

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

Verbatim Report Of

**DISSEMINATION OF REPORT AND DRAFT BILL, WEST
MUGIRANGO CONSTITUENCY, KEBIRIGO MIXED SECONDARY
SCHOOL**

ON

11TH OCTOBER 2002

Transcribed by Lillian Momanyi

Final Draft

**DISSEMINATION OF REPORT AND DRAFT BILL, WEST MUGIRANGO CONSTITUENCY, HELD AT
KEBIRIGO MIXED SECONDARY SCHOOL ON FRIDAY, 11TH OCTOBER 2002**

Present

1. Com. Pastor Zablon Ayong'a

Secretariat Staff in Attendance

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

Meeting was called to order at 10:40 a.m.

James Masaki Mong'are: *abanto ba minto Bwakire? Mbuya more? Iga nkobasa kamoranche tinyakobachanda ase eng'encho ing'a igo tokororekana buna tore abake buna toikaransete iga, tokonyane ase chingencho chionsi, baria moikaransete maega aria inchwo toikaransere ebirogo bire bosio. Ebi bire bosio iga kamoranche. Omonto ogokoro abo omoerio tobe ase oyu obwatete igaiga oyo. Baria bande bonsi ba maega inchwo moikaranse iga, ee, abuo buna mwaimoka abu mwensi. Yeah, that is, ikaransa. Mbuya mono, mbuya mono. Ikaransa gochia igabu.*

Com. Ayong'a: *Ebia bia bosio igo bigotire?*

James Masaki Mong'are: *Ebirogo bia bosio naki mbwabikora? Ee igo, igo igo. Ee basi mbuya mono, mbuya mono sana. Bono, we want to start our programme and I am going to request that we all stand and have a word of prayer from mzee Joseph Nyaosi.*

Joseph Nyaosi: (*Prayers*) Ee Baba wetu uliye mbinguni, ang'alia sasa tumekuja kwako, tunataka ang'alau ututangulie kwa haya yote tunayoenda kutengeneza katika Kenya. Sisi wenyewe tunajitafutia haki na ukweli kwa sababu wewe ndio mwenye hayo yote, haki na ukweli. Baba unajua kitu kimetuleta hapa, uje ujiunge pamoja na sisi, na ukae pamoja na sisi, uwe Chairman wa siku ya leo. Utuongoze katika huu mkutano wa leo wa Constitution Review of Kenya tunatafuta kwa ukweli. Sisi tumekuuliza kwa sababu wewe ndio mtangulizi na ututangulie siku ya leo ang'alau tukakuweke mbele. Yote tunayotarajia kusema tunaomba utakuwa kiongozi na utatuonyesha njia ya kweli. Nafikiri kuna watu wametoka mbali na pia sisi watu wa karibu tumekuja sote kwa sababu tunatafuta haki yako. Leo hayo machache tunaenda kuongea uyaang'alie na uwe wewe ndio uko katikati ya hayo maneno yote, uyabariki na uyaweke katika mikono yako. Viongozi wetu ambao wamekuja kutuongoza katika huu mkutano leo, ninaomba kuwa uwabariki na uwasaidie katika chochote. Hayo machache nimekuuliza katika jina la Yesu Kristo mkombozi wetu, Amen.

James Masaki Mong'are: Thank you very much. This meeting was supposed to start at 8am, but we have started a bit late, this is now 10.45 am which is fairly late. Particularly, when you consider again that today is Friday and majority of us start preparing for the Sabbath tomorrow. So we want to be very quick in our programme so as to be able to get enough time to attend to those other businesses.

I want to take this opportunity to most sincerely welcome each one of you to this dissemination meeting that is taking place here today. I am happy that we have been able to attend. I am aware that our people normally have this habit of first of all attending to their domestic assignments before they come out to meetings like this one. I am sure that very soon, perhaps any time from now we should be able to have even a much bigger crowd than what we are now.

My name is James Mong'are; I am your District Co-ordinator, coordinating this on going exercise of reviewing the Constitution of Kenya. Mine is to introduce to you our Commissioner who is here with us and then after that I will request him to come forward to introduce to us the members of the secretariat with whom he has come with. Thereafter, he will tell us why we have gathered here today.

Before us here we have mzee, Commissioner Pastor Zablon Ayong'a. Commissioner Ayong'a ni mzee wa hapa, *no omogaka o nka igaiga. Bwoye noo igaiga Bogirango ase akorokwa na Kenyenyema, igo tari monto ore mogeni sana ase tore igaa. Nkorengereria buna abande baino igaiga nabo bamomanyete. Mbareng'a bamomanyete Ayong'a buna toikaransete iga iga?* Oo, very good, thank you very much. So mzee karibu, karibu sana.

Com. Ayong'a: Asante. *Ritang'ani tiga mbakwanie, Bwakire mbuya more?* I don't know what language we are going to use. There are three languages, one is English, another one is *egeswahili* and another one is *egiato, ekegusii*. And the document that I have is in English, but I will try as much as possible to use all the three languages when and where I see the need arising.

Number one, as the Coordinator has said, I am back home here and I want to introduce to you the secretariat staff that I am with who are helping us to disseminate this information that I have come here for. Right there, the lady seated I would ask her to say her full names, tell us where she comes from, *tenena okwani abanto, igaa Mbogirango kwamanyire? Kwania abagaka aba, ndoche mong'ina onde nakare igaa, mong'ina nare igaa nonye no oyomo? Bakwani.*

Lydia Manyoni: Greets audience.

Com. Ayong'a: *Moigwetie omwana oyio igaruete Riondong'a Nyaribari*, and she is a lawyer by profession. *Iga timomorora igo rioka, no mwana bwa amachiko.* Sasa simama Vivian, salimia hawa wazee wa Kisii uwaeleze umbali ule wote ambao umetoka.

Vivian Muli: Greets the audience.

Com. Ayong'a: Thank you. Lydia is our Programme Officer and Vivian is our Verbatim Recorder. *Iga ng'a* those things that you are going to say, Vivian will be recording them all there so that we take the records with us. Those are the two members of the secretariat staff that I came with.

The purpose of my coming here, you remember some months ago I came here. I came here, let me request you to do this and do this for me for now. *Abagusii ngoteba bare togosamba nyimbo ireng'a? Togosamba nyimbo ibere.* I would like you to put those materials that you have in your hands, keeps them down *erinde nkwane, material neyago ero nochona gosoma buna ogatagete. Lakini ekero omonto origereretie egento iga, noyonde ogokwana noroche nobwatie ayooria naende kogosoma? Mbora ndoche abaarimu bande more igaa? Chinsa chia ogosoma ne echia ogotiga abana basome omwarimu igo osirete. Togokwana na barabwo bagosoma moigwane. Iga bono egere na ase okolaunch* this programme, you have to listen to me very carefully.

A few months ago I was here. I came here to collect your views and you told us things that you had concerns, you told us the kind of Kenya you want, you told us what government you want, what kind of parliament you want, what three arms of the government you want and so many things. You told us how you want the economics of this country to be carried on, you told us what kind of education you want, you also told us about the problems of jobs for your children. You told us about the problems of fees, the kind of education you want: free and compulsory education.

You told us the plight of the farmers. Farmers grow things, they don't have markets and when there is a market, there is a problem in driving. You told us health without medicine. You told us lack of security. You told us about family life and the problems that you undergo through family. You told us about the idle land which lies about. Some people have got so much,

when others don't have anything. And so many other things. Didn't you tell us those things?

And you told us, now you people go and put these things together, then put them in the Constitution the way you wanted and that has taken place. We have done what you told us to do. And you have seen in the newspapers people talking bad about what we have written. The day before yesterday, we were supposed to be in court because we wrote what you told us. *Mwayarora?* You told us you want to go to the next elections, using what kind of Constitution?

Response from the audience: A new Constitution.

Com. Ayong'a: A new Constitution. And you notice we are being beaten left, right. But here we are. Now, I am not going to go back to the history of the Act of parliament which governs our work. We are the agents of parliament, parliament told us go out, we want to involve the people's of Kenya, *ebisaku bionsi pi, chinyomba chionsi* all constituencies. Go talk to our people, ask our people to tell you what they want. And we did what parliament told us.

And now according to the Act of parliament, after we have written what we have written, you notice we call this a Draft Constitution. Those of you who are teachers, what does a draft mean? Is a draft the real thing? *Na ne-draft nakorire, bono egento ekio kiane kerigereriango manye goikaransa inse keigamere buya kabisa, ndike bono no okoboko okuya. Mbora nabo togokoraigo?* And we have done exactly that, that is what the Act of parliament asked us to do.

We have drafted the Constitution. We have it here. We have come to launch it with you, so that you read it and ask yourselves "Is this what I said?" "Dose this Draft Constitution reflect what I had said?" We may not have used your own words; we have used words that are legal, but simple for an ordinary Kenyan to understand. And this is the feeling and recommendation of all Kenyans is total. And so I would have hoped, which I know you haven't done. You should have come here having read this. How many of you have read by any chance this Draft? I have three people who are fortunate, three people who have read this.

You see, if you had read this, it would have been easier for every one of you now to add something or to say something in a different way or to say that what we said is not reflected in chapter so and so, section so and so. You see. But now, that you haven't read, I will go over this, that each of you that has that (inaudible) I mean, I will mention the main features of the content of this, so that when you go home from now on, you can read it, you can talk about it, and you can also debate about it.

According to the Act, you are supposed to have thirty days, reading of this material.

You should be reading this and not only that, there is this report. This report which I am sure the Coordinator doesn't have any at all (inaudible). To get this work run, *Kenya engima, tari egasi ere raisi. Naende moroche buna togoserigwa. Igo togotagekania kabisa iga buna tore igaiga tore igaa. Igo totagete korora na egento eke kiaerire egere gose ntwachi gosoa ase aomosangerekano oria omonene geetigwe, ense itarasiekwa. Mbora mong'igwete iga?*

Iga bono, these are going to be printed and reports will be sent out. But for now we have these few reports *echi omo-co-ordinator akobeka igaria ofisi yaye ase documentation centre*. Hoping, *ng'a ekeru ogochia Nyamira aria, nabo okoragenda dakika merongo etato igaria, ense eyemo ogede igaria ase Documentation Centre erinde orarigereria ng'a bono inee, ebitabu biria ng'ai bire ndarasoma? Orore igaa ebinto biano mwatotebeti*. This is the report, *eye ne report*.

Lakini eye, *ere eyio okonyora rero ecopy eye okogenda nero ere ereeyago ase baria mwachire igaa*. *Eye neyago okogenda nero bwo oo*. *Naende buna okogenda nero bwo oo, read it*. *Naende buna more abakeigo nabo ngochakorora ginkorora na nchire igaria chichiete oo nabo ngokoa naye eye ochie oe naye omogaka onde okare igaria oria mosinyaine gochia moino, naye ochie oe orionde gochia moino aria, abanto baria okorora ng'a oyo nasome naende natakune amang'ana aya*. *Naende ntonyare konyora ribaga erio togo debate igo nabo nkobaa ebinde mokogenda na birobio mochie gosoma na go debate*.

Igo twaganetie *ng'a ebinto ebio bionsi bitoke ase chilugha ibere; egesongo ne egeswahili lakini ase eng'encho egasi ere enyinge na amakaratasi are amange ase ofisi ya ito ogede aroro nonye naye oratororere amabera*. *Ne chisegi chionsi echia tobwate nabo okorora amabera ng'a gaki mwatemire*. *Twaigwana nire? Bono, lets go like this*.

Egento egetang'ani, *ekero twachete igaa igo nasaba mora soma, ebinto ebia ngokwana bire abu*. *Inche bono igo narigi mbamorekere egere ng'a ekeru ogochia gosoma kwaroroa ng'a eke nkeria nateba iga, bono tiga ngetakune bono buya ngeigwe*.

You had told us that in the old Constitution there was no preamble, *moinyorete ebinto ebio? Mwatotebeti buna teiyo*. And it was not all here, in the many constituencies that we went, in fact almost all, *Abakenya aba buna bare, tobakaga mbaria ba moisonde, nabo bamanyete ebinto ebinge sana*. *Nabo twanyorete oonsi togotebigwa, omonto ogotebia egento gwakaga na noria bono Kebirigo naende omonyoyete agacha agatongia? Lakini, oo Kebirigo taraika oo noria nere nabo agatongeti iga akoganyererete na there is no preamble in this old Constitution*. *Twamanya koboria, abande batorikeire samples of preambles*. *Tokobaboria, naki bono gwatagete erikwe? Abanto batotebia chingencho chingencho, noisa gochirora lakini rende bono echio chionsi otachie ochibeke oo, goika mochake gochisoma chionso mororena ninki tokorusia* (inaudible) and then you make a preamble.

Igo bono, *ase echapter entang'ani, ritang'ani, ase ebinto ibi biaito, twabekire epreamble*. *Twabekire epreamble yaani utangulizi, bwe Constitution yaito eyio egoteba iga*, We the people of Kenya, aware of our ethnic, cultural and religious diversity and determined to live in peace and unity as one indivisible, sovereign nation. Committed to nurturing and protecting the well being of the individual, the family, and the community within our nation. Recognising the aspiration of our women and men, for a government based on the essential values of freedom, democracy, social justice and the rule of law. Exercising our

sovereign and inalienable right to determine the form of governance of our country and having fully participated in the Constitution making process. Do adopt, enact and give to ourselves, and to our future generations, this Constitution. God Bless Kenya.

Moigwete buna eywo eyio yarosigwa? Tokabuga ng'a twa sibire ibinto biria, the aspirations of the peoples of Kenya. Nabo oranyore ng'a batebete buya bori? Lakini eye nero came out from all the various samples of the preamble that we got. Ekeru twkora egio, tokamanya kweboria, you had a question here and you had a view talking about the sovereignty of the people and supremacy of the Constitution. Kenya eye bono, omo nene ning'o?

Mogatotobia, intwe. Sovereignty ne ya abanto, nintwe, na abanto mbarabi, ninue. Tai baria na abaria ng'a abarai nabuo bare sovereign, ninwe. Ne econstitution nero ere supreme. Mogatotobia monto onde tabwenereti koba igoro ya amachiko, mwatotebetie egento ekio? Tokababoria igo ninki momineti? Igo twa mean na richiko rigabere abanto boni nero ebuti etoreng'anetie twensi. Togateba nabo togokora igo. Tokamanya goteba inwe ninu more sovereign na amachiko naru are supreme. Igo kera omonton igo are inse ye richiko onde tari igoro ye richiko, kera omonto ninse iga are. Igo onye gwasariri richiko bonene bwago mboiyo. Onye korendete richiko boke bwago boiyo, naye nabo ore omonene buna orendete richiko. Tiga richiko ribe rinene taria omonto okoba omonene. Richiko tiga rigambe na rigambere kera omonto equal.

Naende mogatotobia amachiko tiga arendwe egere na naru are enkuba ya kera omonto. Kera omonto agotamera richiko. Onye kwarisaririe, nabo ogotagekigwa. Ninki kegotagekia? Ne richiko, tari omonto okogotagekia. Go kwaiba rende ine ngote no oboibi bwago ogotagekegu naborobu? Oboibi bwagotagekia tari na nyarebe oyo igang'onerete, yaya. Rigereria ng'a ninki gegonseria bori? Oboibi bokomominyokia! Ring'ana ria Nyasae ngotabarire naki; omosaria tagotwara omorembe. Ekeru osareti togotwara omorembe ase obogima bwao ekiagera richiko igo rikonagokobeta, oo rikonagokobeta. Naende nigo gochia korirengereria kwarora kwanyora tobwati omorembe. Lakini korendete richiko iga, tokonyora. Iga bono ring'ana eri nao rire iga.

Mokamany'a gototobia, amachiko aya Akenya igaare iga, ekeru okorosia econstitution, tiga econstitution erendwe. Erindwe tebaisagotabererigwa ensemu eye, etabererigwe eng'encho gete. Amachiko aya igagwenerete koba ne chinguru chireng'aime, tatabererigwa kwanyora na richiko ndiro (?) bono moroche eyuo (?) yaya, amachiko arendwe, akore egasi yabo buna amachiko. Na kera omonto ayarende buna omonto akorenda amachioko aye.

Mokamany'a gototobia Kenya eye nigo ekorokwa erepublic na chimbebe chia Kenya chirendwe. Noroche igabwo ase edraft eywo torochi eyu nkenya ebekirwe eichoirii abanto. Chimbebe echio chia Kenya chirendwe buna chimbebe chia Kenya.

Naende mogatobetia, omochia omonene o Kenya mochi ki? Nairobi. Na tiga obekwe ase econstitution. Why, ninki ekogera mwatotebetie ebinto ebio bibekwe abu ase econstitution? Rirorio tomanyetie gese ntwabiarwa togatebu ing'a na Nairobi, na Nairobi. Lakini tokanyora mwamanyire there is a danger, yo ogotwara omochie otarikiri ase econstitution. Mwarora ritang'ani twateba na econstitution nero supreme. Na egento kere ase Econstitution monto tagogechesera aria gasiekiru giasimekuru.

Aya, ninki gekogera na Nairobi ikobekwa ase Econstitution na nero omochie omonene o Kenya? Chingogongo ase egento ketabekiri ase Econstitution, mambia igo okonyora kee ekio kende kiachire kegoteba na bori Nairobi eyuo ikobekwa, eheadquarter bono Narok. Ninki orakore? Nokore egento? Nkerikire? Na mogenda kortini egogotebi na ntebi ng'otebete na Nairobi? Ng'ai erikire? Moroche Nigeria, igotwakamanyire, igo twasomire esukuru na headquarters ya Nigeria, Lagos. Rero nai okoigwa ere? Abuja. Ekiagera tiyarikire na kende nkeiyo orakore.

Aya, kwamany'a konyora Tanzania igo twamanyete na omochia omonene ng'ai? Lakini bono omochi omonene ng'ai? Dodoma! Nonye torasoa ase ebirengererio bia abanto tochake gokwana Dodoma lakini rende ekiagera etarikire iyio ekaragwo. Iga bono mogatotebia simeka Nairobi na Nairobi nero headquarter ase richiko. Yekore ebe richiko. Igo monto onde bwensi ogochia korigi konyeonchorana agotebigwa ng'a igo bono ne Constitution ogosaria. Iga rende tokanye simeka.

Naende mogatotebia, igoro ye chilugha. Chilugha chibwenerete gotumeka Kenya igaa. Mogatotebia Egesongo ne Egeswahili, ng'a echio nabo chirabe official languages. Lakini mogatotebia national language ebe ki? Egeswahili. Igo togasimeka ime ye Constitution. Na chiria chinde official languages lakini national language tiga ebe ki, Egewahili. Ng'a ebio nabio ebinto togotumia ase ebinto bia egeserikali.

Naende mogatotebia ase chi-traditions chiato abanto mbabwenerete komanya omonywo obo, mwatotebetie amang'ana ayuo? Haya twanyorire chinsemo chionsi abanto bagoteba na abanto babwenereti kweba ase baruete, igo rende togateba abana nabo baranyare gosoma omonwa obo nkorengereria mpaka Standard isato rende? Tinkoinyora boronge. Lakini noigwete ebinto ebio bionsi na tiga tobeke ng'a emenu ya abanto ase abanto baruete, ekiagera mototebetie ne ebitamaduni bia abanto. Ng'a abanto babwenerete gotwara ebitamaduni biabo.

Lakini naende mogatotebia ne binde mbire ebire ebibe. Abanto batabwenereti gokora. Buna na nyorete omogaka onde igaria moino agototebia amang'ana amakong'u sana ng'a tobeke ase richiko ng'a goika abana abaiseke baarakigwe. Nkamotebia omogaka kwanyorirwe! Ikio nkekoba ekiagera bwango gobasoiane ase ekatiba tigaye eye gochigoteba buna omwana nere abwate ehaki to live. Na omwana no omonto bwa emiaka ereng'a? Lakini intarachiabu totige igo lakini rende tokamanya goteba na ekematamaduni nkere ekere ekiya, nkere ekere ekebe. Amasikani ne egento kere ekeya totanyare korusia abanto babwenerete gosikana. Abanto babwenereto komanya

elugha. Ne egento ekiya komaya omunuogo ritang'ani kwa manya komanya emenuyende. Ng'a nobwate efaida enene ekero omanyete emenu emengi kobua kero okonyora bono rero twachaka koroka ebimwana ebimura iga ina oyu mboy. Ng'a boy bori nkoigware ekegusii? Boy igakonoga Egesongo. Boy good morning. Hmm, bono boy rende takomanya na Sokoro Bwakire. Ninki atamamnyere bana Sokoro Bwakire riori bono erio ndiatang'a boy tasoma? Eeh? Bono buna agosomo ebio bionsi tiga amanye ng'a naye nsokoro okorokwa.

Tokamanya goteba igoro ya State and religion buna mwatotebeti. State and religion etoka ng'a ninki gekogera togokwana eserekali naende twamanya goteba chidini? Uhusiano ye serikali na chidini naki? Mogatotebia, State tebwenereti gotwara edini ye eserikali, noroche egento ekio? Edini ye eserikali. Momanyete na chinse chinde chibwate edini ye eserikali? Chiranyare kogokonya orore ebirengererio biao, emoreke ase obongo bwago buna iye Hmm? Abanto buna baria ba Iran inee, dini ki babwate? Egeislamu. Na bono omonto onde ogende otoke bori ng'a na amarua obegete inse okorangeria Nyasae bwa Abaisrael, notigwe? Nimoroche Nigeria? Moroche Sudan iga? Chinse okonyora ng'a esemo eye ya South buna abakristo bachandire? Moroche chisegi chiatoka Nigeria abanto aba bagocha maathe bagoitwa ekiagera barabwo yeso bagosaba, na Abakristo bare? Ekiagera na eserikali yabo eagachire igoro ya ki? Edini yabo eagachire igoro ya ki? Ye eserikari Tokamanya goteba ekanisa gose edini tebwati gento kende egokora ne eserekari, gose eserikari tebwati egento egokora ne dini. Tiga abanto basabe buna bakonyara. Tiga abanto batware; ntose ase freedom echio ase Human Rights.

Lakini rende togateba ng'a edini ne eserikalri chibwenereti koba egento ekemo. Ekiagera eyio nkoreta ere emechando. Mambia Omoisiramu agambe Kenya iga, igo okonyora ogoteba ng'a bono tiga torangerie Mohammed eeh. Okonyora bono ang'a bono baisire kobera ang'e erinde bakurie egento keria kiabo erinde otebigwe na bono nabo amang'ana are igo, sibia amagoro, kora kiang'o erinde saba hmm. Tibagoancha ng'a twensi twegenete ng'a igo torasoe igoro goetera ase amanying'a aYeso. Otebe egento ekio mokoigwana, amanying'a aYeso mokoigwana hmm.

Iga naki gekogera na separation ye eserikari ne dini ekoba egento kere ekiya mono. Ng'a egere kera omonto atware freedom of worship. Nosabe buna otagete without monto onde bwensi kogochanda, borai bwaye botagochande, oborai bwaye boratambue ng'a ne haki yago gosasima buna otagete.

Aya ntobwate ebinto bikorokwa national days. Matuko ki abanto babwenerete gotimoka? Nayu moyanyore igabu. Ayande tayari yachakire koonchoka, noroche buna igoro, timoroche amang'ana achakire goonchoka? Iga ng'a amatuko ayuo yo gotimoka nabwenerete koba ase econstitution. Tari aya ankio, na nyarebe nere ogosoa abeke eriaye, na nyarebe nere ogosoa abeke eriaye. Igomogochakonyora na amatuko ayuo bono abuchire abuatekaine iga mosinyire na bono mang'ana kiaya. Na goika Abakenya batebe matuko ki bori aya bagotimoka na amatuko ayu twayabekire nare abuo. Egere moche gokwana motebe ng'a ndio nabo iga, gose yaya eri ang'a imwakora iga.

Echapter ende igo egokwana igoro ya national goals, values and principles. Egokwana igoro ya duties of the citizen, na kore mwananchi ninki obwenerete gokora? Egento egetang'ani kebuete ebinto binde bionsi nokobwatia amachiko.

Mwananchi omuya mwananchi obwatetie amachiko. Nomanyete buna abanto baise kobwatia amachiko ebinto mbire ebinge abanto batobekerete obokong'u bwa bosa nonya babwateti amachiko? Abanto baraba abaya basigete kera omonto nonya ne egento kiago gesikire, oroche nkona kochandeka ore ebirengereria na ninki kiabuga kiagua gesona? Eeh? Lakini ekiagera abanto bare ababe ebinto ebinge kwanyora igo obwate emesigo emenge otabwenerete gotwara. Igo omoraia nabwenerete koba omonto okobwatia amachiko.

Naende mogatotobia, abanto aba bakoroku oboraia naki bono oboraia obo bore? Seito igaa Abagusii ntobwati mechando chia okoba oboraia. Lakini rende chinsemo buna echia chie emechie, genda gochia igaria emechi buna Mombasa okonyora abanto mbare okogoro okomo naa atachete aa okonde gogakare Yemen okonde gogakare Saudi Arabia.

Ekeru omonto are ecitizen, ninki abwenerete gokorerwa? Onye gwasabire buna no Omokenya kwaganire goba, nebwenerete koiri emiaka ereng'a onyare koba Omokenya? Igo ogocha rioka igo gwateba ng'a nintagete ogoba Omokenya otaramanyamanywa? Na ne miaka ereng'a ekaira omonto omanywa na omonto oyo no omuya? Omonto oyo tarioyoito iga buna (inaudible) omonto oyo boria igo toroche ng'a bori ebirengererio biaye, oganire komenya igaa buna Omokenya. Twabekire na omonto ore iga na iga abwate imiaka eng'ana iga origereririe oisanekirie, this and that requirement. Omonto oyo nabo abwenerete koegwa oboraia.

Bantu bande mwatotebeti igaa ng'a abana baito banywomire isiko. Ekeru anywomire isiko ngochabare bachandwa ng'a ochire no omosubati iga, omosubati oyo kwanyora ng'a momuro oo bweka nero oreiga, nero Omokenya gose nere Omogusii, omosubati oyo ere rende bono anywomete ebinto ebio bionsi twabitebire, naki omonto abwenerete konyara koba. Twabitebire omwana obiarire igaa nabwenerete korokwa omoraia o Kenya. Omwana onyoriru Kenya igaa otabwati abaibori lakini naiga atokire, naki agokora?

Abande baboriri, omonto nabwenerete gotwara buna bono abana baito bachire mumbu onyorire na nabo ndabe Omoamerica igaa, lakini rende omonto oyo nabwenerete koegwa erusa na nabo orabe igabwo rende onakoragera lakini rende seino Abagusii ngotebabare na ndorera. Igo bono ng'a nero eria mokoroka na dual-citizenship. Egento ekio kiabekirwe buya buna ng'o oraegwe dual citizenship, naende omonto oyo aracha ngo iga arue isiko, naki agokorwa? Omwanakenya nauru Obokenya? Omwanakenya tokourwa Obokenya. Igo are Omokenya milele, nachianya korigia obu bonde bwaisiko. Lakini ritang'ani ekeru agocha inkaa ng'a inche mosinto oyarebe, nyarebe onyarebe, mochokoro o nyarebe, omonto oyu bweka no Omokenya. Ebinto ebio bionsi twabitebire buna mwatebete. Igo ayuo naru are ase echapter ya citizenship.

Echapter ende egokwana igoro ya the Bill of Rights, entabe naende entambe. Ekunete ebinto bionsi pi! Okonyora na

igo ere korua emerongebere na kianda, moigwe bono abagaka, goika sabini na tano. Ebinto bikodeal na Bill of Rights.

Naki gekogera nabatebia ng'a igo mobwate egasi enyinge sana ya ogosoma, origereri. Lakini bono Bill of Rights, yamanya koboria, ebinto mbire biria bikorokua na fundamental rights and freedoms, chiria che ekemsingi, mmh. Obosi bore boria bwe ekemsingi. Ninki eserekari ebenerete gokora ase ogopromote chifreedom echio?

Omonto nabwate ekeene gia okoba moyo. Nomanyete na okoba moyo ne ekeene kiago? Gochicha obe moyo, nobwate epermission koba moyo. Naende mogacha mogatotobia, nomanyete ambande bagatotobia na bono nonye na amang'ana ayuo yo omonto ogochingwa na (inaudible), mwatebete igo igaa seino? Gekaba ing'a omonto naitwa kende bori nkerakonyeka, omonto oyo tiga akorue ki? Asibwe milele, tiga akuwere aria lakini omonto taitwa.

Mogatotobia igoro ya equality, all people are equal before God na abanto aba mbabwenerete koba treated as equal. Nabo okonyoro omonto igabu ogoqokwania 'Jambo mkubwa' (inaudible). No, kwania bweka iga na jambo, Bwakire mbuya mono, jambo mkubwa (Inaudible) eyu no okoriagia igo ng'a, ng'a ntorie equal. Iga tore abanto naende igo tore abana ba Nyasae. And before God, we are all equal, kende getaiyo. Onye ng'eire egasi gente eye ngokora, ne egasi ngeire ngokora egasi gete, lakini egasi eyuo igo nyeire ng'a ase eng'encho oro. Onye toiyo ninyeegwe? Nkorere naki? Igo maneno ya mkubwa na nini na nini, hakuna. We are all equal, ee tiga tosikane, tiga totambue ng'a oyuo nyarebe, ngetogete agotokorera naeire chinsemo echioarendete igo!

Tomanyagotobigwa, freedom from discrimination, ubaguzi. Okobagua. Tobwenereti kobagua omonto. Onye abanto bachakondora, ting'a manye na naye gwatang'ana ee bono, naye kwamobwatia. But obaguzi ee ndakore ndore omogaka oyuo omogotu gose oMong'ina omogotu iga gose omonto ore na mechando gete eyuo naye ndagotobie inchwe nonye naye oraange goteba kararora oyo bori omanyeye kondora. Ekiagera nabwate obokong'u gete bokogera amabera aito agende ase omonto oyuo. Lakini tobwenereti gokora discrimination of any kind.

Abangina, ntobwate ubaguzi, abangina barerire Kenya engima, they are discriminated. They are discriminated even ase enibo, kwanyora togokwana igoro ng'a omokungu, omokungu nere... Omokungu tabwati ehaki? Ritang'ani moroche ntwateba haki ya okoba moyo. Onye nibwate ehaki ya okoba moyo timbwati haki ya ogotwara egento? Abakungu babwenerete gotwara ebinto? Of course yes! Iga ng'a one of the Bill of Rights, neria ng'a abakungu babwenerete gotwara ebinto. Abakungu babwenerete gotwara ebinto. Abakungu babwenerete gokora ebiashara biabo, nabo arakore ebiashara biaye ayore livelihood yaye nere amenyete buna amenyete.

Bamany'a koboria iga, mogatotobia, abana babuchire, abana babwate emechando here and there. Togoteba abana babwate rights chia abana. Abana bagwenereti gochandwa. Abana mwanyabanto, abana babwenerete korerwa buya, abana babwenerete gwanchua. Mwaigure banto bande bagotwara abana okoigwa ng'a mama wa kambo okorageria

abana baye na abana bande aba bakoria sukuma wiki, aba baye barabu nabekegete aganto ime ase sukuma wiki iyuo bakobekerania. Nkoigwa more ebinto buna ebio? Ebio mateso ya abana naende eyuo discrimination. Abana mbawenerete gwanchua, abana tibaba buna okonyora agasese gete, gagochia goeta na omonto okorigia akagena (?) na aka na naki kwaruera korua? Abana mwanyabanto na abana nabuo Kenya ya bosio. Therefore, they must be treated well.

Abanto bare na ulemavu, abanto baremarete bagwenereti koba discriminated. Bagwenerete koba treated with dignity, mwanayabanto. Nere bwanchete aremere? Omonto nare ochorete aremare? Lakini omonto oyo obiarirwe, obiarirwe aremarete. Abande babereire abarema igoro. Rero nkonyara tore abanto bakogenda ne echinyimbo, nyimbo eyemo, okogoro gotaiyo, okogoro kwabutiro moisonde omogaka gete konye omanyete obwate amagoro ayaonsi, omogina gete konye obwate amagoro aye onsi, rero tabwati okomo. Amaruaire buna abuchire. Omonto oyo taremareti igo? Abanto aba babwenereti gokoreru buya buna ebwenerete bakoreru? Mogatotobia, bagwenerete nonya naase chinyomba echi chikoagachwa ebinto gete biabekwa ebikobakonyeki nabarabwo goika ase batagete goika. Ebinto ebio bionsi nabo birikire (?)

Kera omonto nagwenerete gotwara freedom and security of the person. Goika otware oborendi, kera omonto. Nogwenerete gotwara kwegua ng'a ase ore norendire. Tari iga ore igaa ng'a onde bwensi okoruera igaa, onde okoruera igaa niga. Freedom of expression, nogwenerete gokwana without ping'amizi yoyote. Lakini rende naye kwarora ng'a ebinto ogokwana tari abanto okorama ekiagera oyuo bono ekero gwasoire igo ng'a na abanto okorama ayuo na amang'ana amang'ao.

Freedom of expression nokonyara korua ebirengererio biago, opinion yao. Buna bono oratebe buna bono mwaregoteba ching'aki echio twaregosangereria amang'ana. Mwateba na igo ndoche iga, igondoche iga, eyio freedom of expression, buna oroche. Oku no okorora kwago.

Aya, kwamanayagocha, nobwate ekeene gia ogosasima buna otagete, freedom of religion. Ogochora inche nomo SDA. Ogochora inche no omocatholic, nche no omo Protestant, so long as otainterfere na abanto bande. Naigwete igo abanto bagoteba na abanto mbare batera boki, boki, boki, batuogerera totarikorara. Abugointerfere ore na okorara kwane? Yes, you are. Chinsa echio chia botuko abanto babwenerete korara, bagwenereti barare erinde omobere otimoke mambia bagende egasi? Igo freedom eyuo nebekire aroro.

Access to information, buna bono egento keng'a buna ekio, eye na access to information togokora. Na goika otware information, what is going on, eye, nyesome. Nobwate access to information. Tari egento aye ogotebigwa aye otarochi na kegakare. Tari ebinto bigokorwa otarigotebigwa na rero ebaraza nekare ninchu motebigwe buna amarabuoni aretwa amayia mobwenerete gosimeka. Goika otware access to information. Goika eserikari ebeke

information ikonyara koba accessible gochia ase abanto. Amagenderero, akawanwe egere na twamanaya ng'a ebinto bigokorua rero igo bire iga, naiga naiga. Tobaise koba omonto ore ignorant, access to information.

Ntobwate igaa ebinto igoro ya social security, health, mwatotebeti na abanto, chihospitali ntobwate lakini hakuna madawa. Mwatotebeti igo? Na togoteba na nobwate ekeene, kwana na buya basic rights neria ng'a goika oruarigwe, goika oruarigwe. Ne eserikari nebwenereke kobeka ebinto ebio tayari ang'e ekiageana ng'a ekero okorwara yatoka ng'a nonyare kogenda orwarigwe.

Nobwate access ya ogo communicate. Buna bono narora ebara eye yaito yarosigwa korua igaria Motamaiywo igakare gocha, teraicha gocha seito igaa. Lakini buna bagakare goticha egochagoka igaa Kebirigo, nabo mogoancha ng'a ee bono twasikaneire. Nonye naye nabo ogoeta ase ogoeta gwateba na nabotwatagete iga, nabo twatagete iga. Ekiagera nebe bwango ase ore, nonye naye gokogenda esafari yago, nebe tayare ase okoonia ebinto biago. Ne ebigari birearoro bimenye amatuko achiete oo kobua riri konye. Nabo ogoancha ng'a ndio, epara bono iga nabo ikorua koru nka. Nere buna ekogenda iga besa chiche chierere igabu nchera igabu. Yarekobekwa erami ge etirimboke eike bosongo. Neye buna narora korua igaria maathe centre, egocha buna yachire iga mpaka Konate igari, igo okogenda buya buya gwancherana. Eyio nero access, naye ogochigosa ebiashara biago na Kisumu tagete kogenda, nabonkogenda mambi saa sita naikire nee ebinto biagorwa bwaango. Mwancheranera.

Iga bono, education, mwatotebeti na there must be compulsory primary education naende abanto baria batari koenyara bagwenerete korigererigwa. Igo abana baria bare na obongo, omwana tanyara gotangwa tagenderera, nabwate obongo, lakini ekiagera abaibor batanyare koenyara.

Igoro ya endagera, there must be food. Endagera egoisana abanto koria, there must be clean water, environment nebgenerete koba engiya. Etoke ng'a emete teiyo yatenirwe, na ense eyasarekire, eubi, abanto bagwenerete komenya ase agaya. Ebio bionsi ne ebinto twatebigwe, no okorenda amanani, ebinto ebio bionsi twatebetigwe ekero twarenge goetanana.

Echapter yende mwatotebeti igoro ya elections. Mogatotobia emechando ya elections, chisanduku igo chikobarerua igo, ebinto ebikobekwa iga, bigoika asegete ebinde biatanwa, ebinde biakorwa kiang'o mambia mwanyora gochia oyo mwakagete ere tagochinyora nere oeta, nere obua. Mwatotebeti ebinto ebi? Tokabeka ase richiko buna mwatotebeti ng'a ee, tiga chibarerwe igagu, agu, agu ase abanto boni barochete. Yaani mokagani transparency. Onye chikura chiaakwa igaa, igaa totebe eye nero yarenge polling station igaa, tigachiretwe chiomuru igaa, chibarwe morigerereti igaa. Nyarebe emerongene anyora, nyarebe, chimi ibere anyora, nyarebe nkiang'o anyora, nyarebe nkiang'o anyora. Mwarorire mwensi nabo? Amang'ana ayuo aerire. Beka bono chisei iga bono na nabo mashuhudia mwagenda.

Kera omonto ogenda bwoye omanyete na nyarebe iganyorete ching'ana iga, nyarebe iganyora ching'ana iga. Ese chigochia kobekerwa igaria etotal, nonye naye nabo orachibeka oo oake etotal otebe ndoche nyarebe obua. Egento ekio mwatotebetie? Togateba nabo gegochia gokorwa, naki tokonya gosaba na chikura chiare kogenda (?) richiko riato, nabo tware gotoreka mona lakini rende richiko riato nario nerikong'u iga bono nkorwanigwa tore. Haya, igaa ntobegete ebinto bia Electoral Commission, bire igaa bionsi pi.

Mogatotebia igoro ya political parties, ng'a chiabuchire echinde chiachire mpaka hamsini, echinde chiaikire kiang'o. tokabatebia chi political parties goika chibekerwe amachiko aragere ng'a chioka chiaroroke chnyinge. Ase richiko ekero orasome norore na epolitical party goika enyare koborigwa etebe ekereng'a kiabo ninki. Abanto aba bepolitical party, batagete gochaka. Aba twarure uhuru ng'a monto onde bwensi nabo arachake. Uhuru nabo ere ng'a togotang'a omonto gochaka epolitical party. Lakini rende ogochia konyerun nere nabo aranyore obokong'u. goika atoke na epolitical party eye nenyare koigwekana chinsemo chinde, gose na aganto karia omonto agochaka ase abanto bamwabo igaria, ng'a naintwe twachakire epolitical party bana gochanda abanto. All those are taken in.

Mogatotebia, parliament, nigo totagete chinyomba ibere. Mwatotebeti igo? Onye mwatebete igo, abande mbatebete. Enyomba ekorokwa Upper House na nyomba ekorokwa Lower House. Mwatotebetie ebinto ebio? Twabekire ase econstitution, nonyore ebinto ebio bibekire igabu. Na nyomba nenyare koba ekorokwa Upper House, nyomba nenyare koba eye ekorokwa Lower House. Ebinto ebio bionsi ntoigwete.

Mogatotebia, chinguru chia e President igo chibwenerete kopunguzwa. Na e President ya twarire chinguru chinyinge mono, chinyinge mono. Naende nyebeke inse ya amachiko. Togateba e President nabo ere inse ya amachiko. Togateba chinguru chiaye akourwa, tiga chiurwe chibekwe ase e Prime Minister. Naende totware e President egotwara e Vice President. E Vice President igo ekoba erunning mate, tai e President yabaa e President yamanyagochora aye naye orambeere e Vice President. Ekero okombera komanyete ning'o okoigwere? Ninche, igo nakobeka. Ekeronakobeka goka okore ebing'okora. Aye tegerera ne Vice President nakobeka. Nabo okonya goteba yes Sir, yes Sir.

Lakini rende bono tokabeka e President igo egotwara e Vice President, lakini e Vice President eyo igo egochorwa na abanto, noroche. Ekeroyachororwe na abanto then it means ng'a e Vice President eye nero iga erikire na abanto ki? Wananchi. Tokoyebuta, tobwati nguru chia okonyebuta. Ne e Vice President eye nero ekoba e President ekero otaiyo. Ase bono richiko riraororo e Vice President terikoba e President ekero e President etaiyo. Onye ogakare esafari tokonyora abanto bakominyoka ng'a bono bwana acting President ng'aki amang'ana aya are iga naiga naiga. Nabo okorora ebinto bigendererete igo lakini omo Vice oyuo noare igao. Noare igabu nere igare anga onde bwensi. Iga bono bono ebinto ebio tokabibeka. Lakini rende ntobekerete e President duties chiaye echibwenerete gokora, egasi ye e President nchirichi agokora, chinguru echiebuate, nchiraro nere chinyeisaine. Iga bono ntobwate egento ekio

buna mwaboretie eranyare koba.

Na togateba, e Prime Minister igo egotwara chi deputy ibere, ne e Prime Minister eye igegochorwa korwa ase majority bare parliament na omonto obwenerete. Iga nero orabe ogokora day-to-day running of the government. Chinguru echio moigweti nchiroo naende chichiete oo.

Tokamany'a goteba buna mwatotebete timorigete the three arms of the government koba independent. Abanto aba judiciary, ee tiga babe appointed by the President lakini babe vetted by parliament. Etoke na parliament yaanchiranire na omonto oyo nabe e judge, omonto oyo nabe kiang'o, yes, oyo nagwenerete. Gose parliament nabo ekwang'a, etebe na no, this person cannot be, give us another choice. Iga egere na judiciaryebe independent teba ng'a igo kore e President gwa pick aye nobe e judge, aye nobe e judge, aye nobe iga. Ekero abanto abuo bakoba igo na babe independet, tibakoba. They will always bent towards the whims of the employers. Iga bono ebinto ebi twabibekire bo.

Nakieke oroche judiciary etaganeti koigwa na ntwateba mba tibagokora iga, tibagokora iga. Ebinto mbire iga, ebinto mbire iga, naki eke oroche baminyokire na bono igo bagotoira kortini batonachere ekina batosibe echera. Babwate echera eraisane Abakenya bonsi gosoa. Gante aya na mang'ana aya Abakenya batotebeti? Ntoroseti ayaito, igo toroseti ebinto biria Abakenya batotebetie. Oise gocha ofisi yaito orore chi memorandum chia abanto, noegwa emiaka ereng'a timanyeti gose nosome okore echio chionsi orabogori ochiire kortini otebe nchwo mosome iga buna abanto batebete, na abanto batebire. Igo ebinto ebio ne bingwe, naki gekogera iga na ebio bionsi twabekire.

Mbanto ki bagochia parliament? Abanto bagochia parliament nsemi ki chiria mwatotebeti na bagwenerete gotwara? They must have degrees. Iga rende twabekire gweka batware edegree, gweka batoke basomete. Mogatotebia chiMinisters goika chibe abanto bare professionals, na abanto bande okonyora aterekire ase eministry gete lakini atamanyeti gento kende igoro ase eministry eyio. Tokamanya rende goteba, yes, cabinet Ministers come outside parliament. Members of Parliament are Members of Parliament, but cabinet Ministers goika babe abanto bare professionals bakorwa outside parliament. Nabo richiko riato rigoteba. Igo ng'a onye omonto okobekwa eMinister ya agriculture, goika atoke na omonto oyuo nomogriculture omokong'u sana osomeire obogiriculture buonsi pi! Nere okoraa obogiriculture. Onye omonto oyuo okobekwa na nere omonene, e Minister ya Public Works, whatever it takes, goika atoke reengineer gete risomerete amang'ana ayuo riranyore gotokonya ebinto ebio.

Onye omonto okoba e Minister ya Health, tabase koba omonto onde bwensi, goika abe omonyagitari omuya sana okorire, kiang'o kiang'o oragera a improve our health facilities. Iga bono na abanto aba bagwenerete koba abanto baranyare gokora ebinto. Onye omonto ore omonene bwe education, e Minister ya Education, atoke no omosomu sana esengencho ye education naende omanyete korun chisukuru naki chirabe, abana baito naki baranyare gosoma,

chisemi chia ng'encho ki chirabwenerete. Igo ebinto ebio mbire iga. Lakini rende bachakire korwana, bachakire korwana.

Goswari ore? Igo okoragachariswari. Naki gekogera egento eke giato gekorokwa na e Draft Constitution. Ndiriri egocha koba e Constitution? Igo ekoba e Constitution (?) ekero toratware National Conference. Ese togochigocha, abanto chi mia isano ne mo ne emerongo. Nogwete abanto abu? Who are these six hundred plus? Abanto aba, two hundred and ten Members of Parliament, chiconstituency ga tobwate two hundred and ten? Igo every Member of Parliament becomes a delegate gochia ase omosangerekano oyuo. Three representatives from every district, noroche abanto abuo nabarabwo? Chidistrict ireng'a tobwate? Sabini. Aya, tomanyegotwara abanto korwa ase office, religious leaders, yaani be e chidini ao, ao, abagocha ase omosangerekano oyuo, professionals, whatever, whatever representatives. Abanto aba bonisi, gokobabeka bonisi amo, igo bare six hundred plus!

Abanto aba bonisi ekero bagocha, they are going to go over this document, word-by-word, line-by-line, nakorigereria ebinto ebi. Baancherane, yes this is okay, bagende e chapter yende, yes this is okay, yes bagende e chapter yende, hapana, here I have a problem. Problem ki obwate? Egento eke gesa koba iga inee ee, people have given their recommendations, this is what some people want, lakini abanto aba mbarigerereti na egento eke gesakogenda iga kegochia kobaiga nabo keraanse koreta obokong'u obo? Mbokong'u ki gekoreta? A, B, C, D, abanto ba debate yes, toroche egento ekio ne kiya. Gose abanto baang'ani goteba na no, ekio kerokio inche tingoancha, buna kere igo nabo kere igo. Ekero egento ekio giakong'ire bono nig'o okoba e judge? Omonto okoba ejudge, no omonto ogakare isiko, mwainyorete igaria ase natebete na the people of Kenya are sovereign? Nabu twachakerete.

Then, if these people, six hundred plus, do not agree, it would mean that this goes on referendum. Aba rende ko basinyana oroche boka iga igo basinya koigwana? Tiga bono, let us take it out there to the people. Tiga abanto ba-vote igoro ya egento ekio. Lakini onye tekobabo, ebinto mbire igaria kerabe na no, omit this, abanto baancherane, omit that. Gose amend that, egento eke ribaga geko-read this and that, amend it, e read this and that, twancheranire nabo igo. Aya, abanto aba baito baise goancherena after debating on this for those four weeks, which is a month, then this material is taken back to the Commission, ba insert those insertions abanto bakorire gose ba delete ebinto ebi biakanirwe, egento eke kerosigwe oboya gesibigwe ake here and there, then we present this to the Attorney General. Who will take it from us, to parliament, take this material to parliament. And then parliament, ekiagera nabu baria barenge igaria ase National Conference, there is not going to be a problem. Egento eke keetigwe, keirwe ase e President for the Presidential assent and then it becomes the law of Kenya. Kabekire orochara, then this begins to work. Nabo ebinto bire igo.

Igo ase obweng'e material eye mobwate and we are going to send more material chirache ase office ya e coordinator. Nabo ebinto ebi birachie kobakonya ase okomanya ng'a ebinto biria mwatotebeti mbire reflected in this document or not. Na ng'aneti ng'a momanye iga, I don't want you to think as a person aye bweka, erengereria ng'a igo ore e person no

omo person onde nare ase gete noyonde nare asegete, ntebie egento ike how would you have done it? Bono igo togokwana igoro ya Kenya, ekeru okonyora amang'ana aya amaremi, land use, abaremi, the economy, the infrastructure, eye tobwate, you think tai Gusii aa oka, you think of Kenya as it were.

When you think of Police, you think of Kenya Police, taria aba police ba Nyamira igaa. Ekiagera osakorigereria Nyamira oka, agu bono torasuka, igo okorigereria police in Kenya. Ekeru okorigereria prisons, igo okorigereria prisons chia Kenya. Treatment ya abasibwa, naiga togoteba nonye na abasibwa babwenerete goaka chikura. Twaigwananire? Bono, ogocha konyora ase amaterial ayu tobaete igo are chi chapter chinyinge ekerage. Nabo oranyore nonya na ase togoteba iga, provincial administration and the devolution of power, na views chia abanto nchire ng'a we do away with Provincial Administration.

Of course eyuo nesigikane ekiagera abande mbare bagoteba ne erieta rioka twarusibono gose the services tware konyora? Ng'o ora lead ase e dictrict? Abanto mogatotebia na igo torigetie ko elect abanto bakoraa chi district, abanto bakoraa chi division, abanto bakoraa vijiji. Those are subject to discussion echio chia abanto aba baito bagocha ase omosangerekano oyo togochia gotwara. Intwe eke ne egento tobegete buna tokagerete mwaganetie. Lakini bono ekeru bagocha naria amang'ana aya agotakunwa abe. Twegenete ng'a nabe. Amendments ng'a chikorwe, twegenete nchikorwe. Asande nare ase baratebe eng'encho gete, twegenete ng'a ebinto ebi ngwancherano biarenge igere ekeru togochia chikura, tochiegochorera chikura e Constitution eye. Lakini ayo Nyasae tokomotigera, igo tokosaba Nyasae na anyare gotokonya, anyare gokonya Kenya. E transition eye enyare gokorwa na omorembe. Ebinto biete korwa ebikoro gochia ebiyia no omorembe erinde togenderere bosio.

Na kwanire, bono naigwete oyominto oyomo, ng'ai oyo origete ko... Okware koboria gose igo kware gontebia? Okwane bono eriogi richiete oo ekeru okomboria na abande baigwe. Kara ganya ake, igo ogoteba erieta riao naende kwamenta ase akorwa.

Onchomba: Erieta riane nkorokwa Onchomba, korwa Nyamira. Riswari riane e rikohusu appointment ya chi Ministers. Ministers abakoba appointed by the President gose na abananchi bakobaelect?

Com. Ayong'a: Ministers nigo barabe appointed korwa isiko, tibakoba ng'a nintwe toranyare kobaatora. Torochirende bono tari chikura ogocha gokora, they will apply. Abanto aba igo bara apply ase chimistry. Ntobwate Public Service Commission, tobwate bunge ereranyare ko approve the qualifications chia abanto aba. Igo ekeru oise gosoma egento eke Onchomba, noche orore the number of commissions and what those commissions are going to do. Iga ebinto ebi igo kwaboria ekiagera toranyora ribaga ria ogotakuna egento eke. Konye kwagesomire? Ekeru orache osome egento eke nonyore ng'a amaswari aande ara agotara ase obongo bwago are already answered here. Kera egento buna kegochia gokorwa nonya Judicial Service Commission, nonye Police Commission, nonye nkiang'o. Chi

Commission nchira ororo chitarinke echi go deal ne ebinto bing'a buna ebi. Lakini bionsi buna ebi bigochia gokorwa, goika bibe vetted na parliament, twaigwananire?

Onchomba: *Mbuya mono. Riswari ria kabere naende nkoboria nigo natagete e Commission eye echenchie e pension. Buna omonto...*

(Interjection) **Com. Ayong'a:** *Kwana egeswahili* (inaudible)

Onchomba: Mimi ninauliza, swali langu la pili, habari ya pension. Kama mtu ame-retire mimi nimeonelea mtu apatiwe pesa zake zote instead ya kupatiwa kila mwezi na saa zingine nusu nusu. So, akienda kuna watu wengine wamesoma wapatiwe kazi hiyo.

Com. Ayong'a: (Inaudible)

Onchomba: Eeh, yote.

Com. Ayong'a: (Inaudible)

Onchomba: Unaona iko wengine wanapatiwa hiyo pension monthly monthly...

Com. Ayong'a: (Inaudible)

Onchomba: Kitu kidogo hiyo...

(Interjection) **Com. Ayong'a:** Ukisema upewe yote (Inaudible)

Onchomba: Iko wegine wadogo wanatakikana wapewe hizo kazi.

Com. Ayong'a: Lakini Onchomba (inaudible) wakati tulipokuwa na maoni, watu walikuwa wanasema watu wanaretire wapewe mishahara unajua kwamba mtu unaposoma upate (inaudible) niende nyumbani ninanze kuitumia (inaudible). Ukisoma katika report utaona (inaudible) na imekwisha kuwa addressed.

Onchomba: Number three, mimi nimeonelea ma MP waende two terms. Akimaliza hizo two terms asiulize tena kura kwa wananchi.

Com Ayong'a: Lakini si wananchi ndio wanaompa wakimhitaji? Hata akienda term moja na pengine wananchi hawamtaki

watamnyima tu kura. Na unaona kwamba kuna provision kwamba ya ku-recall an MP who doesn't perform. Therefore (inaudible).

Onchomba: Nimeelewa hiyo. Swali la nne ni kuhusu land.

(Interjection) **Com. Ayong'a:** (inaudible)

Onchomba: Land, shamba. Unajua kuna wengine wananunua ma acre hata one hundred acres. Inatakikana kuwe na maximum ile ambayo watu wanaweza kununua. Wengine wananunua hata one thousand acres na wengine hatuna.

Com. Ayong'a: (inaudible)

Onchomba: Sijasoma hapo.

Com. Ayong'a: (inaudible)

Onchomba: Hapana sikuwepo.

Com. Ayong'a: (inaudible) asante kwa kuongea juu ya hiyo, hii iko katika hii Draft Constitution.

Onchomba: Kuhusu kazi, kama umeretire kazi usipatiwe kazi nyingine. Umeretire you go home...

(Interjection) **Com. Ayong'a:** (inaudible).

Onchomba: Ni hayo tu, asante.

Evans Mogendi Kanoti: My names are Evans Mogendi Kanoti. Mine is not asking questions but I am going to take this opportunity to congratulate you very much for the good work that you have done. I am one of those people who prepared a memorandum and sent it to the Commission and after going through this Draft Constitution; I have seen that most of my views have been taken care of.

However, now coming to the national holidays, I feel that there is need for us to have Heroes Day, to cater for those people who fought for this country's freedom. Like the Late Mzee Jomo Kenyatta and the rest of those people who had really sacrificed their lives to fight for the freedom of this country.

Another issue that I would like to put across is that, and I am aware that we are also conscious of the international community,

are the public holidays that are international, international public holidays. I also hope that they will also be incorporated in the new Constitution like the Christmas Day, Labour Day and many other holidays that are international.

Another issue that I would like to put across is that, if Ministers are going to be chosen from professionals only, some of them might turn out to be arrogant in the sense that they will be thinking that they know so much. That those people who are under them do not know and they might be pushing them in a way. I feel that should also be catered for.

Coming to the amendments of the Draft, I feel that they should be very minimum because what we have said, and we said we are sovereign. Therefore there should be nobody, as we have heard through the Press and some reports that have been made by some legislators that the Commission went ahead to write its own issues. I am informing them through you who has come to represent the Commission here that they should ask whether what they presented is catered for but not claim that what you have written is yours.

Thank you so much, I feel the amendments that should be done, let me say they should be negligible. Thank you so much.

Com. Ayong'a: Thank you for congratulating the Commission and on behalf of the Commission I want to accept your congratulations. You know the Commission has gone through a lot of pain and people think that the Commission has been enjoying life, sitting and doing nothing. Let me tell you, most recently and not only that but at all times, many Commissioners have become sick because of the hard work that they have been doing. Commissioners work up to midnight, Commissioners travel, wake up, *chitwoni ekeru chikobuga*, to meet their appointments elsewhere. They have gone through dangers, some almost capsized when they were crossing the ocean and some have gone even on the back of the camels where their vehicles could not move. Trying to get every Kenyan to say something.

So it has not been easy for the Commissioners. And most recently, they have been working up to 1.00 am. At times at our offices we had to get people to work two shifts, those who work at night and those working during daytime. In order to get all views, gleaning these views from people, gleaning things from the State, gleaning information from memoranda and trying to put these things together and bring them to us to start discussing them. Which one do we put? This one is similar to that now, how do we put it? The lawyers put it in the language of the law, all these kinds of people. And it has been very, very hard.

Particularly, when you find you are overworking and someone behind there is saying you should not touch me, when you know you are touching him on behalf of wananchi. And what he/she is doing is doing it for the wananchi. *Huwezi kuwa na kazi bila watu, ni watu ndio wanakupa kazi*. Without you people I couldn't come sit here and talk to these wall. I was waiting and if nobody came I would have gone back and say I went to Kebirigo, there was nobody.

But that is not what I came here for. I came here to share with my people at Kebirigo. Tell them this is what we have, here is

where we have reached, pray for us. Read this material, so that when we come out with the final document, we could say God has been good to us. It is our document, not something that the Kenya Government made but our document that we made. Kenya Government has been a facilitator, but it is our document that we ourselves have made. And we pray it will be so.

(inaudible)

You have a question? *Karaganya.*

Kennedy Mogondo: My name is Kennedy Mogondo. My question comes from Section 126 which talks about the qualifications for election of a President. I am asking the question from part (b) of that section 1 which says that has attained the age of 25 years, but below the age of 70 years. I wish to ask, don't you think this section might be interfering with the Bill of Rights because anybody is allowed to aspire to any office? Without being blocked? That is what I had in mind.

Com. Ayong'a: How would you like it to read?

Kennedy Mogondo: I think if somebody is not senile and is capable he can contest that seat.

Com. Ayong'a: After 70 years?

Kennedy Mogondo: After 70 years, yes.

Com. Ayong'a: Those are your views, and I am telling you that we are not taking the views of one person and in fact if you could hear some others, some could say let someone be a President until he/she dies. And others ask, supposing someone lives 120 years, because we don't know when death is going to come. We have to have a limit, that from this and that. But again as I said this is a Draft Constitution. Let us see when we meet with those six hundred plus people, what they are going to say. They may add to it or they may reduce it, I don't know, you see. But there must be a limit isn't it? There must be a limit. Asiye kubali kushindwa si mshindani, sawa, ndio.

James Momanyi: Mimi ni James Momanyi, na niko na maswali mawili. Swali la kwanza, wakati hii Draft ilipotoka Rais wa Jamhuri alilalamika ya kwamba yeye hakuulizwa maoni yake. Sasa ninauliza Commission, ni kweli alipewa nafasi na yeye atoe maoni yake ama haikuwezekana? Na kama haikuwezekana, sasa atafanya kitu gani wakati huu?

Pili, wakati tulikuwa tunaongea about Human Rights, kuna jambo tumeongea, uhuru wa kuabudu. Inawezekana watu wengine kupiga makelele usiku sana na watu wengine wamelala, nafikiri ulizungumzia mahali hapo licha ya kwamba sikusikia vizuri. Katika Constitution hii mpya, sijasoma vizuri niang'alie mahali hapo. Inawezekanaje hawa watu kuwa controlled kwa sababu huenda ikawa mtu hapa anataka kulala na yeye hakutaka kelele na mwingine hapa anataka kuabudu kwa sababu iko uhuru.

Tutaweza kusaidiana hapa iwe namna gani?

Com. Ayong'a: Unaniuliza kwamba President hakutoa maoni kama ni kweli au si kweli? Na kwanza wewe mwenyewe umesema President alisema? Ngoja, alilalamika...

James Momanyi: (inaudible)

Com. Ayong'a: Kwa hivyo unaniuliza kama ni kweli au sio kweli? Wewe unajuaje, ni kweli au si kweli?

James Momanyi: (Inaudible)

Com. Ayong'a: Si alisema? Sisi tulikusanya maoni kutoka kwa kila Mwanakenya aliyepata nafasi ya kufika kwetu. Tulikwenda kwa kila constituency, tulikwenda hata constituency ya President. In fact I was one of those who went to his constituency.

Tulipokuja hapa kuchukua maoni ya watu wa hapa, Mheshimiwa wetu hakuweco hapa sio? Lakini situlichukua maoni? Kwa hivyo tulichukua maoni na tena tulipata maoni ya KANU. Wa KANU walituletea maoni yao, tuna memorandum yao. Hilo ni swali ngumu.

Na habari ya kuabudu, ning'alipenda usome hii Draft. Haya maswali unayouliza, majibu yako hapo tayari. Unajua katika devolution of powers, tumeenda mpaka kwa mzee wa kijiji. Kama katika kijiji chenu mnashida kwamba fulani anatupigia kelele hapa usiku, si hiyo inaweza kutengenezwa kwa kijiji? Hatukatai mtu asiabudu jinsi apendavyo, kila mtu ana uhuru wa kuabudu. Lakini kama sasa tuna mkutano hapa, halafu mtu atokee hapa anataka kuabudu aanze kupiga *chikonu chiaye ku, ku, ku*. Hawezi kuambiwa kwamba hapana unatuharibia mkutano? You can go do it somewhere else? Eeh?

Na tumeweka mpaka Serikali ya kijiji. Kwa hivyo kama katika kijiji chenu kuna mtu ambaye anazuia watu kutolala, bila shaka hiyo Serikali ya kijiji itamwambia huyo mtu asifanye hivyo. Lakini kama kijiji chote kinapiga hiyo kelele yote usiku, na hao pia watakuja kuulizwa how do they contribute to the economy of the country? Kwa maana ikiwa usiku wote wewe utakesha, kweli kesho utaenda shambani?

Itaanza kuonenakana katika many ways. Hakuna chakula hapo, watu ni wagonjwa, afya za watu zimezoroteka kwa maana hao watu hawalali na hawakuli sawa sawa. Na ni nani atapenda kuwa na watu wa namna hiyo? Nadhani hukutosheka na hiyo jibu lakini that is what it is. Na hebu nikuombe uende usome hiyo vizuri sana, soma vizuri sana.

James Masaki Mong'are: In addition to that, there are those ones who have spoken you are requested to go and register

your names there. Anybody who stood and has asked a question or gave a comment register

(?)

Com. Ayong'a: *Erike igabu. Omogaka oria korua maega.*

Speaker: Kwanza ningependa kuchukua fursa hii kushukuru...

(Interjection) **Com. Ayong'a:** Sema majina yako.

Samuel Nyabuti Mose: Jina ni Samuel Nyabuti Mose, kutoka hapa Nyamira. Swali langu ni kwamba, hatukuwa na Sheria ya kumshtaki mchawi kwa maana walikuwa wanashikwa, halafu tena wanafunguliwa kwa maana hakuna Sheria ya kuwashataki hawa. Na hapa sijaona kama kuna pahali ambapo kifungo kimetolewa cha kuwashtaki wachawi.

Tena, kile kipengele ambacho kinasema a Minister should not be a Member of Parliament, mimi ninaonelea kwamba kuna jinsi tunaweza kufanya kwa maana tunachukua wale watu ambo wako competent ndio tunachukua kama MP, halafu tena wanaenda kuchagua wengine kutoka kando ambao sio watu tunaowaamini sisi wananchi. Ninaonelea kwamba hawa wabunge ndio wangukuwa tena Ministers kwa maana inaweza kutubidi...

(Interjection) **Com Ayong'a:** Unataka waendeleo jinsi gani?

Samuel Nyabuti Mose: Jinsi walikuwa kwa sababu hawa ndio tunaamini.

Com. Ayong'a: Hao ndio tunaamini?

Samuel Nyabuti Mose: Ndio, kwa maana hao ndio tuliowachagua.

Com. Ayong'a: Hayo ni maoni yako hayo. *Nyabuti gwateba okorokwa?*

Samuel Nyabuti Mose: *Eeh.*

Com. Ayong'a: *Nyabuti mboronge gwateba, gotai nayo* hayo ni maoni yako. Sasa, wacha nikuuliza Nyabuti, swali lile uliuliza kwamba hukuona kipengele chochote kinacho deal na mchawi sindio? Hukuona jinsi ambavyo mnaweza kumshtaki mchawi, hebu nikuulize hivi, Nyabuti kuna mtu amekuzuia kwenda kortini kumshtaki mchawi? Kuna mtu amekuzuia?

Samuel Naybuti Mose: (inaudible).

Com. Ayong'a: Mimi ninajua kitu ambacho ungetaka kuniambia. Unataka kuniambia mchawi hatakiwi asemwe ni mchawi. Lakini kama ungeenda kortini, ninajua kitu ambacho court ingekuambia, ingekuambia give us the proof. Na hiyo proof ndiyo itakuwa ngumu sana kwako kwa maana hata watu ambao mnaishi nao hawatakuja kuku-support kwamba Nyabuti amesema kitu hicho na huyu mtu kweli ni mchawi, anatumfanyia hivi na hivi. Kwa maana lazima kuwa na evidence, the court depends on evidence sio hearsay. Hearsay hii mtu pia anaweza kuharibu jina lako akakuita wewe Nyabuti mchawi na wewe sio mchawi.

Kwa hivyo, kuna maneno ambayo sisi wenyewe tumejijengea. Kama mtu ni mchawi na mtu ameshtakiwa kwamba tabia zake ni mbaya, mwanzo utaenda kwa Chifu wa hapa hata ukienda kumshtaki na yeye atakwambia *tintageti ondetere amang'ana ang'a bunaayuo. Amang'ana aya banto aba mbari gokwanwa. Tari igo abagaka mogokora?* Sasa huwezi kusema katika Sheria ya Kenya, tuanze kuandika juu ya mchawi, mchawi ambaye Nyabuti hatakwenda kortini na ku prove kwamba mtu huyu ni mchawi. Kwa sababu hiyo inakuwa ngumu. Lakini hayo ni maoni yako, na asante. (inaudible)

Speaker: Asante Bwana Commissioner. Mimi nina maswali matatu. Swali moja la kwanza...

(Interjection) **Com. Ayong'a:** Sema jina kwanza.

Joseph G. Nyaosi: Jina langu ninaitwa Joseph Gori Nyaosi na nina maswali matatu. Kwa nini D.C wa District anapatiwa nguvu sana na ukienda, unakuta yeye yuko na magari matatu au manne, ingine mpaka ya kubeba mbwa na watu wengine wanasumbuka. That is my question.

Com. Ayong'a: Kwanza hebu nikuulize, umesema D.C ana gari nyingi?

Joseph G. Nyaosi: Ana nguvu na anapatiwa magari...

(Interjection) **Com. Ayong'a:** Magari mengi?

Joseph G. Nyaosi: Magari mengi...

Com. Ayong'a: Na mengine yanabeba mbwa?

Joseph G. Nyaosi: Na mengine yanabeba hata mbwa. (?)

Com. Ayong'a: Hapana, tena sasa hiyo lugha haikubaliwi kwa Constitution. Watoto wa mtu ni watoto wa mtu. Unasikia ile habari tulisema juu ya Human Dignity?

Joseph G. Nyaosi: Yes.

Com. Ayong'a: Ni lini watoto wakageuka wakawa mbwa? Mimi ukiwaita watoto wangu mbwa nitakufikisha wewe kortini.

Joseph G. Nyaosi: (inaudible)

(Interjection) **Com. Ayong'a:** Lakini, hebu kwanza nikujibu hiyo. Sidhani kuna District Commissioner aliye na magari kama hayo katika Kenya ya sasa. Ambaye ana magari mpaka ya mbwa hakuna.

Joseph G. Nyaosi: Lakini hizo magari ziko zaidi ya tatu.

Com. Ayong'a: Gari zaidi ya tatu?

Joseph G. Nyaosi: Analo Land Rover, analo gari analotembelea huko, D.C ana gari la Peugeot anatembelea D.C ana gari ya kwenda nalo (inaudible)

Com. Ayong'a: Tatu?

Joseph G. Nyaosi: Nne.

Com. Ayong'a: Kwa hivyo unataka nini?

Joseph G. Nyaosi: Nimeuliza hivi, kwa nini anapatiwa hivyo vitu?

Com. Ayong'a: Basi wacha nikwambia, ulisikia kwanza nilisema Provincial Administration inaenda kutolewa? Na ikitolewa magari hayo matatu au manne yatakuweco? Hayatakuweco. Kwa hivyo jibu liko tayari, na mbwa hakuna hapo tena.

Joseph G. Nyaosi: Hapa ninataka kuuliza hivi tena Bwana Commissioner. Kwa nini majaji wanafanya kazi kwa Sheria ile ya zamani kwa muda mrefu? Hawana mahali wanasema limit miaka yao iwe kawaida kama Mkenya yeyote ule ameajiriwa. Kama ni 65 years, jaji mwingine aingie katika hiyo nafasi.

Com. Ayong'a: Hiyo tayari imetajwa katika hii Draft.

Joseph G. Nyaosi: Haya, tena ya mwisho. Kenya hapa ni kwa nini iko corruption zaidi kuliko nchi zingine?

Com. Ayong'a: (inaudible) Na tena hiyo corruption (inaudible) na hilo ni jambo ambao likikubaliwa tutalichunguza. Na itakuwa kila mwananchi (?) kutoa kwa... uliona vile yule polisi alikuwa anapewa pesa? Mliona katika television? Juu ya Police Officer ambaye mtu wa camera alimpiga picha. It takes two people to be corrupt. Kama wananchi tungejiheshimu tusaidie kupunguza corruption, tutapunguza. Lakini tusipotaka kupunguza, ndio maana yake tulisema a citizen ana kazi, wajibu wa citizen kwa nchi yake. We have to be responsible citizen in order to curb these evils that are in this country. Thank you, hiyo ilikuwa ya mwisho.

Joseph G. Nyaosi: Ninauliza hivi Bwana Commissioner, sisi hapa kwetu Kenya, Wakenya wote, watu wengi ni maskini, wengi ndio maskini lakini tukitazama wale watu walemavu wa Kenya, tuliomba na hiyo sikuona kama imeandikwa kwa hiyo Draft ambayo mmefanya.

Watoto wa walemavu wanatakikana wafundishwe hata watoto wawili ang'alau waende kusaidia ile miji baadaye ikuje kuonekana kama ni watu. Kwa maana maskini ukiwa mgonjwa na tena ni mlemavu, sasa ugonjwa wako ni sana. Na kwa nini hiyo Constitution haikuandikwa ati watoto hao wa walemavu wafundishwe na wapatiwe kazi ang'ali huo ulemavu ukwishe katika huo mji? Thank you.

Com. Ayong'a: I think that has been taken care of. Walemavu wahudumiwe vilivyo, imeandikwa. Wewe soma vizuri sana. Walemavu wahudumiwe vilivyo, waang'aliwe kama watu wengine wote na wapewe huduma zinazowafaa hao kama walemavu. Kwa hivyo the Constitution cares for that kwa maana tuna care for human dignity.

Benjamin Abere: Majina yangu ni Benjamin Abere. Mimi ninauliza juu ya hivi vitabu, mbona vinaandikwa kwa Kiingereza pekee yake? Ni heri muandike Kiswahili pande moja na Kizungu. Kwa maana iko wengine ambao hawaelewi Kiingereza. Tafadhali mtusaidie hivyo kututafutia hiyo Sheria. Asante.

Com. Ayong'a: Mzee, hata Constitution yenyewe baada ya kumalizika tulishasema ilikuwa sehemu ya maoni ya watu. Watu walitaka kwamba Katiba itakapo kuwa tayari, iwe na lugha mbili, Kiingereza na Kiswahili, na hiyo ninaweza kukuhakikishia kwamba itatafutwa. In fact it is being translated na itakuja Katiba iliyoandikwa kwa lugha mbili na kila mtu atajisomea.

Sasa kuna mama yeyote hapa? Tumpe nafasi kwa maana sisi hatufanyi discrimination.

Alice Moraa: Mimi ninaitwa Alice Moraa. Kile kitu mimi nitaweza kuuliza...

(Interjection) **Com. Ayong'a:** Mama paza sauti.

Alice Moraa: Kile kitu mimi ningependa kuuliza, kwa sababu sisi kina mama tumesumbuka sana.

Com. Ayong'a: Mmesumbuka kwa njia gani?

Alice Moraa: Tumesumbuka sana, tunataka kina mama wachaguliwe na hao wawe na viti ili waweze kuang'alia kina mama wengine. Tena, watoto tumesomesha wengi na wako ndani ya nyumba tu. Wanaomba sabuni, wanaomba kila kitu, lakini wamepita tafadhali mtuang'alilie pahali watapata kazi wafanya au kazi yoyote wafanye kwa sababu tumewasomesha hawa wote. Lakini bado wako nyumbani wanaomba sabuni na sisi hatuna mashamba ya kulima, pengine tuko na shamba kidogo, sasa tunashindwa mahali pa kwenda.

Com. Ayong'a: Asante mama. Si nilikwambia mama kwamba katika Katiba hii, Katiba yetu inasema hivi, katika zile kazi kubwa kubwa, kina mama nao, one-third iwe ya kina mama. Unaona hawa ambao tunaotuma katika mkutano huu wa National

Conference, wale watu watatu. Tumesema kwamba at least one awe mama, na tayari tumefanya hivyo. Kwa hivyo kina mama hamsumbuki sana.

Wapi yule mama ambaye atakwenda National Conference? Hebu mama simama. Mwenye swali yuko wapi? Umeona? Huyu ni nani? Ni mama. Kwa hivyo masumbuko yenu yatamaliza na yeye. Mwambie hayo maneno yote ambayo sisi huwezi kutuambia. Thank you.

Naki kwaregoteba?

Kennedy Mogondo: My name is Kennedy Mogondo. According to this Draft you have suggested that one-third of those people who aspire for parliamentary, civic and many other sections should be women.

There is a situation that we have from our community here, the Kisii, most of the women are not very much interested in issues of politics. How can we motivate them, so that they can know that those issues are also there because they are not very much interested.

Com. Ayong'a: We cant say that way. I know that sometimes men intimidate women by calling them names. You know what I mean? They call them names. And take for instace in this meeting how many women have come? They are very few because someone has said, *gachie otore echai eria naende orore na gwachire gopima ee*, and all those kinds of things.

But let me tell you, women have come up. Women have come up and women are going to come up. If they use their cards properly, we are going to see many women in leadership positions. And so if you are thinking *ekesusii*, forget about it. It is coming, and women are coming in a very strong way.

We men should encourage it because after all, women are there to stay. They have got a right to live, a right to do everything that men do. They also participate. And let me tell you something, it comes to the issue of inheritance. The issue we have heard many Kenyans talk about, inheritance.

We have come to a conclusion that every child born, if you have got a girl child, a boy child they can inherit what their father has. They can inherit. There is no way, we are talking about no discrimination, we have got a ten acre shamba, we have got four girls and one boy, the girls are going to inherit that, they are your children. And people have discovered these women are so good to the parents than the boys. Have you discovered that?

You know before we used to think, *ah, nyarebe nere ninki abwate gose na abwana abaiseke boka?* And we tend to think, *oh igo are asara, omogaka oyuo igo akona koeumi rioka na mosiko ndache, mosiko ndache* but now check a home *ase abaiseke bare. Obasomie buya, naki oigwete ikomenya buya? Abaya, naende bagoanchete, bachandegete ng'a naki na rora tata, egoti eria akobeka bono na amache agakare gosiberia igo chiabora mpaka echiakoirera dry cleaner? Barabwo bachandegete. Abamura kobaroche yabambokekire gochia igoro iga, bagoteba akagaka aka gochia igo*

kagenda gatimoke. Noigwete. Abana abaiseke abaya sana. Igo, lets encourage them, let us give them the education they deserve.

Na batebia ng'a omwana oria tore komo igaria ne e lawyer? Okore na ng'anto gwakoraiga nkomotebia na ine baba, Lydia ichiko ki bono tokobwatia eria? Agontebia omogaka section so and so. Omonto oyuo nabo tokomokorere, rimo igo okobwaterwa buya igo. Tari omwana omoiseke onkonya? Ntebie bono. Teba erieta riago naende riswari ndiba mbuna notarasoma (inaudible)

Peter Auga: Asante sana, kwa majina ninaitwa Peter Auga na mimi ni mwalimu. Ningendea kukuuliza tafadhali kwa sababu hivi vitu vilikuja hivi karibuni, havikuja mapema ili tuweze kujiaandaa vilivyo. Kwa hivyo sisi ni wachache, sio wengi sana na tunashukuru sana kwa sababu umekuja na unaongea lugha yetu. Na kwa hivyo tunakuomba, pengine kuna mahali fulani hatujasikia kama ni kwa redio ama mahali fulani tafadhali tukuulize. Itakuwa nikitoka hapa nitatosheka kwa sababu hivi vitu sijaenda nimalize vyote.

Kitu cha kwanza ninasema hapa ni upande tunasema lugha yetu. Mimi huwa ninakang'aywa sana kwa sababu kusema taifa la Kenya lugha ambayo inazungumzwa ni Kiswahili na sijaona hivyo. Kwanza kitu kinaonekana hapa ni hiki, Katiba imewekwa muktasari wake kwa lugha ya Kiingereza. Na Kenya yetu hapa tunaweka ya kwamba lugha ya taifa ni nini, Kiswahili. Sasa, ina maana gani?

Com. Ayong'a: Itakuwa na maana kwa maana Katiba itaandikwa kwa Kiswahili na itakuwepo.

Peter Auga: Haya asante. Ikiwa lugha hii ya Kiswahili ni lugha ya taifa sasa hivi elimu inabadilika badilika na vitbu vingi vimechapwa kwa lugha ya Kiingereza. Sasa hii itakuwa namna gani? Lugha ya Kiswahili ni lugha ya taifa ama ni nini? Ukipata watu wanaongea, wanaongea lugha ya Kiingereza. Kina mama hawa wamekuja hapa, hawasikii chochote, hatusikii chochote. Kwa hivyo tunaomba, ikiwezekana, vitabu vichapwe vingi kama ni lugha ya taifa, viwe vya Kiswahili ili ionekana ya kwamba Kenya ni nchi ambayo inatawalwa na lugha ya Kiswahili.

Jambo lingine ni kuwa katika elimu kama (inaudible) elimu. Mambo haya tulikuwa tunafichwa sana, haya haya ya Katiba. Kwa sababu mimi sijui Katiba hii nikishikwa kwa sababu sijui Katiba hii inasema nini, sasa ni kwenda tu, kutoa pesa na kupatiana. Kuling'ana na vile nilisoma hapa nikapata ya kwamba mambo yanaanza kuwa vizuri.

Kuling'ana na vile mmetoa nakala hizi zote, sasa itakuwa rahisi, na mkileta ya Kiswahili, hata mama huyu anaenda nyumbani akikaa wakati anapumzika anasoma, huwezi kumchukua namna hiyo. Kama ni kunishika nishike twende. Ana ile tunasema ile right yake, ujasiri wa kusema. Kwa hiyo mambo haya yote yawekwe katika viwango na vifundishwe katika mashule yetu, primary, secondary na chuo kikuu. Ili pia watoto wanapokwenda hatua hizo zote tupate ya kwamba mtu anajua kile anatakikana. Hata mtoto akija hapa sasa kama huyo umesema ya kwamba Lydia, mambo yamekuwa tofauti. Tunajivunia na unasema kile unajua.

Kingine hapa, mijadala hii inasema ya Kisii, nilisikia hapa redio kama ninasikiliza. Lakini sana sana wanaweka mijadala ya redio katika lugha ya Kiswahili, sana sana Kiingereza, kwa redio. Lakini katika televisheni hawaweki. Lugha yetu ile ambayo kina mama hawa wote, wale ambao hawasikii hiyo lugha ya Kiingereza, hawataweka hii Katiba hapa tusema Kisumu ama Kikuyu katika lugha ile tukae vile mnakaa tuulize *ekegusii, naki ere iga utueleze*, like that, tusikilize. Ikiwekwa mijadala hivyo, mambo yatakuwa mazuri sana.

Ya mwisho, ni katika hali ya mijadala ya bunge. Ninafuraha sana kwa sababu mmeleta nyumba zile mbili, nyumba ya senate pamoja na ile nyingine. Tunaomba sana kama hizo zingine tunaona, ninajivunia mbunge wangu niliyemchagua, yule ambaye ni Minister nione ya kwamba vile anajibu maswali yale ambayo yanatukang'aya hapa mahali tunakaa iwekwe ana katika runing'ama ama redio, tusikilize, ana kwa ana. Mambo haya yakifanywa, tutakuwa Kenya huru. Asante sana.

Com. Ayong'a: Asante mwalimu. Ndio hiyo ilijibiwa tunaposema katika ile Bill of rights, access to information. Una haki ya kuwa na access to information, and that is the information you are talking about. Vitu vifanywe ambavyo huyo mama ataelewa, vitu vikifanywa bunge wewe uliye mchagua mtu, uanjua fulani leo alisema hivi, ilikuwe na uhuru wa watu kupata hizi information. Vitu visiwe vinafanywa ambavyo havisikiki, havijulikani.

Mpaka ni juzi tu watu walipata habari kwamba wabunge fulani, fulani huyu hajaongea kitu hata kimoja toka alikoenda bunge. Watu wanaenda huko tu wanalala na wanatoka wakija hapa weekend wanasema tumetoka bunge, and you don't know what they are doing. Ndio maana yakae tunasema mwananchi ana uwezo, wewe ndiye uliyemchagua huyu mtu ukampeleka bunge na you must see, huwezi kulima shamba ambalo hutoi matunda, na kwa hivyo lazima ujue mbunge wako anafanya nini. Na kama unapata hafanyi kitu, tukakupa nguvu ya ku-recall, rudisha yeye nyumbani.

Na hii pia inakwambia unapomchagua mtu, na wewe juulize, we blame you kwa kumchagua mtu ambaye hawezi kufanya kitu. Na hali katika democracy, ni mtu aliye na watu wengi ndiye atakwenda bunge. Kwa maana democracy inasema hivi, huu wingi wote uliomchagua huyu umeona there is potential in this person, kwa hivyo wamemchagua. Lakini tena tunakuongezea kama ulimchagua na ukafikiri ataenda kufanya hivi, na akaenda huko na ukapata he doesn't do it, unapewa powers to recall that person back. Kwa hivyo, lack of information unajua imetuletea shida nyingi. Ndio maana yake tunataka hii Katiba itakapochapwa, ile final copy, itakuwa kijitabu ambacho unaweka mfukoni na unatembea nacho. Na itakuwa kwa lugha ambayo umelewa.

Tulisema Katiba ya zamani iliandikwa na kile Kiingereza kigumu, kigumu, wanaingiza maneno mengine ni ya kilatino, wamejaza huko na kule, ili iweze kukusumbua hata usijue. Wakikufikisha kortini na majaji nao wanaongea lugha ngumu ngumu, na wakati mwingine unajibu kitu ambacho hukuelewa. Tunasema these things should be simplified na viwekwe katika lugha ambayo unasoma na utaelewa.

Unajua kwamba zile Katiba zingine hata ma lawyers hawaelewi hizo lugha? Mambo yako huko hawaelewi. Lakini sasa hii itakapotoka, wewe omba tu, mwalimu omba Mungu, ikitoka ni lugha utakayo soma wewe mwenyewe na utajua hii ni haki

yako, mtu akikuingilia unamwambia twende. Kama unasema twende mbele, mbele ndio tunakwenda lakini usiishike suruali yangu kutoka nyuma, twende. Mambo yatakuwa namna hiyo.

Sasa nita allow maswali mawili, huyo mzee na yule, ndipo nitawagawia mali. Kuna vitu ninataka nifanye vingine.

Kennedy Ogeri: Kwa majina ninaitwa Kennedy Ogeri kutoka Nyamira. I wanted you to clarify kidogo juu ya land policy. Mwenzangu aliuliza kuwa watu wanakuwa na acreage of land kama ten thousand acres na zinakaa tu idle, hazina kazi yoyote. What have you done so far ili tuwe na Constitution ambayo inaweza kuwafanya ikiwa hiyo land inakaa tu hivyo they pay tax.

Com. Ayong'a: Umepata Draft Constitution? Utapata na jibu lako liko tayari. Hayo maneno yameshughulikiwa kwa wingi kwamba what do we do with the land that is idle? Na lands ambazo watu wengine walinunua na wengine wakanyakua? Hizo zote zimeshughulikiwa, Wakenya wote wako concerned na hiyo. Kwa hivyo Ogeri poa.

Speaker: (inaudible)

(Interjection) **Com. Ayong'a:** Ngoja kidogo. Ni kuhusu hiyo shamba?

Speaker: (inaudible) hiyo inasema...

Com. Ayong'a: Tafadhali taja majina yako kwanza.

Maxson Ongoro: My names are Maxson Ongoro.

Com. Ayong'a: Unauliza page gani?

Maxson Ongoro: Last page, ownership of land.

Com. Ayong'a: Unatwambia kwa nini last page, haina number?

Maxson Ongoro: Number yake sijui.

Com. Ayong'a: Title gani?

Maxson Ongoro: Page 47, inasema kuhusu land ati mtu anajulikana kuwa ni mwenye shamba kama yuko na title ya hiyo shamba. Sasa ninauliza na kupata title ya shamba, ni process na saa hii ni ngumu sana kupata.

Com Ayong'a: Kuna sehemu ambazo process ni so long and so far away from people. lakini when we come to devolution, kuleta haya mambo nyumbani. We have gone even to the extent, kwamba tuwe na courts za nyumbani ambazo zina-deal na land matters na title deed zitolewe hapa karibu ambako watu wanajua hii shamba ni ya fulani wa fulani.

Unaona sasa mambo yanayofanywa huko, umesikia hapa Nakuru jinsi watu wananyang'aywa mashamba yao, shamba limepatikana lina titles nyingi na likauzwa. Umesikia watu wakifanya hayo mambo? It is because watu wa karibu hawakuwa

involved. Tunataka what comes to land ifanywe na watu wa nyumbani wanaojua juu ya hiyo shamba. Wanajua shamba hili ni la fulani. Shamba isiuzwe huko katika bar na mambo yakaisha huko na fulani akaenda akauziwa the same shamba, wewe kesho ukienda unafanya kazi yako uanfikiria shamba ni lako kumbe na fulani naye ana title. Kwa hivyo we have tried to eliminate this through devolution, kuleta utawala karibu na watu. Wewe utakuwa wa mwisho halafu sita-allow maswali mengine.

Andrew Mandi: My names are Andrew Mandi. I congratulate the Commission for simplifying the Draft, to the simplest language for our local people to understand. First and foremost I would like to draw your attention to section 20 that deals with citizenship. It is not enough for a foreigner to come into this country, stay there for three years, marry a Kenyan and then he/she becomes a citizen. It is going to lead into commercialisation of...

It cannot be enough for someone to come into this country marry a Kenyan and maybe pay some dowry then afterward, after not even one month, the marriage is dissolved and the person has acquired the citizenship of this country. It is going to make it a business and it is not going to help us. So, I urge the Commission to look into that and add some clauses, add some restrictions. And if somebody is to become a citizen of this country, first and foremost, they must know the two national languages in addition to another local language.

Then, I would like to comment about the Bill of Rights, the section that talks about children. I have not seen anywhere whereby children born out of wedlock are catered for. It simply says that any child has a right to be protected by the parents, which parents? It is not clear enough which parents. It has not actually put in place the kind of action that is going to be taken on foolish men using their wealth and due influence to induce some small girls, impregnate them and then throw them away. It has not correctly put in place rights about women. Under age women that is below 17 years have not been protected.

The Constitution talks about the family, fine. We have marginalized tribes in this country, some of them have actually had access to education. To establish that someone is over 18 years is very hard. And you find some young kids, I have seen a section where it talks that somebody under 17 years should not be married. But there are some areas, even here that you cannot be able to establish whether somebody is over 18 years or not. That person is deceived, she is just a child... the woman should get properly protected.

(Interjection) **Com. Ayong'a:** (?) she has a right to live.

Andrew Mandi: Fine, it talks about the right to live but it does not talk about the woman whose life has been jeopardised. It has not put in place what should happen to a person who has deceived that woman.

Before 1976, we had what we called the (inaudible) Act which was actually repealed. It was repealed because it affected most Members of Parliament. And those are the people who had money, deceived women all over, had children all over. And even in the current Members of Parliament that is what they do. And we don't...

(Interjection) **Com. Ayong'a:** What would you like see done? What would you like us to do?

Andrew Mandi: I would want in my own opinion...

Com. Ayong'a: Having considered very clearly because we are (?)

Andrew Mandi: I would want in my own opinion, that any person using undue influence, undue I mean here that you use your wealth, position to induce any woman into accepting marriage, you must take care of that woman.

(Interjection) **Com. Ayong'a:** What else?

Andrew Mandi: The reason why I am saying so, the poverty we have around has been brought about by such uncouth characters.

Let me talk about land. We have various Acts, I haven't seen in the Draft Constitution where it talks about the consolidation of those Acts. We have Act 288, Act 300, 301, the Constitution has not addressed how those Acts are going to be consolidated.

The loopholes we have in the current Acts governing land in this country, is so because the Colonial Government realised how to create several Acts and to manipulate the land ownership by the indeginous Kenyans.

The Constitution only talks... and where the Draft Constitution refers that parliament is going to have one or two years to enact a law to address various issues in the Draft Constitution, there are several loopholes. There are several loopholes in this country whereby we have Members of Parliament, they go there, they are manipulated and they vote for the system of government they have. And that is the crises we have. Even the current parliament, the President manipulates members because he has the money and that is what he expect, even yesterday he is calling the Rainbow Alliance members to State House, why?

We have read in the papers, when they left they did not agree, he again called Kalonzo Musyoka and Professor Saitoti to manipulate them. We actually want a Draft Constitution as you are preparing for the conference, those issues must be properly addressed.

Then we come to the Police Force and Armed Forces. I have seen that in the Draft Constitution it says that, the Police and the Armed Forces that is the Kenya Army and I recommend that they have to obey lawful and reasonable orders, not like before. But what like the due process of law, all the procedures established by law must be added. There should be due process of law, all procedures established by law and the Police and the Armed Forces must obey lawful and reasonable orders.

(Interjection) **Com. Ayong'a:** Last point.

Andrew Mandi: Lastly, I congratulate the Commission for putting a clause in the Draft Constitution for recalling Members of Parliament who are not performing and that one should be upheld.

Com. Ayong'a: Thank you. Let me tell you this, he has spoken well because he has read. And I am sure that many of you

after reading this you would find yourselves confirming your position that this is like that and this ought to have been like this or that. But, we have done our very best under the circumstances and I hope that as we meet during that National Conference many different ideas are going to come from all over Kenya. From all kinds of people and I am sure at the end of that Conference, we are going to have one of the best Constitutions ever been made in the recent times.

I want to thank you for having come. I want to thank you for the interest you have on the Constitution. I am sure when we finish our work next week, we are going to finish our work next week then we go back to Nairobi, and do a few things before the Conference begins. And we are all looking forward to that Conference because that has been our ultimate goal, what is the Conference bringing to us. The Conference is coming to tell us A, B, C, D. What are we going to accomplish? And I am sure each one is eager for the results of that Conference so that we go for elections.

Elect good people we have given you some guidelines, you must know that you are the power, no one goes to parliament without you, it is you. So don't make mistakes. If you made mistakes before, don't make mistakes now, you have the powers and may God bless you. You have been very good people, you have listened well, you are adults, few women and I want to encourage women that if you want madaraka you must come to meetings. You must have access to information, in other words, don't allow information to come to certain people only. The information is for you all, God bless you and have a good weekend. Thank you.

Clapping from the audience

When we started this meeting, we asked for God's blessings, *na Nyasae oyo ore omuya otorendete*, He is everything for us and to us. *Igo nare gosaba ng'a Coordinator rora* one of the elders here, *aakere Nyasae mbuya mono, atosabere obuya, toesabere obuya erinde Nyasae atokonye asaande onsi ase torabase kogenda*.

James Masaki Mong'are: Just as we stand to prepare ourselves for the closing prayer, I think let me also just mention a word. On behalf of our people, Commissioner we are quite grateful for the time and the manner in which you have taken us through this Draft Constitution. We now know what is before us, as it has been put to us, we know we have a period of thirty days to discuss, to have a public debate on the Constitution we now have. And I am quite sure that we are going to do our very best and through for instance the delegates who are going to represent the district be able to have any observation, any comment, any question properly directed so that they get to the Conference.

So with those few remarks, Bwana Commissioner, thank you so much and may God bless you in this very important task you have of giving our country a new Constitution. May I therefore now request mama Sabina to kindly close the meeting with a word of prayer.

Mama Sabina: (*Prayers*) Tuombe.

