eny mane wamiyo President ma Constitution ma sani omiyo President. Jaduong moro Garisa nowacho ni ingeyo ni President ka obiro ka to wawacho ni juu juu juu zaidi, kaeto okoni ngad uru ariyo go achiel kende ema uwe, mondo uwach ni juu kendo, to juu juu juu zaidi no ok odwar winjo. To jaduong moro bende Homa-Bay koni ne kona ni owinjor gimoro no above the law, ok oduar winjo wach mar above the law no, koro watimo kama. Power mar President wapogo sidienje sidienje mokwongo wawachi ni the Executive consist, ka wawacho ni Executive wawacho ni en President to gi cabinet, President, Vice President to gi cabinet, to cabinet no nitie Prime Minister, deputy Prime Ministers ariyo to gi cabinet Ministers apar gi abich no more that fifteen and deputy minister bende not more that fifteen, uwinjo maber? President, Vice President, Prime Minister two deputy Prime Ministers, 15 cabinet Ministers

and fifteen deputy Ministers. *Mano ema okuongo.*

Kaeto wanyiso authority mar President wachano e clause 150 kanya, ma you can read authority mar President waketo kanyo, state functions mage bende waketo en 151 kaeto wawacho ni the President bende nigi legislative functions matiendeni o complete the process mar legislation to en owuon ok en a member of Parliament, President biro bedo directly ok ni en President to kendo end member of Parliament for Baringo Central. (Clapping from the audience), en a ena President kende gi Vice President to sama, ka ngato chung ni duaro bedo President to iduaro ni mondo oyier ngat moro ma bende qualified to stand as a President as his or her running mate, makoro jo piny ongeyo at the beginning ni kawayiero ng'ane as President to ng'ane no emadhi bedo Vice President. So ungeyo gino in advance ka uyiero the President to uyiere gi Vice President mare complete, to gima omiyo bende itimo kamano en ni wawacho kanyo ni ka President o resign kata otho kapok otieko tich to wadwar ni mondo elections obedie, wawacho ni Vice President mane uyiero gi president no take over for the remainder of term mar President, uwinjo mano?

Bas koro wawacho in 153, article 153 ni a decision by the President under the authority of the Constitution or any law shall be in writing and shall bear the signature of the President, matiendeni wawacho kanyo ni President ok nyal muoch amuocha Ugunja kae to wacho ni mondo yoo maa Ugunja dhi Ukwala obed in termacked kaeto iluongo ni Presidential degree, gima wawacho kanyo en ni ka President owacho ni gimoro otim to en gi power mondo otime ondik piny, it must be in writing must there be no doubt no exercise powers mar President.

Kaeto wawacho ni nitie circumstances ma above ma President bende nyalo bede limited ma mago bende waketo on 154. Election mar President wawacho ni en direct by adult suffrage kaeto wawachoni Presidential elections ka ukadho Constitution ni to will be held on the second Tuesday in August every five years, uwinjo? Ok election mar December, wawacho sani ni onego jo Kenya onge ni to ka idhi e yiero mar President to en kara'ngo to wawacho ni every five years of the second Tuesday in August ah, the second Tuesday in August every year you will have a Presidential election, mondo koro ji onge maber ndalo ma iyiere ok ni ng'ato wachonu ni an ema abiro wachonu chieng ma iyiere to ok ungeyo ni en karango, wa fixed the date for election in the Constitution. (Clapping from the audience).

Kaeto wawacho ni ka iparo ni iromo, ka iparo ni iromo mar bedo President to wawacho e article 156 kanyo ni ibed citizen mar Kenya by birth, adwaro ni mondo a stress mano, nyako ibed a citizen of Kenya by birth ok by naturalization or by marriage, nyaka ibed ngama onywol e Kenya ti ingeyo ni ka in citizen of Kenya by birth to nyaka bed ni onywoli e Kenya to at least one of your parent bende onywol in Kenya, do you follow me?

Ingeyo ni America wacho ni ok inyal bedo President mar America unless both of your parents were born in the United States to in bende onywoli in America. Ema omiyo ng'at moro mane uwinjo ni Henry Kisinja ne en powerful ne en

secretary of the state to ok onyal President mar United State nitech both of his parents ne ok onywol ei America. Mano wawacho ni nyaka ibed a citizen of Kenya by birth, ibed 35 years but your must not be older than 70, to you must be at the time of your nomination you should be between 35 and 70. Ubiro penja nito thuondi moko bende nitie mosewouk oko e elect election to gin over 70 koro itimo kodgi angu, gima wawacho e transitional provision en ni ka elections mabiro obedo held under this Constitution to thuondi go wayienegi only for the first election unde this Constitution, matiende ni this age limit will not apply for the first elections under this Constitution. Kendo wawacho ni mondo President obed ng'at man gi high moral integrity, impeccable character kendo obeg gi degree from a recognized University. **(Clapping from the audience)**.

Ingeyo ni ka ne wakawo maoni mar ji ne wadhi Gatundu South kaeto jo Gatundu wachona ni giduaro ni President obed ngat man gi degree, to apenjo gi nito angoma omiyo udwaro ng'ama nigi degree, ni no wadwaro ngama nigi degree keato apenjogi ni be ungeyo ni Jomo ne onge gi degree, to kare jogi ne okia ne giweni gin ne giparo ni Jomo ne nigi degree. Koro ngato omuochna ni kata ne onge go tone en gi equivalent, an an akonogi ni an equivalent no akia an angeyo mana degree. Koro ka nyicha wangiyo gime jo Kenya owacho te to wayudo ni giduaro ni ngama telo onego bed ni en ngat man gi degree, ng'at ma between 35 and 70 years.

Kaeto wawacho e 157 on wards gima aparo ni ungeyo maber ni ka nitie only one candidate ma nominated as President to that candidate bedo declared elected un-opposed to ka nitie ngat ma paro ni ok obedo elected properly to that matter dhi e supreme court.

Ka to wawacho ni President in 160, ni President hold office for a term not exceeding five years beginning from the date of assumption of office kaeto onyalo hold that post once only, matiendeni maximum period ma ngato nyalo bedo e President en 10 years, okay, matiende ni wa retain the rule masani.

Kendo wawacho e transitional provision ni ka Constitution ni okadhi to nitien ngat mane ose hold position mar President for two terms ngano does no qualify to run for presidency under this Constitution. To we have closed the loses hold, akia ni bende u-remember jo Ugenya ni Orengo Nyatin ne odhie court to owachoni ah Moi ok onego obed President nitech osebedo President more than twice, to gima omiyo ne owit case ne no oko en ni the loop was not closed. The amendments mane okelo the limit mar Presidential term ne ok owacho no wa apply it actively. Wan koro wawacho ni e Constitution manyien ni ka nyocha isebedo President for atleast two terms you do not qualify under this Constitution.

161 emane iwachoga ni above the law gima wawacho kanyo mokuongo en ni criminal proceeding to wadwaro ni mondo wa protect the President, ok idwar ni ka in President to ngato bende yuai dware teri e jela Kamiti to in in Head of State. Koro wawacho nika nitie gimoro ma otimo marach to rituru nyaka otiek term mare then you can take him to

court. To ka en civil, ka en civil ma personal ni President owacho ni omayi low ah gima has nothing to do with the state to wawacho ni mano to you can take him to court provided ni imiye notice mar 30 days ma inyise gima iduaro no, ma ka oyie ni uloso kode outside the court you can do it. Chon ne ok inyal tero President e court kata en personal kata ok en personal kate en criminal, kata en civil, wawacho nika civil ma personal to you can take the President to court.

Kaeto wawacho in 162 ni inyalo golo President ka tich otame kendo waketo procedure wawacho kendo ni ka bed ni otiyo to oketho chik, en gi timbe moko ma machienglo kata Katiba ni ok one ka gimoro to onyalo bedo impeached to procedure mar impeachment en ni the National Assembly ema lay the charges, kaeto ka National Assembly ose lay the charges to orone national council to national council ema koro bedo court. To ka gikadho go two third majority ni President onego riemb e tich to inyalo riembe e tich. Omiyo impeachment mane ji duaro wamiyou go.

Kaeto wan gi office mar Vice President, wawacho ni Vice President nyaka bed ngat ma qualified to be President nikech chieng moro ne ngato openja nito angoma omiyo uketo qualification mar President to mar Vice President to ok oketo, wakete ni ka iduaro bedo Vice President to nyaka ibed ngat ma qualified to be President. And then we have dealt with questions mag vacancy mag President, debts mag President salary and allowances of the Vice President and the Vice President all of that to aparo ni unyalo somo.

Kaeto wadhi from part three 170 onwards position mar Prime Minister, the Prime Minister e leader of the Government, he is the head of the Government matiendeni power mar President manyicha en godo cha wapoge moko wawene President to moko wamiyo Prime Minister as a head of Government. En ema o precide of the cabinet he is nominated by the President from among the political party or coalition of parties man gi majority in Parliament. Kaeto ounda his cabine to iterone Parliament for approval, President nominate Parliament approved. To minister manie cabinet wawacho kanyo ni onego obed Ministers ma not members of Parliament, in other words people out of Parliament matiendeni ka i ran for elections midonjo to iduaroni mondo ibed minister resign your sit so that there is a by election. Gima omiyo ne watimo kama en ne gin ariyo number one:- Ne waduaro ni mondo cabinet obed professionalism ndalo moko ne nitie a general from the army ne oket ni minister for health, he didn't even know the difference between a hospital and a clinic (Laughter from the audience) ah waduaro ni professionals in there.

Number two ne waduaro ni mondo members of Parliament bende obed professional, in the US ka in a congressman to mano e tiji idhi kanyo in tich mar loso chike no e tiji. Waduaro MPs mabende tiji en loso chike gin kanyo full time of ni gin busy fly flags and running out of the country and abandoning their electorates, ema omiyo ne wapogo that separation between the cabinet and members of Parliament. Awinjo ka MPs ngur nito kendo wadwaro ni mondo wa campaign wadhi e Parliament to ukona ni ok wanyal bedo gi flag, wakonogi ni ubedo go abeda lakini you have to resign your seats mano e gima waduaro.

Koro wayudo kanya ni Prime Minister gi cabinet inyalo tengo lwet gi mogo ka Parliament o loose faith in them, matiende ni ka Parliament o pass a vote of no confidence to the Prime Minister gi cabinet must resign ka ose resign to President chak dwaro ngat machielo ma nigi majority in Parliament bedo Prime Minister to ka otamo President within 21 days to we are saying ni President can and only at that poing dissolve Parliament and call for new elections. To bende idea moro nyicha obironwa ma we may have to adopt mawacho ni ka idhi e Parliament ni idwaro golo Prime Minister gi a vote of no confidence to in that same vote motion mari of no confidence no nyaka iwachie ni an adwaro ni mondo ngane ema mondo obed Prime Minister, uwinja? Ok udhi adhiya ni adwero riembo ng'ane, iwachoni adwaro riembe to adwaro ngama chielo so that they vote on two things, riembo one person and electing another one, you followe me?

Audience: Yes.

Com. Prof. Okoth Ogendo: *Matiende ni ok wene President nika oseriemb Prime Minister to en ama oduaro somebody else to ni ka otame to o dissolve Parliament matiende ni Parliament cannot be dissolved, ka ikawo that alternative it is not necessary to dissolve Parliament. Ngat makelo that motion of no confidence must have an alternative ma that alternative nyaka Kadhi in the same motion mariembo ngat ma Prime Minister no and then it is going to be very difficult to get rid of a Prime Minister, mano e gima pod waparo sani ma we may have to include instead of gima wan godo kanyo no. To that is the only way in which the Prime Minister can be dismissed. Koro wawacho ni the cabinet is responsible to Parliament and we have discussed a assignment of functions, conducts mag cabinet kaeto wawacho ni permanent secretaries gin bende ka gin appointed they must be approved by Parliament and they must take an oath of office like Ministers. Matiende ni basically gima wawacho kanyo en ni the powers mag President now will have to be shared with the cabinet headed by the Prime Minister. Koro ka usomogi to you will be able to make your mind as to whether uparoni wawene President power ma orome to waketo ceremonial, jomoko awinjo wacho ni oh ni President ma waketo kanyo en mana ceremonial to anto aparo ni pod en gi ringo eiye kanyo mana chuth eh. Nyicha wawuodho moko ka uyie ni orome to wan bende wayie.*

Audience: Orome.

Com. Prof. Okoth Ogendo: *Ehh nikech ne gime ne thago ji kanyo ni to koro ere kaka inyalo bedo ni iringo ni idwaro bedo President ma iwuotho e republic ka pile pile tete te iduaro votes to ka idhi kanyo to onge gima itimo to wanto waparo ni uwene gima longo. Gimarach Kenya ka ni ongeny go makoro kata inguenyo mana matin to nyaka yuak bedie kata idhuno adhuna matin to nyaka yuak bedie. Ubiro winjo bange ni one of the things ma watimo kaka wachak wagolo power ne en devolution ma biro biro bange, nikech wachak wawacho ni power mar centre no bende koro idwaro ngade sidienje sidienje idhie province odhie e district, odhie location to odhie village kaeto wawacho nika*

odhi kamano to provincial administration bende koro onge, mago e gik ma kelo yuak.

Koro kare adhie judiciary, ne wawacho ni teko mar wananchi, wananchi omyo the legislature ma usewinjo, omyo the Executive kendo omyo the judiciary. Gim watimo e judiciary kanyo wachako ka wawacho ni judicial power is derived from the people and must be exercised by the court in the name of the people, ok waduar judiciary maparo ni power margi oa from God, nito gi exercise mana sama giduaro ok ine ka sani koro kendo gimuocho ni gii gi Parliament. Parliament oloso commission mondo oyal Constitution, judiciary omuocho ni ok wanyal loso Constitution nikech margi ok mul. To mar gi ma ok mulni ok Parliament bende eme creat judiciary eh, Constitution ok Parliament ema dhi kadhe. Kadine wawe ni judiciary waweyo oko e Constitution manyien to bende tij gi bende orumo aruma nikech gin bende they derive their power and they derive it only from the Constitution to the Constitution no en expression of the will of the people.

Koro gima watimo manyien e wach mar judiciary ka en ni wa creat gima iluongo ni the supreme court kaeto supreme court no biro bedo headed the Chief Justice. The Court of Appeal to wan go sani will be headed by the President, there will be President of the Court of Appeal and then the High Court ma will be headed by the principal judge. Kaeto wachiewo jurisdiction mag Supreme Court the Court of Appeal as it is now to kodi the High Court. To kendo wawacho ni we will keep Kadhis courts e the system nikech they are both already existed gi deal gi matters of Islamic personal law only.

*And then wachiwo qualifications ma are necessary for appointment of judges in 195, wadwaro an advocate for 15 years experience, wadwero ngat ma osepuonj law for atleast 15 years to bende wadwaro ngat man gi qualifications malongo mag degree ok ngato angata ni osebedo e court for 15 years to kata kuma osome malongo onge, mago ema kelo lwenjwa gi judiciary nikech nitie jomoko e iye kanyo mabende kalatasgi mag somo ne pok waneno kuma nitie. (**Laughter from the audience**).*

Kaeto wawacho ni public officers tee, judges, Attorney General, deputy the whole lots of them retire at the age of 65. Every person in the public office retire at the age of 65, matiendeni Constitution ni o raise the ordinary retirement age from 55 to 65 and than everybody retires at that age. Gima judges yuago en gin nyocha ne gi retire under the process system gi retire at the age of 74 years, wawacho ni aah, mano ngenya ahinya wadwaro ni mondo ji tete te owe tich at the age of 65.

And then we have recreated subordinate courts man nitie sani kaeto wan gi Judicial Service Commission kendo we have set the composition mar the Judicial Service Commission is in article 204, the Judicial Service Commission ema biro deal gi appointment and discipline of judges and other judicial officers and we have set that one out in 205. Kaeto from 208 we are discussing gima waluongo ni the legal system matiendeni other officers mantie within the

judiciary and in the legal system wachako gi Attorney General, sani the Attorney General en chief legal adviser mar Government he is the director of public prosecution, he is the cabinet minister and he is an ex-official member of Parliament. Gima watimo sani en ni waweze managi gi function ma chief legal officer mar the Government. He will no longer be a member of the cabinet, he will no longer be an ex-officio member of Parliament and he will no longer be director of public prosecution instead wa creat two positions achiel en mar director of public prosecution ma biro deal all prosecution and not the Attorney General.

Secondly wa creat the position mar public defender ngat ma biro chiwo legal services and advice to wananchi in general, maendi gima ne joi openjo kabisa and we are provided ni public defender no nyaka bed gi offices not just in Nairobi but in the provinces and in the district and even in(Inaudible) if necessary.

Kaeto wanyiso kaka prerogative of mercy nyalo bedo exercised nyalo bedo kuonde moko ma President oneno ni mondo ngato time huruma mondo ongat sentence mare kata mondo ogonye and we are provided for a committee ma will advise the President on those matters.

And the final thing ma wawacho kanyo wawacho ni profession mar law ni okinde gi bende waduaru ni mondo obed controlled mondo gibed professionals nikech ne wayudo ka nitie complains of mana ne judges kendo to ne nitie a lot of complaint about advocates, about lawyers and the whole lots of them. Koro wawacho on 212 kanyo ni the profession must also uphold the integrity mar tijeji ma gitimono, uwinjo kamano.

Bas koro the next thing ma waduaru look at ma Jackline dwaro discuss kendo en mar devolution of powers, ne wawacho ni powers mar the Executive wangado between the President and the Prime Minister and the cabine to bende wang'ade between the central administration and administration at local levels. Jackline will take up the devolution questions.

Jackline Obiero: Madaraka to waduaroni madaraka ni mondo omi jii to opoge in yore angwen yaani powe obedo devolved to the village mago joka dayo, kendo ne wayudo ni power kendo ne obedo devolved e location kendo madaraka ni opogne district kendo okete e province. Makoro mano nyiso ni provincial administration ogol, to mano maoni mane wayudo kuom ji mangeny, ka jii mangeny ne owachoni ogol provincial administration nikech ok gine tich mar jo provincial administration.

To ka wadhie village Government article 216 abiro somo wachoni the village decides whether the village council is constituted by village elders of elections. Mano koro wachoni joka dayo gin ema koro omigi power to decide kaka ginyalo yierore, ka gin ema gibiro yiero ji ama obiro bedo through election, mano power ma omigi. Wawacho ni joka dayo gi biro bedo gi members ma ok okalo apar to bende less that auchiel makoro nyisowa hati ni wawachni at the

village level omigi power mar yierore kendo giyier not more than ten members to kendo gin bende omigi the right and the power to decide system of village Government, ma koro kaka gibiro govern themselves kaka gibiro ritore mano draft ni moyogi that ability and that power mondo gi decide the system of Government at the village level.

Ka wa a kanyo to wadhi e article 217 ma loso about vocational Government to asomo, the locational government consist of two representatives one of whom shall be a woman elected by village council from among its members. Two the vocational administration is Executive authority of the location and three the location administrator shall be elected by the registered voters of the location. Koro wawacho ni jok moyier e village council or joka dayo eme kendo biro yiero representatives ma biro represent gi e location, achiel kuom gi nyaka bed ngama dhako to ibiro yiere from each village kwa hivyo wawacho ni kila dayo kata kila village nyaka gol one representative achiel kuom gi ngama dhako them mago emakoro ibiro yier mabiro represent gi e location level.

Ka wa e location level to wan gi district government ma district government mano e principle en e the main legislative authority kama chike moko bende ibiro losi e district government, to district government biro consist of members number two kanyo wacho ni the district government consist of members directly elected by the registered voters of the district the district person shall exist of not more than 20 or more than 30 members. Koro wawacho ni e district councils ka gibiro bedo elected directly, ma koro ok wachni ngato ni hati ni ngato ema omi power mar yiero ngato lakini jo district at the district level gin gi power mar yiero ng'at ma giduaro mondo o-represent gi e district council.

Then the district administrator is the Executive authority of the district, en ema omiye that Executive authority.

Ka wa a kanyo to wayudo ni nitie the provincial government to ka wasomo article 219 wachoni the legislative authority of the province is vested in the provincial council. The provincial council consists of two representatives one of whom shall be a woman chosen by each district council from among his members. Kwa hivyo wayudo ni hati members mantie e provincial council gin jok ma oyier gi the district council to women bende obedo represented kanyo, koro wawacho ni the government levels biro bet angwen. Nitie levels mar village, nitie levels mar location, nitie level mar district kendo nitie levels mag province.

To ka wadhie part two part three ma loso about the power of devolved government and inter-government relations, power of the district government article 220 kanyo wacho ni government is the principle level of devolution of power and the power the district government are contained in the list two of seventh schedule. Mano ka kawabiro nitie toke koni malosho about the schedule to koro wabiro somo bange ibiro neno the power kata nguvu momi district council, nitie teko ma omiga to wayudo ni gin gi tich ma opogore mopogore gi teko bende ma omigi. To angeyo ni ngato nyalo penjo ni ni hati ka district bende omi power to ere power ma omi joka province mago commission pod loso pok gitieko the principle of devolution of power mano ma pod commission pod donje nikech angeyo ni ngato biro ngiyo to wachoni provincial

government en oket mana assumption mare to ok inyis power mare ka wadhi e schedule to ok ibi neno power ma omi provincial government to wawacho ni mano pok oteki the commission pod loso mano to obiro bedo released soon ka gisetieko loso wachno.

Ka wadhi iye to wayudo ni nitie resources ma wayudo kata nitie mali moko ma kata inyalo yudo ni mineral kata nitie gik moko ma wuok e a certain district kata a certain location to wawacho ni the district government omi teko mar resources kata pesa kata gik ma wuok e a certain district, to district government biro bedo gi that power to allocate a certain revenue makoro wawacho ni hati ni kanitie revenue moro kata nitie mali moro ma wuok e district moro mali no biro bedo ni ipoge e diere, ma moko biro dong e district for the purpose of development. To nitie moko ma biro dhie national government, nitie resource mabiro dhie government to nitie moro ma biro dong e district for the purpose of development. To owachni nikech ne wayudo ni ji mangeny ne ogolo yuak tone giwachoni resources ma wuok e district kata ma wuok e particular area, resources gi ikawo akawa kata nitie jok mobiro to obiro ma o-exploit minerals gi to kawo akawa everything ma jok ma odak kanyo ok nyal benefit from such resource.

Ka ne wadhi yoo Thika gi yoo Central province ji mangeny mane owachoni nitie pi kata pi ma a yoo Thika kocha Ngataine Dam tone tiwacho ni pig no ok benefit gi gin jowegi modak kuro ok ginyal yudo pigno to pigno itero atera nyaka yoo Nairobi kocha. Koro jo Nairobi ema enjoy pigno to jok ma odak kany onge gi pi, koro ne giwacho ni ka nitie resources mantie e particular area giduaroni resources gi kata mali gi gin bende gibed ni gin jok mayudo mali, kata ka en pi no pig no mokuongo nyaka kony jok ma odak kanyo ka pok oter oko, wawinjore?

Audience: Yes.

Jackline Obiero: *Kanitie wawach ni ka nitie gold ka gold no nyaka kony mana jo koni mokuongo kendo nyaka ni ibiro to gi pesa ma ibiro yude e business mantie kany no kata ka en mineral no. Pesa no itoyogo mondo o-develop that particular area, kor ka pesa moko bende bedo remitted to the central government koro ama omiyo council omi power mondo o-share that resource equally, opog that resource in such a way ma jok ma odak kanyo bende biro konyore go to jo national council bende biro yudo nitie pesa moko ma ibiro ter ne jo national council.*

To ka asomo article 227 loso about the power of the national government mago wabiro some e schedule two ma list the power of the district are contained in list two and the concurrent power are contained in list three of the seventh schedule mago wabiro soma bange.

To koro waneno ni ka wadhi article 230, we wasome article 229 mokuongo mawachoni district council may cooperate in the performance of their functions and for the purpose may set up join committees and join authorities and giwacho ni the arrangement of cooperation and the arrangement for the termination of arrangement shall be agreed upon by isolation of the

district councils supported by votes of a majority of all the members of each relevant councils. *Mano wawachoni each district council ginyalo bedo gi cooperation district council achiel corporate gi district moro may be in the same province for the purpose mar loso kamoro to promote and to bring up and for the purpose of helping and for the purpose of the assumption.*

Kendo wawacho in 230, articles 230 to give effect to the principle and objective of devolution and other provision of this chapter detailed provision for the structure power and function of devolution authority and the relationship to the national government shall be contained in an act Parliament. That act of Parliament shall be enacted or amended only by an solute majority of the members of each House of the Parliament. Koro wawacho ni nitie legislative provision for devolution to mago to ibiro mi Parliament biro bedo gi power to mondo okel sheria ma loso mago, to gima wadwaro wacho e chapter mar devolution en ni power obedo devolved in four different categories or four different levels to levels gi gin levels mar joka dayo man at the grassroots level. Wan gi level mar location, wan gi level mar district to wan gi level mar province kamano e keka ne adwaro wacho in this(Inaudible) to wawachoni the district council bende omi the legislative power ma ginyalo bedo gi power mar keto mar bedo gi sheria moko, nitie legislative functions ma omigi gin bend omigi power mar loso sheria manyalo konyo district no.

Kendo wawacho ni mali ma oyud e district mago district council biro loso kendo nitie percentage ma biro dong e district kendo nitie percentage ma ibiro ter ne the national council ma which is the overall council ma coordinate. To wawacho ni provincial government ma which is at the top nitie gi function mar coordinating okonyo the(?) in every provincial government nitie different district koro tich mar provincial government en mar konyo districts moko gi mondo oti maber yaani to oversee the cooperation and to mondo gi konyo hati ni district ma gi ma biro tiyo maber and will aliases together.

Ka koro wadhi e the other chapter to abiro wene Professor mondo koro olosi about land and property gi chapter maluwo mano.

Com. Prof. Okoth Ogendo: Thank you adwaro mana woutho piyo piyo piyo ema odong go. Wach mar low chapter 11 wawacho mokuongo ni low tete te man e Kenya ka en mar jo piny ok en mar sirkal. Sani chik wacho ni low tete te en mar sirkal to sirkal nyalo mana chiwe kaka ohero, wawacho ni low en mar jopiny.

Namba ariyo jopiny nyalo mako low kibinafsi kaka ngato indidual nyalo make to communities bende nyalo make. Matiende ni county council wagolo oko e wach mar trust land, trust land wamiyo communities directly. (Clapping from the audience). Individuals nyalo bedo gi land ka in gi title deed mari no you keep it it belongs to you, ka en lop joka kwaro joka kwaro will hold it directly.

To nitie moko mar public at large national forest game parks and so own mago wawacho ni mondo obed held by the public to waketo kanya a national land commission mabiro hold the land on behalf of the public. To wawacho ni kapo ni nitie mineral oyudi e lopi to mano mari, ka oyude e mar community mano mar community, ka oyude e public land en mar raia mar Kenya yote.

Kaeto wawacho ni ka on in ja Kenya to iduaro low ka to inyalo mana miyo lease manyalo dhi up to 99 years to ok nyal miyo any more than that, matiende ni ka in gi any land kaka moko nigodo e Coast ma jo Italy omako amaka dho Mombasa tete te to gin gi absolute title wakoni mano ok waduar, ka ok in ja Kenya to ok inyal kawo low maloyo a lease hole ma 99 years.

Wach mar environment to wawacho in chapter 12 ni nyaka wangi resources mag Kenya natural resources pi, forest gik moko madhi air, quality mar the environment must be protected. Gima watimo kanyo manyien en ni sani koro wawacho ni ngato angata maparo ni nitie pollution nyalo dhi e court to stop it, kaka aora makadhho ka marangongo mar Nzoia ni ka uneno ni pig no kethore to ungeyo the source of that pollution and individual can go and do it. Chon ne iwacho ni sirikal emanyaka dhiye court wawacho kanyo ni anybody maparo ni environment is being polluted can go and get an order to protect it.

Chapter 13 on public finance and revenue management wawacho basically ni sirikal ok nyal go ji usuru bende ok nyal borrow any money internally or externally without the prior appoval of Parliament. Matiende ni the public debt mar this republic can only be incurred with the authority of the people's representative sitting in Parliament. Kaeto wawacho ni office mar Controller and editor general wapogo diriyo, ok wadwar ni ngat ma control government pending kendo ema edit go. So wan gi two offices kanyo moro en controller of the budget the other one is Auditor general, kaeto wawacho ni controller general go Auditor general account mag gi will be auditered by another Auditor appointed by Parliament ah. Gin gi audit ji gina ngama audit gi?

Audience: *Onge.*

Com. Prof. Okoth Ogendo: *Koro wawacho ni gin they will be audited by an Auditor appointed by Parliament, to ka wawacho ni Parliament kanyo we mean the National Assembly. Kaeto wawacho wa-creat sani Constitutionally the central bank of Kenya with a governor and a deputy governor kaeto wamiye complete autonomy and independent to determine the physical policy mar this country makata ka ka gi-decide ni currency mar Kenya wang ni wii liech ema ikete they will have complete autonomy to do that. Ji ne wacho ni ok giduar wi Head of State ei wan wawacho ni aah ok waduar donjo e gik matindo tindo to waduaro miyo the central bank the power to make that decision and that is what we have done.*

Kaeto ka wadhie chapter 14 public service, public service kae gima wawacho ni anybody ma hold an office in the public service hold that office by appointment from the public service commission not by anybody else. Ka ingiyo Constitution masani owacho ni the power to create and abolish offices is vested in the President, ni President emanyalo wacho ni jik ni kawuono en tich manyien ma appoint ngato seche moko onyalo wacho ni omera tij ni orumo koro dog dala, we have taken that power from the President and we have given it the Public Service Commission, mondo the Public Service Commission odog back to the original public service mane nitie under the independent Constitution completely independent from the Executive exercising it's powers without regard to instruction from the Executive. Matiende ni kata jok manie Parastatals and the whole lots of them will be appointed by the Public Service Commission not by the President.

And we have added ni the powers mag President a mana from the institution only and therefore Parliament ok nyal pass legislation machako medo President powers, ka Constitution ok omiye no body else can give him any more power.

Matiende ni ubiro yodo ni ka Constitution ni okadhi to nyaka wa-change laws moko mangeny kata mana mag public universities the presidne will seas to be the Chancellor of public universities nikech that is not a Constitutional authority.

Koro under the public service wa-cover public administration ma waluongo ga ni civil service wa creat gima waluongoni Kenya police service not the police force nikech gin ok giluongore ni utumishi ya wananch?

Audience: Utumishi kwa wote.

Com. Prof. Okoth Ogendo: *Kwa wote mano service for the people so we want them to be called police service mondo gichiw service rather than force ah. Kaeto wawacho ni the commissioner of the police will become a Constitutional office and he can only be appointed with the approval of Parliament, the commissioner of the police can only be appointed by the President with the approval of the Parliament.*

The prison service wawachoni waduaru luongo gi ni en a correctional not a prison you are suppose to go there to be corrected not to be locked up, you go go prison have punishment not for punishment, so waluonge ni correctional service commission of prison wamiyo baptism manyien waduaru ni mondo lounge ni director ok Kenya correctional services, not commissioner of prison.

Kaeto chapter 15 defense and national security wanyiso malongo gima omiyo waduaru an organized defense and National Security system, wa-create for the first time a national security council to kod a Defense Forces Council and we have created positions mag chief of the general staff, the nary commander, the army commander and the air force commander in the Constitution. So you don't wake up one day to iyudoni the air force has been abolished and there is

something called iluongo nango 82 Air Force ah, be ungeyo gima omiyo 82 Air Force ne olal nikech ngato ne odhi e court owachoni the President has no power to abolish the Air Force, now we are making it absolutely clear ni it is the Constitution. Koro jogi tee wa-creat a lot of offices to wawacho ni anybody ma hold public office must comply with a leadership and integrity court that leadership court nyaka i-sign as a public officer ma inyiso ji kuma iyude mwandi we must know, ka wangeyo salary ma imiyi suddenly wayudo ni ingeny gi mwandu wabiro penji nito mwandu go ne ia go kure. Nikech ka waduaro jok ma have integrity to we must insist ni ginyiswa ka mwandu bende giyudo gi yo maler, to the way ma watime en ni wa-creat gik moko ma waluongo ni Constitutional commissions. Jackline will take us through the Constitutional commission.

Jackline Obiero: Ka wadhie chapter 17 maloso about the Constitutional commission and Constitutional offices to wayudo ni ji mangeny mane oyuaak to ne wachoni haki mar raia onge ngat ma ngiyo. Samoro iyudoni omaki to oketi e jele to onge ngat ma nyalo ngiyo haki mari, to samoro iyudo ni kata ka omaki police kwayi asoya to in kata ka ionge gi gimoro to gik main go to ema gikawo to iteri e jela to onge kaka inyalo donjo ne polis nikech kama koro inyalo dhi wacho ama kama inyalo dhi donjone en mana ir polis koro ji mangeny ne propose ni nyaka wabed gi a human right commission jok moko bende ne owacho ni nyaka wabed gi the people of protector or gima iluongo ni the Ombudsman ngama ngiyo masilai mek ji.

Samoro ineno ka sirkal timo marach to onge kaka inyalo wacho, onge kama inyalo dhiye ma iwach ni sirkal timo makosa kaka yo mawabedo governed go bende its is not the right way, to many people propose kendo ne giwacho ni giduaro ngat ma ginyalo dhi to gigolo yuak go kuome. And many ne o-propose ni nyaka wabed gi ngama iluongo ni the Ombudsman. To e katiba makoro walosoni wan wa propose ni ngani mondo oluong ni the People's Protector nikech wayudo ni ji mangeny kia nying ma iluongo ni Ombudsman kata ka awacho ni Ombudsman to ngato wacho penjoni Ombudsman ni to en nga koso en lee mane (**laughter from the audience**) lakini wawacho ni waduaro tiyo gi terminology ma kila ngato nyalo winjo, ka awachoni ngama protect the people un bende unyalo understand ema omiyo ne wawacho ni ok wabi kawo terminology mar Wasunge to wawacho ni Ombudsman to kata dayo man dala to ok nyal kata pronounce.

Koro ne wa-propose ni ka wadhie article 288 abiro dhiye to the commission mar human rights and administrative justice, ka wangiyo this commission en commission achiel man gi difference parsons. Ka wangiyo kanyo 288 sub title kata sub article one wachoni the commission on human rights and administrative justice shall consist of the chairperson the human rights commissioner, the People's Protector and a gender commission, nikech bende nitie jok mane ochiwo yuak kendo ne owach ni giduaro ni nyaka wabed gi a gender commission mangiyo masilai mar wawach ni kaka gin jok ma chuo masilai mar jok machuo bende ongi, masilia mar jok ma mon bende ongi, masilai mar nyithindo bende ongi. Koro ne wa propose ni wabed gi a gender commissioner and not a commission but a one commissioner mabiro bedo part of the human rights and administrative justice, to wawacho ni this commission biro bedo gi different functions koro kaka wawach ni the human rights commissioner biro ngoyo the aspect mar human

rights, obiro ngiyo the human rights that have been violated.

Cases ka ngato odhi ma owachoni an ne omaka gi polis to polis ne ogoya otimna kama to otim na kama, it is the function and it is the work of the human right commission mondo ongi and to report on their findings. To kendo ka gingiyo all aspects(Inaudible) kata wawach ni in the previous standards mek prisons mek wa man e Kenya ka ok ber and it is the work now of the human right mondo ongeni haki ni mari kaka binadamu, haki ni mari kaka ja Kenya bende ochunore koso nitie kueonde moko ma in kaka wawach ni kata jatich ibedo oppressed kata awach ni law nyanyasai koro in kaka ja Kenya nitie right ma in go to mano e tich mar human rights commissioner.

Ka wa a kanyo to wayudo ni nitie the People's Protector sama in gi complain moro concerning may be the government in gi complain moro concerning abuses of power nitie jok moko ma ka oseyier gi ma otergi e office koro gitiyo gi power ma omigi no not in the right way, gitiyo gi power gi no mondo gi oppress the people. Nitie unfair treatment and injustice to wayudo ni problem ma wan go Kenya ka en problem mar corruption to onge kata commissions nitie commission mar anti-corruption authority ne obedo mana disbanded to onge kama inyalo, kata ka idhie ofis moro to okwayi asoya to iongego onge kama inyalo dhi to iwach ni an ne adhi kama to kata ne apply for passport to jogi okwaya asoya, koro wan gi the People's Protectors mano e ofis ma according to the devolution of power biro bedo even in the district level, in the provincial level to kanyo inyalo dhi ma ichiw complaint mari to jik gi en mar conduct and investigation mondo ginge ni ngane ne owacho kama. In kaka an individual inyalo dhi ka in gi any complain inyali dhi ir this person to inyise ni this is my complaint and I have the right and they have the power to conduct an investigation mondo gingeni gima ngani ne owacho bende en adier. To gitiyo the(Inaudible) country persecution modern then what is(?) to ensure ni prosecution kata sheria olu kendo ka ngato nitie mane o-misuse power that person is brought to justice, to bende wan gi the gender commissioner ma entitled the human rights and administrative justice to en ongiyo wach mar gender, rights mek nyithindo. Ka ingiyo e gender commission ka nitie ngat ma ngiyo rights mek nyithindo bend rights mek nyithindo obedo followed as they been implemented. Ka nitie nyathina nitie gi complaint bende ku nitiere kuma onyalo tere e complain mare ni.

Mon nitie moka ma have been abused, nitie wife beating, nitie moko violence moko ma ineno ngato ogoyo chiege ma ohinya kabisa to onge kama ngato nyalo donjone. So we have the gender commissioner who is in charge of ngiyo mago. Nitie kata mon moko magoyo chuogi, this gender commission is in charge of all these mondo ongi haki mek mon gi mag chuo ok mana mek mon kende but also haki mek chuo bende.

Then wa a kanyo to wan gi in article 289 the Ethics and Intergrity Commission to ka Professor ne onyisou ni wan gi the leadership and integrity courts. Ma wayudo ni nitie jok moko ma odonjoe office to kata oyier gi e office to kata gibedo appointed to jogi kata kaka ne gidonjo e office ka ikia, to kaka ne gibedo appointed bende ikia, uchiewo gokinyi to ngato osebedo appointed moko bende osebedo disappointed yaani everything is just announced over the

radio, uwinjo awinja ni this minister has been sacked kata this minister has been appointed to wasebedo go occurrences ma iyudo ni minister moro en minister mar education to kane okete e education ka otiyo gi pesa mane obedo allocated into the ministry no otiyo go marach to instead mondo obed sacked to wayudoni obedo transferred to another ministry koro wakia ni mano e dispensary action ma omiye ni mondo koro odhie ministry moro mondo okethi koso I mean kamano e kaka onego obed governed as people of Kenya. So we propose ni nyaka wabed gi an Ethics and Intergrity Commission. To function mar commission ni en ni nyaka ka nitie Professor ne onyisou ni there is a declaration of wealth, koro waduaru ng'eyo hati in kaka ja Kenya ni to in kaka minister ni kata in kaka MP ni ere kaka ne iyudo mali ni koro this commission ema in charge of ngiyo yore mek integrity ka leaders mobedo appointed bende gi comply with the leadership and integrity code. To leadership and integrity code ni to en o-apply to every public officer wachoko gi President, Prime Minister, deputy Prime Minister, gi deputy ministers, members mek Parliament, members mek Constitutional office holders kata other public officers. Koro sama oyieri you have to sign with the Ethics and Intergrity Commission, to Ethics and Intergrity Commission tij gi en mar ngiyo ni bende in gi the right qualifications kaka oyier e commission ma oyierie no, do you have the right qualifications. Ka wawachni in gi mali moko nyaka I-file those assets ma in go, nyaka indik piny and it is the work mar commission ni mondo ingi kendo nyaka gi investigate ni in kaka judge kata kaka member of Parliament misachi en marom kama to ka oyud hati ni mali ma in go ok ginyal yudo kaka ne iyude then you will be sacked mano e tij commission ni nyaka gi ngi ethics and integrity of every public office holder, ok mana ni jok moko to ok ginyal kata wacho kaka ne giyudo mali ma gin go. This commission will look into such issues.

Bas ka wa a kanyo to wayudo ni sani kata kaka wantie kama wan gi yuak to yuak no en ni jopuonje yuak kendo wacho ni ne gibedo promised ni misachigi ibiro medi to there is a schedule mane owachi ni ibiro med gi after a certain year to kaka ne the last time mane omed gi misara chon kabisa, to sani wan gi dilemma in our country ma wayudo ni teachers are on strike, koso koni jopuonje pounjo?

Audience: Gin on strike.

Jackline Obiero: Gin on strike donge?

Audience: Yah.

Jackline Obiero: To koro ne waneno ni there have to be a body nikech wach mana ni ngato achiel chung to wacho ni amedo jopuonje misara and he is not committed to what he said kendo ok onyal account for that iwacho awacha ni amedo jopuonje misara onge kama na ondiki onge koro ka jopuonje dhi on strike onge kaka inyalo med gi. Wa propose ni nyaka wabed gi a Salary and remuneration Commission ma biro ngiyo misach public office holder, mano include jok moko kaka the President, misach MPs ma koro ok waduar ni MPs medore mana misara kaka giduaro any

time they feel like there have to be a body ma biro control wach mar misara. To biro ngiyo nyaka misach jok ma ondik gi any public institution including teachers.

Ka wa a kanyo to jopuonje bende ne ogolo maoni gi and we felt that the Teacher's Service Commission nyaka bed entrenched into the Constitution as an independent body, ok waduar ni hati ni nitie body moro makoro kata ka gin tie kanyo to gin toothless ok ginyal timo gimoro nikech gibedo interfered with by the other organs of the government koro wa propose ni there should be an independent Teacher's Service Commission ma there function will be in consultation with the Public Service mano ka asomo article 291 sub article two kanyo ma loso about function of the Teacher's Service Commission.

- a. *Wachoni in consultation with the Public Service Commission, to recruiter and employ registered teachers.*
- b. *To assign teachers employed by the commission for the service of any public school.*
- c. *To promote and transfer and such teachers.*
- d. *To terminated employment of any such teachers.*
- e. *To do anything which is incidental or conducive for the service of the power and the power got A to G*

Wawacho ni waduar ni independent teacher's service commission. Wayudo ni nitie so many trained teachers in Kenya mapok obedo employed up to now and we an independent body ma will have that function mangiyo ni jopuonje jok ma odhi osome tij puonjo obedo regisestered gibedo diploid to the decent places kendo ka nitie wach mar transfer this body kata promotion this body biro ngiyo wechego.

Then finally last but not least article 292 wa propose ni mondo wabed gi Constitution commission to the purpose ma this Constitution commission en mana ni bang ka katiba ni isebedo passed in Parliament to wawacho ni mae e katiba ma waluwo. There have to be a body makoro biro ngiyo ni gik mane owach e katiba obedo enacted kendo obedo followed nikech ka wawacho awacha gik ma wawacho gi to kendo wawacho ma wamorou makoro wadok to bang ka katiba ni osebedo passed to ka onge gi a body ma biro implement ma biro ngiyo ni ne owach ni nyaka bed a Salary and remuneration Commission bende nitie mano?

Audience:(Inaudible).

Jackline Obiero: *To kane wawacho ni hati ni President nyaka bed ni power gi obedo reduced bende otim mano, koro waduar there have to be a body mabiro ngiyo ni katiba obedo implemented gi te mawasewacho ka ka gisebedo passed in the national conference ma wabiro bedogo starting 28th bas to bange Parliament oyieni mano e law ma onego bed hati ni wan go e Kenya ka bas to there have to be a body ma biro ngiyo ni katiba to bende obedo implemented, chike mane oket go bende olu koso ok olu.*

Ka wadhie article 293 mogik e that chapter to wawacho ni the following Constitutional offices are established elsewhere in the Constitution, to ka waneno Professor ne osewachonu about this koro abiro somo asoma.

- a. *Attorney General, Auditor General, Controller of the budget, Director of central bureau and statistics, Director of Kenya correctional service, Director of Kenya police service, director of public prosecution, the governor of central bank and the public defender. Wawacho ni magi these offices waduaru ni mondo gibed entrenched into the Constitution as an independent body, ma ok wabiyudo hati ni nitie Executive nitie gi power mar wachoni this office ok nyal tiyo tije. Waduaru ni these bodies mondo obed independent mondo obed gi power mar tiyo tije without interference from any individual kata any organ of the government, obiro tiyo as a Constitutional office and independent body.*

Ka wa a kanyo koro wadhie chapter 18 ma abiro wene professor mondo koro oterwa ka wadhi tieko this issue.

Com. Prof. Okoth Ogendo: *Chapter 18 ne asedial with samane wayalo wach mar supremacy of the Constitution. Koro aduaru tieko kama chapter 19 to interpretation mano manyisou kaka wa-use terms man e Constitution koro wadhi mana e chapter 20. Transitional and consequential. Gima wawacho kanyo en ni ka chik manyien odonjo, ma ok onego onegi, ok iduar ni ichiew nine Parliament okadhho chik manyien ka kiny ichiewo kamaendi to iyudo ni kare nyombo ma nyicha inyombocha nyombo koro okethore nikech chik manyien obiro, nitie gik moko ma must continue omiyo ka wawacho ni transitional wawacho ni nyaka bedie a bridge olalo moro ma ikadhho godo e aora no ma maintain the link with the past and the future.*

Koro mokuongo wawacho ka ungiyo schedule eight to wawacho ni gima nyaka wa yude olalo mokuongo ma nyaka wayudi en obligations ma Kenya nigido debts mane wase sign pesa mane waolo from the world bank the international obligations go mago nyaka must continue so that is bridge number one. The rights duties and obligations of the republic must continue ka the new Constitution ose kadho.

Bridge mar ariyo olalo mar ariyo en mar law, chike manitie under the present Constitution bende nyaka continue under the old Constitution nikech ichalo ngama ogero ot manyien to ogolo furniture man e ot machon to otero to sama ogologi ma oterogi e ot manyien no ok oyiero moko ma oparo ni ok oduar dhigo, ok kamano? Inyalo wacho ni kom ni to tinde conner mane obede cha tinde onge omiyo I am not going to use it, to ne awachonu ni pend chik ni ka nitie chik moro ma opogore kode ma ok chal ma ok olingana kode to chik no ema tho, koro chike tete tee ma consistent with the new Constitution will continue matiende ni the new Constitution will modify automatically chike machon they can only continue ka gin consistent with the new Constitution, that is the second bridge.

The third bridge, wawacho ni koponi ibiro yiero gi chik manyie chik ma ondikini to wawacho ni wach mokuongo waduar ni Electoral Commission mantiere sani ni ema mondo obedie mondo o-conduct the first elections under the new Constitution, to wawacho nika otimo kamano to nyaka wa end up within 90 days of the end of those elections mondo koro a new Electoral Commission obed established.

*Wawacho kendo ni ka po nitie ngat mane ose serve for two terms as President ng'ano will be banned from standing as President or by President or Prime Minister or deputy Prime Minister or as a minister or as a deputy minister or as a member of Parliament, matiendeni ok waduar ni iwachoni an ni jogi nyocha owacho ni ok anyal chung as a President pod anyalo dhi abedo MP, kaeto ichako iduogo through the system mano is the next, mano to ok bridge mano to wadino adina chuth. (**Laughter from the audience**). En wadine adina chuth.*

Ka to wawacho ni Constitution manyien ni okelo qualifications moko ma fairly high at the level mar council wawacho ni jo council nyaka bed jom man gi o'levels, President gi MPs jogo onego obed gi degree to we realized ni nitie jomoko ma bende nyicha oikore mana ne lweny mabirono koro wawacho ni ka elections mokuongo or rather election ma biro ni obedo held under this new Constitution to wawe qualifications mar age to gi mar education only for this next election.

Kaeto political parties wase create position mar registrar of political parties manyicha onge and it is the Electoral Commission. Wamiyo political parties twelve months to comply with the requirement of the new Constitution, bang those 12 months any political party ma ok o-qualify will be deregistered.

Ka to wawacho ni wa creat devolution provincial councils, district councils and so on koro wapenjore nito property mantiere gi county council mwandu mag county council ubiro time nade. Mokuongo wawacho ni mwandu mag county council, mag provincial council manyicha nitie kuondego bedo public properties for a start and secondly gibedo held by the national governmentm, thirdly ka those provincial councils obedo established and district councils and so on the national government must transfer them back to those bodies.

*Kaeto wawacho for the avoidance of doubt, for the avoidance of doubt ni the provincial administration is abolished and that jok manyocha ne obedo employed in the provincial administration should report to the Public Service Commission for redeployment. (**Laughter from the audience**). Kaeto wawacho kendo ni existing offices ka nyocha ne itiyo kata ne in mana clerk e sirikal this Constitution will not be sacked you we are providing for the continuation of officers and offices as long as it is not inconsistent with the Constitution, in other words gima wawacho kanyo continuation of offices will not restore the provincial administration nikech mago are specifically abolished, to ma ok specifically abolished will continue kendo wawacho ni pension .(?) kane in qualified mane ichamo your pension that pension will continue the new Constitution will not abolish it and then judiciary wawacho ni judges and judicial*

officers will continue subject to the following:-

- 1) *En ni judge ma over the age of 65 will have to retire mano biro riembo quite a few of them.*
- 2) *Ka in between 55 and 65 inyalo kawo early retirement and you will go with your full pension.*
- 3) *Ka ok in over 65 and you have chosen not to take early retirement and there has been a complain against you, that complaint will be investigated to sama obedo investigated you will be suspended from office on full pay until the investigation is over, ka osebedo over ma oyud ni in guilty you will be sacked, to ka ikadho mano be to wawacho ni koro nyaka i-comply with the integrity leadership code, the leadership and integrity code, nyaka -file with the integrity and ethics commission all your properties, all your benefits mondo wane ane nito in ma in kaendini gigi ne iyudo gi nade. Mano ema okelo tulo e kindwa gi judiciary, ah wach mar age to gi wach mar integrity and ethics.*

Kendo wawacho nika ne nitie proceedings in court ma was going on kik ngato chiew gokinyi to wacho ni omer nyocha in ma iweni iriek ni ne itera e court sani nitie Constitution manyien buche okethi tee, wawacho ni mago will continue. And then nikech wa abolish the death penalty we are providing ni every body on death role will have their sentences converted to life imprisonment.

Kaeto wawacho ni nitie certain past human rights abuses kane ne wadhi North Eastern ne wayudo a lot of information on a trochees mane obedo committed by the government and the defense forces and people were very angry about it, koro wawacho ni within six month mar the coming into force of this Constitution they should be investigated mondo ne ane gima inyalo timo including the clashes, lweny mane ogore mana nyaka Nyanza an dalawa ni but Katito, Katito kanyo ne lweny ogore ma udi ne owang' kabisa mago tee we want them to be investigated.

*And finally schedule 7, wachiwo a programme ne Parliament ma nitie gik ma Parliament onego otim chike ma onego gikadhi to make sure ni the Constitution is fully implemented, kama ondike ni no time limit read three years nikech wawachi in article 298 ni ka the Constitution of ochiwe time limit it will be within three years of the first sitting of Parliament so that closes the loop on that one. Mago e gik ma watimo to allow the new Constitution to come into force without disrupting politics, societies and economy under the old Constitution. Erouru kamano jo Ugenya, we will now take your comments. **(Clapping from the audience)**. We will take ten ten.*

William Odhiambo: *Wawinjore.*

Audience: *Eeh.*

William Odhiambo: *Number one, two, three, four, five ka isendiko nyingi kacha nitie book moro kanyo ero kaw mae*

Jaduong bi ka.

Augustine Muruka Law: Thank you, alos gi Kiswahili koso alos gi English.

William Odhiambo: *Dhok ma ihero ahera.*

Augustine Muruka Law: *Abiro wacho gi dholuo nikech Kiingereza no nyalo bwaso it jok mane ok osome. (Laughter from the audience).*

William Odhiambo: *Wach nyingi wa.*

Augustine Muruka Law: *Nyinga iluongo ni Augustino Muruka Law or else A.M. Law kuom jogo ma bende ohera ni abed gi nying mamit. First an kod penjo kuom weche ariyo ma olosi e Constitution. Mokuongo en wach mar land issue nikech commission sani ma ubet ka ni pesa Kenya ema oloso gima omiyo ubet ka, to kendo our good future mar a 100 years to come or more ema omiyo wan e tiend yath kae kawuono ok en a question of going to hotel and eating good fish and good kuku to wa end up life. Omiyo apenjo ni on land issue en chik ma ero esekele manyien to pod wawinjore, ok nyalre ka dhako odhi okawo law dalagi kendo dhako okawo low kachuore to en boss, awach kata en nyar angawa kamacha to ongeyo chik ma ka obiro to otwenyo kod owetene gi duto tee mani en chik manyaka upar diriyo.*

Wach mar ariyo kanyo atieko ok aduar ni openja awachonu mana gima onego ulos. Wach mar ariyo ma ogik, jo piny ng'e uru ni magi joma oor kod pesawa oor gi sirikandwa gin joma beyo mabiro winjo gik ma waduaru wacho to dhi loso ma higni modong koro waduaru yueyo kuma korwa nyicha oturgi waduaru yueyo ni huuuu.

William Odhiambo: Penjuru penjo.....(Inaudible).

Augustine Muruka Law: *Koro gima aduaru penjo kata aduaru wacho o-reflect gima iluongoni citizenship uraia awinjo to ok oroma. Ere gima omiyo present Constitution pod oweyo mana thuolo kata powers mangeny ne jogo mawelo kata onywol gi ka kata lakini gin welo nikech and gima angeyo ni the right citizen mar this county kaka ne wawacho ugunja chieng mane ubiro en mana ni Meru nene onywol e Kenya ka to wuoru nene onywol e Kenya to ginyuoli e Kenya ka inie true citizen. Dual citizenship mago osemiyowa wadhier for a very long time nikech jama oa mokalo nam, mokalo kata buche obiro ma onyieo lope matinde ok wanyal timo gimoro gigeru factories ma ok wanyal konyo kata achie. To wan wadhier mosiko, mit ka iyud jarateng momeo ma wacho adier to nimana e bwo ofukone, ka iyud jarateng man go to en mana ma giseloso kar dak amakoro uneno ni omeo to wan joratenge wa ong kod gimoro omiyo this question of citizenship onego miwa thuolo mag muandu.*

Prof. Oboch George: *Anto awacho kama nyinga en Prof. Oboch George awuok Machiro Katieno to gima an awacho kama nyikwa Ramogi Ajwang' aye awachoni ni theth mane kuerewa thetho tek moko chandi wathedho gi ka wariek. Wa we uru ling alinga makata mamagi pod Wasungu kelonua, lew ni gi wouche Wasungu kelonwa(Inaudible) wabiro yudo gigo kure ka ok wajitikesha mar theth wawegi, mano Professor wadwa ne akwayi nyakuar Ramogi Ajwang'. (Laughter from the audience).*

To gik moko to iwacho maber bwana Professor kendo isomo kama ber an bende piero abiriyo gi ariyo nene achung gi Jomo Kenyatta ma ok akalo constituency nikech ok aduar bedo jakuo, to jama ngeny dwaro ni imako ka to imako ka kata ngat ma oyier(?) ma Ugenya constituency from 1963 manene Argweng Kodhek oboge nyaka up to know Argwenge ne osene tumbo mbele matako nyuma that is very wrong wadwaro ni oyier ngato ka wananchi wegi oneni ni ngane ni oromo fit. To ma moko biro abira ni jo dhi chamo salary Parliament onego chamie salary koso okony jo piny nyaka urang ni jopur nuango ang'o, jo ohala yudo ango, nyithindo yudo ango gisomo nade free of charge mano omiyo nyikwa Ramogi Ajwang' an awach kama..... (Noise from the audience). Apenjo kama Professor wan bend kaka joma wa bandia ka wabed(Inaudible) gimoro kata gi buge gi. (Laughter form the audience).

Richard Okoth Otieno: *Erokamano uru Professor an iluonga ni Rachard Okoth Otieno anto adwaro mana ni warangie page 31 nitie article 254 to 253 kama nitie director of budget to kod Controller and Auditor General, Constitution offices gi nitie moko ma uketo maber kaka mar central bank uwacho ni ngano biro tiyo two terms of five years to a, to controller and Auditor general ni angeyo ni joma nie ka uduto ne utiyo ka en ngane D.G. Njoroge nene ochako tich ka ijahigni adi, tone o-retire karango? To kae bende ok ukete wan bende wadwaro ni obende kare no oket a year limit ni ka en 5 years to en two terms to ogik oa erokamano.*

William Odhiambo: *Ling ane councilor wabiro biro iri.*

Speaker: *Ukawo namba.*

Councilor Jamyne Madara: *Erokamano Professor gi jo Ugenya Constitution committee ma osetiyo maber ma wachopo kama wantieni. Professor ne adwaro ni aparni ni sani..*

Interjection William Odhiambo: *Wacho nyingi.*

Councilor Jamyne Madara: *Nyinga en Jamyne Madara an councilor, ni kane wan Siaya wan threatened sani kaka jo Kenya nikech ka oponi sani President o-dissolve Parliament kawuono to tich mawasetiyo ni wa thrown at the dox. To kane wan Siaya ne awachonu nine onego wa(?) wach mar Constitution ni mooching ni e Constitution mondo ochop kama President ok nyal dissolve Parliament kapod ok watieko kaka koro chal ni dhi timore ni. To ne*

unyisa ni I should not have any fear onge ngama nyalo time, to sani to an gi sure kabisa nikech aparo ni onyalo timore.

Despite that an ne adwaro mana lose e particularly a devolution, devolution ni kaka councilor an uweya ka an even more confused nikech aneno ka uketo ni direct election biro betie mar vocational administrator to gi district administrator. Koro akia ni administrator ni ema o-replace ngama chon ne waluongo ga ni chairman kata mayor kata en aena ngama biro timo administration kaka nyinge luongeno, to ka en ngama biro bedo an employee of the council kosebedo elected to kendo uyiero chairman be jogi noti adier thuond gwen ariyo duriewie agulu achiel.

Ka ae mano kadhie wach mar village council nikech interpretation village council, village en sub location a place like where I come from Ukwala Town Council nigi 14 sub locations that means ni Ukwala will then have at the location North because town councilor are considered as location, we will have 28 councilors. To sani wan gi councilor aboro kende to Ukwala ok nyal chulo donge wabiro over tax jopiny, ok dwa chul 28 councilors. E wacha mar village councils no bende nitie problem manyicha wan go mane waneno ni chairmen kata mayor onego bed elected directly gi universal suffrage to nikech wach mar corruption mane nitie saa election to u-create kendo e village ni the village composed of between six and ten members ema biro yiero ji ariyo madhie vocational council, problem ma watemo mondo watiek e council ka mondo chairmen gi mayor bende oyier directly ni aparo ni wabiro creat-e at village level. To village level to ungeyo ni reasoning ok nyal bedo very high kama ji biro mana gore gi ludhe, ka ok unyal keto chik maber ma gibiro tiyogo, ang'eyo ni ok nyal ndik duto e Constitution moko ibiro ndiko e act but those are things we need to consider.

.....(Inaudible) ka iae location council I presume ni magi e location mana under the district, currently under the county councils. Nitie connection because their councilors will be elected directly of the locations there the district, but there is no link between a town council like Ukwala or Ugunja with district council and yet the district council ema koro biro bedo planning authority for the whole district, how are the other small local authority be able to benefit from resource ma ao malo because of devolution kata ma obedo collected locally.

Then finally e wach laws, ka angiyio district laws and provincial laws nyicha waluongo gi ga ni by laws to sani koro iduaro los gi ma national councils bende nie gi sei ma bibed passed ma gibed laws to list u under article five, article five list mar laws mane uketo ka to ok anene laws mag the district, it's is my feeling ni ka wasea e laws ma made by Parliament to before ka summary laws we should have laws mag district nikech ka gionge e list to that means they are not recognized and yet ok gin by laws anymore gin laws.

Machielo en citizen participation, which the concept mag tiyo everywhere throughout the world bende ema omiyo kata places like Nairobi sani inyalo dhiye ma inuang ka streets ler nikech citizen participation. To in the Constitution

problem ma wan go currently gime omiyo local government act ma onge proper provision mar citizen participation ni kata e Constitution ka nikech owach wacha to space gi space gi kama wa create negi space even in terms of appointment or terms of nomination ok aneno to a de obet maber ka wa bring citizen participation very efficient and effectively e local authorities onego they should be able to provide services nikech gimo osebedo discovered nikech councils on their own cannot they need partners. Thank you very much.

William Odhiambo: *Number five mondo wami professor time. Councilor.*

John Otaya: *Ero uru kamano aduaro mana wacho weche ariyo kendo. An iluong ni Pastor John Otaya Omamo. Gima aduaro wacho mokuongo en ma, gik moko duto to wasewinjo to nitie jomo miluongo ni Jodong gweng' village villagers village volters, to jogi gin magichoko weche to gitero e polis, to gimiyo chief, assistant chief, PC, DC, DO to gin going misara, ang'oma omiyo iketogi kamano?*

Wach mar ariyo ng'at ma onywol wuon nyathi dhako kod chuore ginyuolo nyathi gipuonjo onuango tich tiyo to sirikal kawo mana dhako kende eme ndiko ni next of kin, to min mare gi wuon mare to owe, to ka chuore osetho to odhi ochoko pesa duto odhiyo go Nairobi to ochamo otieko to ka otho to iduog ike e dalano, angoma omiyo kamano. (Laughter from the audience).

William Odhiambo: *We wami Professor time mondo oduok mago mondo wakaw moko kendo. Professor.*

Com. Prof. Okoth Ogendo: *Jo Ugenya kawuono wabiro yalo draft ma wamiyou go to chal mana ni jomo duaro chiwo mana views mag gi kendo. Wach mar iheritance, wach mar low whether women should inherit or not to I will note ni your mano bende e gime ne uwachona to bende asewinjo jo Kenya moko ma o-disagree kodu koro gima ne waketo eiye kanyo en gima synthesis mar jo Kenya but we will note ni jo Ugenya pod paro ni women ok onego o-inherit from their parents so we will note that. We adhi gi pardon let me exercise ni mano view mar Augustino.*

Augustino raised the question mar citizenship aparo ni kata ka ingiyo Constitution draft malongo wawacho ni chuny citizenship en citizenship by birth, to onge katiba ma angeyo ma the only people manyalo bedo citizens are people who are citizen by birth, so onge gima watimo kanyo ma very different infact we have gone further wawacho ni ka iduaro ni mondo ibed President mar this country to nyaka ibed a citizen by birth, so we have gone further than many Constitutions wa recognized ni ka onywoli ka to your parent bende onywol ka your are a special kind of citizen but you are not the only citizen so we have given you special consideration as well

George Professor, in ipenjowa ni to members of Parliament gi gin tij gi en ango, we have heard that wabiro define very clearly gima jogi onego otim ok mana ni matumbo mbele na matako nyuma we will give them very specific

functions, ema omiyo wawacho ni ka oyieri ni idhie bunge i-represent jo Ugenya to idhi represent jo Ugenya to ka iduaro ni mondo ibed minister to kik idhi mondo ka in minister to iti tiji mar minister, ka in member of Parliament to iti tiji mar member of Parliament ok ni iduaro ringo ni ibed member of Parliament mondo ibed minister.

Controller of budget Auditor general angeyo ni D.G. Njoroge pod en Controller and Auditor up to now and he is about 78 years old that is extremely irregular gima wawacho e Constitution ni all public officers will retire at the age of 65, that is point number one, all of them.

Point number two waduaru standardize appointment ni in those public offices you can only serve a maximum of ten years in other word two five year terms so we are, that was an omission we will indicate clearly ni controller of budget and Auditor general and Auditor general can hold office for two terms for ten years just like the President like the commissioner of police like the Chief Justice e.t.c. So that one we are going to take care of.

Entrenchment mar the commission aparo ni gino bende ne openja ka tone awacho ni entrenchment kane iyale ne iyale to protect the commission against Parliament, to makoro Parliament kendo ema koro dware protect the commission ma Parliament ema is under siege ni, I don't think entrenchment would held this commission, nikech kata ka President o-decide to dissolve Parliament entrenchment will not affect it nikech dissolution of Parliament does not dissolve the commission that is what the law says the commission continues to exist maka Parliament manyien obiro to kendo wan mana gi tich. With or without retrenchment, so at this point in time I don't think entrenchment is an issue.

Administrators gima ne waneno kae relationship between administrator, vocational administrator, district administrator and so on and council we have have decided ni councils are legislatures be passed by laws, administration is a separate matter just as the President is elected to administer as a country and Parliament is elected to pass law. The relationship between the administrator and the council is like the relationship between the President and Parliament it is not an employee of the council, he is an employee of the people and will be elected directly he will be paid for funds coming from the district. He will be running he is not running the district council, uwinja maber? The administrator is not administering the district council he is administering the district and the district has a legislative body called the district council so the mayor, the chairman and so on those ones are like the speaker, they are not Executive and we want to make it absolutely clear ni the mayor cannot take over the functions of the clerk, the chairman of the council cannot take over the functions of the district administrator those are separate things one is Executive the other one is legislative.

The relationship between the provincial councils, district councils, local councils and village councils pod ok wa-settle, schedule seven is not complete our thinking is not complete on the matter we will deal with all those issues ma the councilor has so kindly drawn to our attention, ma ka in gi some details thought on the matter I will be glad to have your presentation because we are still thinking about this. To waduaru ni by the time ma wachopo e national constitution conference that thinking should be complete so if you can assist us we will be very happy to do that.

Citizen participation it may not be obviously clear on gik ma watimo but for example in the drawing of electoral boundaries we have provided that citizens must be consulted we have given citizens the right to petition Parliament directly for any laws and amendments that may be made, we have given civil society a place in the Constitution ka nitie areas ma iparo ni citizen participation should be strengthened please let us have your recommendations on that as well.

Now the question mar remuneration mar local elders and so on, the minute ma magi obedo Constitutional offices they will have to be paid, they will have to be a budget so we are not going to expect ni nitie a council of elders ma Constitution owacho ni onego obedi and they have volunteers, they would have to be paid, they will have to be a budget, they will have to plan, they will have administer their plans and so on. So that is going to be taken care of.

Wach mar next of kin I don't understand the problem there is no law mawacho ni the wife emanyaka bed a next of kin, let me inform councilor George ni infact en chuo like you and me mandiko their wives as next of kin, it's not the government. The problem lies with us not with the government. Thank you.

William Odhiambo: One, two, three, four, five.

(Noise from the crowd)

Ponsiano Wasonga Obok: *Erokamano Mr. Chairman, Mr. Chairman adwaro wouyo kuom.....*

William Odhiambo: *Nyingi.*

Ponsiano Wasonga Obok: *Nyinga Ponsiano Wasonga Obok adwaro wuoyo kuom ei inheritance kama low ipogo kata nyako kod nyathine, Mr. Chairman ok awinje ka Constitution manyien omulo customary law ma protect nyi go manyuolie utegi to ka ginyuole to seche moko ginyaul kata gi oweadegi kaeto gidong ka ma ok gidhi tedo kaeto nyathino samoro onywol mana gi watne moro to obiro wacho ni en bende oduaro right e land mari. Mr. Chairman aparo ni kanyo onego Constitution orang, nikuop mano biro kelo weche mangeny.*

Mr. Chairman ka aluwo mar ariyo wach mar right of the child ei Luo wa ka thoo moro mobiro miluongo ni ayaki ni oyako ji ma otieko oweyo nyithindo ma onge mine to onge wegegi, nyithindo gi duaro school. Sirikal ne owacho ni free education from 1 – 8 nyithindo gi ka odhie school to iyudo ni nitie pesa moro ma iduaro ni gigol kanyo, nyithindo gi onge ngama golonegi pesano, nyithindo gi gin giti Ugunja ka kendo onge kaka gikonyre Mr. Chairman, Constitution onego orang nito wach no otim nade nikuop nyithindo go gin gi right mar yudo education. Nikuop ka

gidhie primary school to japuonj duaro pesa kuom gi.

Mr. Chaiman mar adek, ayudo ni ae wachore ni member mar Parliament oyud ni rach to jogo ndiko petition to igole to ok awinje ka Constitution owuoyo kuom jogo MPs ma ose-squonder mali ma corrupt mabiro corrupt jogo magoyo kura go to kendo gin ema ichako igone gi kura. Erokamano jakom.

William Odhiambo: *Erokamano ahinya namba two. Kik inuo penjo ma osepenji kik wanuo penjo.*

Joseph Okola: *Eokamano Jakom an Joseph Okola penjo mokuongo Teacher's Service Commission ae uwacho ni udwaro kete mondo obed Constitutional body to articles wacho kacha ni obedo kendo advice oyudo kuom Public Service Commission koro a feel ni ka en TSC en independent to onego obed a beda independent koro en ema oneno kaka ondiko jopuonj not ni kendo oyudo advice from the Public Service Commission.*

Mar ariyo sirikal ndiko ji mondo oti, Kenya MPs dhie bunge till they have to start dhi kende mamano en only three days in a week to magi kendo jok ma ichulo half a million per month angoma omiyo chik onego keti mondo MPs odhie Parliament from Monday to Friday to ngama ok odhi to ok yud pesa e the way ma Uganda time, Uganda ka MP ok odhie Parliament to allowance mar that day chieng no ok oyudi.

Mar adek tendancy nie Kenya ka ni kama President odhie to everybody nyaka dhiye en Minister, en e MP ene PC en ango. Angoma omiyo situation ok nyal ket ma ka President dhi yawo hospital to minister mar health ema odhie kama odhi tiyeno ma ok ni everybody oweyo office oluwe to resources mitiyogo that day oromo timo gik mangeny ahinya e Kenya kae. Thank you. (Clapping of hands).

William Odhiambo: Number three.

Michael Otieno Oyugi: *Erokamano Jakom, nyinga iluong ni Michael Otieno Oyugi an kod penjo ang'wen to ma okwongo apenjo kar herbal medicine. Waparo ni herbal medicine onego obedi incorporated in health nikech convectional drugs sani gi derive from herbal medicine, to waparo ni ber ka obedo incorporated.*

Mar ariyo wawacho mar kawalose wach mar discipline, waduaro a disciplined society to awinja ka iwacho ni nyithindo ok nyal mi corporal punishment ok awinjo nito erego punishment ma waketo in place, in my opinion aparo ni pod onego wabed kod corporal punishment to ok onyiso ni onego obed excess nikech nyaka bedie law and order unless waduaro bet kod society ma ok nyal.

Mar adek en nitie kamoro ma awinjo kacha malosso e wach mar one man one vote, ka walose one man one vote to ne

akwayo ni onego bed ni podi ok wadhi kod 70 districts onego bed ni wadok chon wadog chien mondo wabed kod the 40 districts mondo wabed kod 70 instead of a hundred nikech nitie districts moko ma are not well represented nitie kuonde moko ma district mane omi amiya ji kaka ne iwacho ka ok okawo gi interest maber.

Mar ang'wen ne alosa e wach mar provincial administration ka wa abolish provincial administration we talked about the village elders, what is their position are they being paid nikech they should be paid they are doing the work. Erokamano.

William Odhiambo: *Ma luwi, I want to go fast*

Speaker: *Ling jaduong.*

Lawrance Owino Njega: *Chairman and the rest Lawrance Njega, my names are Lawrance Njega an gi penjo manok to mokuongo kapod atimo penjo mara an gi observation ne an kod pintable that is the introductory summary part of the Constitution the peneable to my a.....*

Interjection William Odhiambo: *Preamble.*

Lawrance Owino Njega: *Preamble yah whatever, as I know it ka akawo Constitution as a project and awacho mano nikech angeny ahinya ka project kono, planning and managing project to kod timo nonro matut to Constitution kaka akawe to en bende en e project to project gi wan kod categories ma opogore opogore, wan kod social welfare project ma mano ema aduaro lose ma en Constitution ni for human integrity dongo ma adwaronu uduto ema iduaro ka. To Constitution ni obuoga kabisa ni seche ma itimo salary introductory ma en preamble ok anene kuma obede stipulated clearly on the policies and development per system, nikech mano eme duaro miyowa direction ma Kenya biro kawo ka rango godo dongruok mar dhano mabiro kelo godo tije, kendo ngima mar dhano biro lokore kaka owinjore ka ok wangiyo mana judiciary and legislative.*

The next thing ma aduaro dhi piyo en ni awinjo kanyo ka uwacho leadership integrity, leadership integrity en bende en kod it's own examinations and the first examination ma approve en ability to serve. Koro seche ma waduaru leadership ability jogi dwaro yiero waloso ga ni electoral basis mostly to sama iduaro yiero ji there people who can influence people better than those who have good leadership integral development. How are we going to overcome this, nikech nitie ji moko ma, majority of us waonge kod job opportunities koro we idlers koro seche ma ngat moro nikod material influence onyalo miyo ngato to dhi vote ne last minute or omiye a certain chemical moro to change brain all over sudden to o-vote unconsciously how shall we overcome this? Mae is also to be put into consideration to monitor the ethics ma awinjo ka owach kanyo no and leadership integrity with those few thank you.

William Odhiambo: Number five, *abiro abiro kanyo we uru atiek.*

Margaret Atieno:(Inaudible) *Agonu erokamano jo piny anto aonge wach moro mangeny mabiro lando kae, nyinga Margaet Atieno, jaod Ogola Peter Ogola Osewe an asere(?). Agonu erokamano jo piny anto gima achung ne ka kawacho waringo ahinya pile pile to ka Wajumbegi osedhi to ok negi to ginge ngima mar raia kendo waringo matek malich to ngima mar raia kasedhi kucha ok ginge ngima mar raia nikech gima nitie piny koni gikia. Wajumbe kose dho ogo aria ofisi gi Ugunja ka gingeoyo kaka raia chalo, gingeoyo kaka osiptende chalo an mano e wach ma an godo jo piny. Eromana kamano ero wach ma wan go nikech wan gi chandruok wan joma ringo jotich matiyo e kor gweng to wajumbe donjo to kiny, to gingingie gima timore chien.*

Com. Prof. Okoth Ogendo: *Kare.*

William Odhiambo:*Mama dhi kacha.*

Michael Otieno: Thank you ladies and gentlemen I have only got about two questions to ask. My name is Michael Otieno Wanyande from East Ugenya; I want to emphasize one point in view of the attitude of the judiciary I suggest that when the new Constitution comes into force the whole lot should be sacked. That is my one suggestion.

The other thing I was going to ask when these code of conduct should be extended in judiciary to the clerks I have seen, ma I have actually witnessed myself recently when I went for a bond it is this clerks who solicit bribes on behalf of their bosses, magistrates and judges so the clerks should also become under code of conduct.

Lastly I want to say that since President Moi is not happy with the acceptance of the new Constitution I suggest any retirement benefits passed by this Parliament should be(Inaudible) when this new Constitution comes in, he has actually shown bias against this Constitution and I suggest that anything passed by this Parliament should be resolved when this Constitution comes into force because he doesn't deserve any benefit as far as I am concerned. *(Laughter from the audience).*

Jackline Obiero: *Ka a respond to question nitie ngat mane openjo ni nyithindo ma onywol e ich simba nyithindo ma onywol to owe e dala bende constitution nyaka migi right to inherit. To wawacho ni constitution ni ok nyal timo every detail ok wanyal miyo every detail nikech mamoko go waweyo en tich mar Parliament mondo o-enact kata mondo oket sheria makoro wabiro ngiyo ni gik ma wa specified kata gik ma wawacho e constitution koro wawacho ni the specific laws kata the specific provisions the constitution kata Parliament biro keto sheria to that effect, kata for the orphan children mano ka ingiyo maber in the children's right kanyo bende wach no osengi.*

To ka angiyio responding to question mar Joseph Okola mane wachoni TSC kik o-consult in the Public Service Commission wakawo mano kendo wabiro keto consider your views kata view mari mar MPs mondo idhie Parliament Monday to Friday wabiro consider that, that the issue of presidential and tourage mondo obed reduced be that one will also be put into consideration.

To about herbal medicine being incorporated ka wangiyo in bill or rights nitie kama wawacho ni rights of ka nitie any research or any scientific research ma ngato timo you also have a right. To wawacho ni that one will also be incorporated, wabiro ngiyio mano kata you also have a right as a person ka itimo research moro may be any scientific or any research of that nature you also have a right.

Discipline ngato ne openjo ni, Michael Otieno ne openjo ni what alternative punishment have we given instead mar corporal punishment mobedo abolished to wawacho ni we have not given an alternative but wawacho ni those details will be looked into.

Then Michael bende ne suggest ni the district should be reduced from 70 to 40 mano bende proposal mari ma wabiro tero and we will consider that. Concerning policies and development perspective ma pok obedo stipulated into the constitution mago koro wawene Parliament nikech wawachoni as a constitution ok wanyal handle every issue to gima watimo en mana ni wamiyo Parliament directions to koro laws ma concerns ma biro ngiyore gi wach policies mago te wawene Parliament wan gime watimo wakonyo Parliament kendo wamiye direction ni ma e direction ma Parliament onego okaw koro kaka Parliament biro chopo kanyo and how to ensure ni that law kata such a certain policy kata gik ma development obedo kata equitably shared in every area that is upon Parliament to enact laws mondo o-make sure ni that particular provision osebedo ni provided for, koro wawacho ni wan kaka constitution ok wanyal wacho everything ok wanyal ngiyio every issue nikech angeyo ni may be many people wacho ni ere kaka angoma omiyo kata may be ne iwacho gimoro and it is not included gima watime en ni wakawo views mek Kenyans tee to gima wangiyo ni wamiyp Parliament direction nikech Parliament ema concerned with the drafting of the laws, koro wamiye mana directions and ka wamiye direction then koro en ema ongeyo ni which policy is to enact to ensure ni a certain provision ma oket e constitution ochopie so wawacho ni ok wanyal timo everything but gima watimo en mana miyo Parliament directions.

Ka leadership integrity and a body to nini, wawachoni we will take backe into consideration. Michael Otieno ne owacho ni omiyowa proposal ni all the judiciary officers mantie currently should be sacked wakawo mano and wabiro tero wachni no wabiro consider that.

Com. Prof. Okoth Ogendo: Just one small thing for Lawrance please look at chapter four and let us know if there is anything *ma* does not satisfy the requirement that we should have policy and development perspectives in the constitution we think that

chapter four is the chapter that does that. Thank you.

William Odhiambo: *Wangeyo ni un gi penjo mangeny koro waduario kawo penjo mogik(Inaudible) number one, number two, three, four five, mine otamore biro kae, mine ok bi.*

Com. Prof. Okoth Ogendo: *Ah, wabiro(Inaudible).*

Jane Omondi: Thank you the commission and the people you have talked about recommendation.....

Speaker:(Inaudible).

Jane Omondi: Ooh Mrs. Jane Omondi. You talked about the recommendation of about the participation of the citizen and that is what I want to recommend. Personally I think the commission or the review commission which is already being sent you have not given yourself a lot of work so what you do you go and put into consideration that our children *nyithiwa gi mondo ochak puonjo chike gi ka gia piny e primary mondo gi participate gibed jo citizen manyalo perticipate responsibly nikech* they are wise at the moment there is a gap between a certain age and the present youth. So that is my recommendation.

William Odhiambo: Number two.

Crispine Odemba: Okoth Odemba Crispine one of the 3CCs member. *An penjo mara maduong Professor en ni angeyo ni chunje duto bang tho iduare polo to ka irango chapter five it deal of bill of rights article 39 E wacho ni encourage the development and use of sign language brailles and other appropriate mend of communication aduario ni kanyo obed ni including churches nikech jolemo ma wan go sani lemo ni jogo ma winjo to jogo ma matiyo kod brailles ma ok winji odhie lamo to gin bende ka githo to gin bende chuny gi iduaro e polo. Omiyo waduario ni ka iwacho ni Mathayo pieri ariyo gabich to ngat ma ok nen bende gi dial muma masom Mathoyo piero ariyo gi abich. (Clapping from the audience).*

Penjo mar ariyo wach mar ariyo ae uwacho ka maler ni nene wawacho ni ka MP ok perform to ilunge mondo mi ocheke kod jo piny kendo otim nonro ma ka onuang ni ok o-perform to dhano dhie by election, to constitution masani ok o-specify nito ngat ni en bende oduogo e by election ni kose en koro ok obi, waduario ni uketnue e constitution maler ni ka wanuangoni in ngani ok perform to ok oduog e by election, jomoko nono eme dhi nikech onge tiende duogo kendo samoro obiro manuver ways to odok mano is a wast of resources and money.

Mogik kadine(inaudible) dhi ugenya mangima to jo piny ne owacho ni ngato obed president to qualifications mokuongo ni jatelo nyaka bed kod min ot. (Clapping of hands from the audeine) To ka en e proposals

mane wandiko ma Ugenya to ok aneno ka uwacho ma to en gime ne jo piny owacho, wach moro ni jatelo wuoth awuotha ka wero awera adhiembo sianda gi mine to(?) to onge dhako ne ok waduar, nyaka obed kod nyithindo ma iwacho ni ma e mini ngano, min wahia to ok gin wahia maonge min gi, to ka en dhako to nyaka obed kod ngano, to in Adhiambo sianda iwero ga lilo?

Charles M. Otieno: Thank you bwana chairman and the fellow commissioners.

William Odhiambo: What is your name.

Charles M. Otieno: Charles M. Otieno, a teacher, I will have to talk in dholuo although my writings are in English. *Akwayo aduaro ni awacho gima jomo ma ok winj dho Msungu winjo. Akwayo ni mondo security obed tight ridruok, akwayo ni mondo proposal mara opog gwenge yaani wan kod 31 million people to wapogo kod gwenge alufu mia aboro piero auchiel gi auchiel mia auchiel gi apar gi auchiel koro mago ka ipogo to ka province auchiel wanyalo yude ju auchiel, chuo auchiel man kod mon to ot auchiel ni kod nyithindo angwen dhako gi dichuo koro gin ji auchiel mano ne ka a calculate to ayudo ni jogi biro bet ji 36 ei one homestead to ka wapogo mano to nyalo miyowa security nikech one security officer biro rito ji elfu auchiel gi mia ariyo gi piero auchiel gi ochiko.*

Koro mano the government nyalo konyowa nikech wayudo ka assistant chiefs kod chief DCs and DOs yudoga tabu nikech ritruok onge(Inaudible) and the rest of it, ikuelo nikech onge, koro seche ma waketo ma to security marwa nyalo bet maber nikech wase yudo tich, we call it coding and filing koro tiende ni office kacha coding should be done there ma ngato ka ngato matiyo kacha his home should have a file with particulars people. Maka an japounj kata an Ugunja koni to dala kucho ongeni japounj ma kama otiyoga kuma kama and MP ongeni en MP en kuma kama, en a lawyer en a doctor kama kama, koro gimoro kata ka otima to you can trace me from my home through filling mano coding. Mana kaka a place like London iyudo ka koro barupeni inyalo ter kamoro mano is creating employment.

Another en starving of street children child suferage in bill of right kanyo wacho maber, sovereignty of the people en constitution to mondo wa cab the street children en ni nyaka wa enforce customary law ni dhako matiyo, dichuo matiyo kata ma loko ohala nyaka obed gi dhako kata obed gi dichuo to ka ok en gi dhako kata ka ok en gi dichuo to owenyuol nikech ka osenyuol to obiro wito nyathi e kor bungu kanyo to magi e street children mathago ji. Koro kanyo wang nu tim nango? Donge wanyalo keto law kanyo manyalo konyowa ma bar sugar daddy's or Moi daddy's mondo kik gi abide with harlotry on the road side.

Finally I was proposing the 7-4-2-3 system 7-4-2-3 system of education *mondo nyathi oae primary 8 years, odhie e secondary 4 years, odhie higher two years ae University three years and it should be compulsory and the government should*

be paying for that. So why do I say this *sani wawer awera ni waduar dhi industrial by the year two thousand...*

Interjection Com. Prof. Okoth Ogendo: Excuse me, you are giving a different lecture you are not commenting on(inaudible).

Charles M. Otieno: A propose *ga ni* can that one can we put that one in the constitution? Yes can we put that and the reason en if we do this can this help us those who come out with higher education to cub expatriate from coming to marn our universities company and schools, can this help us? Odong achiel.

William Odhiambo: Tim piyo wa.

Charles M. Otieno: The final one is invention and discoveries *mag gi molosi man made gums koro ka waloso mago, ngat ma oloso mago bende nyalo konyo ka pod gi bedo awarded mar loch.*

William Odhiambo: *Omera watiek koro watieki.*

Andrew Okoth: Professor chairman, thank you very much *erokamano ahinya an ilionga ni Andrew Okoth an retired former Auditor General for corporation. Atimo mos mar biro molowe* so I may repeat one or two things *mane osewachi.*

My observation to document daher wacho ni utimo a good job kendo wan jo kenya wamor koro waduaro mondo ubed implemented. *To gima daher wacho ma ase-observe in a few places, oh citizenship by marriage, uketo ni higni adek by naturalization uketo ni higni abich an aparo ni mago dwa keto mondo jogi biro chodho citizenship mar kenya ahinya, ket gi uru abich kata apar, ok waduar citizenship ma ichodho achoda abaramach kamano.*

Mar ariyo political rights aparo ni problems ma wan godo e kenya ka sani en kaka parties yiero ji madhi chung' aparo ni constitution should make a very clear provision of how those people should be elected mondo kik bedie koko, like secrete ballot is what is known in the internationally as acceptable so let us find a way of putting that somewhere in the constitution.

Com. Prof. Okoth Ogendo: It is there.

Andrew Okoth: It is there

Com. Prof. Okoth Ogendo:(Inaudible).

Andrew Okoth: By political parties, okay. Then on elections I have got two observations *u-propose ni one third of to the candidate should be women at the same time in the constitution uwacho ni the constitution all Kenyans are equal*

before the constitution, why are we making this provision our women should compete with men equally, mano e my provision.

Audience: *Mano e en.*

Andrew Okoth: *Another one on election uwacho ni udwaro transparent ballot boxes to an awacho ni ma is not necessary because law ma oket manyien kura ibiro kwan e station ma ogoyeno, masanduk ma oket no jogo neno gik ma oket kanya to gi kwane sano so that is not necessary.*

Now on election ECK, Election Commission of Kenya *uketo ni staff mondo oyier kod* Public Service Commission this will not give it independence I suggest they should handle that on their own or some other ways of making it independent. Then one areas of boundaries you may have covered it, I know you that you are proposing *ni* the constitution will show the number of provinces and the number of the districts but in the draft here it is not very clear as to how the changes would be made, I think should come very clearly so that any change must have a process *ma wananchi ema* decide not individuals.

Now on judiciary on hierarchy of courts we suggested here in Ugenya *ni waduaru neno* constitutional court it is not mentioned anywhere and I think that is necessary, so I am making an observation we need a constitutional court separately from the others.

Then on public finance that is article 251 central bank, Mr. Chairman the biggest company mar government en Central Bank ok kenya and it is a pity that this is one company that it's account has never been link anywhere before the National Assembly so the public has never been able to scrutinize what goes on in the central bank. The directorship of the central bank is all civil servant which is wrong so we want you to put that clearly, so you know so that there is control. Board of governance, board members *mag* central bank must be Kenyans *ma proven ability ma nyalo yie godo.* Otherwise at it is now I think it has been the main cause of the messes in our economy, the accounts are never audited, they are never laid anywhere and this is our biggest company in the country so that should be looked into.

Now on the Auditor General Mr. Chairman you have suggested that he should be CPA but I am also saying he should be CPA plus other qualifications, we now got Kenyans *ma osedhie universities ma CPA no should just be added qualifications.* And this Auditor General should have an age to retire *wan gi Auditor general who has been there for many years an ne asetiyo maweyo to moro no to pod tiyoga atiya,* so the constitution provide should be 60 but it is not indicated.

Com. Prof. Okoth Ogendo: No you look under the constitutional offices.....

Andrew Okoth: Yah okay and then I also want to suggest Mr. Chairman that the Auditor general office should be split just like, just as you have spited the courts *ma in kod* commercial courts and other courts and so on, Auditor General's office

should also be split so that we have deputy Auditor general heading a big department *ma one handle local authority audit* which we know has never been going on, although he is responsible, we want one *ma handle state corporation*, we want one *ma handle public schools* Mr. Chairman, public schools is where wananchi pay a lot of money and they don't what goes on in these schools so why cant these be audited so that the reports are made available.

And then(Inaudible) then be the central government so you need to creat and organization that is you know is able to manage audits of public authorities. And I think that is what I can contribute for now Mr. Chairman, thank you very much.

William Odhiambo: *Wapenj penjo mogik mondo watieki, mogik koro.*

Com. Prof. Okoth Ogendo: That is the last person eh.

Vitus Aloo Onyango: *An Vitus Aloo abiro bet gi penjo kaeni go kuom article 37 mawuoyo korka owachoni paragraph four wachoni baba gi mama monyuolo nyathi biro kawo ting mag nyithindo gi kata gi kendore kata ok gikendore. To ka wadhie article 38 paragraph three to wachoni jalo mosebedo ja higni apar gi aboro eman kod ratiro mar kendruok to ka waneno hali ma wantie sani ja higa 15 onyuol gi nyako ma jahiga 14 ngama biro rito nyithindo, to pod ok gibi kendore kanyo koro abiro duaro ni mondo oduoka e penjo kanyo nikech gin nyithindo gi duto according to the constitution to gise bring up children.*

Penjona mar ariyo wuok ka citizenship sani higni dhi mapiyo piyi ka wakawo ni ka ji okendore ja kenya okendore kod ja oko to bang higni a dek to jaoko no nyalo apply mondo obed ja kenya, awachoni ni watemie ngani nyiye ka duong to abich eka wangeyo kite nini Osama di donj ka. Gima omiyo awacho mae nikech ka oponi arango paragraph two to wacho kama ni ka isekawo citizenship ka isedonjo ka to kata ka kend okethore to citizenship ok mayi koro apar ni jomoko nyalo ringo ka to kawo nyarwa kata nyarwa kende to odonjo ka to bang register erigo to odhi oketho winjruok e kend mare to odong adonga ni gima ne aduaro mondo ebed citizenship ma kenya.

William Odhiambo: *Okay professor.*

Com. Prof. Okoth Ogendo: *Aduaro mana address one point, Jackline biro deal with the rest. Wach mar president ma gi spouse ma ka en dichuo to en gi dhako ka en dhako to en gi dichuo, ngama ne okuong penja wachno ne en Archbishop Njenga in Limuru to ne apenjo Njenga nito suppose ni dhako no othoo ka president is in office does he loose his position as president, Njenga okona ni that is a special case. Achako apenjo Njenga nito suppose Archbishop Ndingi ne duaro bedo president mar kenya, Njenga okona ni that is a special case, akone ni what about divorce, is divorce allowed, ni yes but that is a special case. It turns out ni joma ne wacho wachno wa criticizing the present*

president we cannot write a constitution on the basis one example.

Jackline Obiero: *Ka aduok penjo mar nitie ngat menae o-suggest ni civic education mondo obed included, yaani puonj mar sheria mek kenya onego obed included e sikundewa. Suggestion mari no wakawo kendo wabiro tero mbele.*

Nitie Okoth Odemba ne owachoni constitution nyaka specify ni ka nitie MP ma oluongi makendo oduoke e constitution obedo recalled ni constitution nyaka specify ni ok onyal dok e election kendo wakawo wach ni no.

Ka adhie Mr. Charle Otieno ne o-suggest ni nyaka wabed ni community polishing ka ne ayudo maber ne i-suggest ni nyaka wabed gi community polising to ka wangiyo in public service nitie kama wacho ni the kenya police service biro tiyo with community to ensure ni community polising is put in place koro ka isomo kar public service there something about there is a provision on community polising ma the kenya police service will work together with the community to ensure ni nitie security ma adequate.

Customary law ne ipenjo ka bende nyalo bedo enforced mondo ongi issue mar to tackle the problem mar street children to anyalo duoki ni if this deal is passed ma waluongo ni affiliation bill then aparo ni it will take care of the problem nikech gima waseyudo ni nyithindo ma onywol oko mago ema most of them ringo to bedo street children but ka aparo ni both parents can be responsible people jok ma okawo ting then wabiro it will be the beginning of alligating this problems. To kendo wayudo ni e bill of rights nitie responsibilities ma family bende nyaka kaw, wayudo ni nyithindo ma wuotho e kor pinj gi gin as a result ma the family has not been responsible kaka institution to waneno nika the family biro kawo ting no and its responsibility ka isomo kanyo about the rights under the bill of rights the family then mano biro bedo the beginning of sorting this problem ma wan go e kenya ka mar street children. To wawach ni mapod nitie makoro wuotho e kor piny go I believe ni the Parliament will come up with laws to tackle that problem nikech nyithindo gin bende gin gi right gin gi haki margi kaka nyithi kenya.

Ka wadhie Andrew ne owachoni the three years ma provision ma wamiyo hati ni ka ngato okendo ja piny ma oko to after three years to onyalo apply for citizenship to o-suggest ni onego made up to five years for marriage and for naturalization ten years, wakowo suggestion marino.

Then elections ne i-suggest ni ka mon gi joma chuo gin equal to onego wenegi ni gin bende onego owenegi mana that chance mondo gi fight for their positions to kik omigi that 30% kane ayudo penj ni maber. Ka anyalo gik to anyalo nyisi ni the reason ma omi mon 30% is because ni e piny ka we only have two different people either gin chuo kata joma mon to ka wawacho ni mon to there are also other people considered there makoro kik wawach ni mon kende ema omi, out of this kata ne waseyudo suggestions from other people wachoni jok ma ong'ol gi jok mantie gi the minority groups bende nyaka bed considered people like the youths, to wawachoni the fact ni ondik ni women being

given the 30 elective posts doesn't mean ni party no nyaka bed mon, wawacho ni atleast maka mon and there are also been elected directly mano nyiso ni they are also being given a chance maka 30 go if they cannot make 30 that doesn't mean ni 30 go nyaka bed mar gi tee, it will depend on how they also campaign and fight for their rights as women. Ok wawach ni mano seat ma obedo reserved margi kend gi but what we are suggesting ni party will be given that is the maximum ma ginyalo yudo ka ok ginyal yudo 30 then these other seats will be take by other interest group.

Nitie ngat mane, still under Andrew suggestion ni the staff the public service the staff mar Electoral Commission ni ibedo appointed by the public service that means ni the Electoral Commission is not independent and wakawo that suggestion we will look into it. Kendo i-propose ni constitutional courts shoulb be there that is also suggestion ma wakawo be. Central bank, board of governance aparo ni this is something mane wawewacho ni all constitutional offices and commission ka isomo at the constitutional commission and the offices one of the requirement is that nyaka gibed audited ma I think that has also been taken care of, the central bank being a constitutional office en bende bugege nyaka bed audited by the Auditor general ma kendo ne wawachoni the Auditor general ni ma audit books mek these othere constitutional offices bende nitie a committee ma oketi ma audit the Auditor general.

Ne iwacho ni Auditor general obed gi qualifications mar CPA plus other qualifications mano bende wakawo, tenure mare aparo ni mano Professor ne oduaki maber, the tenure is fixed to ne wawacho ni any holder of any constitutional office kata commission can only serve for two terms of five years each mane maximum ten years ma ok nyal kalo kanyo. To kendo retirement age margi en 65 years. Suggestion ma iwacho ni iduaro ni office mar Auditor general obed split mano bende wakawo and we will look into it.

Nitie Mr. Oloo openjo ni na nyithindo may be a fifteen year old gi a 14 year old oyudo nyithindo then according to the law pod gin nyithindo to ok ginyal kendore koro ne openjo ni who will take the responsibility koro mano abiro duokone Professor mondo oduoki.

Com. Prof. Okoth Ogendo: As children they will be governed by the provisions on the constitution governing the rights of children as parent they clearly cannot be under an obligation to take care of the child by reason of the fact that they under age omiyo e situation ma children are producing children we will deal with all of them as children. *(Laughter from the audience).*

Jackline Obiero: *To ka aduoko Mr. Oloo bende ne o-suggest ni citizenship moyud through marriage bende onego omed ni people can only onyalo we for, kata onyalo apply for citizenship mana after five years wakawo recommendation mari and it will be put into consideration. Thank you.*

William Odhiambo: *To jo Ugenya angeyo ni un gi penjo mangeny to saa emarach. To gima aduaro nyisou gimoro achiel angeyo ni un gi penjo mangeny, wawinjre uru mondo just a minute. Wan gi ji manyocha wayiero madhi Nairobi*

donge,(Inaudible) dhi(Inaudible) aparo ni gin kae, Councilor Owino, (Sigalagala from the audience)
Obare chung ane, jogi dhi Nairobi koro ka un gi penjo tete te ma un go umigi mondo giter nu Nairobi nikech ok
wanyal penjo penjo ka tee aparo ni wawinjore kamano nikech jomoko dhi mabor. Wakaw thuolo ni mondo wagone
Professor erokamano kuom puonjo ma opuonjowa go kawuono mondo walor bura ni.

Peter Oloo Achieng: *Mokuongo Commissioner Professor Okoth, Coordinator marwa, members of 3Cs, councilors ma*
wan go, jogo duto ma obiro ma Ugenya constituency aduokonu erokamano ahinya kuom odiechieng mane wayudo
kawuono mondo wasom gigo mane wawacho, kendo wapenj penjo moko madipoka ne odong mondo oruakie. Aparo
ni ma wanyalo wasetimo kendo kaka koro coordinator onyisou ni time bende koro orumo aparo ni ma ema omiyo ok
wabi dhi nyime to thuolo pod nitie. Jogi kiny nobed Yala jogo man kod thuolo ma nyaka e jogo kiny nobed Wagai ei
Yala Gem constituency, omiyo ka in gi rio pod inyalo chopo.

Mogik akwayo ni jogo ma ok oyudo kalatasego wabiro temo mondo ngato ka ngato oyudi gi kendo mondo osom gi
matut omiyo kata ok iyudo kik ibed kod chandruok wabiro temo kaka wanyalo mondo wachop kama intie, nikech koro
eka wachako puonj mondo jogi owinj mago duto.

Aparoni wan kod ji ariyo ma bende nyaka a-introduce to you nikuop ok joma ngeny ongeyo gi. Wan kod Japuonj
Obare, Obare osebedo headmaster mar heads kendo chairman mar heads e secondary school ma aparo nine angeye ka
ne en Kisumu Boys. Mr. Obare en e achiel kuom delegates madhiyo Nairobi, Japuonj mosie ji (Clapping of hands).
Mano e wuod Alego makoro bende dhi Nairobi.

Machielo ma bende ne aneno ka wakeyini opemoni en Mama Rosa Owino, Mama Rosa Owino en a nominated
councilor, Rose chung kendo imos gi maber.

Rose Owino:(Inaudible) (Sigalagala from the audience).

Peter Oloo Achieng: *Wan koro gima wawacho en mani ni ka gidhi Nairobi to gikelnua mana weche mabeyo ma giago*
nikuop wan ok waduar siasa ok waduar weche moko, nikuop once ni oseyier a representative ni dhi represent u wene
uru thuolo mal mana no ka ok ochopo tichne eka koro wayude.

Koro aparoni aduaro mondo alor to jo 3Cs gi jo CEF unto kaka ungeyo ni tich en marwa kendo bedo gi jogi ka en
tichwa daher mar mondo wadong chien matin ka achiel gi coordinator mondo wane nito gik ma obedie gi ango gi
wawe kani ma ok ni wan bende ka ji chako wuoth to wachako.

Koro ka aloro abiro kwayo mama Cecilia ma a e olemonua maber mondo ulornua gi lemo. Japuonj Cecilia.

