

[Redacted]

[Redacted]

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Verbatim Report Of

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

**DISSEMINATION OF REPORT AND DRAFT BILL, AINAMOI
CONSTITUENCY**

HELD AT KAITUI SECONDARY SCHOOL

[Redacted]

[Redacted]

[Redacted]

[Redacted]

ON

16TH OCTOBER 2002

**DISSEMINATION OF REPORT & DRAFT BILL, AINAMOI CONSTITUENCY, HELD AT KAITUI
SECONDARY SCHOOL ON 16TH OCTOBER 2002.**

Present:

Com. Mosonik

Secretariat Staff in Attendance:

Mary Kanyina - Programme Officer
Zipporah Wambua - Verbatim Recorder

The meeting started at 11.25 a.m with a word of prayer from Isaak Kosgei, and Com. Mosonik Chairing.

Com. Mosonik: Tumekuja watu watatu kutoka tume ya marekebisho ya katiba, na kawaida tunapenda kueleza majina yetu, nikidhani sisi ni watu watatu na sio wengi. Kwa ajili vile, mkiangalia gazeti, ni commissioner na watu ishirini na tisa, na wafanyi kazi wengine wa commission, ni wengi zaidi. Lakini sisi tukiwa hapa siku ya leo, Juma tano, tarehe kumi na sita, wenzetu, wakiwa watatu watatu kama sisi, wako kwa Central Province, niwatajije ndio mfahamu, wako Central Pronvince, wako Kiharu, Kangema, na Kiguma constituencies. Na Coast Province, wako mahali inataitwa Matuga, Eastern Pronvince wako Imenti ya Kusini, na Kutoe Kisini, Maiyaka, na Isiolo Kaskazini. North Eastern, wanatembea, wengine watakuwa kesho (?). Nyanza, wako Kisumu rural Muhoroni, na tena Migori. Rift Valley, wako Eldoret Kaskasini, Baringo Kaskasini na hapa Ainamoi, Mt. Elgon, Kilgoris Magoro, Kachiluba. Halafu Western wako (?).

Sasa tumekuja watatu hapa, na wengine wako watatu watatu vile tumesema. Na wale tumekuja hapa, sisi ambao tumekuja

hapa ni kunza, ni Zipporah Wambua, ambaye yuko hapa, yeye kazi yake ni kunasa, kwa kanda ya tape, yale yote tutakayosema leo, na tena kuandika. Yule ni Mary Kinyina, tunasaidiana, jina langu ni Mosonik arap Korir, commissioner.

Caroline Lang'at: Okay asante sana Com. Mosonik. Siku ya leo tuko hapa hili tujadiliane juu ya draft constitution ambaye ilitokezea. Hiyo karatasi ambayo tumewapatia hapo ndio draft constitution ambayo commissioner atawapeleka through, hili muweze kujua ni nini iko ndani yake, halafu mtupatie pia response kutoka kwenu. Kama mmekubaliana nayo, ama kuna kitu ambayo mtataka muongezewe juu yake, mtasema baadaye.

Wakati mwingine tulipokuwa hapa, wakati wa kuchukuwa maoni, mliongea maoni yenu, mkatupatia commission, halafu wakaandika, ndio maana itoke kwa draft. Mko na hiyo draft, na pia tuna report ya kila constituency, ambayo niko nayo kwa file, mtaiangalia, halafu mtaona kama whatever you said, iliwekwa hapa ama namna gani. Hiyo ndio maana tumekuja na report, na hiyo draft constitution.

Kitu ingine ambacho ningependa kusema ni ya kwamba, tumeshachaguwa delegates ambao wataenda national conference. National conference itanza tarehe ishirini na nane, mwezi huu, na tuko na delegates watatu wanatoka kwa kila constituency. Hapa Ainamoi constituency, kuna mwanamke anaitwa Christine Ng'eno, nadhani mnamjua, na akikuja baadaye nitawonyesha. Tuko na Christine Ng'eno, mwingine ni James Kosgei, ambaye ni lecturer huko Kenyatta University, na wa tatu ni Councillor, anaitwa Arap Soi, anatoka upande wa Kipkelion, akipata nafasi pia atakuja baadaye, halafu mtaweza kuongea na yeye. Halafu wakati anaenda conference, watajua ni nini wataenda kusema, ambayo watu wa Ainamoi wamesema, kuongeza na the constituency ya Central District.

Tulishafundisha watu kuhusu civic education, na baadaye wakatoa maoni, ndio ikawekwa kwa draft. Sasa stage ya mwisho ambayo inabaki ni kuenda conference, hili maoni yenu isikilizwe, irudi kwa katiba. Sasa stage hiyo ndio tuko, sasa tunatayarisha nyinyi wananchi, ndio muweze kusema kile ambacho mngependa ipitishwe katika conference.

Nadhani kwa ufupi ni hayo tu nitasema, hayo mengine yote mtaelezwa na wageni ambao wamekuja. Asante.

Oh sorry, kabla tujaendelea, tuko na committee moja hapa, atasema jina lake.

Paul: Jina langu ni Paul (?), mimi naitwa, Katibu wa chama cha walimu, Secretary, KNUT Kericho. Thank you.

Com. Mosonik: Nitaendelea sasa, kwa kusema kwamba, vile mmelezwa, na Mrs Caroline Korir, ambaye ni District Coordinator, wa Kericho, sisi kama tume ya marekebisho ya katiba, tulikuja na kukusanya maoni, kwa wananchi, baada ya kazi zingine tumezifanya, mojawapo ikiwa ni elimu ya uraia, ama civic education. Kukusanya maoni, tulianza, mwanzo wa mwezi wa tatu, tukijaribu kwanza kuona, ni siku ngapi, zitatoshwa kukusanya maoni kwa constituency moja. Hiyo kazi tukaifanya

Nairobi, na sehemu kadha, karibu Nairobi. Tulijaribu siku moja, kukusanya maoni kwa siku moja, tukaelewa kwamba, siku moja haitoshi kabisa. Ndio sasa tufakafikiria, kuongeza siku na mahali pa kukusanyia maoni, iwe ni siku mbili, mahali ni mbili. Hiyo kazi, tuliifanya, kuanzia tarehe kumi na saba, mwezi wa nne, tukianza Central Province, tukaenda Coast Province, tukaja Eastern Province, tukiwa Nairobi Province, Nyanza Province. Tukaja Rift Valley, halafu tukamalizia Western Province.

Tafadhali kama watu wameanza kuketi, nikiona watu wakitembelea (?). Tukakusanya maoni, kati ya tarehe kumi na saba, mwezi wa nne. Na tukianza Mkoa wa kati, na tukamaliza kukusanya maoni, tarehe nane, mwezi wa nane, tukiwa Western Province. Wakati huo huo wote, tukiwa tunakusanya maoni, kazi ya kuchambua yale mliyoyasema, ilikuwa inaendelea, ikifanywa na wafanyikazi wengine, na wataalamu wengine wa tume ya marekebisho ya katiba.

Tarehe ishirini na tano, mwezi wa nane, tukaenda kama tume, Mombasa, tukaketi karibu mwezi mmoja, ndio kuchambua, kuanalyze the views, na kuandika taarifa ya tume, inaitwa reporti ama tarifa. Na kutengeza reporti za constituencies, halafu kuandika miswada ya kurekebisha katiba ya Kenya. Hiyo reporti ya Kitaifa, ni kitabu kikubwa, hiko hata kitabu kama vitatu, vinne. Lakini tuliandika kwa ufupi hiyo reporti, na tukaweza kufupisha kwa mukhtasari, na tukachapisha na kuitoa. Kwa kingereza inaitwa 'Peoples' Choice'. Kwa kiswahili inaitwa 'Chaguo la wananchi'. Hiyo ni reporti ya kitaifa, ilikuwa kwa magazeti, na tena tumekitowa kama nakala kama hii.

Kitu cha pili, tukaandika mswada, na nimepewa wakati huu, juu ya mswada, ndio hii mnayo, kwa lugha ya kingereza, na tukachapisha kwa magazeti, kadha wa kadha. Na tena, tukatoa kwa lugha ya kiswahili, na ilikuwa kwa gazetti, taifa Jumapili, Jumapili imepita. Inaitwa mswada ya katiba na jamuhuri ya Kenya, mwaka wa elfu mbili na mbili. Nilipatiwa tena, vile Mrs Korir anawaeleza, kuchapisha reporti ya constituency zote, na mnajua kwamba constituencies Kenya, ni mia mbili na kumi. Tulipoenda na kukusanya maoni, mliona watume wakiandika vile Zipporah anaandika leo, na kunasa kwa kanda ya tape vile tunafanya leo, na commissioners wakiwa wameketi hapa mbele, walikuwa wakiandika mkisema. Yale yote mliyoyasema, na habari zingine kuhusu constituency, tuliandika kama reporti. Reporti yenu ndio hii, constituency iko national forum report, constituency yenu, tukahesabu ikawa number mia moja, hamsini na tatu, Ainamoi constituency, Rift Valley.

Ile ingetakiwa mfanye, ni kwamba kwanza, msome hii reporti ya constituency, muone kama maoni yenu, vile mliyoyasema, yameandikwa kwa usawa. Lakini hata, bila kusoma, mnajuwa, mnakumbuka vile mlikuwa mmesema, kuhusu maswala ya kikatiba.

Kitu cha pili, ni kusoma mswada, kusoma that report, kwa lugha ya kingereza, au Kiswahili. Na mlinganishe, yale yote yako kwa mswada, na maoni yenu, je, mlisema nini kuhusu hii, na je, nini imeandikwa kwa mswada wa katiba mpya wa Kenya? Mkipata kwamba kuna tofauti, msifikirie tu kwamba tofauti ni kwa ajili atukupata maoni yenu, lakini ni kwa ajili, constituencies Kenya, ni mia mbili na kumi, tena kuna vikundi vingi vilitoa maoni. Kwa hivyo, mnatakiwa mjaribu tena kusoma reporti ya kitaifa, hii reporti. Kwa ajili reporti inajumulisha maoni yote ya wakenya. Nyinyi mna yenu hapa, lakini yenu na ya constituency zingine na wakenya wengine ambao walitoa maoni kwa mukhtasari imeandikwa hapa. Hii inaeleza kwa ajili gani mswada

imeandikwa vile iko.

Nitawaeleza kwamba, tukiwa kwa tume, ni kazi ya kukubaliana hata kwetu, kusema je, tulisikia namna gani? Na kwa wakati mwingine kulikuwa na tofauti ndani ya tume. Lakini swala muhimu sio tofauti ambazo zilikuwa tukifanya kazi yetu. Kile cha muhimu, ni kwamba mwishowe, tutaitoa mswada, vile iko. Niachie hapo, na niulize mwenzangu Mrs Mary Kanyina, aendelee.

Mary Kanyina: Asante commissioner, sasa tutajaribu kusoma hiyo draft, hii ambayo niko nayo, tutaenda through all the chapter, I don't know whether there is anybody with a problem with English. If I use English, are you comfortable. Tutajakuwa mtu atafsiri kwa Kiswahili, kama nikiendelea kuelekea kwa kingereza. Ama mnataka watafsiri kwa Kalenjin, Kipsigis? Utatafsiri Kwa Kalenjin, ama?

If you look at page two of your draft,

Translator: *Ngot oger pagit neba oeng neba karatasit non otinye, report inon.*

Mary Kanyina: Please look at the mid of the page, where it is written the preamble.

Translator: *Igere kwenet kagisir ngalek che indou.*

Mary Kanyina: The preamble is the introduction to the draft constitution,

Translator: *Ngalek choton ko che mwau anan che tau ng'alek che tai agobo Constitution ini.*

Mary Kanyina: The Kenyans all over the country requested, that the new constitution, should have a preamble or an introduction.

Translator: *Kimwa bik ab Kenya kole Constitution neba Kenya konyalu kotindoi ngalek che in doi.*

Mary Kanyina: Please read the introduction for yourself, so that you see the views that have been put there, as many request from the citizens of Kenya.

Translator: *Imuche isomanjigei, chito neba Kiswahili isomani nenuni ne ba Kiswahili sinai ng'alek che kimach bik ab ab Kenya kotag en Constituion.*

Mary Kanyina: Let us move to chapter one,

Translator: *Ingebe chaptait ne tai,*

Mary Kanyina: Chapter one covers on the issues on supremacy of the people, and the supremacy of the constitution.

Translator: *Ngalalen agoba kayamet ab kei neba bik ak kimnatet ne tindoi ng'atutik ab emet.*

Mary Kanyina: This chapter, covers the issues of the supremacy of the people, the supremacy of the constitution,

Translator: *Ng'al alen akoba kipakengeit ab bik ak kimnatet neba ng'atutik.*

Mary Kanyina: It also covers the issues of the defense of the constitution of the laws of Kenya.

Translator: *Ng'alalen kora ole kiripta Constitution ak ng'atutik ab emani.*

Mary Kanyina: All the details are in the other pages, so you are able to read the details as we go through, or you read the details later, after we have gone through the table of contents.

Translator: *Ng'alek chuton kobaru ko kikisir komie en tai yu, iyeu kityo kobaru tuguk che mi orit en report ini .*

Mary Kanyina: Chapter two, covers the republic.

Translator: *Kebeberta neba oeng' kotinye Jamuri anan emet.*

Mary Kanyina: Kenya has been declared a republic,

Translator: *Kigitangasan Kenya koik republic anan Jamuhuri.*

Mary Kanyina: And the physical territory is covered under that chapter.

Translator: *oleibachite emaniton komiten kebeberaton.*

Mary Kanyina: It also states the capital of the republic of Kenya,

Translator: *Mwae kora koleng'anaset nowo anan capital neba emani ko ainon ii,*

Mary Kanyina: It also indicates the languages,

Translator: *Mwae akoba kutuswek che kikibaisien.*

Mary Kanyina: You find that the official languages are English and Kiswahili.

Translator: *Ko lughaisiek che kibaisien che nayatin ko Kiswahili ak Kingereza.*

Mary Kanyina: But the national language is Kiswahili.

Translator: *Ko kutit ab bororiet ko Kiswahili.*

Mary Kanyina: Also talked at that chapter are the national symbols.

Translator: *oloton kora kobaru kabarunoik che ba emet.*

Mary Kanyina: The national symbols are the national flags, the national anthem, and the court of Arm.

Translator: *Chechoton ko benderet ab emani, tiondob bororiot ak longet ab Kenya.*

Mary Kanyina: Also talked under that chapter, are the national holidays.

Translator: *Kora chemiten keberaton, ko betusiek che ba kamunget che ba bororiet*

Mary Kanyina: And the draft constitution proposes that, we have Madaka day,

Translator: *Ak komwae kole nyalu ketindoi madaraka day*

Mary Kanyina: That is 1st of June,

Translator: *En tarikit akenge arawet ab lo.*

Mary Kanyina: Jamhuri day, that is 12th of December.

Translator: *Nyalu ketindoi betut ab jamuhuri en tarikit taman ak oeng arawet ab taman ak oeng.*

Mary Kanyina: And the katiba day, that is the date of the enactment of this constitution

Translator: *Ak ketindoi betut neba Constitution nenamegei ak tarikit netun kiregstani Constitution.*

Mary Kanyina: Chapter three,

Translator: *neba somok,*

Mary Kanyina: Covers the national goals, values and principles.

Translator: *Ko ng'alalen akoba ta kyinenyon ba gei kokibereriot ak tuguk che kisibi*

Mary Kanyina: It covers issues like, the republic shall promote national unity and develop the commitment of the citizens, to the spirit of nationhood.

Translator: *Ng'alalen kole bororioni kotun nyalu koger kole kaib konde tai ak ketai ko cham bik emenyan ko bi k ab emani ak kotindoi kipakenge.*

Mary Kanyina: The republic shall take effective measures to eradicate all forms of corruption.

Translator: *Bororioni komache koib kakwautik koger kole kaisto tuguk alak tugul chema miachen.*

Mary Kanyina: Those are just a few of the values and principles, that are included in that chapter.

Translator: *chon ko tutugin en tuguk che takyinet ab kei neba bororiet che mitten chapter inoton kakimwa.*

Mary Kanyina: Also under that chapter,

Translator: *kora che mitten en yoton,*

Mary Kanyina: We have the duties of a citizen.

Translator: *Ketindoi kebeberto ne nyalu koyai chito ne mengindet ab emani.*

Mary Kanyina: Chapter four,

Translator: *Angwan,*

Mary Kanyina: Covers the issues of citizenship.

Translator: *Ko ngalalen akoba mengisiet ab emet anan raia che ba Kenya.*

Mary Kanyina: It covers general principles concerning citizenship

Translator: *Ngalalen akoba kabwatutik che mi tai ako tinygei ak raia.*

Mary Kanyina: It explains how one can acquire citizenship,

Translator: *Ole kimuche konyoruwundo ole kimuche keik Citizen anan ko raia neba Kenya.*

Mary Kanyina: Through birth,

Translator: *en siget.*

Mary Kanyina: Registration,

Translator: *en sired*

Mary Kanyina: And nationalization.

Translator: *Mangen naturalization ale kit ne kilyan.*

Mary Kanyina: It also covers the issue of citizenship and marriage.

Translator: *Mwae kora akoba katunisiet neba bik ab emani.*

Mary Kanyina: Dual citizenship,

Translator: *chito neimuche koik raia neba emani ak koik raia neba emet ake.*

Mary Kanyina: How you can cease to be a citizen,

Translator: *oleimukakse komateiku mengindet ab emani.*

Mary Kanyina: And the residence.

Translator: *ak cheiku mengik.*

Mary Kanyina: Chapter five,

Translator: *En kebeberta neba mut,*

Mary Kanyina: Covers the bill of life.

Translator: *ko ngalen akoba ng'atutik cheba ha ki che ba bik.*

Mary Kanyina: Even at a glance, you know it establishes the biggest or the longest chapter in the draft bill.

Translator: *Niger okot inae ile kebeberta ne kokinde ng'alek che chang' en iyeuton amun igere numbaisiekyik ko chang'.*

Mary Kanyina: This chapter covers many issues,

Translator: *Tinye tuguk che chang' keberiton.*

Mary Kanyina: I will just name a few, like the right to life,

Translator: *Amache amwa tutukin kou inyoru imandangung' isob.*

Mary Kanyina: It is good to note that, under this draft bill, that sentence has been abolished.

Translator: *Kagile en yuton ko kerkonget kou kebar chito ko kogisto.*

Mary Kanyina: It also covers the issues of women,

Translator: *Tinye okot ngalek che namegei ak kwanyik anan chepyosok.*

Mary Kanyina: All the members of society,

Translator: *Bik tugul che mitten emet.*

Mary Kanyina: Persons with disability,

Translator: *Bik che ma miachen borwek kwak.*

Mary Kanyina: Health,

Translator: *kotinygei ak tilinlindo.*

Mary Kanyina: Education,

Translator: *Somanet.*

Mary Kanyina: Under education, please note that, basic education is supposed to be free and compulsory.

Translator: *En yoton kotagu kele somanet ne kitaunen ko nyalu ko makilibani ako nyalu ko lazima en chitugul.*

Mary Kanyina: Please read this chapter carefully so that you know your rights.

Translator: *Nyalu isoman keberiton komie Sinai ile haki nengung' ko ne.*

Mary Kanyina: Chapter six covers representation of the people.

Translator: *En number neba lo ko ng'alalel akoba tononginet ab bik.*

Mary Kanyina: With part one covering the electoral system and process.

Translator: *ne kebeberta netai kongalalen akoba lewenisiet ak ole kilewenisiotoi.*

Mary Kanyina: Elections, the rights to vote,

Translator: *Kenyor haki neba ibir kura,*

Mary Kanyina: Voting,

Translator: *Biret ab kura.*

Mary Kanyina: And issues of what happens when there is unopposed candidate in a constituency.

Translator: *Ak kit ne yayagse yon kabit chito ne makibingan en constituency.*

Mary Kanyina: Part two covers the electoral commission,

Translator: *Ng'alalene akoba lewenisiet kebeberta neba oeng'.*

Mary Kanyina: This is the body that supervises elections in the country.

Translator: *Chuton ko che tononjin lewenisiosiek tugul en emet.*

Mary Kanyina: It covers the functions of the electoral commission,

Translator: *Ngalalene akoba commission neba lewenisiet.*

Mary Kanyina: And the staff of the electoral commission.

Translator: *Ak kiboitinik ab commission inoton.*

Mary Kanyina: Part three of that chapter, covers,

Translator: *Kebeberta neba somok,*

Mary Kanyina: Covers political parties.

Translator: *Ko ng'alalen akoba chamaisiek cheba siasa.*

Mary Kanyina: Issues covered here, as you know there is the councillation of registration,

Translator: *Ingemiten yuton, komiten kora keisto siret neba chamait.*

Mary Kanyina: The qualification for registration,

Translator: *Kit ne nyalu kotindoi chamait sige sir anan keregistan.*

Mary Kanyina: The political parties funds,

Translator: *Rabisiek chebaisien chamaisiek,*

Mary Kanyina: Other sources of funds for political parties,

Translator: *Ak ole yabu rabinik alake che muche kebaisien en chamaisiek.*

Mary Kanyina: And others like party discipline.

Translator: *Kora ko nyalu komiten keret ab kong' ne tindoi party age tugul.*

Mary Kanyina: And chapter seven, covers the legislature, what is commonly referred to as parliament.

Translator: *Kebeberta neba tisap kongalalen a goba parliament anan bunge.*

Mary Kanyina: It covers the establishment of parliament,

Translator: *ole kitaundo anan ole kitononsiyaito parliament.*

Mary Kanyina: The role of parliament,

Translator: *Kebeberta ne yae parliament.*

Mary Kanyina: The approval of appointments by parliament,

Translator: *Parliament ne itisie boisionik che kakigachi bik*

Mary Kanyina: And parliament's approval of expenditure.

Translator: *Ak kogon chamjinet ne ba boisiet ab rabisiek.*

Mary Kanyina: Part two of that chapter,

Translator: *Kebeberta neba oeng ne ba chaptait noton,*

Mary Kanyina: Covers the composition of parliament and qualifications of Members of Parliament.

Translator: *Ko ng'alalen akoba ole kiyaito parliament anan bik che mitten orit ak tos nyalu kotindo sired ne ba nee, ne ba somanet anan tuguk che kibendi.*

Mary Kanyina: The clause 105 talks about the structure of parliament,

Translator: *Bogol akenge ak mut prargraph, kong'alalen akoba olekikichopta parliament.*

Mary Kanyina: The members of national council and national assembly,

Translator: *Membaek che ba council neba bororiot ak che ba national assembly.*

Mary Kanyina: Qualifications and disqualifications of Members of Parliament.

Translator: *Tuguk che nyalu kotinye Ana tuguk che imuche kosta membaek ab parliament.*

Mary Kanyina: Representation of women.

Translator: *Keger kele mitonojinik ab chepyosok.*

Mary Kanyina: In this last bill, it suggested that, a third of the Members of Parliament, should be women.

Translator: *Ak komwa en draft ini ton anan en report ini kele akenge en somok che ba membaek ab parliament ko nyalu ko chepyosok.*

Mary Kanyina: Otherwise, this are tenure of office of Members of Parliament.

Translator: *Alak ko be tusiek che ibe memba ne ba parliament.*

Mary Kanyina: And the electorates, have powers to recall a Member of Parliament.

Translator: *Ak kimnatet ab bik che lewenisie ko wek membayandenywan neba parliament.*

Mary Kanyina: Part three,

Translator: *kebeberta neba somok,*

Mary Kanyina: Covers the presiding officers and other functionaries.

Translator: *Kong'alalen akoba bik che tononjin lewenisiet ak bik che taretikei.*

Mary Kanyina: This covers other officials in parliament, such as the clerk of the national council,

Translator: *Ng'alalen akoba kibaitinik chebaisie en parliament kou karaniat ne ba national council.*

Mary Kanyina: The speaker and deputy speaker of the national assembly,

Translator: *Speaker ak rubeiwandnyi ne ba parliament.*

Mary Kanyina: The clerk of the national assembly,

Translator: *Karaniat ne ba national assembly.*

Mary Kanyina: And determination of questions of membership.

Translator: *Ole kigerta tebutik che namegei ak membaek che ba oloton.*

Mary Kanyina: Part four,

Translator: *Keberta ne ba ang'wan.*

Mary Kanyina: Covers succession and procedure in parliament.

Translator: *Ko ng'alalen ole kichapto ng'atutik ak ole kisipto en parliament.*

Mary Kanyina: This covers the everyday running of business in parliament,

Translator: *Chuton kotinye gei ak ole kiyaita boisiet ne ba betut ake tugul en parliament.*

Mary Kanyina: With particular issues like in introduction of issue use in parliament, clause 130.

Translator: *Kora ko tinye kogergeit ak ole kiibunda tuguk che king'alalen koik ng'atutik en parliament.*

Mary Kanyina: The issue of quorum,

Translator: *Numbaiet ab bik che nyalu ko mi si ko testai boisiet anan ko ng'alalutik.*

Mary Kanyina: Official languages used in parliament,

Translator: *Kutuswek che iyanatin ke baisien en parliament.*

Mary Kanyina: The procedure in voting,

Translator: *Ole kisipto biret ab kura.*

Mary Kanyina: Contents of standing orders,

Translator: *Listit ne ba ng'atutik che kibaisie en abakora.*

Mary Kanyina: Part five, covers the seat and calender of parliament.

Translator: *Ne ba mut ko ng'alalel kotabot parliament ak ole u tarigisiestyik*

Mary Kanyina: It indicates where the parliament seating.

Translator: *Mwae kole ano ole teben parliament.*

Mary Kanyina: It also explains who has the powers to dissolve or prologate parliament,

Translator: *Mwae kole ngo ne imuche kobut parliament anan kosipto ng'alalutikyik.*

Mary Kanyina: And details the procedure in a parliament in passing a motion of no confidence.

Translator: *Ak komwau ole kisipto asi ko*

Mary Kanyina: Part six, covers miscelleneaus issues,

Translator:*Number ne ba lo kongalalen tuguk che chang'*

Mary Kanyina: Such as freedom of speech and debate,

Translator: *Kou komiten chamchinet anan katyiagnatet ne ba keng'alal akityo keyai majadiliano.*

Mary Kanyina: The powers, privileges and immunities for MPs.

Translator: *Kimnatet ak tuguk che..... Previllages ko ne o.*

Mary Kanyina: Public access, and participation in parliamentary debates,

Translator: *Kechamji bik akichek kobwa akityo koit kebeberta neba parliament.*

Mary Kanyina: And parliamentary service commission.

Translator: *Ak commission neba parliament.*

Mary Kanyina: Chapter eight covers the executive or the president,

Translator: *Eight, ko ngalalen akoba kimnatet neba president.*

Mary Kanyina: With part two covering the president and vice president.

Translator: *Ko oeng ko ngalalen president ak rubeiwandenyin.*

Mary Kanyina: Under this chapter we have decisions of the president,

Translator: *En yuton komiten kong'alalen akoba tuguk che ng'alalen president.*

Mary Kanyina: The qualifications for elections as president.

Translator: *Nyalu itindoi ne si kelebenin iigu president.*

Mary Kanyina: Procedure at presidential elections,

Translator: *Ole kisiptolelewenisiet ab president.*

Mary Kanyina: The terms of office of the president,

Translator: *Betusiek che imuche kobais president.*

Mary Kanyina: Impeachment and removal of president from office.

Translator: *kegergong anan ko kiisto president ko makomi office.*

Mary Kanyina: It also covers the issues of office of the vice president,

Translator: *Ak kong'alalen akoba offisit ne ba president.*

Mary Kanyina: The functions of the vice president,

Translator: *boisionik ab rubeiwotab president.*

Mary Kanyina: Salary and allowances of president and vice president,

Translator: *Rabinik che kigachin kobato marupurupu che ba president ak rubeiwandenyin.*

Mary Kanyina: Part three covers the prime minister and cabinet.

Translator: *Ne ba somok ko ng'alalen prime minister ak ministaek.*

Mary Kanyina: This is a new introduction as you know it is because the Kenyans requested for the office of a prime minister,

Translator: *Ogere ole ni kokokitau amun kimach bik ab Kenya kole nyalu ketaa prime minister.*

Mary Kanyina: So this part addresses issues like the term of office of the prime minister,

Translator: *Kou noton ko ng'alalen kebeberi akoba betusiek che nyalu ko bais prime minister.*

Mary Kanyina: The cabinet.

Translator: *Ministaek.*

Mary Kanyina: Please note that, in the draft bill,

Translator: *Nai ile en report ini,*

Mary Kanyina: The ministers should be appointed outside parliament.

Translator: *ko ministaek keleweni ma bik che mi parliament.*

Mary Kanyina: The other issues that are discussed there,

Translator: *Tuguk alak che kagi ng'alalen en yoton.*

Mary Kanyina: Please read for yourself so that you get the full details.

Translator: *Imuche isomanchige asikobit inyoru ng'alek tuguk.*

Mary Kanyina: Chapter nine, covers the judicial and legal system.

Translator: *Kebeberta neba sogol ko ng'alalen agoba kirwagik chon ba kotini*

Mary Kanyina: With part one dealing with the judicial system,

Translator: *Kebeberta netai akoba ole u kap kirwak.*

Mary Kanyina: With details of the heirachy of the courts,

Translator: *N galalen akoba ole kikibaganda kimnatosiek che ba kotinisiek.*

Mary Kanyina: The introduction of a supreme court,

Translator: *Kagetai ne kiguren supreme court, newo en tugul.*

Mary Kanyina: Other issues covered here, are the appointment of judges,

Translator: *Alak ko ole kilewendo kirwagik anan ko jugdesiek.*

Mary Kanyina: Qualifications for appointment of judges,

Translator: *Tuguk che nyalu kotindoi chito si keleben koik Judge.*

Mary Kanyina: The tenure of office of judges,

Translator: *Betusiek che nya lu ko mi judge baisiet.*

Mary Kanyina: It also explains the subordinate courts,

Translator: *Ng'alalen kora akoba kotinisiek che mengech.*

Mary Kanyina: And other issues like the judicial service commission,

Translator: *Ak alak ko gergeit ak commission akine .*

Mary Kanyina: The functions of the judicial service commission,

Translator: *Boisiet ab commission inoton.*

Mary Kanyina: And salaries and retirement benefits for the judicial officers.

Translator: *Ak rabinik che ame kila arawa kobato che kigachin yon kakomuny judge.*

Mary Kanyina: Part two, covers the legal system,

Translator: *Kebeberta neba oeng' ko ng'alalen akoba ng'atutik.*

Mary Kanyina: Attorney General,

Translator: *Miten ne kekuren attorney general.*

Mary Kanyina: The director of public prosecutions,

Translator: *Inendet ne tononjin mashtaka en kotinisiek.*

Mary Kanyina: Public defenders,

Translator: *Nyalu komiten ne imuche kotonjin chito nekagirwakyi.*

Mary Kanyina: It also covers prerogative of mercy.

Translator: *Ak komiten kit ne tinye gei ak rirge.*

Mary Kanyina: Part three covers legal profession,

Translator: *Number somok kong'alalen akoba boisionoton ba bik ab ng'atutik.*

Mary Kanyina: That is the profession of issues to deal with lawyers.

Translator: *missing ko tinye gei ak advocatisiek.*

Mary Kanyina: Chapter ten,

Translator: *Number taman.*

Mary Kanyina: Covers the devolution of powers,

Translator: *Yani chorunet ab bounatet en Nairobi kemache kechor konyo gaa.*

Mary Kanyina: Wherever the commission went the people kept saying that the powers of the government are to firm, that they would like the government to be, as a result of that we have various levels of governments,

Translator: *Kounaton ketin doi levelisiek che chang' cheba serikali.*

Mary Kanyina: We have village government,

Translator: *Miten serikalit neba kokwet.*

Mary Kanyina: Locational government,

Translator: *Kitindoi serikalit ab location.*

Mary Kanyina: District government,

Translator: *Kitindoi serikalit neba district.*

Mary Kanyina: And provincial government.

Translator: *Ak ketindoi neba province.*

Mary Kanyina: Please note that in the draft bill,

Translator: *Nai ile en report ini,*

Mary Kanyina: The focus for development will be at the district level.

Translator: *ko ole kitononjindoi bandab tai tugul keibu koit district .*

Mary Kanyina: Part three,

Translator: *Number somok.*

Mary Kanyina: Explains the powers of devolved government,

Translator: *Ko ng'alalen akoba kimnatosiek ab serikalit noton kakeib kochorgei,*

Mary Kanyina: And if you go through those clauses,

Translator: *Angot imandaen tuguk choton ko kisir tugul,*

Mary Kanyina: You will notice there, like powers of district governments,

Translator: *Ikuitosi ile serikalit neba district konei,*

Mary Kanyina: Establishing of devolved authorities,

Translator: *ole u kibaitinik cheba serikalisiek choton kakechor,*

Mary Kanyina: Financial arrangement in a devolved government,

Translator: *Ole wu kasibet ab ole kibaisioto rabinik en serikalisiek choton kakechor*

Mary Kanyina: Chair of national resources, e.t.c.

Translator: *Ole kipyeto rabinik ab makarnotet ab emet ak alak che chang'*

Mary Kanyina: Chapter eleven,

Translator: *Kebeberta taman ak akenge,*

Mary Kanyina: Covers the issue of land and property.

Translator: *Ko ng'alalen akoba imbaret ak tigik ab chi.*

Mary Kanyina: Clause 232, covers the land policy framework,

Translator: *Ng'alalen akoba ng'atutik che nameke ak imbaret.*

Mary Kanyina: The ownership of land and classification of land.

Translator: *Ole bujindo chi imbaret ak olekipyeto imbaret.*

Mary Kanyina: The tenure of land,

Translator: *Betusie k che tindoi chito konenyin imbaret,.*

Mary Kanyina: And establishment of national land commission.

Translator: *Ak ketoi commission neba pororiot nengalalen ng'alek ab imbarenik.*

Mary Kanyina: Chapter twelve covers environment and national resources.

Translator: *Number taman ak oeng ko ng'alalen mazingara ak tuguk che ki kiyai che tindoi magarnatet ab in*

Mary Kanyina: All the issues pertaining to environmental protection,

Translator: *Tuguk tugul che tinye gei ak mazingara*

Mary Kanyina: National environment management commission,

Translator: *Ak commission ne kokinde si kobit kotonji ng'alek choton ba ribet ab mazingara.*

Mary Kanyina: And enforcement of environmental rights.

Translator: *Ak ole kimuche kisipto haki cheba bik che ba mazingara.*

Mary Kanyina: And chapter thirteen covers public finance and revenue management.

Translator: *Number taman ak somok kong'alalen akoba rabinik ab emet ak ole yabu tonojinenyin.*

Mary Kanyina: Under this chapter, you will find issues like imposition of tax,

Translator: *En keheberinton inyoru tuguk che wu ketoi kopi,*

Mary Kanyina: Financial year estimates,

Translator: *Ole kibanganga rabinik che kibaisien en kenyit akenge.*

Mary Kanyina: The power of government to borrow or lend,

Translator: *Kimnatet ab serikali kosom rabinik anan kobesendo.*

Mary Kanyina: Public debts,

Translator: *Besendob emet, pororiot.*

Mary Kanyina: The functions of Central Bank,

Translator: *Boisiet ab Central bank.*

Mary Kanyina: Economic and social council, et cetera.

Translator: *Ak council ne ng'alalen ole kibangadon ng'alek ab uchumi.*

Mary Kanyina: Chapter fourteen,

Translator: *Taman ak angwan,*

Mary Kanyina: Covers the public service,

Translator: *Ko ng'alalen akoba kipakenge ne tinye kibaitinik.*

Mary Kanyina: With part one covering public administration.

Translator: *kebeberta netai ko ng'alalen akoba bik che tononjin kirwagnatet anan ko kibaitinik che kandoik.*

Mary Kanyina: Clause 258, covers values and things force in administration generally.

Translator: *Ng'alalen kebeberta neba bogal oeng' ak konam ak sisit akoba tu guk che kisibi en kandoinatet,*

Mary Kanyina: The public service commission,

Translator: *Commission inoton ba siret ab kebaitinik ab serikali.*

Mary Kanyina: The powers and functions of public service commission,

Translator: *Kinatenyin ak baisienyin,*

Mary Kanyina: The appointment of public officers, and protection of public officers.

Translator: *Siret ab kibaitinik ab serikali ak ribet neba kibaitinik ab serikali.*

Mary Kanyina: Part two of that chapter, covers the Kenya police service,

Translator: *Kebeberta neba oeng kotinye gei ak police.*

Mary Kanyina: It covers the principles and objects behind the creation of Kenya police service,

Translator: *Ng'alalen akoba ng'atutik che namegei ak takyinet ab gei neba boisiet ab polisie.*

Mary Kanyina: It also suggest the appointments and qualifications of a commissioner of the Kenya police service.

Translator: *Ng'alalen akoba ole kilewendoi commissioner neba police.*

Mary Kanyina: Part three covers the Kenya correction of services.

Translator: *Kebeberta neba somok kong'alalen akoba kibaitinik che ba department neba prison.*

Mary Kanyina: It explains why the prisons, what we know generally as prisons, will now be referred to as correction of services.

Translator: *Mwae amune department inoton kotam koba jela ko kagele ole kiyaen wallet ab atebosiek.*

Mary Kanyina: And part five is interpretation,

Translator: *Kebeberta ne ba interpretation.*

Mary Kanyina: It is for helping you to understand the various terms, used in the draft bill.

Translator: *Cheinetin iguye ile ng'alek che kikibaisien en sirani kone kaguyenyin.*

Mary Kanyina: Chapter 15 covers defense and national security,

Translator: *Taman ak mut kong'alalen akoba ribet ab emet ak chamet ab kei neba emet.*

Mary Kanyina: Of note here is the establishment of the national security council,

Translator: *Ne nyalu keger en yuton missing ko kageta council ne tonojin chamet ab kei ne ba emet.*

Mary Kanyina: And the defense forces.

Translator: *Ko ngalalen akoba asikarik.*

Mary Kanyina: Chapter 16 covers leadership and integrity.

Translator: *Number taman ak lo kong'alalen kandoinatet ak atebet ne mie.*

Mary Kanyina: We shall omit that chapter now, the commissioner will take us through that one later.

Translator: *Kibagachi niton amun togor kondoiwech commissioner en kebeberiton.*

Mary Kanyina: Chapter 17,

Translator: *Number taman ak tisap.*

Mary Kanyina: Covers constitutional commissions,

Translator: *Kongalalen akoba commissions che ba Contitution.*

Mary Kanyina: It explains the principles applicable to all commissions,

Translator: *N g'alalen akoba kasibutik che tinye gei ak commissions tugul.*

Mary Kanyina: The composition of commissions,

Translator: *Ole kichaptoi commissions anan bik che mi commissions ichoton.*

Mary Kanyina: And special constitution commissions were suggested,

Translator: *Ako kikibwat kelenyalu komiten commissions che tinye gei ak Constitution.*

Mary Kanyina: Such as the commission and human rights, and administrative justice.

Translator: *Mising ko che tinye ak haki che ba bik ak haki ole kisiptoi imanda en kandoinatet.*

Mary Kanyina: Ethics and integrity commission,

Translator: *Netinye gei ak atebosiek ak kaburet ne mie.*

Mary Kanyina: Salaries and enumerations commission,

Translator: *Nyalu komite4n ne ng'alalen akoba mshahara.*

Mary Kanyina: Teachers Service Commission,

Translator: *Mitten commission neba kanetik.*

Mary Kanyina: Constitution commission,

Translator: *Miten commission ne ba Constitution,*

Mary Kanyina: And other constitutional offices.

Translator: *Ak offisisiek alak che mitten Constitution.*

Mary Kanyina: And Chapter 18,

Translator: *Number taman ak sisit,*

Mary Kanyina: Covers the amendment of the constitution.

Translator: *Ko ng'alalen akoba ole kimuche kewalda Constitution.*

Mary Kanyina: This basically explains how the constitution should be amended,

Translator: *Ibaru ine ole kisipto ano yon kimache kewal Constitution.*

Mary Kanyina: It tries to explain that some parts of the constitution are so fundamental, that parliament on its own should not amend.

Translator: *Mache kobar kole mi kebeberwek che ba Cons titution che ba kamanut missing che ma nyalu kowal parliament inegen.*

Mary Kanyina: Chapter 20,

Translator: *Number tiptem,*

Mary Kanyina: Translational and consequential provisions,

Translator: *Ko ng'alalen akoba kasarta ne kiwale bounatet ak tuguk che imuchde kobit,*

Mary Kanyina: And the commissioner will also talk about that, together with the schedules.

Translator: *Ko ng'alalen commissioner choto ak tarigisiek che mi ireu.*

Mary Kanyina: Thank you.

Translator: *Kongoi.*

Com. Mosonik: Sasa tuendelee. Vile Mary amesema, chapter 20, inaitwa, Translational and consequential provisions, lakini chini ya hiyo ukurasa kuna kitu kidogo imeandikwa schedules. Schedules ni kusema imeongeza kwa yale yote yako kwa katiba. Ninawasihi tufungue kurasa la thelathini na saba, page 37. Mkiangalia kati kati ya ukurasa, mtaona orodha ya nyongesa, schedules.

Na schedule ya kwanza imeandikwa territory of the republic of kenya, yaani eneo ya jamuhiri wa Kenya. Hii ni mara ya kwanza, kwa eneo ya territorial ya Kenya kuandikwa kwa katiba. Mkiangalia hiyo katiba ambayo iko sasa, na mimi nimejifunza, wakati wa elimu ya uraia, kwamba katiba ya sasa ndio hii. Ukiangalia hapa ndani, haisemi eneo ya territorial ya Kenya iko namna gani. Unajua ukiwa na shamba lako, liko na mipaka yake, na ukiuliza sana watu wa survey wanaweza kukueleza, mpaka Peacon yako ni nambari gani.

Sasa, kwa hiyo nyongeza ya kwanza tunajaribu kueleza kwa peacons, mipaka ya Kenya. Ya kwanza, tumesema, mipaka ya Kenya na tuangalia tafadhali pamoja. Mipaka wa Kenya na Uganda, kwa hiyo ukurasa ya thelathini na saba. Halafu tukiendelea, kurasa la thelathini na tisa, Kenya na Sudan, halafu kwa ukurasa hiyo hiyo, Kenya na Ethiopia, Kenya na Somalia. Halafu eneo ya maji ya Kenya ama bahari, ya Indian Ocean tuna mpaka wetu wapi ambapo tunaweza kufanya kazi ya kiuchumi.

Halafu kurasa la arubaini, Kenya na Tanzania. Umuhimu wa hii mtajua kwamba miaka hii tangu tupate uhuru kumekuwa na shida, na nchi zingine za jirani kama miaka kwanza ya uhuru kuanzia sitini na tatu, sitini na nne, mpaka mwaka wa sitini na nane. Kulikuwa na misukosuko karibu vita. Mkoa wa kaskazini mashariki, ile vita ya shifter, wakisema mipaka lazima ibadilishwe. Kwamba territorial ya Kenya, ilikuwa ni yao. Imekuwa na shida, na watu ambao wanaingilia territorial ya Kenya, wakitoka Ethiopia. Mwaka wa sabini, Idd Amin, akasema, mipaka ya Uganda, inafika Naivasha, pengine wazee, wanakumbuka, kwamba hata tulifanya maandamano, tukisema kwamba Idd Amin asijaribu kutuingilia. Wakati huu kuna shida wa Lake Victoria, wakati mwingine wakenya, wanavua samaki, na unasikia kwamba, majeshi wa Uganda yamewaingilia. Kwa hivyo tumesema hapa, kwamba, mipaka hii ya Kenya, ndio hii, na tumeonyesha mpaka peacons. Hiyo ni schedule number one, nyongeza ya kwanza.

Ukurasa arobaini na moja, juu pale, nyongesa ya pili, na inasema, mikowa na wilaya za Kenya. Imesema kwamba, kuna mikoa minane, na kila mkoa ina wilaya gani. Nairobi ni mkoa na ni district moja, Nairobi Province, na Nairobi district, ni kitu kimoja. Halafu Rift Valley, mnaona kumi na nane, Kericho ni number kumi na moja, na kadhalika. Wilaya zote ziko Kenya ni sabini wakati huu. Wakati wa uhuru, kwa katiba ile ya kwanza, ya uhuru, wilaya zilikuwa zimeandikwa kwa katiba, na hii ni ile katiba ya mwaka wa sitini na tatu, na kila wilaya ilikuwa imeandikwa, mpaka hata peacons za wilaya. Hii haionyeshi peacons iko wapi, lakini inataja. Na umuhimu wa hii, ni kujua kwamba, kuna wakenya wengine, wanasema kwamba, kuna wilaya ambazo zio halali, mnajua hivyo? Hasa zile ziliundwa hivi majuzi, lakini hii ni orodha rasmi, imetoka kwa Office of the President, kusema

wilaya ndio hizi. Tena hapa, hatuna mipaka ya mikoa, tena mkumbuke hivyo. Tumesema mipaka ya mikoa na wilaya, ni swala ambalo bunge inaweza kujadiliana na kubadilisha.

Kurasa ya arobaini na mbili, mpaka kurasa la arobaini na nne, hapa kuna viapo vya ofisi, mtu akiwa rais anahapa, na makamu wake, waziri mkuu, naibu wa waziri mkuu, makatibu wa serikali, permanent secretaries, judges wa court, viongozi wa mikoa na wilaya, MP, speaker na naibu wake, na kadhalika, viapo vya ofisi.

Naam, kurasa ya arobaini na nne, kuna number five, mwenzangu alisema tutarudia hiyo, na kwa kiswahili, hiyo inaitwa, wacha niwasomee vizuri kwa kiswahili, ndio mfahamu. Inaitwa kanuni ya maadili ya uwongozi na uwaminifu, code of conduct, inaitwa, kanuni ambazo viongozi lazima kufuata. Na nikisomea nyinyi kwa ufupi kwa mfano, inasema, mfanyikazi wa serikali, awezi kupata mishahara mbili, na ya serikali. Inasema kwamba, mfanyikazi wa serikali, anaruhusiwa, kufanya biashara, ama kulima. Na kumbuka kuwa ilikuwa ni commission ya Philip Ndegwa, ambayo iliwaruhusu wafanyikazi wa serikali wafanye biashara na kulima, hapa tumeruhusu. Je, hiyo ni mzuri ama ni mbaya, nyinyi wenyewe mtaamua.

Kitu kingine imesema kwamba, rais na makamu wake, waziri mkuu, na mawaziri wa serikali, permanent secretary, Chief Executive Officers, wale wakubwa wa parastatals, na kadhalika. Pamoja na wajumbe, MPs, awaruhusiwi kuwa na account ya banks, nje ya Kenya.. Halafu, inasema, viongozi wa serikali, au speaker, na naibu wake, lazima watangaze pesa zao, mali yao, wakiwa wanataka kufanya kazi kama speaker, mali yake.

Halafu, mtu yeyote ambaye atachaguliwa kuwa rais, au makamu wake, kabla ya kuanza kazi, lazima atangaze mali yake, na mali yake itaandikwa, kutakuwa na register ya kuandika ametangaza ana pesa gani mwaka huu, kwa hiyo register. Na kila mwaka, atatangaza tena na ikiongezeka, ataeleza vizuri kwamba iliongezeka namna hii. Na kueleza imeongezeka namna gani. Na hiyo register, wakiandika uwongo kwa hiyo register, itakuwa ni hatia, na wanaweza kuhukumiwa kotini.

Viongozi, wanatarajiwa wakiwa ofisi, waheshimu wananchi raia, na hiyo iko kwa hizi kanuni.

Ya mwisho nitasema hapo, ni kwamba, kwa mfano, mtu akienda mahali, na afanye kazi kama tunafanya leo, na apewe zawadi, tuseme nimemfanyia kazi mzuri, hiyo mbuzi sio yake binafsi. Mbuzi, alikuwa anapewa ile mbuzi kwa ajili ya kufanya kazi ya serikali, kwa hivyo atachukuwa mbuzi, na kuchukuwa kwa ofisi na kuacha kwa ofisi, na kadhalika. Nia ya hii, ni kupambana na ufisadi kwa ufupi. Kwa hivyo, tafadhali msome ukurasa arobaini na nne, mpaka arobaini na tano, hiyo nyongesa number five, schedule, kuenda chini. Ndio mwone kama mmekubaliana au la. Kwa katiba ya sasa, hakuna kitu kama hicho.

Kwa ukurasa ya 45, upande wa kulia, ni nyongesa number six. Na hiyo nyongesa, ni ratiba, mipangilio. Vile hayo mabadiliko yote yatatekelezwa, kwa muda gani. Unaweza kusema hiyo maneno ya kanuni, na uwongozi, vitatekelezwa siku gani. Saa ingine inaandikwa miezi sita ingine, wakati wa mwaka moja, kuanzia hii katiba, ingine ni miaka miwili. Yale yote yameandikwa, no time limit, inamaanisha ya kwamba, lazima yatekelezwe kwa miaka mitatu, baada ya hii katiba kukubaliwa, so that is the time frame.

Okay, halafu, kurasa la arobaini na sita, kuna nyongesa number seven, na nyongesa number seven inaitwa powers of national and district governments. Imeelezwe na mwenzangu kwamba, utawala unarudishwa kwa raia, na tumesema kwamba, hasa itarudishwa kwa wilaya, kwa district. Sasa, nyongesa hiyo inasema uwezo wa serikali ya kitaifa ya Nairobi, ni gani, na uwezo wa serikali ya wilaya ni gani. Angalieni, imeandikwa list number one, national government list, ni orodha ya serikali kuu ya Nairobi, itasimamia nini. Kama mkisoma number nine, inasema currency, pesa za taifa. Number eleven inasema prisons, kuhusu jela, na kadhalika.

Halafu list ya pili, inasema uwezo wa serikali ya wilaya ni gani. Tuangalie kwa ufupi number two, local taxes, ama kodi za hapa nyumbani, ama masomo ya nursery, primary, secondary, itasimamia health centers, dispensary, clinic. Itasimamia maji, barabara. Number two, markets and trading centers. Number two, itafanya planning. Number d, agricultural services, land administration, survey, physical planning, trade, licenses na kadhalika.

Haya, katikati ya ukurasa, kuna list ya tatu, inaitwa concurrent list, the concurrent list ni uwezo wa pamoja na serikali ya kitaifa na ya wilaya. Tafadhali someni kwa makini, mjuwe je, uwezo wa serikali ya Nairobi. Tungependa serikali hiyo ya Nairobi, isimamie vile inalipwa hapa haya mambo. Ama hii serikali ya wilaya. Kwa ajili pengine serikali ya wilaya inaweza kupewa uwezo, ifanye kitu, lakini baadaye, mjuwe kwamba, hamna uwezo wa kufanya hiyo kitu, the responsibility, is too heavy msome kwa makini.

Kitu kingine, ningependa kuwakumbusha, kwamba kwa katiba ya mwaka wa sitini na tatu, serikali ilikuwa iko karibu kwa raia. Lakini wakati ule, iliwa serikali ya mikoa, ama ya majimbo, provinces or regions. Wakati huu, hii ni ya district. Orodha ya uwezo, wakati ule ilikuwa imeeleza ya mikoa, ama ya jimbo, na ya serikali ya Nairobi. Wakati huu ni ya district. Pengine mngpenda, kulinganisha tena na ile katiba ya mwaka wa sitini na tatu.

Sasa, katikati ya hiyo page 46, kuna nyongesa number eight, inaitwa transitional and constitutional consequential provisions. Hiyo ni kusema, tukitaka kutekeleza katiba hii mpya, ni mambo gani one lazima yafanywe. Nitasoma ukurasa arobaini na sita mpaka arobaini na saba, lakini nitawasomea kidogo kidogo.

Number two, inaitwa existing Laws. Sheria ambazo ziko sasa, je, ni nini itafanyika? Inasema kwamba, katiba ni sheria kuu. Na, chapter one, inasema sovereignty of the people and the supremacy of the constitution, ukuu wa katiba. Hiyo ni kusema, kama kuna sheria ambazo ziko sasa, na aziambatani na katiba mpya, hizo sheria lazima zibadilishwe, ziambatane na katiba mpya.

Na number three, elections, mkiangalia chini ya hiyo, three, iko number one, two, three, four, mkono wa kulia kabisa, juu. Inasema kwa ufupi kwamba, pengine niwasomee vile imeandikwa. Imesema; mtu ambaye kabla wa mwanzo wa utekelezaji wa katiba hii, amechukuwa madaraka ya rais, mara mbili au zaidi. Mtu ambaye amekuwa rais mara mbili au zaidi, kabla ya hii katiba, ataweza katika katiba mpya, (a), kugombea uchaguzi au kuhudumu kama rais, makamu wa rais, au waziri mkuu. Na,

awezi kuchaguliwa ama kuhudumu kama naibu wa waziri mkuu, ama naibu wa waziri, au mbunge. Anybody ambaye amekuwa rais mara mbili au zaidi, awezi kusimama kama rais, makamu wa rais, prime minister, deputy prime minister, minister, au hata mbunge. Okay?

Haya, ingine, number five, sikizeni, sikizeni number five, kwa mjibu wa kifungo hicho tumesoma saa hii, mtu yeyote ambaye kwa njia nyingine, angestahili kusimama kwa uchaguzi, isipokuwa kwa kanuni za katiba hii, anaweza kusimama kama mgombezi katika uchaguzi wa kwanza utakaofanywa, wakifuata katiba hii, sijui kama mmelewa, nitasoma baadaye. Lakini kwa ufupi, mkitaka kuelewa, mfungue, vile mlielezwa, chapter 8, page 156. Mfungue, tafadhali fungua 156, inasema; mtu anayefaa kuchaguliwa kuwa rais, qualifications for a president. Page 20, katikati hapo, mnaona 156, someni one, yeye lazima awe ni mkenya, si ni kweli?

(b), awe ana umri wa miaka thelathini na mitano, na awe chini ya umri wa miaka sabini.

(c) inasema, mwenye maadhili mema sana, na mwenye sifa njema, asiwe anakosana na wato.

(d) awe na shaada kutoka chuo kikuu, kinacho tambulika. Yaani awe na degree, from a recognized university. Na kadhalika.

Yale tumesema saa hii, na kusema ni nani anastahili kuwa rais wa Kenya. Na kitu kimoja ni kwamba, asiwe chini ya miaka thelatahina na tano, na asipite miaka sabini, na awe na degree. Lakini vile tumeandika, tumesema, lakini wakati huu, ingawa hiyo sharti iko, wale ambao pengine wamepita kidogo, ama hata chini kidogo ya 35, ama hana degree, tutaruhusu wakati huu wasimame. Najua sasa, ngoja kwanza niwasomee, halafu mwishowe tutakuwa na discussion.

Now, chini hapo hapo, kwa hiyo ukurasa, sikilizeni kwa makini, mnaona provincial administration, on page 46, kwa kiswahili inaitwa utawala wa moka. Kwa kingereza, on the coming into the force of this constitution, the system of administration, comprising sub chiefs, chiefs, D.Os, D.Cs, and P.C, commonly known as provincial administration, shall stand dissolved. Inasema, wakati wa kutekeleza katiba hii, mvumo wa utawala unaohojisha naibu wa chief, chief na kadhalika, ambao kwa kawaida inafahamika kama utawala wa mkoa, utafutiliwa mbali. Na hiyo number two inasema, waende public service commission, kutafuta kazi ingine. All those serving under the provincial administration, shall report to the public service commission for re-deployment..

Ingingine, page 47 katikati, imeandikwa, death penalty, and other outlawed offences. Kwa kiswahili imeandikwa, adhabu ya kifo na adhabu nyingine, zilizo aramishwa, zilizopigwa, na Mary amewaeleza kwamba kila mtu ako na haki, na hiyo ya kifungo ya kifo tutafutilia mbali. Sasa kwa kiswahili tunasema, ile uduma ya kifo iliyotolewa na mahakama yoyote, kabla ya utekelezeji wa katiba hii, itaondolewa, na kufanywa kifungo cha maisha. Kwa hivyo kama kuna watu ambao wamehukumiwa kunyongwa, wamekuwa wakisubiri wanangojea kunyongwa, automatically, itakuwa ni kifungo cha maisha.

Na ya pili, tena wanaweza kuendelea kumwomba msamaha. Mnajua kawaida rais ana uwezo wa kusamehe watu, hata hiyo inaweza kupunguza tena.

Na cha pili, in number three there, it says, every sentence of corporal punishment, passed before the coming into force of this constitution, is remitted, and shall not be carried out. Na kiswahili; kila ukumu wa kupigwa viboko, iliyopitishwa kabla ya katiba hii imeondolewa, na haitatekelezwa. Yaani, hiyo maneno ya kusema mtu atapigwa, viboko sijui tatu, ama ishirini, hakuna tena.

Now, niwajulishe, also, mnakumbuka haki ya binadamu, mlielezwa sheria ya haki. Tukirudi Nyuma, legal rights, page 7, upande wa kushoto, inasema, 37 children, muende chini katikati ya page 5, unaona. Every child has a right to, number 5 inasema, kila mtoto ana haki. Na ukiendelea mpaka (g), inasema kila mtoto ana haki, g, kuwa uhuru, kutokana na adhabu ya viboko, ama haina ingine za ukatili, ghasia, na kutendewa kinyama, shuleni, na katika taasisi nyinginezo, zinazoshughulikia huduma za watoto. Kwa hivyo kupiga watoto shuleni kiboko, utakuwa umepiga marufuku, na kadhalika.

Ya mwisho hapo, page 47, mkono wa kulia kabisa kabisa, inasema, past human rights, abuses, niwasomee kwa kiswahili, kukiugaji ya haki za abinadamu, za wakati uliopita. Inasema, tume ya haki za binadamu, na haki za utawala, katika kipindi cha miezi sita, ya kutekeleza hii katiba, kwa malalamiko ya mtu yeyote, au kwa hoja ya tume mwenyewe, (a), itachunguza hali zote za kufika haki za abinadamu, na mtu yeyote, au kundi la watu, kabla ya kuanza kutekelezwa kwa katiba hii. It will investigate, all forms of human rights abuses by any person or groups before this constitution. Itachunguza sababu za migogoro ya kijamii, pamoja na vifo vya halaiki, vita vya kikabila, na kubainisha wale waliohusika. It will investigate the causes of civil strike, including massacres, tribal clashes, and identify those responsible.

(c) Kufanya mapendekezo, yanayofaa kuhusu, to make appropriate recommendations, regarding;

1. The prosecution of those responsible, kuwashtaki wale waliohusika.
2. Malipo ya fidia, kwa walio dhuriwa, the word of compensation to victims.
3. Reconciliation and liberation.
4. Na kuna mwishowe hapo, ni ownership of land, kuna maswala kuhusu ardhi tena hapo.

Now, Mary akawaeleza kwamba chapter 18, ni kuhusu amendment for the constitution, kubadilisha katiba. Niwakumbushe, vile tunasema, kwamba tulipopata uhuru, tulikuwa na hii katiba ya mwaka wa sitini na tatu. Hii katiba ilikuwa na ukurasa mia mbili tisaini na nane, karibu ukurasa mia tatu. Iliandikwa Lancaster House, na wazee, viongozi wa vyama vya siasa, si ni ukweli, akina Ngala, Odinga, Mudiro, Arap Moi, Olei Tipis, Arap Koech, Jeremiah Nyaga, Kikonyo, na wengine, walikuwa kwanza watu kumi na nne, baadaye wakaongezeka wakawa ni watu thelathini na moja, including Maria (?).

Wakaandika katiba ya, karibu page mia tatu.

Kwa hii miaka ya thelathini na tisa ya uhuru, hiyo katiba ikabadilishwa mara thelathini na tisa, karibu mara moja kila mwaka. Mpaka sasa katiba ambayo tunayo, tunarekebisha sasa ndio hii. Ilikuwa namna hii, ikarekebisha, mpaka ikawa hii. Na hii ina ukurasa 98 pages only, ile ingine ilikuwa 298 pages. Taratibu ya kubadilisha, ilikuwa ni kwa bunge, 65% wabunge, wanaweza kubadilisha. Hii ilikuwa na taratibu ya kuibadilisha ambayo ilikuwa ngumu. Kwa mfano kulikuwa na, senate na lower house. Na kubadilisha tungeanzia lower house, na iende tena senate. Lakini hata senate, ikafutiliwa mbali. Ndio ikawa rahisi kuibadilisha hii, hata ikawa namna hii. Sasa, hiyo chapte 18, amendment of the constitution, msome kwa makini, kwa ajili je, mkiwa mmefanya kazi nyingi, vile mmefanya sasa, kuandika hii katiba, halafu mtu mwingine aje abadilishe kila mwaka, atoe moja, moja, moja, mpaka ibaki namna hii, hiyo ni nzuri au la?

Kwa hivyo, kuna taratibu ya kubadilisha, kuna sehemu za katiba, ambazo hazitaweza kubadilishwa bila kuuliza raia, na kuna sehemu zingine zinaweza kubadilishwa, mjue ni gani, msome nyinyi wenyewe.

Nikimaliza sasa, kazi ya mwisho kwa hii, ni swala ya kwamba, je, kuna tofauti gani, kati ya katiba ya sasa, na katiba ambayo tunapendekeza, na mswada, kwa ufupi? Mlijifunza wakati wa civic education, mkajua katiba hii ya sasa sana, ingawa ni ngumu kusoma, na iko tu kwa kingereza, tulikuwa tumefupisha, na kuandika kidogo tu, pocket version, kwa Kingereza na Kiswahili, tuna imani mlisoma kwa makini, na mnajua vile hii katiba iko. Lakini tunasema, hata kama hamjui sana, kwa ajili ni nyinyi mmefinyika ama mmefurahi, waingereza wanasema, the wearere knows where the shoe pinches. Kwa hivyo, for better or worse, this has been katiba ya sasa, tofauti yake na hii ni nini?

Kwanza, tofauti ya hii na hii, tumesema, in fact, kwamba, hata ukiona hii ni kubwa kushinda hii. Je, hii ikichapwa kwa kitabu ya government printer, hata ukiangalia, ni kubwa ama ndogo. Na pengine ikiwa kubwa au ndogo, inategemea vile imeandikwa, pengine itakuwa na mingi zaidi, au chache zaidi, kushinda ile katiba ya sasa.

Kulingana na sura, na chapters, tumesema hii ina how many chapters, 20, Mary read for you upto chapter 20, twenty chapters, inapendekeza chapter ishirini. Hii ina chapter kumi na moja, kwa hivyo hata ukiona kulingana na sura na chapters, utaona kwamba hii has got more than this one. Hii by the way, ilikuwa na 14 chapters, ikarudishwa, mpaka ikawa kumi na moja, sasa hii ina twenty Chapters yani kuna nyongesa.

Kitu cha pili, ni kwamba, hii ina utangulizi, preamble. Mary alianzia utangulizi, preamble. Hii ni kifungua, hakuna utangulizi, there is no preamble, inasema tu one, Kenya is a sovereign republic, okay.

Kitu cha tatu, ni kwamba hii iliandikwa na wazee, ikabadilishwa na wabunge, kuirebisha hii katiba, tulijaribu kuhusisha wananchi, ndio mkisoma, chapter one, ya hii sasa tunapendekeza, inaitwa sovereignty of the people, and the supremacy of the constitution. Kwa Kiswahili sovereignty of the people, inaitwa, uhuru wa wananchi, na uhuru wa katiba. So, wananchi wamehusishwa, kuandika hii, wananchi wamerekebisha wenyewe, kupitia tume, na kupitia conference ambayo intakuwa hivi

karibuni.

Mambo mengine kwa ufupi ni kwamba, kuhusu uraia, kulingana na katiba ambayo iko sasa, mwanaume akienda ngambo, na apate bibi, akija na huyo bibi, huyo bibi na watoto wake watakuwa automatic ni raia wa Kenya. Lakini msichana akienda ng'ambo na apate bwana, na akija hapa, huyo bwana wake awezi kuwa raia wa Kenya, na watoto hawawezi kuwa raia wa Kenya, bila kuapply wakiwa miaka zaidi ya kumi na nane.

Sasa, hii katiba kwa ufupi, inajaribu kusawalisha wanawake na wanaume, wasichana na wavulana, wazee na akina mama, kwa ufupi. Kuna njia nyingi, zimeandikwa kwa hiyo chapte inaitwa, bill of rights, chapter five, someni kwa makini, inasema mwanaume na mwanamke ni sawa. Lakini tena inaangalia kwamba wanawake wameteswa miaka nyingi. Tena tukasema, 30% ya viti bunge, ni ya wanawake, mtoto msichana na mvulana wana haki sawa ya kuridhi mali kwa wazazi. Mwanaume, yaani baba ya mtoto na mama ya mtoto, ikiwa wameowana ama wajaowana, lazima watunze huyo mtoto, na kadhalika, okay?

So, kwa hivyo, ningependa msome kwa makini, mjue hiyo chapter, kuhusu equality of sexes or gender, ethics and quality. Kitu ingine, ni kwamba, mkisoma hiyo bill of rights, kuna haki nyingi zimeandikwa, haki na masomo ya kimsingi, na ya secondary, haki kuwa na mahali pa kuishi, haki ya kuwa na chakula, haki kuwa na matibabu, na kadhalika. Ni nyingi kushinda zile ziko hapa, lakini, tumesema, sio tu kuandika kwa karatasi, serikali lazima itekeleze, itimize, haki hizo. Na kama serikali inasema pesa hakuna, lazima ieleze kwa ajili gani pesa hakuna. Kitu cha pili, ni kusema pesa itapatikana lini, na iwe na mipangilio ya kutekeleza, a program for the provision of those basic rights.

Kwa hii katiba mpya, inapendekeza Nyumba mbili za bunge, mnajua wakati wa uhuru, vile tumesema kulikuwa na senate na lower house, sasa tunapendekeza kutakuwa na national council, vile mmelezwa, na national assembly, Nyumba mbili za bunbe. Je, mnapenda Nyumba mbili au moja. Na ile ya pili, iwe inafanya nini, tafadhali someni.

Kwa jumla, bunge itakuwa na nguvu zaidi, kulingana na hii katiba, hata maneno ya kuhusu bunge tumeandika mbele, chapter 7, the legislature. Tumetangulia kusema maneno ya the legislature, halafu chapter 8, ni executive, ni kweli? Kwanza tumesema maneno ya bunge, halafu ya serikali yenyewe. Kwa katiba ya sasa, ukisoma, ni opposite. Chapter 2, ni executive, na chapter 3 ni parliament. Parliament itakuwa na nguvu zaidi kwa ufupi.

Naam, kulingana na maneno ya parliament, tutakuwa na njia mbili ya kupiga kura, wakati huu, ukipigia kura MP, kuna njia moja tu, kama watu wa KANU wanasimama, yule atapata kura zaidi, anakuwa MP, si ni kweli? Lakini sasa, tumependekeza tena kuongezwe njia ingine, utakuwa unapigia MP, halafu upige tena ya party, tumesikiza kwamba kutakuwa na viti tisaini, 90 extra seats, those are called party lists. Pengine mtatakata kujadiliana, inamaanisha maybe you can not say what are the 90 seats for, unapigia MP na unapigia chama, sio kama sasa.

Halafu, mtu anaweza kusimama, akiwa hana chama, kuwa MP ama kuwa rais, na kadhalika, ama vice president. Sio kama sasa ambapo unajua watu wengine walishindwa kwa vyama vyao wakaenda kwa chama cha Harun Mwau, ambayo inaitwa Party of the Independent candidates of Kenya, hiyo ni kusema, chama cha wale ambao hawana chama. Lakini sasa, kutakuwa na mtu kabisa ambaye hana chama chochote anaweza simama.

Vyama vy siasa, vimeandikwa ndani ya hii katiba mpya, kwa hii ya zamani hakuna kitu kuhusu vyama vya siasa, na tunajua kwamba, ya kuregister chama cha siasa, imekuwa ikifanywa na registrar of societies. Sasa, vyama vitakuwa vinaruhusiwa na electoral commission of Kenya. Na chama hili kiandikishwe, lazima ifuate kanuni za democrasia ndani yake, wapige kura regularly and so on. There are rules internal for a party. Na kama chama kitapata zaidi ya 5% ya kura zote, kitapewa pesa za serikali kiasi kidogo ya kufanyia kazi ya chama. Kwa hivyo tutakuwa na political parties funds.

Wajumbe hawataweza tena, kuamua swala la mishahara yao. kutakuwa na ile salaries and remuneration commission. Unaweza kama mjumbe anapotelea Nairobi ama sehemu zingine, anaweza kurecall, kuna kitu ya kuweza kufuta yeye kabla ya miaka mitano kuisha.

Lazima hao viongozi wote, wa sign ile kanuni, ile tulisoma, na wakati huu, hakuna ile kanuni.

Now, kuchaguwa rais kutabadilika kidogo, wakati huu ni 25% Mkoa tano as simple majority. Sasa tumependekeza kwamba, rais lazima awe na kura 50%, hamsini kwa mia, na apate 20% na kwa mikoa mitano. Ikikosekama mtu mmoja wa kushinda namna hivyo, sasa yule number one na number two peke yao, watapigiwa kura tena, kwa muda wa wiki tatu, na yule atashinda tu, ndio atakuwa rais. Kwa ufupi, rais, uwezo wa rais unapunguzwa, ya bunge inaenda juu. Rais atakuwa, uwezo wake unapunguzwa chini, na ile instrument yao, inaitwa Provincial Administration, wamekuwa wanatumia saa hii itafutiliwa mbali.

Haya, kutakuwa na waziri mkuu, na kwa hii katiba hakuna waziri mkuu.

Ministers, vile tumeelezwa, hawatakuwa wajumbe, wabunge. Kwanza tumesema, ministries ziwe kumi na tano tu. Lakini tena, minister au naibu hawawezi kuwa wajumbe wa bunge. Tumesema wengi, wanapenda kusema ninaenda bunge, nitaleta bendera sehemu yetu, hiyo bendera itapotea. Kwa ajili tukasema, kwamba hao ministers, ukiuliza kwa ajili gani aji constituency, anasema nilikuwa nafanya kazi ya taifa Kwale, sasa atakuwa tu mbunge wa hapa na kurudi nyumbani, na kama hatakuwa narudi sana, anaweza kufutwa. Yaani, ministers wawe kama wamerika, ambao si wajumbe wa bunge.

President can be impeached, akifanya makosa.

Minister anaweza kupoteza kiti chake, through vote of no confidence.

Kutakuwa na hiyo serikali ya kukaribi raia, kwa hii katiba sasa, hakuna, lakini ilikuwa kwa ile ya kwanza. Lakini ile ya kwanza ilikuwa ya province, na wakati huu ni ya districts.

Halafu kutakuwa na supreme court. Koti kuu ya sasa ni High Court, halafu kufuatwa na Court of appeal. Lakini kutakuwa na supreme court, ambayo itakuwa inashughulikia wakati mwingine, maswala ya kikatiba.

Koti ya waislamu ya kadhi, imeongezewa.

Halafu administration police, AP, watafutwa hata wao, kwa ajili wao ni watu wa provincial administration. Lakini vile tumependekeza ni kwamba, wa join the regular police.

Na police wameandikishwa kwa katiba, na jeshi, na security forces, hata intelgency, wameandikiwa kwa hii katiba. Kwa hii kulingana na hii ya zamani, hakuna kitu kuhusu majeshi. Halafu, kuna maswala mengine, ambayo yalikuwa hakuna kwa ya kwanza, kuhusu mazingara, haki za watu ambao wanaweza kuthuriwa, haki za watoto na wanawake na kadhalika, what we call emerging constitutional issues.

Sasa nikimaliza kabisa, ni kwamba, haya yote tunayafanya, tukiwa tunajitayarisha kuenda kwa mkutano mkuu wa kitaifa, wa marekebisha ya katiba. Kwa gazeti ya leo, the Daily Nation, ukuraza ya ishirini mpaka ishirini na mbili, kuna list ya delegates ambao wataenda mkutano. Arap Korir, alikuwa amesema mkutano unaanza tarehe ishirini na nane, lakini mawakilishi wanatakiwa wafike tarehe ishirini na mbili, hiyo ni Wednesday next week. Kwa hivyo imebaki one week.

Orodha ya mawakilishi nitasoma, ni watu mia sita, ishirini na nane, kwanza watakuweco wajumbe wote wabunge, hao ni watu mia mbili ishirini na tatu, all the MPs. Halafu kutakuwa na mwakilishi mmoja, kila chama tutakuwa na mwakilishi mmoja, chama cha siasa, vyama arobaini na moja, ambavyo vilikuwa vimeregisteriwa mwaka wa elfu mbili, October tukianza kazi ya kurekebisha katiba, hao ni watu arobaini na moja. Halafu kila district itakuwa na wakilishi watatu. Wa Kericho, mlikuwa mmesomewa, it says, Christine Cheron Ng'eno, Joseph Maritim Soi, na James Kirui Kosgei, hawa watatu. District ni sabini, kwa hivyo ni watu mia mbili na kumi. Halafu, kutakuwa na watu wa civic society. Watu wa vyama vya wafanyikazi, professional associations and organizations, na vikundi vya akina mama, religious organization, dini na kanisa, na watu wengine tunaita special interest groups. Hao ni watu wengine mia moja ishirini na sita, na commissioners, 29 watakuweco, lakini wao hawapigi kura kwa mkutano. Kwa ajili, kura itakuwa inapigiwa ile katiba ile sisi wenyewe tumependekeza. Kwa hivyo tutakuwa kama observers or consultants. Ndio hawa watu sasa mia sita, mia tano tisaini na tisa, au mia sita tuseme. Ndio wataamua kuhusu katiba. Na wanatakikana wakubaliane kwa kauli moja, by consensus. Na wakikosa kusikilizana, kutakuwa na kupiga kura.

Kwa maswala ya sio ya kikatiba, tuseme kwa mfano, chapter tatu, iwe chapte mbili ama chapte nne, pengine kubadilisha vile imepangwa, itatakiwa simple majority, 301 from 600.

Lakini swala la kikatiba, ni kama mtu asema, tuondoe kabisa ile chapte number 11 kuhusu land, tutoe kabisa, ama tuingize ingine ambayo haiko hapa, hiyo ni swala ya katiba, na itapatiwa watu mia nne, kati ya mia sita, two thirds majority. Sasa kitu cha kwanza, you have one week, kujadiliana, muelewe kila kifungo, kwa ajili nyinyi Ainamoi, Kericho, pengine kuna maswala ya muhimu kweli kushinda zingine, mkubaliane, mpe delegates instructions, vile ataenda na kusema, na kupiga kura. Hao sio watu ambao wanaenda na maoni yao pia ya binafsi, wanaenda kuwawakilisha nyinyi, si ni kweli? So you must check. But at the same time, msicheck tu vile mnafikiria, kwa ajili watu wenu ni watatu wa Kericho district, na MPs watatu, kwa ajili kuna constituencies tatu, hiyo ni watu sita. Na simple majority ni 301, and two thirds majority ni 400. Je, how do you multiply 6, mpaka ifike 301, mpaka ifike 400. So, you must also know, wanasema nini wale watu wa (?) and then, mnalinganisha na maoni yenu. Halafu, wakienda kwa mkutano wanatakiwa wafanye lobbying, networking, si ni kweli? Kujadiliana na watu.

Sasa kwa mfano, na hiyo ni ya mwisho, kwa mfano watu wengine wametuuliza tukiwa sehemu zingine hapa, kwamba, hii maneno ya waislamu imezidi sana, why do you have the kadhis court very strong. Tukasema lakini waislamu wamependekeza namna hii. Lakini ukiuliza wewe mwenyewe, kwani inakuhusu kwa njia gani? Kama waislamu wamesema wanataka kuowa bibi nne, na kuwapiga talaka the same day, kwa ajili wewe sio muislamu, why are you bothered. Lakini waislamu watataka nini, kusaidiwa kupitisha hiyo. Sasa pengine inakuudhi wewe chapter eleven, ambayo inahusu ardhi, na pengine watu wa North Eastern, hawana problem ya ardhi, kwa ajili hakuna ardhi, si ni ukweli, kuna tu mchanga. Sasa mnaweza kuuleza, tafadhali nyinyi mtupigie kura, kwa hii sehemu kuhusu ardhi, na sisi pia tutawapigia, ikifika hiyo maneno ya kuowa bibi nne, kulingana na ni sawa.

Kwa ufupi, kazi ndio hiyo tulikuwa tunatakiwa kuifanya, tunasema tu tanawatakia kila raheli, katika uundaji wa katiba, vile chairman wetu alisema. Happy constitution making. Jukumu sasa ni lenu, commission imefanya kazi yake, tutakuwa observers, halafu tueleke sisi wote nyumbani, hayo yote yakiisha.

Caroline Korir: Haya, kabla tujaenda kwa discussion, ningependa kuwajulisha kwa delegates ambao mmechaguwa, mnatakikana muwaone, halafu mjuwe kama ni watu wenu ama walitoka nje. Delegates hebu simama niwatambulishie kwa wananchi. Muone mbele hapa, mnaweza kuja mbele hapa.

Christine Ng'eno: Kwa majina naitwa Christine Ng'eno, natoka katika location ya Soi, Ainamoi Division

Joseph Arap Soi: Mimi ni Diwani Joseph Arap Soi, from Kipsigis County Council, natoka sehemu ya Kipkelion, Kibeneti, huko.

Christine Ng'eno: Okay, wako watatu, mko na hawa wawili, halafu watatu anaitwa Dr. James Kosgei, ambaye ni lecture

Kenyatta University, angeweza kuwa na sisi siku ya leo, lakini wataenda Nairobi 22nd for a seminar, in preparation for the conference. Lakini nafikiri wale ambao wanatoka pale Sosiot, mnamjua Dr. James Kosgey. I think we will go for discussion, ama mnaweza kutoa maswali mko nayo kwa commissioner, halafu atawajibu baadaye. Kama kuna maswali ama comments yoyote, mnaweza kutoa.

Mnaweza karibia hapa, ndio tunase.

Thomas Leting’: Commissioners, jina langu ni Thomas Leting’. Nina swali kuhusu proposals zenu commissioners, kwamba, Dunia hii tuko na system mbili, ya utawala. Moja Military system, pili, Royal system, sijui ni gani mnafuata kwa hii yenu.

Kitu ingine ambayo ilionekana kwa hii proposal zenu, ambayo wengi wetu tulitoa, ni kuhusu white islands, mashamba ambayo yalinyakuliwa kutoka kwa mwafrika, 1901 - 1911. Halafu wazungu wakapewa, ilinyakuliwa kutoka kwa wenyewe. Na wakati tulipaka uhuru, constitution hiyo ya kwanza, ilikuwa inarecognise hiyo, ile ulionyesha sisi. Constitution ya pili, ndio ilitowa. Na lease ya yale mashamba, itakwisha the year 2004, na hatuelewe haya mashamba, imerudishwa kwa wale wenyeji wenyewe, ama imeenda kwa watu gani. Hiyo ndio swali tulisema lazima lichunguzwe na commission.

Kitu ingine, ambayo tulipropose, ambayo sioni kwa hiyo proposal zenu, ni kwamba, kuna sheria ya kienyeji, ambayo tunaita customary law, na hatuioni kwa hii proposal zenu, na hiyo ni lazima, kwa sababu hiyo inatawala wenyewe, kama ni kabila la Kipsigis, tuna namna tulikuwa tukijitawala, tuna sheria zetu tulikuwa tukizifuata. Na ni la zima, hizo sheria haziwezi kutupwa mbali na mtu tu yeyote. Nafikiri nimeeleweka hapo.

Kitu ingine niliona mlikubaliana nayo, kwa proposal zenu, ni civil servants kuwa na business. Hiyo kwa maoni yangu sioni kama ni vizuri, hiyo italeta magendo zaidi. Ile commission ya Ndegwa commission, ndio ilifanya nchi hii kuwa corrupt zaidi. Na ingefutiliwa mbali, civil servants, kama ana shamba yake alime, na mshahara yake tu, asifanye biashara. Biashara, ataingiza kwa ile kazui yake, atakuwa ni magendo magendo, namna tunajua sasa. Alime shamba lake na mshahara yake.

Inginge mlipropose ambayo naoni ni mzuri, lakini sijui kama itawezekana. 30% of women representation, tuseme kama Ainamoi hapa hakuna mwanamke hapa amejitokeza kutaka parliament, tutafanya nini? Kama hakuna mmoja amejitokeza tumfuate kando, tutafanya nini, tupate hii percentage?

Inginge, hii nomination ya parliament, 90, ni ya nini hao watu wote. they are about half of the elected representative, na hao ndio wataleta uchochezi kwa parliament, na senate. Ya nini hao watu wote, I mean, if we have 210 for instance right now, to add another 90, si hii parliament itakuwa haina kazi. Let us have 30% and most of them be women. Kama mnataka wanawake wawe represented properly.

Nafikiri, commissioner, nafikiri hayo, kama unaweza kujibu zingine hapa, kama hamwezi kujibu, myapeleke, asante.

Charles Kipruto Arap Ng'eno: Okay asante sana commissioners, langu ni kuhusu, jina langu ni Charles Kipruto Arap Ng'eno. Langu ni kuhusu watoto. Rights of children

Tumesikia ya kwamba, watoto hawapaswi, labda kupigwa shuleni. Na swali langu ni kwamba, na nyumbani je, wazazi wana haki ya kuchapa watoto ama la? Na ikiwa hivyo, bibilia inasema, ukiweka kando kiboko, ndio unaharibu mtoto. Sasa sijui sheria hii, inaenda kuharibu watoto, ama inaenda kusulihisha.

Lingine la pili, vile tumejifunza wakati huu, sijawai kusikia jinsi corruption itakapoweza kuepukwa. Sana sana, tunapotembea barabarani, tunaona polisi wanashika pesa ana kwa ana. Tuseme ukiwa matatu, unaona anapewa pesa ndio anaondoka. Sijui juhudi itafanya namna gani katika katiba hii, ikomeshe mambo kama hayo, ama mambo ya kupeana rushwa, katika ofisi. Kwa sababu tunaona, umasikini uliotutawala wakati huu, ni kuhusiana na corruption.

Jambo lingine, ni kuhusiana na strike, kama wakati huu walimu wameenda kwa strike, na inaonekana sijui kwa katiba inaweza kusuluhisha aje, hili watoto wa nchi hii, waweze kuendelea na right to education. Na ile pesa walimu wangekula wakati walipoanza kukoma, zitaenda wapi?

Tena katika katiba hii, mambo ya masomo kama 8:4:4 ama ile ilikuwa ya 7:4:2:3, sijui gani ilipendekezwa.

Mambo ya land, sijui kila citizen, yaani mwenyeji wa Kenya, atapaswa kuwa na ardhi, au wengine watakuwa na ardhi, na wengine wasiwemo.

Kwa hayo machache nakomesha maswali yangu, asanteni sana.

Isaak Kosgei: My names ar Isaak Kosgei, and I have been looking at the implementation list for the district, on page 46. I have seen that, among the functions to be performed at the district level, it shall include the use of local taxes, maybe to finance, education services, nursery, primary, and secondary education, and I have seen the the bill saying that it will also finance medical and helath services. I am worried because, it is possible that certain districts may not be able to raise enough funds, to finance the implementation of their development plans.

And, like for example, the nursery schools are now being financed at the district level, and most of them have become non functional. So, if we are now extending to primary and secondary, I am worried things might be bad.

I also know that, the medical services at the district, may not have been fully financed, even by the central government. Now that we are saying, every district is going to look into the medical services, what happens even for such areas, like we said North Eastern, where they may not raise enough funds, to finance this services.

Another observation that I have made, is in connection with the Teachers Service Commission. I have seen the functions of the Teachers Service Commission, does not include remuneration of those teachers. When I went to salaries, and remunerations commission saw that it is only concerned, with the remuneration of I don't know constitutional offices, and I wonder in the whole constitution, I think the Teachers Service Commission, was also supposed to remunerate teachers. Is it because it is going to the district, or what is happening? Thank you.

Kipkosgei Arap Chepkwony: *Kainenyun ko Kipkosgei arap Chepkwony.*

Translator: Jina lake ni Kipkosgei Arap Chepkwony.

Kipkosgei Arap Chepkwony: *Kamache amwa ale kagibarwech mpakaisiek ab Uganda, Tanzania ak Ethiopia,*

Translator: Tumeonyeshwa mipaka za Uganda, Ethiopia na kuinginepo.

Kipkosgei Arap Chepkwony: *Oko tomkibarwech che ba province ne nyon.*

Translator: Na zile za province hatujaonyeshwa.

Kipkosgei Arap Chepkwony: *Amun che ba province,*

Translator: Kwa sababu zile za province,

Kipkosgei Arap Chepkwony: *koribe bariosaiek en mpakait ne kigagikachi kutusaik Mungu.*

Translator: Inatunza hali ya kutoelewa kati ya makabila, vile ambavyo ilikuwa imepangwa hapo awali.

Kipkosgei Arap Chepkwony: *Ne ngot ko makichob*

Translator: Ambavyo, isipotengenezwa,

Kipkosgei Arap Chepkwony: *Ko tugergetu ak ne ba Israeliek ak Palestiniek*

Translator: Inaweza kuwa kama ile ya wa Israeli na wa Palestina.

Kipkosgei Arap Chepkwony: *Amun mache chitage kobut ng'atutik, amun ye ng'alal en yu,*

Translator: Maana mwingine huuenda anataka kuvunja zile sheria ambazo, maneno ambayo tumepanga hapa.

Kipkosgei Arap Chepkwony: *Ak ole kimenye olantugul.*

Translator: Na kusema mtu haishi mahali popote.

Kipkosgei Arap Chepkwony:*Mayan ng'aliondonono*

Translator: Sikufurahia neno lile.

Kipkosgei Arap Chepkwony:*Ng'aliot ake Bwana commissioner,*

Translator: Neno la pili Bw. Commissioner,

Kipkosgei Arap Chepkwony:*Kele chito ne kabaris,*

Translator: Imesemekana kwamba labda yule mtu ambaye ameuwa mwenzake,

Kipkosgei Arap Chepkwony:*Ko magebare.*

Translator: Naye awezi kuuwawa,

Kipkosgei Arap Chepkwony:*Mayan ng'aliondonono.*

Translator: Sijafurahia neno hilo.

Kipkosgei Arap Chepkwony:*Amun barisie chito inguni ak kole anawe Serikali, aitu karon*

Translator: Maana mtu huenda, anaweza kusema nikuuwa leo nitapelekwa na kesho tena nitarudi.

Kipkosgei Arap Chepkwony:*Ko ngot kagitiach kele ma kebare, kotiana bik che begu.*

Translator: Ikiwa basi mmesema hakuna kuuwa wauwaji, watu wangapi wanaweza kuuwawa?

Kipkosgei Arap Chepkwony:*Mayan ng'aliondonono.*

Translator: Haikunifurahisha.

Kipkosgei Arap Chepkwony:*Ng'aliot ake,*

Translator: Neno lingine,

Kipkosgei Arap Chepkwony:*Ko kage mwa ng'alek ab corruption.*

Translator: Hayo maneno ya ufisadi yameshatajwa,

Kipkosgei Arap Chepkwony:*Labda hekari kumi, ingine ishirini,*

Translator: Vile amesema

Kipkosgei Arap Chepkwony:*Ak age artam,*

Translator: Mwingine arobaini,

Kipkosgei Arap Chepkwony:*Ko age ne matinye chorwet, ne maingen chi kigachin oeng ak nusu.*

Translator: Yule ambaye hana rafiki, na ajulikani na mtu, uenda akapewa hekari mbili na nusu,

Kipkosgei Arap Chepkwony:*Ko nikamwa ale imanit ab serikali ko mi yebano en yoton.*

Translator: Kwa hivyo nimeuliza kwamba, je, haki ya serikali iko wapi?

Kipkosgei Arap Chepkwony:*A ngen ale serikali ko uniform tuguk che chik.*

Translator: Najua serikali inahitajika kuwa na mambo yake, kuwa uniform sawa kwa watu wote.

Kipkosgei Arap Chepkwony:*Ingogerwech corruption ne ba imbarenichon kogikaito che ba serikali.*

Translator: Ituangalilie, corruption ambaye iltekelea ufisadi wa kutolewa kwa mashamba, zile zilikuwa za serikali.

Kipkosgei Arap Chepkwony:*Ng'aliot ake bwana commissioner,*

Translator: Inge Bw. Commissioner,

Kipkosgei Arap Chepkwony:*Ko ng'aliondonon kagimwa ne ba Kwanyi, kitun angwan*

Translator: Ni hii ya mabibi ambao wanaolewa, karibu wanne.

Kipkosgei Arap Chepkwony:*Ko uwon kotom koit kamastab Kipsigis missing.*

Translator: Hiyo ijafika sehemu hizi

Kipkosgei Arap Chepkwony:*Oko tiengei chamet ab chito inegen.*

Translator: Na itategemea vile mtu anavyopenda

Kipkosgei Arap Chepkwony:*Mayani anyon ale kipitisanjin chito asikoik serikali ne ipitisani, asi kinyokitun kwanyik koik angwan.*

Translator: Sitaki kuwa serikali ndio iwe imeamuru kwamba, mabibi waolewe mpaka

Kipkosgei Arap Chepkwony:*Amun mami imbaret.*

Translator: Maana mashamba,

Kipkosgei Arap Chepkwony:*Ko ko barien lakwet kwanda komche imbaret*

Translator: Kwa wakati huu tulio nao,

Kipkosgei Arap Chepkwony:*Asigen ano neba kwanyik angwan.*

Translator: Mtoto anapigana, anafanyia vita baba akitaka shamba.

Nitapata wapi shamba ya bibi wanne.

Kipkosgei Arap Chepkwony: *Uwon mayan ng'aliondonono.*

Translator: Neno lingine,

Kipkosgei Arap Chepkwony: *Ng'aliot ake bwana commissioner,*

Translator: Sikuona ile neno ya kuhusu majimbo, na tulikuwa tumezungumzia

Kipkosgei Arap Chepkwony: *Ko ng'alek ab Majimbo. Mager en ng'aliondono keng'alalen.*

Translator: Hiyo ingekuwepo, maana itatunza haki za watu mahali walipo.

Kipkosgei Arap Chepkwony: *Kanyalu komi amun, nyalu noton koribon amun ribe kamasta nami.*

Translator: Hayo ndio maneno yangu.

Samuel Kosgei Chepkwony: Asante sana Bw. Commissioner, jina langu ni Samuel Kosgei Chepkwony.

Basi, neno la kwanza Bw. Commissioner, kwa katiba au constitution, inaingilia upande wa land, land issue. Land issue, kwa vile imeteremshwa, serikali, kutoka serikali ya juu, ningeonelea kwamba, ni vizuri, powers iwekwe kwa upande wa village government, serikali ya kijiji. Hili powers wote, wasimamie upande wa shamba, kama mambo ya kuuza, kama mambo ya kudistribute, hapo mahali village, kuna shamba, kwa hivyo kila kijiji iwe na shamba na uwezo kubwa, kuliko kuwa katika locational au kuliko kuwa katika district au regional. Hiyo ni moja.

Ya pili, ni mambo ya citizenship. Application ya mtu ambaye anataka kuwa citizen wa Kenya, ningeonelea ya kwamba ni vizuri, apply, through local authorities, kwa sababu huyu mtu atakuja kuishi ndani ya local, mahali au sisi tumeonelea kwamba, district, kuna district, kuna province, na ile ingine ambaye. Lakini huyu mtu atakuja kuwa katika district. Kwa hivyo ni vizuri, awe, apply through evenvillage, hili ajulikane ataishi wapi, huyo mtu atakuwa mtu wa wapi, na atakuwa mtu wa hiyo area hiyo yote, mahali ambayo amefanya kama district, hiyo atakuwa citizen wa hapo, na atakuwa citizen wa Kenya, kama yule mwenzake mwingine. Hawezi kuwa huko, hakuna shamba huko juu, iko shamba mahali ama Nyumba mahali, iko district.

Ya tatu, ni free education. Free education kwa class ya kwanza mpaka class ya nane, pamoja ya wale ambao disabled, ambao hawajiwezi. Wapatiwe free education, iwe katika katiba, hili hao waweze kufaidika, kama hatuwezi, wazazi wao hatuwezi kwa mambo ya fees, amefika kiwango ya standard 8, anaweza kujitafutia, au kuenda katika upande wa wale ambao wanaweza kukua, kama mwenye bidii, anaweza kuingia katika polytechnic, na anaweza kufanya kazi yake mwenyewe, kama amepata education kidogo kuliko yeye anakaa bila education, yeyote, serikali ijaribu iwe katika katiba.

Hiyo ndio mawaidha, au hiyo ni msemu yangu ya kwamba, ni vizuri huyu disabled, na hawa wengine ambao, primary free education, na anaweza kusaidiwa na serikali. Kwa hivyo hiyo ndio maneno ambayo nilikuwa na tarajia ni kama hayo Bw. Commissioner, asante sana.

Charles Kipruto Saina: *Kigurenon Charles Kipruto arap Saina.*

Translator: Naitwa Charles Kipruto Saina.

Charles Kipruto Saina: *En Katiba ne karager en iyeo, ko kakimwa ng'alek ab commissions.*

Translator: Katika katiba hiyo, nimeona imetaja maneno ya commissions,

Charles Kipruto Saina: *Oko en Katiba ne kokitinye, ngo komakomi anan komi komogigase kechabe abakora commissions.*

Translator: Na katika ile katiba ya zamani, kama ilikuwa imetajwa, ama haikutajwa, tulikuwa tunasikia macommissions nyingi, zilikuwa zikitengenezwa..

Charles Kipruto Saina: *Ko en commissions ichoton tugu l komikasarta ne kikimeto oko katar rabinik.*

Translator: Na katika kazi za macommissions hizo, report zao, hazikuwa zinatolewa, na pesa nyingi zilikuwa zinatumiwa.

Charles Kipruto Saina: *Alelen ingunon en Katiba ini mi kilyanji raini sikobais commission oko katar rabinik ab emet puch.*

Translator: Nauliza sasa, katika hii katiba mpya, ni nini itafanywa, hili macommissions, isimalize pesa bure, na zisiweze kutekeleza.

Charles Kipruto Saina: *Ng'aliot ake natinye ko ng'alek ab somanet. Free education.*

Translator: Neno lingine ambalo nitaguzi ni kuhusu masomo ya bure.

Charles Kipruto Saina: *Nyalu koib Serikali tugul.*

Translator: Serikali inapaswa kuchukuwa yote.

Charles Kipruto Saina: *Amun somanet ko kit ne teche serikali.*

Translator: Maana masomo ni jambo ambalo linajenga serikali.

Charles Kipruto Saina: *Ko magere amune sikiim sigik oko makarun komanyoko baisiechin sigindet lakwet ne ka soman.*

Translator: Sioni sababu ya mzazi kusumbuliwa na huyo mtoto, haji kufanya kazi kwa mzazi.

Charles Kipruto Saina: *Ng'aliot na kere kotagibaisien kabisa koin ole kiripto emani nyonet.*

Translator: Neno lingine ambalo ningependa kabisa liangaliwe, ni jinsi ya kutunza nchi yetu.

Charles Kipruto Saina: *Manae ale ng'atutiet ab commission ini kolionate bik kot ko magebirate asikarik ko birarate bik ovyo ovyo kotkoige tiogik.*

Translator: Sijui commission hii ya katiba, itaweza kufanya nini, hili watu hawatakuwa wanaumizwa kama wanyama katika mikutano, na mapolisi.

Charles Kipruto Saina: *Amun kager ingolen komwae kole mitten, imuche iwendote, imuche ingalal kou yekemach.*

Translator: Maana nilikuwa nimesoma katiba, inasema, unaweza kutembea popote, useme, uzungumze jinzi unavyoona.

Charles Kipruto Saina: *Ko amune komager chito koger kole kachilil kong'alalwon kosir komwagon.*

Translator: Kwa nini mtu akiona mimi nimekosa asinizungumzie, kuliko kunipiga risasi.

Charles Kipruto Saina: *Ko ng'aliot ab Majimbo kora kone nyalu kobais.*

Translator: Lile neno la majimbo, naona napendekeza liweze kutumika.

Charles Kipruto Saina: *Nyalu kobais kabisa.*

Translator: Lingetumika kabisa.

Kipkosgei Arap Chepkwony: *Ko ng'alek chomba chepyosok,*

Translator: Hayo mengine ya akina mama,

Charles Kipruto Saina: *Kele kimache chepyosok koba yeteno, akwang'e ale tun kilianjin murenik en kamasoton si masom kura.*

Translator: Ikisemekana kwamba, tunahitaji wanawake wawepo kiasi fulani, wanaume watafanyajwe, hili wasiombo nafasi za kura hizo.

Charles Kipruto Saina: *Miten constnuencies che keng'ate kele matkotonon mureno,*

Translator: Kutakuweko na constituencies, ambazo amri itatolewa kwamba, wanaume wasijitokeze.

Charles Kipruto Saina: *Abarane kisomaso bichuton tugul.*

Translator: Na mimi naamini kwamba wote walisoma,

Charles Kipruto Saina: *Oko kikisiche tugul en koranotet. Amune si mabarchige kou chitugul.*

Translator: Na wote walizaliwa hapo. Kwa nini wasipigania kama watu wote?

Charles Kipruto Saina: *Okot county council, olantugul ole kimache kebarchige konyalu kebarchigei tugul.*

Translator: Hata katika local government, mahali popote ambapo watu wanapigania viti, ni vizuri tupigania wote.

Charles Kipruto Saina: *Kit nagere commissaioners, ko ndamugase kibwat ole kichapto rabinik amun ngot ko choton che bare bik alak, ko takiyeten bik rabinik konem chito yon somse.*

Translator: Kile naomba tu, ni kwa sababu wengine hawana pesa, kwa hivyo tuangaliwe ni nini tutafanya, hili pesa zisitumiwe wakati wa uchaguzi.

Charles Kipruto Saina: *Ko barge bik puch.*

Translator: Watu wanapambana bure.

Charles Kipruto Saina: *Inagesyi yotet.*

Translator: Namalizia hapo.

Mary Kanyina: Tunyamaze ajibu maswali ya kwanza, halafu ndio atachakuwa mengine baadaye.

Com. Mosonik: Swala la kwanza, lilikwa ni, Je, hii utawala mnapendekeza ni gani, ni unitary ama federal system. Kwa report yetu hii, imeandikwa kwa ukurasa hamsini, kwamba, this, swala hili, alone with whether to have a second house of parliament, was the most controversial issue within the commission. Tulijadiliana macommission, tukiwa na matatazo mengi, kwa ile swala la majimbo, au mimi naweza kuwaeleza hivi; watu wengi walipendekeza majimbo. Tulipoketi tukiandika hii reporti na mswada, hata sisi hatukusikizana. Lakini kwa ufupi, hiyo imependekewa sio majimbo. Tumesema, sio majimbo na sio unitary. Kitu ambayo iko katikati, kwa hivyo pengine vile ningesema ni kwamba, kwanza, mlipopendekeza majimbo, mlikuwa mnamaanisha nini. Kwa ajili, neno majimbo, imewasumbua watu wengi, hawaelewi ni nini. Unitary system, yes, but what is a federal arrangement.

Pengine kitu kingine cha pili, ni wale wakilishi wenu, wakienda kwa mkutano mkuu wa taifa, waulize swala hilo. Kwa ajili gani, majimbo hakuna. Na je, maoni ya raia, ya wananchi, mlipochambua, ni wangapi walikuwa wamesema majimbo, ama federal, na ni wangapi walikuwa wamesema ingine. Ndio tume itoe data, tushulishe ni wangapi walisema hivyo, na wangapi walisema hivyo. You have had me say it says, this issue, along with whether to have a second house of parliament, was the most controversial issue within the commission, as it was in the country. It is the 5th, of this report. You can write down because you will get a copy, and you can start from there, and ask that same question, okay. Just write down, okay.

Joseph Mutai: Kwa majina ni Joseph Mutai, kutoka Ainamoi, vile mlitembea nchi, kama commissioners. Kabla hamjadiscuss

mambo ya majimbo, na isiwe mliona kwamba, watu wa sehemu fulani, walikubali, sehemu fulani wakakubali, sehemu fulani wakakubali. Mlitumia what criteria, mlitumia kubishana hapa, wakati mlikuwa mnataka kuipitisha, hii mambo ya majimbo.

Com. Mosonik: Ndio nimesema, pengine ingekuwa afadhali, mawakilishi wenu, wakienda kwa mkutano mkuu wa taifa, waulize hilo swali. Mnasikia, sisi kama tume sasa tumependekeza question, lakini nimewaeleza kinaganaga, wazi, kwamba, hatukuwa hatukuzikizana kwa urais. So, I would like you to ask, what was the basis for this, of causing this recommendation that you made. Kwa ajili tulikuwa na data, data, statistics. Uwezi kuingilia wakati huu, but I can tell you in formal letter, that we have taken a position, that is the district, and you can ask in the conference, kwa ajili gani. Na tena, mnaweza kupatia, delegates wenu, instructions, kuhusu ile swali. Mnakumbuka tulisema, mnasahisha sasa, mkiona hampendi hii pendekezo, mnaweza kupendekeza kupitia, mawakilishi wenu. Okay, so that is an assignment for the constituency.

Secondly, that was a question from Mr. Thomas, I think Leting' ambaye aliuliza tena, kuhusu, white islands, na akasema ilikuwa kwa katiba ya kwanza, na hajasikiza kwa hii katiba. Kwanza, ukiangalia ukurasa ishirini na nane, page 28, inasema, page 28, katikati inasema, tenure of land, hiyo ni 235, uende chini katikati ya page, hiyo number four, number four imesema, within years of the coming into force of this constitution, parliament shall, halafu you go to the next column, number b2, the roman numeral two, okay. So, within two years of the coming into force of this constitution, parliament shall establish mechanisms for, to, review and assessment of all claims, to unjust its procreation of land, in the Coast, North Eastern, and Rift Valley province, or elsewhere, whether arising from historical or other causes, in order to establish their validity, and how best they can be justly, peacefully, and equitably resolved. That relates to the issue of the land in the Rift Valley, lakini kwa jumla, ningependa mjue kwamba, maswala ya ardhi, mengi tumeyaachia tuseme bunge, itatua. Pengine ninaweza kupendekeza, hapana tusiwachie bunge, tutatue kwa hiyo mkutano mkuu wa taifa. That is one thing about the white highlands.

Secondly, Mr. Leting' ulitua, kuhusu lease, sasa kwa ukurasa hiyo hiyo ishirini na nane, mkono wa kushoto chini hapo, in the corner, inasema, ownership of land. 233, ii, inasema, subject to this constitution, no person other than a citizen of Kenya, shall have the right to acquire any interest for right in land in Kenya. That is 2, and 3, it says, non citizens of Kenya, may hold for use land, on the basis of this whole tenure, only, and such leases however granted, shall not exceed 99 years. Kwa hivyo kama kuna wengine walikuwa wanataka kuongeza, katiba mpya inasema, isipite hapo, 99 years. Na kwa jumla, nakumbuka, kulingana na ile list, of the national and district governments, page 46, mkiangalia corner ya juu, lease number one, national government list, imesema, number 5, national resources. Lakini ukija chini, list number 2, district government list, 2d, katikati hapo ya page, inasema, land administration, mmeona hapo.

Kwa hivyo maswala kama hayo, yanatakiwa yatatuliwe, kwa kiwango cha district, na hiyo kulikuwa na swala kama hiyo, kusema ya village, ama nani atayashughulikia maneno ya land, pengine itakuwa kwa district, lakini muangalie tena, please.

Now, then, you asked about customary law, ningependa tuangalie page 4, page 4, column ya pili, katikati ya page, chini hapo,

inaitwa the Laws of Kenya. Na inasema 5, one, the loss of Kenya comprise, the constitution, Acts of parliament, African customary law. Hiyo number c, halafu inasema Islamic and Hindu passing of law, na zingine. So, hiyo imeandikwa hapo, na ukiangalia page 23, column ya pili, hierarchy of courts, 185, ukienda 185, three, wanasema, the subordinate courts are,

- (a) The magistrates and kadhis,
- (b) Any other courts established by an Act of parliament.
- (c) Any traditional or local tribunals with limited jurisdiction, in issues of local significance that may be established by an Act of parliament.

So, tunaweza kuwa na tribunal customary, kulingana kama bunge itakubali, to deal with matatizo ya nyumbani.

Now, hiyo maneno ya civic servants, na business, mnapendekeza wasifanye business, tumependekeza wafanye business, can you give instructions to your reps to the conference, kama hamtaki hao watu wafanye business, msem wakati wa mkutano wa kitaifa. Mkauliza, hao watu tisaini, ni akina nani? Page 14, column ya tatu, column ya tatu, members of the national assembly, column ya tatu chini hapo, 107. It says, elections to the national assembly, shall be based on the mixed members proportional system. In which 210 members, shall be elected on the basis of single member constituency, and 90 members shall be elected on the basis of list of candidates, submitted by political parties, contesting the elections. Two, the constituency members shall be elected on the basis of votes, yule ambaye amekuwa wa kwanza.

Then, number three, the distribution of seats on the party list, shall be made in such a way, as to achieve the highest degree of proportionality, among the parties. So, before a general election is held, each political party, contesting the election for constituency, members of assembly shall prepare and meet to the electoral commission, a list of persons, nominated by that party, for election, by proportional representation. Each list shall;

- (a) Run the nominees in order of priority of nominaton.
- (b) Alternate between women and men, and the priority of the nominees.
- (c) Taking to account, the need for representation of the disabled, youth and minorities.
- (d) Reflect the national character.

Sasa, yaani, hii kwanza watu watano wakisimama, yule wa kushinda akiwa mbele, anakuwa MP, kati ya wale mia mbili na kumi. Lakini wale tisaini, vyama vyote vitaandikwa watu tisaini, na waseme lazima number one, kama ni mwanaume, number two ni mwanamke, na hivyo. Sasa inasemekani, yaani hii ilitokea kwa nini, kwa ajili walisema, nikiangalia kwa makini, chama ambacho haina wengi wa watu, wa kura, inaweza kuwa na wajumbe wengi, kwa ajili kuna constituencies tena, wako na watu wachache, na demokrasia inasema, ni utawala wa watu, sio utawala wa territoria, ama vile mtu mwingine amekuwa akieleza, democracy is for the people, not stones, and trees. Sasa, constituency moja ina watu elfu saba, na ina mjumbe moja, ingine ina elfu sabini, na kuna mjumbe mmoja.

Sasa wale watu elfu sabini, pengine ni wa chama kimoja, wamepigia mtu huyu wao. Lakini wamepata kitu kimoja. Wale mia saba, I mean elfu saba, wamepigia chama kingine, lakini wanataka kitu kimoja. Sasa imesemekana tena, tuhesabu sasa kura, ambazo chama imepata. Kwa hivyo ni ukweli kusema hao ni nominated. Siku ile ingine rais alisema this are nominated people, watu wakasema haelewi. Ni ukweili kwamba ni nominated, lakini nominated by the party, na ile party itapata nyingi, itapewa number one, number two, number three, itafanya cultivation. So, can you study that one please. Nafikiri tumeelewana hapo.

Mr. Charles Ng'eno, ana discipline ya watoto nyumbani, page 7, usome tena kuhusu watoto. Children, page 7, 37, mkono wa kushoto juu pale, corner. Says, 37, children hold a special place in society, it is the duty of their parents, wider family, society and the state, to nurture, protect, educate them, so that they can develop in a safe and stable environment, in an atmosphere of happiness, love, respect, understanding, and be able to fulfil their full potential in all respects.

Now, yaani it says, watoto wako na haki zao, na wasiwe, they must not be subjected, to cruel punishment. Someni hapo muone kama kiboko inakatashwa nyumbani au la. Siwezi kujibu hiyo saa hii exactly.

Now, corruption, page 5. Page 5, katikati hapo imeandikwa duties of a citizen. Page 5, number 15, inasema, in order to fulfil the national goals, values and principles, all citizens have the duty to, sasa ukienda chini mpaka m, chini kabisa, to decrease from acts of corruption, that is a duty of a citizen. And on page 32, page 32 please, kuhusu polisi, page 32, 264, hapo chini imeandikwa column number three, Kenya Police Service, principles and objects. Inasema, 264, the primary object of the Kenya Police Service is to work with and for the people to ensure. Halafu, peaceful set environment, protect of rights and freedoms, and security of the people, prevention and detection of crime, support of victims of crime and disorder, protection of property.

In furtherance number two of this subjects, the service will;

- (a) Strive for the highest standard of professionalism,
- (b) Work to eliminate and avoid corruption of all sorts.

Mnasikia, now hiyo itawachiwa sasa sheria yenyewe iandikwe kwa bunge, to implement those principles about corruption.

Strikes is on page 9, mkono wa kushoto, katikati inaitwa labour relations, na inasema, everyone, has the right to fair labour process. Two, every worker has the right to, and then number b, to strike. But, at the same time, mkiangalia second column ya the very top, five inasema, every trade union and organizations and employer, has the right to engage in collective bargaining. So, iko katikati hapo, let us think about it.

Education system, it was not considered. Maybe, I don't know, haiko hapa, haisemi ni 8:4:4 ama ni ingine.

Land, maneno yote kuhusu ardhi, ni chapter 11, na chapter 11, mkumbuke kwamba, maswala mengi, kuhusu ardhi, vile tumesema, yameachiwa bunge, chapter 11, which page is that, page 28. It says, that legislation shall be passed by parliament, imepeana broad ideas, vile parliament itashughulikia maneno mingi. Ndio nimesema pengine, tu insist tukienda conference, kwamba hii swala it is too import to be left to parliament, si ni kweli?

Haya, Mr. Isaac Kosgei, local taxes, kweli imesemekana kwamba kwa hiyo district list, ni responsibility ya masomo na health. Lakini, when you look at 225, on page 27, 225, katikati hapo, inasema a commission on local government finance, shall be appointed every four years, it shall consist of so many. Two; the commission shall advice the national government, and the devolved government on the distribution of grants, pesa za serikali kuu, to the devolved councils.

Grants shall include unconditional grants, based on the criteria of population and geography and any other relevant factor. B, conditional grants, based on the criteria approved by parliament, and C, equalization grant, paid to marginalized districts. So, there is something about money, but it is not very clear either, because, this thing on devolution, tumesema tutapeana the details should be worked out by parliament, and you may want to be more exact than that.

TSC and remuneration, pesa, inasema kwamba, TSC ijapewa jukumu ya kutatua maneno ya mshahara. Lakini page 36, inasemekana, kwa hiyo salaries, and remuneration commission, katikati ya ukurasa thelathini na sita, inasema, under 292, it says, under 2, the functions of the salaries and remuneration commission, are to set the salaries, allowances, pensions, and other benefits of all constitutional office holders, and members of all constitutional commissions. And the TSC hapa, is one of the constitutional commission. Tulijadiliana sana hiyo swala, tukasema, let us abolish TSC na iwe under public service commission, halafu tutasema no, kwanza kwamba, already iko, TSC. Hiyo itakuwa ni kumaanisha kuvunja ile kitu ambayo already hiko. Na tena, walimu ni watu wengi sana. They deserve organization of their own.

Bado tukasema, kwa ajili ya situation sasa, kwamba kuna kazi hii, maneno ya mabishano kuhusu mshahara, na hii strike. Walimu wakiona tumefuta TSC watasema hata sisi tunataka kuwanyima mshahara yao, ndio tukaifanya iwe constitutional commission. The rules for constitutional commissions ziko, constitutional commission. Angalia constitutional commission in general, how they are formed and created, na hiyo inamaanisha ya kwamba, haitakuwa rahisi kwa minister au mtu yeyote, ku-interfere with the constitutional commission. Because there is procedure and function, na kazi ya constitutional commission yote, itakuwa ni ngumu kuwasumbua.

So, salaries remuneration commission, will decide the salaries for teachers, because the TSC is a constitutional commission like the others.

And provincial boundaries, yes, huyo ni Mr. Chepkwony. Hatukusema boundaries ya province. Na vile tumesema, hata ya

district hatujasema. Lakini kwa katiba ya 63, kulikuwa na boundaries za district, Kericho district, inaanzie Kelegele kipsonoi river, e.t.c, na peacons, zilikuwa zimeandikwa hapa, ya district. Sasa tumetaja tu, kwa schedule, districts na provinces, bila kuonyesha boundaries. Watu wengi wamekuwa wakipendekeza kwamba, kama province ya Rift Valley is too big, tugawanye mara mbili, wengine wanasema mara tatu, na watu wanapenda sana kusema maneno kuhusu Rift Valley. So, if you value Rift Valley, you want to instruct your delegates mkisema, ikae namna gani. Haya, tena, mnaweza kupendekeza kwamba, tuone hizo province, ikiwa kwa katiba, kama mnapenda ikae hivyo. Otherwise, inawachiwa bunge, kukata shauri kuhusu boundaries, mipaka ya province na ya districts.

Umesema upendi hii maneno ya hukumu ya kifo kutolewa, sasa sisi tunapenda, na wewe upendi. Tupige kura na tujue ni nani atashinda. Lakini, tulikuwa tunajilinganisha na mataifa mengi. Siku hizi, hata katiba mpya nyingi, kama ya South Africa, they have tried to abolish the death penalty. So tulikuwa tunafikiria tunaenda international standards, kama maoni yenu ni tofauti, mna haki ya kusema. Na mkumbuke kwamba, America, walikuwa wameban in many states, but sometimes they have restored the death penalty. So, it is subject to debate.

Corruption and land, 28, katika, column ya tatu, ambapo imeandikwa tenure of land, 235, uende chini mpaka number 4, within 2 years, of the coming into force of this constitution, parliament shall and then you go to b, in the fourth column, juu pale mkono wa kulia. Establish mechanisms for, number two hapa, ya roman numerals. Excuse, me, not two, but one, someni hiyo b1, the review of all grants, or dispositions of government, or other public land, to establish their propriety, and legality, and to determine whether or not such grants, or dispositions, should be revoked. If there has been grabbing of public land, you are provided there, that it is subject to review.

Then polygamy, four wives, can you comment on that, majimbo tena ukauliza hiyo swala, arap Chepkwony, lakini tumesema haiko hapa, na una haki ya kuuliza wapi majimbo.

Mr. Chepkwony, the other one Samuel, that was Chepkosgei arap Chepkwony.

Village government or land, details kuhusu ile serikali ya village, haijakuwa clear. Nikisoma kama ukurasa ya ishirini na sita hivi, mkono wa kulia, pale juu, levels of government, 216, village government. Tukasema the village decides, whether the village council is consisted by village elders, or through elections and so on. Details haziko clear, you need clarification,. Lakini vile tulikuwa tumesema, hii tumewachia details ifanywe na parliament.

Education for the disable, page 7, wale walemamavu, Column ya pili, page 7, chini, katikakati hapo chini. Persons with disabilities, 39, 1, inasema, persons with disability, are entitled to enjoy all the rights and freedoms set out in this bill of rights. And to participate as fully in society as they are able to. Walemavu wana haki zote kwa hiyo chapter, na kati ya haki ziko kwa hiyo chapter, ni haki ya kuwa na somo. Kwa hivyo hata wao, they are entitled to that, na mkiona next column, 2, number c, it

says, the state shall by registration and policy measure, c, ensure that education, institutions and facilities for disabled persons, are as intergrated into society as a whole, as it is compatible with the interest of the disabled, and so on.

Na number 3 on that column, inasema Legislation and policy measure provided for, shall wherever appropriate make special provision to women with disability. So, not only the disabled but also for the women.

Now, finally, Mr. Arap Saina, I think commissions of enquiry, zile report za tume mingi. Sasa kuna constitution of commissions, na commissions of enquiry are different. Constitutional commissions haiwezi kuvunjwa na mtu, lakini zile za inquiry, pengine unaweza kuuliza maswala hapo. Kama mnajua, sijui ni gazeti ya leo, inasema kwamba, Attorney General ameulizwa atoe evidence Akiwumi's report must be released, says judge. Sasa pengine, ningependekeza kwamba, kwa transitional clause, pale mahali tulikuwa tunasema, ni nini ikuwepo, tutakuwa na common rights abuses, pengine tungeingiza hapo. Kusema, all the commission of enquiry reports that have been written to be released. And that one, the delegates wale wataenda kwa conference wanaweza kuingiza hapa, among the constitutional clauses. Although sometimes, wanasema let sleeping dogs lie, kuna faida gani kuuliza kitu hatujui? (Laughter)

Now, education free, page 9, column number 2, education, number 58, every person has the right to a basic education including primary and secondary. That is one, and on page 6, in the middle, duties of the state to promote rights and freedom, hiyo number 30. Ukienda number 30, one, two, three, hapo chini inasema the state shall take reasonable legislative policy, and other measures, to achieve the progressive realization of the rights guaranteed in articles 56, 57, 58, 59, 60, 61, 62, na ile ya education, ni number 58. Kwa hivyo serikali inalazimika kushughulikia ile maneno na kupeana free education.

Tumesema 30% women can study and campaign (Inaudible)

Na mkasema hiyo ni problem ya waislamu, haituhusu sisi, lakini hakuna mtu atalazimisha mtu. Lakini hapa, mahali iko, sijui ni wapi, ukiangalia nitawaeleza. Watoto wako sawa kuridhi mali ya baba yao, bila kubagua ni msichana au mvulana, iko mahali hapo.

Samuel Arap Ruto: My name is Samuel Arap Ruto, kutoka Ainamoi. I have one or two questions to ask.

If any government that will like to run well with its citizens, there are roles which the central government will not escape to take care of. One of it is security. The other one is education, and the third one is health. So, any nation which would like to prosper, should mind for the health of its citizens, because, I wanted to say this because, this has been pushed to the district level to take care of all citizens and the rest, within the district.

There are certain standards of facilities that it will require, in any given health institution, we know how expensive they are.

Many districts will not afford, that would mean, others would be surviving at the mercies of God, na wengine wataishi vizuri.

And for economic growth, if the citizens of a country are weak people, should they be assured of Health security and education. Then, I am very sure the growth of that nation will grow, without that, no.

As education, we know the standards of education, many district level will not reach. Our children will be a certain level, others will be high level, as it is being done now in private secondary schools, institutions in this country. If you weigh, those ones of private institutions, get the best, and if it is drawn back to the same level. I think members of the central government should care for the three things, education, health and security.

My second question is, if I can still remember very well, you talked of parties of being a portion of taxes for development. I want to register this and say, that one should be removed, because, if this are taxes from the citizens, and we know some of the parties are just person, an individual, that will mean we are portioning money for an individual. So, each party should try and get its own funds. It is is peoples' taxes, there should be no a portion of any money, it will be better be a portion to help, where you want to through it away to district level.

Another third question, is about customary law. I don't know whether we talked about customary here. You have told us, this one has been left to parliament to discuss, is it, do I still remember or I have missed that, or what. They are certain areas in our customary law, and whci look a bit general, like in women, when I talk as a man, and I say women, we have three ladies here, don't say I am against ladies. This one should be made clear, in parts of cases where an husband lives, and immediately he dies, several wives come, imaginary. It should be well stated and given that, a wife who should be legal, is the one who has lived with her husband, to the last day of his life. Not the one you marry after one month, she goes, that one cannot come to our customs, as Kalenjins. You marry a wife today, you stay with her for a month, she leaves for ten years or thirty years, when she comes back, she is given the recognition of being your wife. She comes with 30 children that is an example.

Here you have lived with a wife for that 30 years, who has your own children, it might be unfortunate that wife bears nine girls against one boy, the other one comes with ten boys. Your son, the said son, whom you are told, if you rise from there and come to see, you don't recognize that same one. This other ones will frustrate under the language of customary law. Customary law, our people recognizes the whole lot of those children, ot me I say no. any woman who does not live with her husband for more than two years, apotee milele, let us say half of your life, she is not your wife. Kwa sababu uwezi kula na utapike, kama umetapika utaendelea kula, that is no food. Kama umetapika, you forget and go. Thank you.

William Mugee: *Kainet ko William Mugee.*

Translator: Anaitwa William Mugee.

William Mugee: *kit ne tai na mwae,*

Translator: Jambo la kwamba ambalo anasema

William Mugee: *Amune siingochorso chito, konyokowekan bond ako karabisiek che kachore.*

Translator: Kwa nini mtu akiiba pesa, anaruhusiwa kuweka bond, hata akitumia zile pesa ambazo alikuwa ameiba?

William Mugee: *Rabisiek choton ko kaba serikali anan koba kambunit.*

Translator: Pesa hizo uenda zikawa zilikuwa za serikali au ni za kampuni.

William Mugee: *Ng'aliot ne ba oeng'*

Translator: Jambo la pili,

William Mugee: *Amune niwe inyoru chito kabais kenyit akenge konyokotech kotab koroba ako tinye karit ako mushahara ko mara ko elfu artam.*

Translator: Kwa nini mtu akifanya kazi kwa muda mfupi, unaona ile kazi amefanya, Nyumba amejenga kubwa, ana gari. Na pesa zake haziwezi kugaramia hiyo vitu vyote.

William Mugee: *Ya tatu amune, sikobolosi kichanayat ab chito amatakotun. Mi sheria yoton.*

Translator: Basi ya tatu, kijana akidunga mimba msichana, na asimuo, kuna sheria ambayo itaangalia hiyo maneno.

William Mugee: *Kagoyam che chuk.*

Translator: Asante.

Joseph Kimeto: *Kainaikyuk ko Joseph arap Kimeto.*

Translator: Majina yangu ni Joseph Arap Kimeto.

Joseph Kimeto: *Kamache ateb, amun kikaking'alal kotingei ak serikalit ne negit ak bik en gaa.*

Translator: Tulikuwa tumeongea juu ya serikali ambayo iko karibu na watu nyumbani.

Joseph Kimeto: *Oko ingunon ko makikas kele kiit ano ng'alek choton.*

Translator: Na sasa hatujasikia hiyo maneno ilifika wapi.

Joseph Kimeto: *Ingele kou kirwagindet ne mingin ak newo ak boiyot ab kok.*

Translator: Sasa kama vile, chief, assistant chief na mzee wa mitaa.

Joseph Kimeto: *Aun bichoton kochengen olewu atebet ab bik, ingele bik che meng'isiek en kamastanyan.*

Translator: Wao ndio wanajua hali ya wale watu wamekaa au kuishi pamoja nao.

Joseph Kimeto: *Ko ng'ot ko mami pichoton koui konai serikali olewu meng'isiet ab bik konai kolebik ochon che miach, bik achon che kawain en bik che mi yu.*

Translator: Bila kuweko na hao viongozi, serikali haiwezi kujua watu wagani ni wazuri, na wengine wanaleta shida.

Joseph Kimeto: *Tebutyeqt natebe akane ko ndamugagsae en ng'alek ab lagok che kimache konyor taretet en sigik.*

Translator: Ingewezekana kwa wale watoto ambao wanahitajika kupata msaada kutoka kwa wazazi,

Joseph Kimeto: *Ko nyalu konyor lakwet ne kiisiche, ne nyalu koam lupchanik aab sigindet anan kwanda, lakwet ne kisiche chochoton.*

Translator: Ingefaa yule mtoto ambaye alizaliwa na huyo baba, ndio anaweza kufurahia mali au uridhi wa huyo baba.

Joseph Kimeto: *Kosir chitage, ne nyone ak kole kiketun kamet, komengen ole wu lagochoton, menge ile kis iche ngo,*

Translator: Kuliko kuwa na yule ambaye utaambiwa ulikuwa umeoa mama yake, kwa hivyo ujui hata hao watoto walizaliwa aje, au wametoka wapi.

Joseph Kimeto: *Ko inager noton ko amun mami lakwet ne matinye kwanda ak kamet, ko nyalu ko lagok che imenge chito, ko lagok che kiosiche twan ak kamatan kisiche kwanda ak kamet.*

Translator: Hakuna mtoto ambaye hana baba na mama, kwa hivyo ushughulike na wale watoto mlizaa na yule mama yake.

Joseph Kimeto: *Lakini lagok alak chon kimwaun puch ko chengat kwanisiek akichek.*

Translator: Na wale wengine ambao unatajiwa tu bure, waende watafute baba zao mahali walibaki.

Joseph Kimeto: *N g'aliot ake ne kitinye ko ng'aliot ab Majimbo, makingen kele kiwa ingomure ano..... kakemwa so kotebi non karon.*

Com. Mosonik: *Makarimwa inye, ongen ole ingeketyi, ko si kenai kele kagel amachang'a ngalek.*

Joseph Kimeto: *Ka ng'aliot na mwae kityo ko amun en ng'aliot ab Majimbo ko kikiran komengis pororiet aketugul en kamastanywan.*

Translator: Neno hili la majimbo, labda lilikuwa vizuri, watu wakae kwa sehemu inayojulikana.

Joseph Kimeto: *Amun ingo ngolngol gei bik, saitage ko makararan mengisiet.*

Translator: Maana labda watu wakichanganyana, kuishi kwao hakutakuwa na amani.

Joseph Kimeto: *Amun okot chu kakimwae kele customary laws ko makinae kele kisibi che ba ainon, kebagachi che ba ainon yon kaing'olge bik.*

Translator: Maana hata tukitumia customary laws, hatujui tutafuata za nani, au zipi.

Joseph Kimeto: *Ko kounaton ko amun mi pororiet aketugu l ak kainutik chwak konyalu komengis akichek bik kotiagak kou porosiek chwak.*

Translator: Kwa sababu kila kabila iko na customary law zake, ingepasa wakae pamoja, kulingana na desturi zao.

Joseph Kimeto: *Ng'aliot ake ko kigakimwa kele nyalu kogergeit chepto ak murenik en teuguk che tinye sigik, nyalu kepyechi tugukwak kogergeit. Nyalu konyor aketugul imanit ab tuguk ab saigik*

Translator: Tulikubaliana juu ya uridhi sawa kati ya mtoto msichana na mtoto mwanaume.

Joseph Kimeto: *Kosir kemeta chito, saitage komasich kot konam kobur puch akityo kowek weri ko tuguk che kigandaen chito, koik chechiket kogeny, makingen amune ako wek inonin kowendot puch komat inye taretet ake tugu l.*

Translator: Kuliko kumwacha msichana aende ataabike, na mahari ambayo yalipatikana kutoka kwake yatafurahiwa hata na ndugu zake, ambao hawatamjali.

Joseph Kimeto: *Kongoi missing.*

Translator: Asante.

Mary Kanyina: We shall take the last, hawa watatu, ndio tutamaliza na hawa.

Joseph Chepkwony: I am Joseph Chepkwony, and I have certain issue to raise.

One is pertaining the human rights abuses, particularly as indicated in page 47, whereby some abuse issues are clashing and under this new Law. But having achieved whereby the tribal class and I belief upto those documents

It is the commission of human rights which is mandated to see that the perpetrators of that abuse are brought to booky. Upto this moment, this human rights should not have those documents and if the documents are not available, what is the cause of action you ensure that the rights of those who are affected are appealed.

Another issue is on recalling of a non performing member of parliament. Here, a requirement is 30% of the electorates of the area, submit their complain to the electoral commission. I think a situation whereby, if there are two candidates in a

constituency, for example whereby you may be having 30, 000 votes, somebody, the winner gets 20%, and the loser gets around 10%. So, 30% of 30,000 is around 10,000. Is there not a possibility whereby, the losing opponent can use this people, to make sure that the winner can be brought back from parliament. I am seeing a situation whereby, the (?) will take place here.

And another issue is on, the health of the president, it has been stated in page 162, that the president should be of sound mind. But when it comes to presidential candidates themselves, there is nowhere, indicating the health of the presidential candidate. I would have wished to see a clause, stating that a presidential candidate, should be given a health certificate, before he contest for any constituency. Because somebody can be sick when he is a presidential candidate, and if by good luck he wins, he will fall sick tomorrow, and then the who electoral process, will be turned into confusion. I wish health record of the presidential candidate should be there.

Another one, as far as the qualification of presidential candidate, is stating of a, somebody should be a holder of a degree, which is good. But not all degree holders can make good leaders, and it reminds me of this form of British premier which he was only class 4, but he was the first (?). So, I believe, if it is strictly that he should be having a degree, the type of degree should be specified. Because military science, needs somebody who knows how to fight people, do we need a president with a degree who knows how to fight people have been very specific, it should, if it were me, I would have wished that the president with a degree, should have sociology in degree, and should have economics. Because those are the major issues, he is dealing with people, and he is dealing with our economy. So, the type of degree should have been specified.

And there is this one, page 18, prorogation of parliament, which says, parliament term will be extended only if the country is at war. In fact it does not specify, which war. Because, we could be having internal economic wars, whereby one section is feeling disadvantaged, others are saying, we want more. So, if the war should have been explained properly, it should have been external war, or what, or political rangling. Because, I remember recently when some fellows were trying to extend the life of parliament, they were saying they are in multi party wars, and they wanted to extend the life of parliament. I wish, this thing should be very clear, prorogation of the life of the parliament, should be only done when the country is at war, with an external country. And, I think that is the much I wanted to say. Thank you very much.

Shadrack Murugon: Thank you very much the commissioner, my name is Shadrack Murugon.

My main problem here, has got to do with chapter 10, which deals with devolution of powers. We have seen that the general principles of this devolution of powers, was to give powers of self governance to the people at all levels, and enhance the participation of people and communities, in exercise of the powers of the state.

Now, when it comes to locational government, then you come to district government, then you come to provincial government.

how are the administrators, or workers, or employees of this authorities, going to be decided. Can the person in the, let us say in the provincial of government, the person who is holding, let us say the chairman of that particular provincial country, cant he take his people to a different district. Let us say we consider now, a province like Rift Valley, I may be coming from Kericho district, and I have got my clansmen from Kericho district. I can tell them to go and administer, let us say Bomet district, work there as veterinary officers, or all those jobs, to deny those people from those areas, the jobs there. I don't see any clause, or any particular part of the constitution which says, those people will have full powers to have their own employees, because they are collecting taxes from those particular areas, they should also employ with the people there.

Secondly, let us say the project in that particular place, those people who are going to man there must be locals, or they are brought from different areas. That is to do with devolution of powers.

Now, another section which was not quite clear to me, was this one of human rights, I think in page 7. Freedom from discrimination. I might, let us say in politics for example, we might have two or three parties in a particular area, we have got officials of these parties. One party might be more influential in a particular area. So, this, either police or administration officers, are sometimes, they might secretly belong to a particular party, and when it comes to the rival party, they don't allow, they just come and say that you did not inform the police, so therefore, you are trying to incite people. Something to do with incitement. I think there was a clause somewhere, which was all the time being use to gather up some other parties. I think that is all I had, thank you.

Josphat Chepkwony: I am Josphat Chepkwony. My greatest problem is in the devolution government. Now, after reading and considering that place, I discovered that, there is going to be a very big problem, if such a law is implemented. Right from the village government, I realize that we are given the powers to elect the people who are going to represent us, in all the office, including the division and the district.

Now, I realize that the majority in the society or in the community, are people who do not understand anything, and most of them are drug abusers, like the alcoholists. Now, we realized that the elite of the village, will remain behind, as the majority elect their person, who does not understand things, to go and give problems to those who understand things that should be done in the village. And then they will always suffer because of the majority of the people who know nothing. I think we can even take the example of today, where we can see the few people who are here. What about the majority, now if we go to elections, they are the ones who are going to win, and it is their leaders who will go ahead. So, I think this one is going to be a problem, and I decided that, I think the solution might come from setting qualifications for such leaders, who will be elected by us. I realize that, if we set qualifications for them, then, bad people will not get their ways to be leaders, I realized that the first qualification that must be seen, is the educational performance. He should be a form four, or somebody a holder of a degree, or somewhere above ther, just good education.

The second qualification should be, on sobriety he should not be a drug abuser, he should not be an alcoholic, or using any drug. To make us know that he is upright.

The third qualification, he should also be seen as a hard working person.

And fourthly, he should be mature enough, so, some age should be set. So, we don't want rich leaders who are fools, who do not know anything, to come and lead many people. We now realize there are highly educated people, who may not get chances to be leaders here because of the majority.

Now, the second point. My second point is on article 44, clause 4a and b, article 44 chapter 5. Now, I realize that, although, a law is set, it is not specific as to whether schools are going to be sponsored by some denominations. Because we have realized that, denominations are giving other denomination problems, when they are sponsors of certain schools. For example if a sponsor is AIC in a certain school, no other denomination can hold function in that school, just because of them. And then when we continue to find out this, to check whether a school should really have a sponsor, we realize that, a school should not even have a sponsor. Because, it is the school which is now sponsoring the church, instead of the church sponsoring the school. Many schools that we have now, they get a lot of help from the school itself, and the school is not really benefiting from that church.

So, my view, is that, no denomination should sponsor any government school. Government schools should stand free, and no denomination should be there. And if church has been helped by that denomination, the church should be confiscated and the money be refunded to the denomination to go away from the school.

Point number three. Now, I am referring you to chapter 5, article 55, clause 2d. on the strike, now, it is not specified, while people should go on strike anyhowly. If they decide to go to strike anyhowly without reasons, is that our right. I think we should go on strike only, when our employer is really wrong, and when you stands and talks about the evils of the employer, everybody will support that. so I think that one is not enough. The right to strike is not enough, it should be somebody should strike when the employer is seriously wrong.

I am also referring you, article 58 clause 4, on private schools. Now, we realize that the rich find their children to private schools, while the poor remain with their children in the government schools. Now, the rich take their resources to the private schools, leaving the government schools remaining poor, and therefore the gap of poverty, will remain in this nation. So, my suggestion will be that, private schools should not even be allowed, instead, this rich people who know that they are capable or providing their children with better facilities, should instead go to their villages and equip the government schools which are there, and it would be very nice, if the private schools are just abolished.

And concerning majimbo, I want to express that, it would be true that we know very little about the meaning of majimbo. And

perhaps we are only saying that, because when you are employed by people to say it, otherwise you don't know the meaning of it. And therefore, we feel that it should not be a problem to the commission. Thank you.

Josea Leting': *Kainutikyuk ko Josea Leting'*

Translator: Majina yangu ni Josea Leting'

Josea Leting': *Mi tebutik cha mache ateb tutugin.*

Translator: Kuna maswali machache ambayo nataka kuuliza.

Josea Leting': *Konamge ak ng'atutik ab Kenya.*

Translator: Kulingana na sheria za Kenya,

Josea Leting': *Noton ko judicial commission.*

Translator: Hiyo ni judicial commission,

Josea Leting': *Mi nekile Kadhi.*

Translator: Kuna ile inaitwa ni koti ya kadhi.

Josea Leting': *Mangen ingomi che ba Christianik akine.*

Translator: Sijui kama kuna pia ya wakristo.

Josea Leting': *Komwa kora ole makibarisie.*

Translator: Mmetaja pia kwamba, kuuwawa hakukubaliki,

Josea Leting': *Ani yemwa che ba Islamiiek kole kibarisie oyet en ii,*

Translator: Kama waislamu watasema watataka kuendelea katika koti zao, na ile punishment inaitwa, je mtakataza? Death sentence.

Josea Leting': *Mi kasarta anyun ne kguren transitional period. Kasaran ki bendi kaitage.*

Translator: Kuna wakati wa transition,

Josea Leting': *Mi kasarta netian ne kikikon en Constitution, ng'andan tom ke soman keit wui.*

Translator: Je, muda wa transition, imepewa muda gani?

Josea Leting’: *Amun nyalu kegon situn komakwergen kabwatutik ab bik.*

Translator: Maana inahitaji kutajwa, hili mawazo ya watu yasiweze kugongana.

Josea Leting’: *Ne ba somok,*

Translator: Ya tatu,

Josea Leting’: *Yo putan kirwagik, kobendi ano ak lagokwak?*

Translator: Assistant chiefs wakifutwa na chiefs, wataenda wapi na hao watoto wao?

Josea Leting’: *Ak bik che kikakinet kondochi kirwagik. Oibe kasarta ne tian sio wal.*

Translator: Na wale ambao walikuwa wamezoe kuongozwa na hao watu, je, muda gani itachukuliwa hili kubadilisha mawazo yao.

Josea Leting’: *Ne ba let amwa akoba kandoindet ab emet, president.*

Translator: Mwisho, nataja juu ya rais.

Josea Leting’: *Kandoindet ab emet ko kokigachi kimnatet ne mingin kosindan prime minister.*

Translator: Rais amepewa uwezo mdogo, prime minister ndio anauwezo mkubwa.

Josea Leting’: *Kotagekuren tononjin emet anan tononjin prime minister. Kongoi.*

Translator: Je, anaongoza ama prime minister ndio anaongoza?

Josea Leting’: *Bas ne ba let noni ton.*

Translator: Basi.

Kimutiai Arap Cherule: Asante sana Bw. Commissioner, majina yangu ni Kimutai Arap Cherule. Nina maoni machache.

Ya kwanza, inasema, state and religion shall be separate, ya katiba hii. lakini tena, kuna mahali inasema, religious instructions observances, in state head of constitutions are allowed, is that not contradictory?

Secondly, my observation is, on the following; everybody who has at least 18 years, has a right to marry.

Now, in Europe this day, you find men marrying men, I would like this to be avoided in this country.

Also note that you have avoided majimbo, yet this is the very crucial thing.

Concerning land, we had clashes because of land, people are fighting elsewhere like in Palestine because of land. and yet, here you are, avoiding to state, provincial boundaries, district boundaries. I think you should put them in a schedule. District and provincial boundaries as they were in 63, and add the following; that parliament shall not amend provincial boundaries or regional boundaries.

There is the question of district government, there is the list on safety and security, that is seven. There will be district police service, but who employees this police, is it from the central government, posted to the district, or would they be trained in the district. Will they be chosen from the district or will they be posted from the central government?

Now, on language and culture, part of the tribalism we are experiencing is because of language. Because other people speak a different language, then they are different from us. Languages are recognised, you have stated, but I think, more should be done, in the following way. Native languages should be taught up to standard eight. Compulsory, that is compulsory. And then, provision should be made for learning up to university.

For intergration of Kenyans, I am suggesting that, neighbouring tribes, from neighbouring tribes, the children from one tribe, should learn the language of the other tribe, up to standard eight. I think money spent on this will be worthy. So, that the Kipsigis children should learn Luo, and likewise, Luo children should learn Kipsigis, and so on. Tribalism will slowly die. As a linguist to myself I have experienced, when I speak the language of another person, he gets close, even offering me services. Let me give you an example; I was able to enter into a bank at 3.35, because I spoke a language of that guard who was there. Can I get in, people were still in the bank being served, can I also get in, using his language, he let me in.

Another time, I was given a lift, by someone who said his car was full, and yet there were only two people at the front seat, and this was a pick up. When I spoke his language, I was let in.

Another one, when I went to clear my tax, I was told I was supposed to pay some 5,000 before I was cleared, I was going to retire, when I spoke to the language of the person who was attending me, because somebody came and spoke in that language to that person, the language I understood. I spoke to him, and then there was no tax. So, let us teach our children the languages of our neighbours. Thank you.

Com.Mosonik: In brief, yaani kwa ufupi, tunasema hayo ni majadiliano kwa forum yenu, na tunataraji kwamba mtaendelea kukutana na kujadiliana, mpaka nyinyi wenyewe mkubaliane, ndio mpatie hawa watu wataenda kwa mkutano mkuu, masharti, muende mfanye namna hiyo. Kwa hivyo tunajaribu tu hapa kusema, hiyo iko hapa ama haiko, kama haiko, na tunajua haiko, uwaulize wao waulize pale, ndio ingizwe. Tumekubali na Mr. Samuel Arap Ruto, kwamba, yaani central government, imesema unapendekeza iwe na jukumu ya security, usalama, masomo na afya. Na kulingana na list yetu kweli, kwa page 46, ukiangalia hiyo list number 1, hiyo list number one ya national government list, ni number one peke yake security inatajwa kama jukumu ya serikali kuu. Inasema national defense and security, chini ya central government, lakini health, education, ziko pale chini.

Tafadhali mjadiliane vizuri, kwa ajili wakati mwingine ukielezwa umepewa kitu kpya, unaweza kuifurahia kabla kujua kama ni kitu kizuri kweli au la. Unasikia utawala iko karibu kwao na vile yeye ameeleza, pengine, hakutakuwa na pesa ya kuendesha mambo ya masomo na ya afya, ama matibabu.

Kwa hivyo mfikirie. Kusema ukweli, iko tu national security, defense and security, na hiyo ni kuhusu wanajeshi, sio hata polisi.

Haya, political parties fund, yeye atapendekeza kwamba pesa zisipewe vyama vya kisiasa. Lakini ukiangalia ukurasa la kumi na tatu, 95, column ya tatu, inasema, purposes of the fund, pesa hizo zikipeanwa, nikutumia kwa njia gani. Na inasema; a, 95 one,

- (a) To cover the election expenses of the political party, and the broadcasting of the policies of the political party
- (b) For civic education in democracy and electoral process. And then, 10% for administrative expenses of the party.

Na inasema, that money haiwezi kutumiwa;

- (a) Paying directly or indirectly, remuneration, mshahara, fees, rewards, or any other benefits to a member, for support of the party.
- (b) Any other purpose, in compatible with the promotion of a multi party democracy. Kama sasa ni kwa vyama vingine haki ya kushughulikia siasa area hiyo na uweze kutumiwa.

Lakini cha muhimu ni hii number three, inasema, 50%, nusu ya pesa, itapewa party, vyama, shall be distributed equally among political parties, each of which of paid, not less that 5% of the total votes. Kwa hivyo, chama kile kina tu mtu mmoja kama member wawili, haiwezi kupata hizi pesa. Lazima iwe na high percent minimum of kura zote zimepigwa. Itapewa 50% and the remaining 50% shall be paid proportionately by reference to the number of votes secured by each of the political parties, and the number of women candidates, elected in each party. Unasikia tena yale maneno ya akina mama. Yaani, ni kuhimiza vyama vya siasa, kuna mzee mmoja tu akasema, na kama constituency yetu, hakuna hata mama mmoja anataka kusimama. Sasa tutaeleza vyama, mtafute hao akina mama, kwa ajili mkipata mtapewa pesa, mnaelewa, hiyo ni kufanya akiana mama waingie siasa.

Hiyo mambo ya customary law na legal wives only to inherit, nafikiri hiyo tunaweza kukubali, bila kujadiliana mengi.

Now, Mzee Arap Mugee, akasema bond za wale wanaiba pesa, I think to we have note hiyo, ni kweli tumenote.

Ule mtu anamshahara wa shilingi elfu arobaini, halafu unaona akijenga. Sasa si tumesema, tutataka watu watangaze mali yao. Tumesema sasa wafanyikazi wa serikali na viongozi wa nchi, watangaze, akianza atangaze alikuwa na ngapi. Ukiona Nyumba imeenda juu na gari iko four wheel, atangaze tena amepata wapi zile pesa.

Now maneno ya kudunga mimba wasichana wa watu, mzee anauliza, sijui ulisema namna gani. Lakini tukiangalia ukurasa la saba, page 7, 37, two, inasema all children, whether born within or outside wedlock are equal before the law and have equal rights, under this constitution. Mtoto yeyote ambaye amezaliwa, akiwa kwa ndoa ama nje, ana haki sawa, sheria, na haki sawa chini ya hii katiba. Kwa hivyo maneno yote yamesemekana kuhusu watoto na haki zao, hata kama umeowa huyo msichana ama bado, huyo mtoto ana haki hizo. Na nikisoma number nne, inasema, a child's mother and father, whether married to each other or not, have an equal duty to protect and provide for the child. Baba na mama wa mtoto, kama wameowana ama hawajaowana, wana jukumu ya kulinda na kuchunga huyo mtoto kwa vyovyote vile. Umeelewa?

Kwa hivyo hiyo maneno ya mtoto amezaa na mtu ametoroka, nafikiri itakoma tukifikisha hii katiba.

Halafu, Arap Kimeto anauliza, Joseph, kuhusu hii serikali ya kijiji, na wapi chief na assistant chief. Tumesema chief na assistant chief watafutuliwa mbali, mahali pa chief kwa location, tumependekeza kuwe na mtu anaitwa locational administrator, ambaye atachaguliwa na locational council. Na kwa village, tumesema, ni village wenyewe, ni kijiji watu wenyewe wataamuwa, wazee wa vijini waongoze, ama wachaguwe wengine wa kuchaguliwa, kuwe na village council.

Mmetaja kila mtu majimbo, mzee mmoja akasema majimbo haionyeshi hata ni kabila gani, iko. Niwajulishe tu kwamba kwa nchi ya Ethiopia wakati huu, kuna serikali ya majimbo ya kikabila. Yaani kabila wanaangalia kabila na wanachora namna hii round, ikiwa ni area ya kabila chache ama moja kubwa, inaitwa ethnic Federalism. Kwa hivyo mkielezwa kwamba haiwezekani kabisa, msem katiba ya Ethiopia na vile walipanga.

Lakini kuna mtu amesema, hatuelewi majimbo ni nini. Majimbo ni neno ambalo limetumiwa, imeconfuse watu mpaka watu hawaelewi. Hata kwa tume, tulipokuwa tunajadiliana maneno ya majimbo, tukiwa na mtaalamu mmoja kutoka Africa kusini, ambaye alieleza maneno ya majimbo, hiyo ilikuwa anaita federal system. Walikataa kabisa watu wengi, kwa ajili chama cha ANC, kile chama ambacho sasa kiko kwa utawala cha Mandela, ilikuwa inapigana na ile ya Budelezi, ya wazulu, kwa ajili wazulu walikuwa wanataka serikali ya majimbo ya federal system. Na mnakumbuka hiyo vita ilikuwa inachacha 94, namna hiyo. Sasa, mpaka wakakubaliana kwamba, hatutaita hii majimbo majimbo, ama hatutasema federal, tukitaka kutaja maneno kuhusu majimbo, kingireza tutasema F, tuseme federal, tuseme M. Na, akatushauri, hata sisi Kenya, tukitaka kusema maneno ya majimbo, tuseme M. Kwa hivyo ukienda conference, usiseme sana majimbo, kwa ajili watu wengine wanaogopa. Mseme, hiyo maneno inaitwa M.

Lakini, yaani one definition, tafsiri moja ya majimbo, kwa ajili watu wengi hawajui ni nini. Pengine tuseme, yaani majimbo ni ile serikali iliandikwa katika katiba ya mwaka wa sitini na tatu. Na ambayo ilivunjwa haraka baada ya Kenya kujitawala. Kwa hivyo mkitaka definition, look under the independence constitution. Na utawala ile ilikuwa ni ya mikoa, kwa ajili chini ya ukoloni, mikoa ilikuwa inaitwa kwa kingireza province. Tulipopata uhuru, zikaitwa, mikoa ikaitwa region, inaitwa regional government, na ilikuwa imeandikwa, niwajulishe chapter gani, ndio watu pengine wasome na wajue ni nini ilikuwa inafanyika

wakati huo. Lakini hiyo serikali ya majimbo ilivunjwa straight baada ya uhuru. Kwa hivyo, pengine area hii, ilikuwa ni chapter 6 ya independent constitution, inaitwa regions.

Part one, establishment of regions, 91, boundaries of regions. Let me just read you boundaries of regions one second, kwa ajili kuna mtu amependekeza kuwa kuwe na kwa katiba, regional boundaries. Ilikuwa inasema 91, on page 80, establishment of regions. Kenya shall be divided into the Nairobi areas, and the following regions. Those respective boundaries shall subject to the provisions of section 239 of this constitution, because those specified in part two of schedule two of this constitution. Na ikasema;

- (a) Coast region
- (b) Eastern region
- (c) Central region
- (d) Rift Valley region
- (e) Nyanza region
- (f) Western region
- (g) North Eastern region.

Na ile part two of schedule number two, ilikuwa inasema, the regions. Coast regions ilikuwa na district sita, Tana River district, Lamu district, Kilifi district, Kwale district, Mombasa district, Taita district.

Eastern region, Marsabit, Isiolo, Meru, Embu, Kitui, Machakos districts.

Halafu central, pengine niwasomee Rift Valley. Rift Valley ilikuwa inasema, this region comprises the following district, Turkana district, Samburu, West Pokot, Transoia, Elgeyo Marakwet, Baringo, Laikipia, Nandi, Wasingishu, Kericho, Nakuru, Narok na Kajiado. Na tumesema kwamba kila district ilikuwa ina boundaries zake hapa, mpaka peacons yake, naona peacons ziko hapa.

Sasa kwa hivyo tunaweza kusema wakati ule, region ilikuwa na boundaries which were clear, na ingeweza kubadilishwa bila kupata kanuni fulani hapa.

Kurithi mali kati ya msichana na mvulana, Arap Kimeto aliuliza. Tukiangalia page 6, 35, upande wa kulia, mahali imeandikwa women, number three. Imeandikwa, women and men have an equal right to inherit, have access to and control property. Halafu hiyo page 7, 38, katikati hapo imeandikwa family, tuende number 4. imesema, parties to a marriage, bibi na bwana, are entitled to equal rights in the marriage, during the marriage, and at the dissolution of their marriage. Wana haki sawa wakiwa kwa ndoa, hata wakiwa wanapeana talaka. Hiyo ni kusema they have the same rights, and incidentally number 5, imesema kwamba, marriages za kitamaduni zinatambuliwa. Inasema parliament, Shall enact of legislation, that in a manner consistent to

this article and other provision of constitution recognizes;

(a) Marriages concluded under any tradition or system of religious, personal or family law.

Human rights, imeandikwa kwa tradition vile tulisoma, kwamba kutakuwa na tume, constitutional rights, commission for human rights, and administrative justice. Na miezi sita baada ya kutekelezwa kwa hii katiba, itachunguza all the human rights, abuses, and to punish those who are responsible.

30% ya wapiga kura, kurudisha MP nyumbani. Mmesema pengine hiyo si mzuri, na nyinyi sio watu wa kwanza. Jana tulikuwa na mkutano Nyeri, kwa nation ya leo hapa nyuma inasema, during a similar meeting kama hii ya leo, at the Nyeri Municipal Coucil Hall yesterday, contributors wanted a provision in the draft allowing for the impeachment of a member of parliament to be reviewed. Commisisoner of the CKRC Dr. Githu Muigai, agreed that the regulation could be exploited by appointing to remove an MP before completing term The issue was basically (?) if a parliamentary happen to get less than 70% of the votes from a constituency, his rivals will move quickly, to collect signatures of 30% for the voters to hoist him as a draft constitution. It would coos and counter coos because every opponent is try all way and mean to remove their rival by citing incompetence.

Sasa hapa mnaona watu wa Nyeri waliona jana, na ni vile nyinyi mmesema hapa, hiyo ni kusema tuna kura ngapi sasa, ya hapa na ya Nyeri, ya kupitisha hiyo.

Alright, and then ile maneno ya hapa ya president, page 20 mbele, hatujasema kuhusu afya yake. Na tulijadiliana kwa commission. tulisema, mtu atangaze, vile tunasema atangaze pesa na mali, atangaze tena afya yake. Halafu baadaye tukasema, lakini hiyo ni kuingilia siri ya daktari na mtu. Lakini siku hizi ya hii kitu inaitwa ukimwi, tujui. Halafu tukasema mtu wa ukimwi anaweza kuishi hata miaka mingi zaidi kushinda ule mwingine. Halafu, mwishowe tukasema, kama nakikumbuka vizuri, tulikuwa tumesema kwamba iandikwa hapa, kwamba mtu awe na certificate of good health, na sijui ilienda wapi, ilikuwa tulikuwa tumekubaliana. Kwa hivyo pengine hiyo turudishe.

So, Mr. Yegon, you said you need a president with a degree in special area. This was raised tukiwa sijui Kakamega ama Buret. Kwamba degree, hata mtu alisema degree ya secretarial, ingawa hakuna makosa na kuwa secretary. Sasa unapendekeza sociology na economics. Pengine tufikirie tena, ni degree haina gani, kama mtu amepata degree ya engineering na kujenga manyumba, kwani yeye anastahili kuwa rais. Umependekeza sociology, economics, mimi ni mwalimu wa historia, university, sijui kama (?). Yaani tufikirie hiyo mzuri.

Hiyo maneno ya prolong parliament, nafikiri kwa hii katiba, inaeleka tukisema war, vita, tunamaanisha ile ya nje. Lakini tumesema kama kuna internal disturbance and so on, lakini vita ile inamaanisha na nchi za nje.

Shadrack Murugon, umesema wafanyikazi wa district watapatikana wapi, na page 27, upande wa kulia chini chini kabisa, starting of devolve authorities. 27, column ya kwanza, chini kabisa, inasema, 223, 2, district government, may employ their own staff. And three, the national government in consultation with devolved authorities, may deploy its public officers, in the provinces and district, to carry out its policies. Hatukusema hao staff lazima watoke hiyo district, kwa ajili, pengine kwa hiyo district, watu wa aina hiyo hawako, si ni kweli? Tukawachi district council kudecide.

Freedom from discrimination, page 8 under, pengine ukiangalia under number 50, chini upande wa chini, column ya tatu, political rights. na chini ya hapo, under political rights, vyama vina haki to be anywhere kwa ufupi. Na by the way, they have also said that Kenya will continue to practice multiparty democracy, I think tulisema ni sehemu fulani, kwamba hii nchi yetu ya Kenya, ni nchi ya multiparty democracy. I think under national values or something like that. I think there is something like that. it must be somewhere, mkiangalia under chapter three, there is something about multiparty democracy.

Village government, qualification. Qualifications wamependekeza hao watu wawe wa form four au degree, wawe wanaweza kufanya kazi, na age. Yaani tulipofika kiwango kile, tukiwa sasa in what we call in kingereza form of degender kwa ajili tunataka democrasia ya village. Na hawa watu majority ambao wako kwa village, hawana any specific qualifications. Tukafikiri tukianzia wao wenyewe waamue ni akina nani wanaweza kuwa kiongozi. Watajichagulia wale watu ambao wanajua wanaweza kazi.

Sponsorship of schools, iko under 44, 3.

Strikes, yaani mkasema lazima kuwe na grounds for a strike. Nafikiri hiyo ni sawa, lakini kwa katiba nyingi, hiyo kitu inawekwa without conditions. You have the right to strike, just like you have the right to life. Hiyo ni haki ya mfanyikazi, kumyima taji ya mikono yake. Lakini baadaye si tumesema, there is the right to collective bargain, so there are procedures that must be followed, because there will still be something like the industrial court and so on.

To abolish private schools, tulipendekeza kuwa kuwe na private schools. Inaonekana kutakuwa na (?).

Tumesema maneno ya majimbo meaning yake.

Halafu, Christian, kuna koti ya wa kristo? Hakuna, kwa sababu wakristo hawakupendekeza koti yao, waislamu walipendekeza koti yao. na watu tu kwa hakika walikuwa wanasema tukizunguka, kama kutakuwa koti ya waislamu hata sisi tutakuwa nayo. Yaani hawajifikiri wao wenyewe, wanafikiria wanaangalia waislamu, lakini hawakufanya mapendekezo. Lakini koti ya waislamu mjue, ilitokea ki historia. Kwa ajili Coast province, nakumbuka 10 miles Coast Stream ilikuwa protected tukiwa hapo ndani, ilikuwa inaitwa colony and protectory of Kenya. Ilikuwa imepewa serikali ya wingereza na sultani wa governer, kutawala kwa muda in some arrangement, walikuwa wamepewa koti. Halafu baadaye tukielekea uhuru, tukakubaliana, serikali ya

wingereza, serikali ya sultan wa Zanzibar na president wetu wa kwanza Jomo Kenyatta, kwamba hiyo iwe yetu. Sasa, sultan alilipwa pesa, ndio hiyo Coast ikaingia Kenya. Lakini hao watu walikuwa wanaishi Coast wakasema, sisi na hao watu wa bara ni tofauti sana, kitu kimoja sisi ni waislamu na wengi wao ni makafiri sio waislamu. Kwa hivyo tunataka tuhakikishiwe, kwamba tukienda hiyo Kenya, na tukiishi chini ya serikali huru ya Kenya, tutakuwa na haki zetu ya dini. So, ilikuwa kuna agreement, hata walikuwa wamesema kuna mashule, madrasa lazima ziwekwe. Hata wanasema tumevunja that agreement of 1963. hata sasa, hali yao wajapata title deed and so on.

So, this one is a special consideration, ambayo hao wenyewe wamependekeza. Na vile tumesema, and that is the next question ulitaja Arap Leting', ukauliza kama waislamu watataka kunyonga watu kulingana na sheria yao, tutafanya namna gani. Lakini ukisoma page 24, mkono wa kulia kabisa mwisho, 24, mkono wa extreme right, fourth column, inaitwa jurisdiction of kadhi's court. The jurisdiction of a kadhis court extends to, hizi koti za waislamu zinashughulikia nini, the determination of questions of muslim, relating to personal status, marriage, divorce, including matters arising from divorce, arising after divorce, and inheritance and succession, in proceedings, in which all the parties profess islam. B, the determination of civil and commercial disputes between parties, who are muslims, in the manner of a small claims court by law establishment. But without prejudice, to the rights of parties to go to other courts or tribunals of similar jurisdiction.

Na ya mwisho, settlement of disputes, over and arising out of the administration of properties. Hii ni kusema, hiyo koti ya waislamu itashughulikia maneno ya ndoa, talaka, na vile mali inagawanywa baada ya talaka, kati ya waislamu, ikiwa wote wawili ni waislamu wanakubali. Kitu kingine ni kama maneno ya civic commercial disputes, hiyo mnaelewa, kati ya waislamu, kama wanadaiana deni, na kama kila mmoja wao anakubali. Lakini wanakubaliwa waende kwa kadhi, ama waende koti yoyote ingine.

Na ya mwisho ni kwamba, kuna mali kama hiyo ya charity. Waislamu matajiri walikuwa wanapeana hiyo mali, wanasema hii Nyumba nitaachia wale masikini. Imekuwa mali nyingi, lakini haijagawanywa mpaka wa leo. Koti hizo zitakuwa zinashughulikia hayo mambo. Lakini maneno ya death penalty imepigwa marufuku, na sheria yoyote ingine ama koti nyingine. Ikiwa kuna sheria ambayo haiampatani na hii katiba, hiyo sheria haiwezi kutekelezwa.

Chiefs transition, wafanye nini chiefs. Tumesema waende public service commission, waulize kazi ingine. Na hiyo swala ilikuwa imeulizwa tena jana. Pengine, under our representatives ambao wataenda, under chapter 20, page 37, ile chapter, transition and consequential provisions, or, okay, wacha tuseme hivi. Under page 46 please, tumesema hapo kuhusu uchaguzi, existing vows, tumesema tumesema kuhusu devolution, executive, provincial administration. Na kumbuka hapa kwamba tumesema kuhusu haki za wale wanangojea kunyongwa, na vile wataendeshwa. Pengine tunaweza kupendekiza, kwamba badala ya kusema hawa wote waende public service commission for redeployment iandike zaidi vile they will be deployed. This question was raised yesterday also, so that our delegates can ask that, muingize hapa.

Tuone kweli, hii public service commission, itakuwa na kazi for all this chiefs na assistant chiefs, na kazi aina gani. Na pension, kama tunataja pension ya judges, pengine tutaje mambo kama hayo, ama we give them pension for retire. So that is an important question.

President is weaker than the prime minister, debate, debate hiyo ni sawa. Hata mimi nikiona ni kama hivyo. President is much weaker than the prime minister.

Anyway hiyo mambo ya arap Chelule, alisema, every person has a right to marry, na hiyo swala mtu ameandika leo kwa standard. Ama hiyo ni ile kuowana kwa wananchi. Kwa hivyo tutafafanua pengine tusema, watu of the opposite sexes have the right to marry.

And state and religion, I think there will be discussion, I don't know.

And then schedule of provincial district boundaries, si tulisema ilikuwa kwa independent constitution, si inaweza kuwekwa kati ya hii schedules? Sijui sina hakika, inategemea na delegates.

Okay, Sitaki kujaribu, hiyo pendekezo ya vernacular ifunzwe mpaka standard 8, pengine hiyo ni kazi ya district representative, kwa ajili kwa wilaya, kusema ukweli, lugha ni kama moja ama mbili, kama wilaya ya Kericho ni Kipsigis. Kwa hivyo hii ni jukumu ya district delegates, kwa ajili nikiwauliza wale wa Nairobi, ama wale wa NGO, wanatuliiza Nairobi kutakuwa na lugha gani ya mama, kwa vile mchanganiko maalum. Ndio tunasema, yale ambayo yanatuhusu sisi hapa areas, sio lazima iwe kama ya watu wengine. Kama hii sasa, ni lugha ya wananchi ambao wako reserve, they be taught to standard eight.

Then, let the people in the city decide what to do, if they want their children to study vernacular, si wawalete shule ya nyumbani.

District Police and safety, wacha ni wachie hapo, lakini kwa hiyo list ya page 46, mchunguze tena, it says, district police services. Kwamba district government list, includes number 7, second column, safety and security, and number 8, manage matters relating to district police services. Je, is it police kutoka Nairobi, ama police local. Hatuna hakika kwa ajili tuliwacha hii kwa parliament, kwa parliament legislatives, specific. Lakini tunaweza kupatia bunge guidelines. Lakini ukiniuliza maoni, nikiona ni afadhali polisi wawe local, watu wa hiyo district, kushinda mtu anatoka mbali, na awe polisi wa area hii. Lakini hiyo ni maoni yangu. Asanteni sana.

Joel Bill: Nilikuwa naona katika hii article 63, kuna a sijui kama kulikuwako na ba, kwa sababu imewachwa tu hivyo. Article 63 ina a, na hakuna ba.

Com. Mosonik: Okay naweza kusema, hiyo 63 a, iliongezwa, ukiangalia the previous column, ilikuwa na 63, you see what I

mean. The previous column about environment ilikuwa 63, halafu baadaye tukafikiria kuongeza ile ya language na culture, tukaita 63a.

Speaker: Nauliza, hii constitution imepewa protection, ambayo imewekwa kama yenu sasa. kama wana sheria wa nchi hii, commission imewekwa ya kuchunguza katiba, hao ndio wa kwanza, we expect them to be employers, wajue maana ya jukumu ya hii katiba, wanaenda kotini, wanataka kuwafunga. Wamepewa sehemu katika katiba hii, protection yenu in future.

Com. Mosonik: Sasa, mnajua kwamba, hii tume iliundwa tu kushughulikia mambo ya marekebisho. Lakini chapter 17, tumependekeza constitutional commissions, ambazo zitakuwa kwa katiba. Na mkiangalia kwa hiyo stage, kuna moja inaitwa constitution commission. 292 ni page 36, mnaona hiyo, page 292 column ya tatu, constitution commission. tukapendekeza kuwe na constitution commission, lakini sio hii yetu. Hii ni constitution of Kenya Review Commission. Hii itakuwa inaitwa constitution commission, tukasema hiyo iwe na chairperson wala members. Lakini tulikuwa tunafikiria hii, pengine iwe ya muda, ya kuoversee the implementation of this constitution. Kwa ajili tumesema kwamba supreme court is the final to the constitutional body of Kenya. Lakini tumependekeza hapa, na kama ikipita, hakuna mtu anaweza kutoa kitu inaitwa constitution commission, ndio imeingizwa hapa. Hizi commission zote mnaona zimetajwa hapa, inasemekana ni commission on human rights and administration of justice, ethics and integrity commission, salaries and remuneration commission, teachers service commission, constitution commission. those ones are protected by the constitution.

Lakini hi yetu sasa, unaweza kusema, sisi tunamaliza kazi yetu Mungu akitujalia, itavunjwa, it will be dissolved tarehe tatu, mwezi wa January, kulingana na bunge itatupatia muda. Tulipatiwa muda kwanza, miezi ishirini na nne, kutoka October, mwezi ule mpaka October mwaka huu. Bunge itatuongezea, tulikuwa tumeomba tupewe mpaka mwezi wa tano, May, lakini bunge wakareduce mpaka tarehe tatu. Sasa hatujui kama tutakuwa tumeimaliza hii kazi ama la. Kwa ajili mama hatujamaliza, itahitaji tena kuendelea. Lakini kama bunge inavunjwa sasa, unajua hatutakuwa na hiyo conference wa wakilishi wetu, mpaka bunge mpya iwekwe. Na bunge mpya kawaida, inaanzishwa kama mwezi wa February, tutapotelea hapo katikati, wakati hiyo bunge hakuna, na ile haijavunjwa.

Sasa hatujui vile mambo itaenda, kwa ajili, kuvunja bunge inawezekana any time, na hiyo ni haki ya rais kulingana na katiba ya sasa. the president can dissolve parliament at any time. Lakini, kama tungekuwa tumepatiwa ile day, ingekuwa ni safe, hata wangevunja kesho.

Caroline Lang'at: Hata kwa hivyo ningependa kuwajulisha all the committee members, yeyote aliye karibu na wewe utampelekea maoni yako, ndio ataenda kwa mkutano. Ndio maoni yote mtapatia the delegates wapeleke Nairobi. Tuko na I think mmoja wao alikuwa bado ajasema jina lake, atasimama halafu atasema jina.

James Kosgei: Kwa majina mimi naitwa James Arap Kosgei, Ainamoi.

Caroline Lang’at: Wenzake washajitambulisha, kuna mwingine anaitwa Alice Mutai lakini hayuko hapa, anataka kataba road, wale kutoka huko wanamjua mnaweza kumpatia maoni yenu. Kuna Councillor Kaitab road (?). Halafu tuko na Pastor Rono wa Sitotwet, wale ambao wako karibuna Sosiot mnaweza kupelekea Pastor Rono. From Kapsaos, tuko na David Koech, na pia mimi kama coordinator ni mmoja wao wa committee, mnaweza kuniletea maoni. Mnaweza kumpatia mbunge wenu ambao pia ni committee member. So, hao wote mnaweza kuwapatia maoni yenu. Pia mnaweza kupatia the delegates ambao mmewaona. Kuna Christine Ng’eno, mnaweza kumpatia atuletee tarehe 22.

Sasa mtarudi mjadiliane, anything that mnataka iongezwe, ama iko namna gani, mtatupatia, mnaweza kuandika kwa makaratasi. Pia tuko na Chelule, maybe you can stand up, Chelule is one of the civic education providers ambaye hako hapo karibu. Nafikiri ni hayo tu. Tutawashukuru nyinyi wote kwa kufika, na tumefurahia sana kwa sababu ulikuwa ume participate sana kwa hii kazi. Your participation has been very encouraging that is why I am taking this time to congratulate you.

Kabla tujafunga, tuombewe, na nitabadilisha tuombewe na mwanamke, kwa sababu sasa wanasema wanawake sasa, hata kwa maombi wacha tubadilisha kidogo. I will call upon Christine atufungie kwa maombi. Asante. Utakuja hapa mbele Christine.

Christine Ng’eno: Kabla sijaomba, ningependa kurudishia Mungu asante, kwa ajili ametuwezesha sisi wote, tufanye hii mkutano iwe ya manufaa. Tena asante kwa hawa macommissioners wetu, kwa vile ametuletea maneno mpaka nyumbani. Sas mzidi kuomba hili, tukienda kwa hii mkutano iko mbele yetu, tufanye kitu ya maana. Na tuombe;

Mwenyezi Mungu aliye juu Binguni, tunakuita Baba wetu kwa saa hii. Kwanza tunakurudishia asante kwa yote umetutendea. Bwana unajua kila mtu kwa hapa, unawajua hawa ma afisa wetu, tunaomba mibaraka iwe pamoja nao. Bwana wetu, tunaomba kwa wakati huu, tunapotoka hapa kwenda nyumbani, utusafirisha kwa magari, utuendeshe vizuri, mafikira zetu ziende binguni. Bwana tunakuomba, malaika iwe katika milango zetu saa zote, hii adui shetani asiingie katika mioyo zetu. Bwana tunakuomba kwa hayo machache, kwa jina la Yesu Mkombozi wetu. Amen.

Meeting ended at 3.30 p.m.

&&&&&&&&&&&&&&&&&&&&&&&&&&&&&&&&

