

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

Verbatim Report Of

DISSEMINATION OF REPORT AND DRAFT BILL

BELGUT CONSTITUENCY

KIPTERE YOUTH POLYTECHNIC

HELD ON

17TH OCTOBER 2002

DISSEMINATION OF REPORTS AND DRAFT BILL,

BELGUT CONSTITUENCY HELD AT KIPTERE YOUTH POLYTECHNIC ON 17TH OCTOBER 2002

Present:

Com. Mosonik Arap Korir

Secretariat In-attendance:

Mary Kanyiha - Programme Officer

Zipporah Wambua - Verbatim Recorder

Caroline Kang'at - District Coordinator

The meeting started at 11.25 am with a word of prayer from Josiah Sang

Tungependa kuendelea sasa na kabla hatujaenda mbali ningependa moja wenu atuombe. Namwita Zakayo Sang atufungulie kwa maombi.

Zakayo Sang: Kwa majina mimi naitwa Zakayo Sang. Tuombe. Ewe mwenyezi Mungu baba ulioko Binguni, tunomba baraka zako baba wakati huu ambayo tunataka tuanze mkutano huu ambaye ni kuhusu sheria za nchi zetu. Kwa hivyo baba utubariki tuanzange huu mkutano mpaka mwisho na utume Roho Mtakatifu ili atufautishe yote tunaweza kunena. Tunaomba haya yote nikiamini ya kwamba utanishikia kwa jina la Yesu Kristo aliye mkombozi wetu. Amen.

Caroline Lang'at: Kabla hatujaendelea ningependa kuwajulisha kwa wageni ambao wamefika. Kwanza mimi kwa jina ni Caroline Langat coordinator wa constitutional review hapa Kericho distric na wengine watajitambulisha kwa majina moja kwa moja.

Com. Mosonik Arap Korir: Hamjambo nyote, Sisi tumekuja hapa siku ya leo kwa ajili ya kusambasa dissemination of draft bill to alter the constitution. Mswada ya kurekebisha Katiba ya Kenya mwaka wa elfu moja na mbili. I believe tumeanza tarehe saba, nane wiki jana na kwisha leo sisi tumekuja watu watatu hapakutoka Tume ya Marekebisho la Katiba. Tukiwa hapa wenzetu wanafanya kazi kama vile tunafanya hapa leo wakiwa na watatu watatu. Mkoa wa kati kwa mfano leo nitarehe kumi na saba mwezi wa October, wenzetu wako kwa Mkoa wa Kati, Wajir, na kwingine Mkoa wa Pwani, na wengine Mkoa wa Mashariki wako Kasinga, Mkoa wa Kaskazini Mashariki wako Kutus na Bura. Wengine wako Mkoa wa Nyanza Kisumu Town West, Nyando, na Kisumu Town East. Katika Mkoa wa Rift sisi tuko leo, Belgut Constituency, Kiptere Youth Polytechnic. Wengine wako Eldama Ravine.

Kwa hivyo tumekuja watu watatu watatu kuzunguka sehemu hii yetu. wale ambao wako leo hapa ni kwanza kuna Zipporah Wambua ambaye kazi yake ni kurecord yale yote mnayasema, majadiliano yetu. ananasa kwa kanda ya tape ndiyo hii inaitwa verbatim recording na tena anaandika. Huyo ambaye yuko karibu na mimi hapa ni Mrs Mary Kanyiah. Yeye ni Assistant Programme Officer na tutakuwa tukisaidiana kwa hii kazi. Mimi mwenyewe jina langu ni Dr Mosonik Arap Korir na mimi ni Commissioner wa Tume la Kurekebisha Katiba.

Caroline Lang'at: Asante sana Commissioner Mosonik. Amewaeleza kwa sababu gani tuko hapa leo. Tuko hapa kudiscuss hiyo draft constitution ambayo tumewapatia. Hiyo gazeti mko naye sio gazeti ya leo. Hiyo ni draft constitution ambayo imejhumisha maoni yenu yote ambaye tulipeana wakati tulikuwa hapa tukichukua maoni. Commissioners walizunguka Kenya nzima kuchukua maoni ya raia halafu wakakaa chini wakaangalia wakafanya summary, ndiyo maana wakatengeneza ikawa draft constitution. Basi sis ya leo tuko hapa kwa sababu ya ku discuss hiyo drafyt constitution, muangalie vile iko na pia mtuambie iko namna gani. Kama mnataka ikae na maana hivyo, mkitaka ibadilishwe hapa na pale nyinyi wenyewe ndiyo mtatuambia halafu watanasa ndiyo watapeleka Nairobi wakati tunaenda for the national conference. Tushafanya civic education hapo mwanzoni, tukafundishwa mambo mengi kuhusu katiba. Mkadiscuss mkiwa kwa vikundi baadaye tukakutana tukachukua maoni yenu. Sasa siku ya leo ni ku discuss tu draft, kujitayarisha kuenda national conference ambayo itakuwa Nairobi tarehe ishirini na nane mwezi huu.

Mwezi ulikopita tukachagua delegates. Kila district wakachagua delegates watatu ambao watarepresent district yao katika national conference. Kericho district wakachagua watatu. Kila constituency wakachagua mtu moja moja. Kwa upande huu wa Belgut tuko nas mwalimu mmoja anitwa Dr James Kosgey ambaye ni lecturer huko upande wa Kenyatta university. Wa pili ni Christine Ng'eno anatoka upande wa Enamoi. Wa tatu ni Councillor Mariti Arap So kutoka upande wa Kipkelion. Kila district inatuma watu watatu ambao wataenda for the conference lakini ndani yake pia kuna watu wengine ambao wataenda for the conference. Moja yao akiwa ni Bunge wa kila constituency. Sasa Kericho pia mtakuwa na Mbunge wenu kutoka Belgut ambaye atakuwa kwa national conference ambaye ataenda tarehe ishirini na mbili for the preparation for the conference ambayo itakuwa Nairobi.

Kabla tarehe ishirini na mbili hiyo tungependa nyinyi msemi kile ambacho mngpenda kupendekeza kutokana na ile draft constitution. Ndiyo maana tuko hapa leo between now na tarehe ishirini na mbili mtatuletea ripoti yenu ambaye itapelekwa kwa conference. Kabla sijaketi ningependa kuintroduce committee members who are here. Nimeona wawili wanaweza kusimama halafu wajitambulishe kwa waninchi. Kuja mbele tafadhali.

Charles: Majina yangu kamili ni Charles Arap Korir natoka sehemu za Kadhianga asante.

Bi. Joyce Mutahi: Ningependa kuwasalimu katika jina la Yesu hamjambo? Mimi naitwa Bi Joyce Mutahi, naishi tu hapa. Mimi ni committee.

Caroline Lang'at: Okay nadhani tutaenda straight kwa programme na nitarudisha programme kwa Commissioner Mosonik halafu ataendelea. Asanteni.

Com. Mosonik: Asante Miss Caroline Lang'at ambaye ni District Coordinator, Kericho district. Kitu cha kwanza ningependa kusema ni kuhamisha kwa kifupi kazi ya leo ninini. Nikianza nitawakumbusha kwamba nilikuwa hapa. Ilikuwa Julai tarehe kumi na tano, tarehe kumi na mbili na tarehe kumi na sita mwezi wa Julai, tukaaja hapa kwa kusanya maoni kuhusu marekebisho ya katiba. Tulikuwa hapa hapa tu Kiptere Polytechnic ambapo maoni ya kusanya ma Commissioner tarehe kumi na mbili halafu tarehe kumi na sita Kiptere Catholic church ilikuwa second venue in our constituency ambapo maoni yalikusanywa. Hii kazi ya kukusanya maoni ilianza mwanzo wa mwezi watatu.

Kwanza tulianza Nairobi tukafanya jaribio kujua ni muda ganitutapatiwa ama itatosha kukusanya maoni. Kwa kiingereza inaitwa pilot survey. Kwanza tukafikiria siku moja pengine itatosha. Tukafanya jaribio Nairobi na sehemu zingine Nairobi. Ssehemu za Rift Valley kidogo, Kajiado na Naivasha, sehemu za Mkoa wa Kati na Mkoa wa Mashariki. Tulipofanya hivyo tukaanza kufahamu kwamba siku moja haitoshi. Tukakata shauri kwamba tutakusanya maoni siku mbili. Pengine hata siku mbili hazikutosha lakini kulikuwana shida ya wakati wa kumaliza hii kazi. Tulikuwa tumepewa na Bunge miezi ishirini na nne kuanzia mwezi wa kumi mwaka wa elfu mbili. Lakini kazi haikuanza mpaka mwezi wa Juni mwaka wa elfu mbili na moja. Kwa ajili kulikuwa na majadiliano ya kuunganisha Tume mbili ambazo zilikuwa zinafanya hii kazi sambamba. Tume ya kwanza ni ya Bunge na ya pili ilikuwa Tume ta Ufungamano. Merger ikatokezea mwezi wa June mwaka wa jana na kazi yenyewe tukaanza mwanzo wa mwezi wa saba. Kwa hivyo tulikuwa tumepewa miaka miwili in four months mpaka October mwaka huu tukaanza tukiwa tumechelewa. Lakini tulikuwa tumejua lazima tufuate sheria kwa vile hatungeweza kuongeza muda zaidi. Tukasema twende mara pili.

Hiyo kazi ya kusanya maoni siku mbili ilianza mwezi wa nne tarehe kumi na saba. Tulizunguka Kenya nzima tukianza na Province alphabetically kufuatana na sarufu tukasema ABCD mpaka Z. tukapanga mikoa kuanzia hiyo. Sasa mkoa wa kwanza

tulienda ni central Province, wa pili Coast Province, tatu Eastern Province, nne ni Nairobi Province, tano ni North Eastern Province, sita ni Nyanza Province, saba ni Rift Valley Province na ya nane la mwisho ni Western Province. Alphabetical order. Tulikusanya maoni tukiamini watu wamepata elimu ya uraia ama civic education na wanajua vile kutoa maoni. Wakati ule ule ambapo maoni yalikuwa zinayafikia na kusanya wafanyikazi wengine wa Tume na waatalam wengine ambao walipewa kazi ya kibarua walianza kuchambua au kuanalyze yale maoni yalikuwa yamesanywa hapo mbeleni. Na tena kuandika kazi zingine inaitwa kwa Kiingereza background paper na kadhalika.

Kazi ya kusanya maoni yakaisha tarehe nane mwezi wa nane, Western Province. Tarehe ishirini na tano mwezi wa nane, tukaenda pwani inaitwa South Coast kuimaliza hiyo kazi. Tulienda kufanya kazi mbili hasa kwanza, kuandika ripoti ya kitaifa inaitwa national report. Kusema yale yote tangu mwanzo mpaka mwisho kusema hii kazi ilifanywa namna gani na kadhalika. Hiyo ripoti ziko kwa vitabu hapa na ni kubwa. It is a voluminous report in several volumes lakini tukaona kwamba pengine itakuwa kwa uraia kama hiyo ripoti tena itolewe ripoti fupi ama muhktasari ya hiyo ripoti ndiyo tukatoa hiyo ripoti. Inaitwa the Report of the Constitution of Kenya Review Commission Short version. Kwa Kiswahili,, ikaitwa Tarifaa ya Tume ya Rekebisho ya Katiba Toleo Maalum au toleo fupi. Jina ya hiyo ripoti tukaita The People's Choice au Chaguo la Wananchi. Hiyo ndiyo kitu cha kwanza tulifanya.

Halafu kulingana na hiyo ripoti sasa tumesema wananchi walifanya kazi namna hii tukafanya nyongesa kwa ripoti ikaitwa appendix kwa ripoti kusema therefore, kulingana na vile wananchi walisema, tunapendekeza kwamba Katiba mpya iwe namna hii. Ndiyo tukaita mswada wa kurekebisha Katiba au draft bill to alter the Constitution. Kwa hivyo, ukiwa unaangalia hiyo draft bill, mjue kwamba kuna ripoti kabla ya hiyo na ripoti yenyewe ndiyo hii lakini iko kwa vitabu vingi, the full version and the short version. Kazi hiyo tukaanza vile nilisema tarehe ishirini na tano mwezi wa nane na tukaimaliza tarehe kumi na nane mwezi wa September.

Wakati huo huo, ulikuwa unatakiwa kwamba tutoe ripoti ya kila constituency kwa ajili ripoti ya taifa ni kwa ufupi ripoti ya constituency zote kuwekwa pamoja. Ripoti yenu ya constituency ya Belgut ndiyo hii inaitwa constituency constitutional forum report. Constituency yenu tulihasabu ikawa number 162 kati ya constituencies mia mbili na kumi ya Kenya , Belgut constituency Rift Valley Province. Hii imeandikwa kusema ni interim report. Ile final haijafika lakini itafika kwa ofisi ya District Coordinator, inaitwa District Documentation Center.

Sasa vile inatakiwa ni kwamba nyinyi msome ripoti ya constituency yenu na kuuliza je! wanatume waliandika ile tulisema, walirecodi sahihi yale tuliyasema? Hiyo ni kazi ya Zipporah na wale walikuwa wanansa na yeye na kuandika kwa ufupi. Lakini hata bila kusoma hii nyinyi wenyewe mlitoa maoni na mnakumbuka vile mlisema. Sasa kumbukeni vile mlisema, you verify with this report halafu msome draft bill. Mmepewa ile ya Kiingereza ilitolewa kwa magazeti mawili, matatu. Ilikuwa kwa Daily Nation, ilikuwa kwa East African Standard, ilikuwa kwa The People. nafikiri ni hivyo. Iko kwa Kiingereza lakini Jumapili iliyopita ilitolewa kwa gazeti la Taifa. Tarehe ya October kumi na tano. Unaweza kwa hivyo kusoma kwa Kiingereza au kwa

Kiswahili.

Halafu mjiulize je! yale yameandikwa kwa hii mswada yamelingana na maoni vile tulipeana na ikiwa hailingani tutajua pengine kitu mnatakiwa kufanya ani kusoma ripoti ya taifa. Kwa ajili pengine mlipendekeza mambo fulani lakini Wakenya wengine, wakapendekeza mengine. Mnafahamu kuwa constituencies ni mia mbili na kumi na yanu ni moja. So you have to understand the context in which the report was written kwamba ni kusanya maoni ya watu wote wa Kenya na kujaribu kusema yale yote tuliyasikia je! watu wa Kenya walikuwa wanataka kusema nini? Caroline amesema hayo yote tgunayafanya kwa ajili ya kujitayarisha kuenda mkutano mkuu ya National Constitutional Conference inatarajiwa kwamba mkutano wa taifa, may be waeleze vizuri kwa ajili tuna record.

Mkutano wa National Constitutional Conference inatarajiwa kuanza tarehe ishirini na nane juma tatu ile ingine lakini waakilishi yaani delegates, wanatarajiwa kufika Nairobi tarehe ishirini na mbili. Hiyo itakuwa ni Tuesday next week na mkutano huo wa Taifa ndiyo itaamua huu mswada halafu ipelekwa Bunge. Kwa gazeti ya jana Daily Nation, kulikuwa na orodha ya majina ya wakilishi ambao wataenda kwa mkutano wa Ghai. Majina yote yako hapa. Caroline amewaeleza hapa akasema Kericho district, Christine Ng'eno number 145, 146 Joseph Choo, 147 James Kosgey. Kwa jumla, hawa watu watakutana Nairobi kwa jumla ni watu mia sita ishirini na nane. Six hundred and twenty eight delegates. Wa kwanza kabisa kwa hiyo list orodha ni wa jumbe wote wa Bunge na hawa watu ni mia mbili na ishirini na tatu pamoja na wasita wa National Assembly. Wao watakuwa kwa mkutano wa Taifa. Wa pili, ni waakilishi wa vyama vya siasa. Vyama siku hizi hatujui ni ngapi Kenya. Sometimes they are fifty and then they keep increasing going upward lakini hizo vyama ambazo zilikuwa wakati tulianza hii kazi ya marekebisha ya Katiba, October ya elfu mbili, ilikuwa ni arobaine na mbili halafu ikawa na merger ya KANU na NDP kwa hivyo ikawa arobaine na moja. Kwa hivyo kila moja ya vyama ya arobaine na moja, itakuwa na mwakilishi moja. So 223 plus 41. Halafu wengine ni waakilishi wa wilaya na kila wilaya in wakilishi watatu. Mmoja lazima awe mama na Christine Ng'eno yuko hapa. Moja inaweza kuwa Councillor na Councillor Arap Soi yuko hapa na moja mwingine ndiyo wawe watatu.

Wilaya katika Kenya ni sabini, 70 districts. Seventy times three ni mia mbili na kumi. Kwa hivyo 223 plus 41 plus 210. Halafu kuna watu wengine wananchi wa civil society. Kwa Kiswahili wanaitwa---(inaudible). Wale watu wengine ambao sio MPs and sio representatives of anybody.. They represent civil society. Hawa ni watu wa vyama vya wafanyikazi, watajiri , employers, NGOs, wako hapa professionals like Law Society of Kenya. Wako hapa vikundi vya akina mama. Wako hapa waakilishi wa dini au makanisa. Halafu kuna wengine from special interest groups. Hao ni watu mia moja ishirini na sita. Halafu wa mwishoni wa Tume ya Marekebisha ya Katiba. Sisi tuko ishirini na sita. Commissioners wenyewe ni ishirini na saba. Kuna katibu ya Tume ya Kurekebisha Katiba na kuna Mkuu wa Sheria ambao hata yeye ni Commissioner. Hawa watu wote watakuwa ni watu mia sita ishirini na nane.

Kati ya hao wale wataamua ni kila mtu ila the Commissioners. Kwa vile sisi Commissioners ndiyo tumeandika swada, hatuwezi kwenda kuamua kama ni right or wrong kwa vile it is our document. So tukiwa kwa mkutano tutakuwa ex-officials. Hatupigi

kura. Hiyo ni kusema watu kama mia sita hivi ndiyo watapiga kura halafu watakubaliana wakitakiwa kubaliana, 599. Nikisema mia sita wanatakiwa hawa watu wakubaliane pamoja to approve the draft bill by consensus. Wakubaliane pamoja kwa sababu tunataka Katiba yetu iwaunganishe Wakenya.

Wakishindwa kusikizana watatakiwa wapige kura kwa maswala yasiyo ya Katiba. Non constitutional issues. Watapiga kura kwa simple majority. Kama watu mia tatu na moja kati ya watu mia sita wanasema tunasema hivi hiyo itapitishwa. Kwa maswala ya kikatiba, constitutional issues wanatakiwa wa approve by two thirds majority. Watu mia nne kati ya mia sita lakini imerahihishwa kidogo kwa ajili sasa sio lazima wawe watu mia sita wameketi pamoja. Tunasema two thirds of those present and voting providing there is quorum. Mnajua kama mnataka watu mia tatu na moja au mia nne waakilishi wenu ni watu wangapi? Watatu kwa district, MPs wako watatu Kericho district. Sasa hao ni watu sita na nikitaka kuthibitisha swala lisilo la Katiba kwa mfano, tunataka chapter seven iwe chapter one. Inatakiwa three hundred and one. Je! three hundred and one kutoka sita itaongeza namna gani wawe watu mia tatu na moja.

Kama mmesema hatutaki chapter eleven hakika tunataka kuing'oa hiyo ni swala la kichaguzi ni kweli? Sasa mtapata kura mpaka zifike mia nne. Okay. Lakini kitu cha muhimu sio kwenda tu na kupiga kura. Kitu cha muhimu ni kusoma , na kuelewa na kukubaliana na kuwapa masharti kwa waakilishi wale wanaenda. Can you stop that noise? Tunarecord hii kwa hivyo extra noise itaaribu. Do we understand each other? You have to read and you have to agree kwa ajili hayo ni maoni yenu halafu wale waakilishi wapewe instruction to say ukizika mkutano mkuu wa taifa useme hivi. Si ni kweli? Upige kura hivi ndiyo kufanya hivyo lazima pia ufahamu yale yameandikwa yaliyomo. Nikifikisha hapo sasa nitaalika mwenzangu Mrs Mary Kanyiha awaeleze kwa ufupi yale yaliyomo kwa mswada huu. Asanteni.

Mary Kanyiha: Asante Commissioner. Tutasoma hiyo draft chapter by chapter. You can open your draft and page two.

Interpreter: *Tutafungua ukurasa wa pili, yani kamasta ne ba oeng' en pagit non kigere tugul.*

Mary: In the middle you notice there is a question which is headed preamble

Translator: *Mi kamasta nemwae kole kanamet anan utangulizi.*

Mary: Kenyans across the country, requested that the current Constitution or the next Constitution should have a preamble or an introduction.

Translator: *Kisom bik ab Kenya tugul en olon tugul kole en Katiba ne neyon konyalu kotinye kanamet anan ngalek che kinamen.*

Mary: Please read the preamble and see whether you are clear with the values and principles expressed there.

Translator: *Akase ale takisoman tugul ii asikobit keger ngot kiyanjindosi, ngot kion kikisir en ireyono ko kit ne tos imache akinye kesirun kounoniton.*

Mary: Let's go to Chapter one on the left hand side which covers sovereignty of the people and the supremacy of the Constitution.

Translator: *Onge ger kora en kamasta neba akenge ne mwae kole yetunet ab ngatutiet anan ngatutik chu en bik kobaisien bik ab Kenya ko mi kou nei.*

Mary: It covers the issues on sovereignty of the people, the supremacy of the Constitution and the laws of Kenya.

Translator: *Namegei ak ng'alek ab kale netai kongalale akoba ng'alek ab katiagnatet neba bik ab Kenya, ne ba oeng' ko ng'alale akoba woindo ne ba bik ab Kenya, neba somok komwae akoba ole kibendi.*

Mary: It explains further that the laws of Kenya complies with the Constitution, the Act of Parliament and the African customary laws etc.

Translator: *Mwawech kora kole en ng'atutioniton ko tinye gei ak ng'alek ab bitenyon ne ba gaa ne ba mwafrica, tinye kora ak ng'alek ab parliament anan kit ne kakipitisan en bunge kele wendi kouni ng'atutiet ako tinye gei ak ole ibwatitoi bik en gaa.*

Mary: All the details are in the following chapters. Chapter two covers the republic.

Translator: *Tuguk tugul kegere ole kaisibundo gei tuguk chon che kakisir.*

Mary: Chapter two covers the republic.

Translator: *mwae neba oeng' akoba emani nyon kole Jamuhuri.*

Mary: Kenya has been declared a republic.

Translator: *Kigonyor Kenya katiagnatet keguren Jamuhuri*

Mary: It talks about the territory and the civic territory

Translator: *Mwae akoba ole kiu en emenyon anan kokwe nyon ii, yon kale kokwet ko male kokwet ne kitinye anan kiwatenyon neba emani.*

Mary: And the territory of the republic of Kenya comprises the area, the stride in the first schedule. We shall go through the schedules at the end of it.

Translator: *Ko keheberwek tugul cheba Kenya kebendi kegere en kamasta ne isibu*

Mary: Therefore it explains the capital and the capital of Kenya is Nairobi

Translator: *Mwae kora akoba town inyon anan city ne nyon ne wo kele Nairobi*

Mary: edit covers the languages and says that the official languages of Kenya are Kiswahili or English.

Translator: *Mwae kora akoba lughaisiek che kibaisien ako lughaisiek oeng' che kikiit en Kenya kele nyalu kebaisien koik official languages ko Kiswahili ak Kingereza.*

Mary: But the national language of Kenya is Kiswahili

Translator: *Ako anyon kutinyon neba Kenya ne kikiyan ko Kiswahili.*

Mary: It explains the national symbol

Translator: *Ibarwech akoba kit ne kiwu*

Mary: This being the national flag, the national anthem, the Court of Arms etc

Translator: *Kitinye benderenyon ii, kitinye tiondonyon ii, ake tinye kabarunenyon. Kiroger tiongichon kikibor chon tinye ngotwek, ngetunyik ak ne keguren noniton the court of arms.*

Mary: It also mentions the proposed national holidays being 1st June Madaraka Day

Translator: *Mwawech kora akoba betusiek che kikitaban asikobit kiit kele betusiek che yechen en emani noton ko arawet ab taman ak oeng', December tarigit taman ak oeng ak arawet ab lo tarigit ne tai.*

Mary: And the date of the enactment of the Constitution the Katiba day.

Translator: *Ak betut nekikiyanjindosi kinam ng'alek ab Katiba ne lel.*

Mary: Chapter three, covers the national goals, values and principles.

Translator: *Chaptait neba somok ii komwae kora akoba ole kibendi koki emet ne kibaigei, tuguk chechok che kigikere koba maana zaidi ak kit ne kiu ak ehek ko kiraia ko ne baisienyon en serikalit.*

Mary: The specific principles are covered there like for example the strategy shall promote national unity and develop the commitment of its citizen and the spirit of its nationhood.

Translator: *Kale ibarwech kora ako ba emanyon ko republic ako mwae ng'alek ab kibakenge inyon ak ngalek ab kit ne tonyalu keyae ko kibik che ba Kenya, yani ne hake ne nyon ne keyachini serikali ko kibik ab Kenya.*

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

Translator: *Mwae kora en ngatutik kole mitten kamasta ne barjingei koibta ng'alek tugul chomba ng'o chorset ng'o baisiet ab bik en oret ko ma kararan, angot ko bik che imuche kobaisien mamlaka Ana torornatenyini koyaen tuguk che mamagatin che ba emet.*

Mary: Just to talk about the details of a citizen

Translator: *Mwawech kora kole akot en inye ngo itinye katiagnatet ko nyalu itinye kit ne yaye iyachini emet.*

Mary: One of the duties of a citizen is to up hold and defend the Constitution as the law.

Translator: *Akenge en makutik ab inyendet ak ane ko kibik ko irib Katiba ne ba emet anan irib sheria ne kokekon ak kimwa ye machabak ile machabok ireyu noton oret aketugul ne imuchi ilititen ile sigai keyai kii konyalu keyai konamgei ak kit ne wu kit ne kikisir anan kayanjinet ne kikiyajine kou en Katiba.*

Mary: Chapter four covers citizenship.

Translator: *En kamasta ne ba angwan ko ng'alale akoba mengatet.*

Mary: It explains how one can acquire citizenship

Translator: *Ng'alalen akoba ole kimuche kenyorun mengatet.*

Mary: Either through birth, registration and nationalization

Translator: *Imuche kora konyo mengatet kokagisichin koiba Kenya inguni ko automatic yon kole iwendi iwegu Kenya. Mi kora registration ii anan keyain iigu ne ba emani konamgei ak kayajinyet ne koyanjine ak ng'atutik che koginde yon.*

Mary: They also explains the citizenship and marriage.

Translator: *Ibaru kora akoba kit ne kiu ak ng'alek ab katunisiet.*

Mary: Dual citizenship

Translator: *Yani bik che tinya kebeberwek oeng' mi chito ngunon ne sabe en emani kotinye meng'atet ab America ak meng'atet ab Kenya, yani kamaswek oeng'*

Mary: How you can loose citizenship and extra

Translator: *Ole imuche iipte hake ne ba meng'atengung' ak alak ak alak.*

Mary: Chapter five which covers the bill of rights

Translator: *En kamasta ne ba mut, ko konech akoba katiagnatet ab sobet. I mean katiagnatet ab hake neng'ung'.*

Mary: As you will notice this is the longest chapter in the draft Constitution.

Translator: *kou yo kerchini gei, ko niton ko kamasta ne kikisir tuguk che chang' en Katiba ini nyonet ii.*

Mary: It covers such issues as rights to life.

Translator: *Namegei ak tuguk che namegei ak sobet ii, anan itinye hake isob ii.*

Mary: It is good to note that at this draft bill death penalty has been abolished

Translator: *Nyalu kenai en inguni kole okot en sirutyoni koge sir ii ko makomi ng'alek ab baret ab chito. Magbare chi kou Katiba ini konye ko kakakile kon ibar chito kebarin akinye, lakini en inguni kokoisto niton ni*

Mary: It also covers issues to do with women

Translator: *Kangalal kora ng'alek che namegei ak chepyosok.*

Mary: Other members of the society

Translator: *Bik tugul che ba emet,*

Mary: Education etc

Translator: *Ng'alek ab somanet kora ak tuguk alak.*

Mary: Please read this particular chapter carefully so that you get to know what right you are entitled to.

Translator: *Amache ale taisoman chaptait noton zaidi asikobit iguye zaidi akoba telelengung' anan hake ne nengung'.*

Mary: Chapter six covers representation of the people.

Translator: *En kamasto ne ba lo ko mwae akoba ole kimuche kenget kounon kimuche kelewen bik che kokilewen en council yani bik che kileweni che ba kobaisie ne kataechek.*

Mary: In part one covering the Electoral system and structure

Translator: *En kamasta netai komwawech akoba ole nyalu kechapto kit ne u lewenisiet ak ole nyalu kelewinisyoto.*

Mary: It discuss topics as elections, the right to vote, voting un opposed candidates

Translator: *En kamasan komwawech akoba lewenisiet ii, bik che to nyalu kelewen ii ak bika che indochin lewenisiet kou bik chon tam koteleljin.*

Mary: Part two covers the Electoral Commission.

Translator: *En kamasta ne ba oeng' en yoton komwae akoba Electoral Commission anan bik chon telejin ng'alek ab lewenisiet en barak olin.*

Mary: The Electoral Commission is the body that covers elections

Translator: *Kagemwawech kele Electoral commission ko borta anan bik che telejin ng'alek ab leqwenisiet en emet tugul.*

Mary: So the functions and staffing of the Electoral Commission are covered under that section.

Translator: *So kit ne yae ECK ak ole sirto bik che baisie ko kakibor en yoton.*

Mary: Part three covers Political Parties.

Translator: *Ak kamasto neba somok ko ng'alalen ng'alek ab chamaisiek.*

Mary: It covers right to form a Political Party.

Translator: *Yani hake ne ba chito kochab chamait ii*

Mary: It explains the roles and functions of political parties.

Translator: *Ibaru kora akoba baisiet ab chamaisiek ii,*

Mary: It also explains of what can lead to cancellation of registration of political party

Translator: *Ibaru kora ole kimuche kistoito chamait ne kikechob ii,*

Mary: Sources of Political Parties fund

Translator: *Ak kobaru kora olenyorundoi rabisiek chamaisiek.*

Mary: Party discipline and etc

Translator: *Ak ole kimuche kiliten chamaisiek. Ongen ole mitten chamaisiek che muche koyae tuguk chemachoton ko mitten ng'alek che kokikon ole keriptoi ak keng'aten.*

Mary: Chapter seven covers the Legislature or Parliament

Translator: *En kamasta neba tisap ii komwae akoba parliament ii,*

Mary: It explains the establishment and role of Parliament

Translator: *Mwawech ole kinamdoi parliament ak kit ne yae parliament.*

Mary: And approval of expenditure by Parliament

Translator: *Ak kayanjinet en parliament ole kibaisiotoi rabisiek ab serikali.*

Mary: Part two covers composition of Parliament and qualifications of members of Parliament

Translator: *En kamasto ne ba oeng' kobarwech kit ne teno parliament ak bik ata che nyalu keleweni koba parliament en yu.*

Mary: It defines the structure of Parliament

Translator: *Ibaru ole kikipyeta kebeberwek en parliament ii,*

Mary: And qualifications of Members of Parliament

Translator: *Ak icheket che bendi kosome koiku memberek ab parliament kobarwech kora kole nyalu kotinye sired ne une en kamastab somanet.*

Mary: And the representation of women in Parliament

Translator: *Ak kora kamasta ole kimuche anan kamastab chepyosok ongen ole yukonye komakoribatin chepyosok en chamainikonye kokilelen nyalu keba tgul ak ke compiten anan kesindangei ne kasindanis ko abagakora ko kitinye murenik kamasta ne wo lakini en inguni ko kagile chepyosok komi kebebertanywan en parliament.*

Mary: It is not here under the draft bill he proposes that a third of the MPs should be women

Translator: *En ireyuton yu ko namgei ak ng'atutioni komwae kole nyalu ko akenge en somok en parliament ko chepyosok ko oeng' en somok ko murenik.*

Mary: It also explains the nature of office of Members of Parliament

Translator: *Ibaru kora kit ne u offisiek ab MPs ,*

Mary: As the process of the recall of an MP who does not perform

Translator: *En yukonye kora komakomiten kamasta nekokilelen kokimuche kegur MP kele mataiyai any komie weken, en inguni en Katiba ini komiten kot ko MP ne*

Mary: ---- and calender of Parliament

Translator: *Ko en kamasta non kagimwa ko mwae akoba tarikishiek ab parliament.*

Mary: It explains where the Parliament should fit

Translator: *Mwae kole parliament konyalu komi ano. Kou makingen inguni mi ano.*

Mary: The procedure of Parliament passing motion of no confidence

Translator: *Ak komasta kora ni imuche konget parliament ak kole makemache chichi anan makemache pichon kokapitisan tugul en parliament kole kagechaguan kele maketinyen kayanet chichi.*

Mary: It explains the body or the office which has the powers to dissolve or prorogue Parliament.

Translator: *Ak komwae kora akoba ng'atutik che kimuche kebaisien kotaketesen parliament kotako siptogei anan kebut parliament.*

Mary: And finally part six covers miscellaneous issues

Translator: *En kamasta neba lo komwae akoba ng'alek che mengechen.*

Mary: Such as freedom of speech and debate by MPs

Translator: *Konamgei ak katiagnatet ne ba ng'alalet en MPs.*

Mary: The powers and privileges and immunities that MPs can enjoy.

Translator: *Ko kale non ko katiagnatet, kimnatet anan kimnatet ii ak kit ne makitinye bik tugul en timin olin ne imuche kotinye bik ab parliament imuche ko ng'alal en parliament ko mwa kit na kamwa lakini mwamwae en timin. Ko ni kamwae kole kiguren privileges chon ma imunity.*

Mary: Public access and participation in Parliamentary debate.

Translator: *Ko kora ko yatet ab ehek tugul kenai kit ne tesetai en parliament ak keigu akenge kenai kele nyalu kenaita ano tuguchu en kit ne tesetai en parliament.*

Mary: Chapter eight covers the Executive.

Translator: *Kamastab sisit ko mwae ng'alek ab kamastab president ii,*

Mary: The executive is the one Arm of the government

Translator: *Kou ye kingen ii ko kamasto ne kikuren executive ko eut akenge ne ba serikalit.*

Mary: And in the draft bill it has the President, the Vice President and the Prime Minister

Translator: *En kamasta neba draft ini komiten kamasto ne ba president ii, mi neba rubeiywandenyin ii ak komi kamastab ng'echeret ab prime minister ne komakomi en ng'atutik chukoche.*

Mary: The President and the Vice President on the issues of the President

Translator: *Ko namgei ak ole kileendo president, vie president ak tuguk che yae.*

Mary: The qualifications for elections as a President

Translator: *Ko mwae kora kole siret ne kisir chito en ng'alek ab somanet, atepta ak ne asikobit koik chito newo ne ba*

emet anan president.

Mary: The term of office as a President

Translator: *Kasarta anan kenyisiek che nyalu komiten offis,*

Mary: Impeachment and removal of President from office

Translator: *Kimuche kora kelenji maitesetai aketoi en ofis komiten ng'atutik che ribe ng'alek choton,*

Mary: It also explains what happens when there is a vacancy in the office of the President

Translator: *Mwae kora kit ne nyalu keyai yon kabit nafasi en ofisit ab president ne muche ko kasirto, karesignen, kokalia mitten tuguk cheuchon.*

Mary: It also explains the functions of the Vice President

Translator: *Ibarwech kora kit ne nyalu koyae rubeiwot ne ba president.*

Mary: And salaries and allowances of President and Vice President

Translator: *Ak tuguk che kilibanjin yon katabot ii, kuren pichu allowances ko mwae the draft bill.*

Mary: Part three covers the Prime Minister and the Cabinet

Translator: *En kamastab somok komwawech akoba ng'echeret ne ba prime minister ak ministaek.*

Mary: The Kenyans requested for the creation of the office of the Prime Minister

Translator: *Kisom Kenyans kole kimache kinde en Katiba kamasta anan ng'echeret ab prime minister.*

Mary: So this part covers the appointment of the Prime Minister and the term of office

Translator: *Komasan ko ng'alalen akoba ole kilewendoi prime minister ak kasartanyin en ofis ii*

Mary: And the resignation or dismissal of the Prime Minister.

Translator: *Ak ole imuche komache koistagei prime minister komache koresignen ii anan kokebutan kowa komiten ng'atutik chochet ireyu.*

Mary: It also covers the Cabinet.

Translator: *Mwae kora akoba ministaek.*

Mary: Please note that under this draft bill the Ministers will be appointed outside Parliament.

Translator: *Amache inong'alalen kora onai ole ministaek en inguni ko makileweni kanamgei ak ole kou koyab MP kileweni koyab timin. Kimuche keger ingunon kit ne kagaigai en mara ko an economist kele nyalu ko ministry of economy ak keyai kit ne unon so ma bik che kileweni.*

Mary: Please go through the other issue that pertains to the Cabinet.

Translator: *Amache oger tuguk alak chon Namegei ak ngalek ab ministaek.*

Mary: Chapter nine covers the judiciary and the legal system

Translator: *Komasta neba sogol ko ng'alalen akoba kapkirwok newo en Kenya.*

Mary: It covers such issues as the hierarchy of courts

Translator: *Ng'alalen ng'alek ab kamaswek anan ko berberwek che terterchin che inamen neba barak agoi ne ba ngweny ii.*

Mary: You notice that the draft bill proposes that we have a Supreme Court.

Translator: *Ongen ole bill ini eb inguni anan ng'aliot ne kikisir komwae kole nyalu ketinye kortini ne kibare supreme court anan kortini ne ba barak.*

Mary: Other issues covered are appointment of judges and qualifications for appointment of Judges

Translator: *Tuguk chechang' che kang'alalen en yon kora ko ole kileta kirwagik che yechen ak ole testai tai, oret ne kibaisien kelewen bichoton.*

Mary: The tenure of office for Judges

Translator: *Kasarta neba ofis neba judgesiek chuton ak kortinisek che mengechen che taretigei tugul ii,*

Mary: The Subordinate Courts

Translator: *Ak commission neba kamastab ng'atutik.*

Mary: The Judicial Service Commission etc

Translator: *Komastab oeng' kobarwech ole wu ng'alek ab ng'atutik,*

Mary: Part two covers the legal system.

Translator: *Kamastab neba ng'echeret ab Artoney General kou en inguni ko Amos Wako.*

Mary: Covering the Attorney General.

Translator: *Inendet ne woi ne ba prosecution mangen ale kimwaita ano eh, neirwakyin.*

Mary: Director of Public Prosecutions and Public defender

Translator: *Inendet ne wo neba prosecution mangen ale kimwaita ano,*

Mary: Finally part three covers the legal profession or they choose to do with the issues of lawyers.

Translator: *Kamasta neba somok kong'alalen akoba kit ne u bik che kikonetyigei ng'atutik.*

Mary: Chapter ten covers the devolution of powers, the principles behind this particular recommendation

Translator: *kamasta nebo taman komwae akoba pyeet ab kimnatet ab serikalit ii,*

Mary: The principle behind this particular recommendation;

Translator: *Kit ne kitelelen bik sikobit komwa kole nyalu keyai Serikalit ne u noniton.*

Mary: The Kenyans throughout the Country said that the powers of the government were too far from them and they would want those powers brought closer to them.

Translator: *Kimwae bik che chang' en Kenya kole kimnatet ab serikali anan ofisisiek ab serikali che yechen kole ko kigesyigei kamasta akeng'e, ole ba Nairobi ko lowen en bik kole kinyalu kenam kimnatosiek chuton kepyeat kotaikoik kokwet ole imuche konyor chitugul.*

Mary: Hence the bill proposes various levels of government

Translator: *Noton amune si kobit kikisir en yeuton yu kele nyalu komi ngecherok che u chechu en sirkali.*

Mary: Starting with the village government, locational government, district government and the provincial government.

Translator: *Inamen serkalit ne ba kokwet. Ak kamasto ne ba district ak kamasto neba olinba province.*

Mary: You notice that the suggested focus for development is the district level

Translator: *Kigekas yukinye kokiki ng'alalen kele kamasto ne kiba focus anan kamasto ne kikumuche keibundo bik kotestai ak maendeleo ko ki district.*

Mary: Part three covers the powers of the devolved government

Translator: *En kamasta ne ba somok ko baru kole ne kimnatosiek che tinye kamaswechu tugul che ba serikalit kong' eten kokwet, location, district agoi provincial.*

Mary: It explains the powers of the devolved government

Translator: *Noniton ko kimnatet ab serikalit ab district ii,*

Mary: The service of devolved authorities

Translator: *Ole nyalu kelewendo bik kibaitinik ab kebeberwechuton tugul.*

Mary: Financial arrangement.

Translator: *Ole nyalu kora kenyorunen rabinik anan ole kikachindoen rabisiek bichuton.*

Mary: Procedure of sharing natural resources

Translator: *Ak oret ne kimuche keger ole kipyeitoi tuguk ab anan magarnatet ab emet anan rabisiek ab emet.*

Mary; Chapter eleven covers the land and property

Translator: *Kamasta ne ba taman ak akenge ko ng'alalen ng'alek ab imbarenik che kitinye.*

Mary: We've touched on section 232 giving a land policy framework

Translator; *En kamasto ne ba 232 komwae akoba ng'atutik kebeberwek ole to nyalu komi en ng'alek ab imbarenik.*

Mary: It explains the ownership of land and classification of land.

Translator: *Ilezani ole akoba namet ab imbare, mi yun imbare komi ne ngung', mi oldap serikali ako mi ne mi eut ba bik tugul.*

Mary: The tenure of land, and the establishment of a National Land Commission.

Translator: *Kamasta neba ng'alek ab tenure.*

Mary: Chapter 12, talks about the environment and natural resources

Translator: *Kamastab 12 ko ng'alalen ng'alek ab kit ne u emet. Kit ne u ngu'ngunyat, ongalalen ng'alek ab osnet, ng'alek ab ne, choton chon ko tuguk che kimi kobach. Okot ingomiten tugukchon kikuren minerals anan tuguk chon kibale en ngweny ko malik chon cheba emet.*

Mary: Clause 239 says every person in Kenya has a duty to enhance the environment

Translator: *Kale en kamasan kole tinye chitugul katiagnatet en Kenya korib tuguk chuton kagimwa chu kimi yet kobach ak koger kole karib kongeten inguni agoi kasarta ne nyone.*

Mary; Clause 240, covers the establishment of a natural Environment Management Commission.

Translator: *Kamwa yoniton kole konu kamasan akoba committee anan commission ne wo netelelen ng'alek ab*

imbarenik en Kenya mzima.

Mary: It also explains how the laws and enforcement on environmental protection

Translator: *Ileza kora akoba ole imuche kobaisioto ng'atutik che namegen ak ribset ab tuguk chuton kimen konamgei ak ribset ab tuguk chuton kimen kobach.*

Mary: And the registration of environmental laws.

Translator: *Ak ole kimuche kipitisinga ng'atutik che namegei ak ole kiriptoi emet.*

Mary: Chapter 13 covers public finance and revenue management.

Translator: *En kamastab 13 komwae akoba ole nyorundo serikali rabisiek,*

Mary: Please read this particular chapter for yourselves

Translator: *Akase ale taisoman yoton isomanjingei,*

Mary: So that you get to understand how the government is supposed to administer its public funds'

Translator: *Asikobit inai ole nyaludoi kobaisioto serikali rabisiek ab emet che kanyor.*

Mary: And whether the government has power to borrow or lend

Translator: *Ako ng'gwany tinye serikali katiagtet kogaito rabisiek anan kogaito.*

Mary: The functions of Central Bank

Translator: *Ak kora baisiet ab benkinyon ne kibare Central Bank anan benkit ab serikali.*

Mary: And the creation of an Economic and Social Council.

Translator: *Anan kokinan ng'alek ab Economic and social council yani council negere ng'alek ab atepto ak ng'alek ab maendeleo ak kamastob uchumi*

Mary: Chapter 14 covers Public Service

Translator: *En kamasto ne ba 14 ko ng'alalen ng'alek ab boisiet ab emet anan Public Service Commission.*

Mary: With part one covering public administration in particular

Translator: *En kamasto ne ba oeng' ko ng'alalen ng'alek ab ole kindoichindoi bik.*

Mary: It covers Public Service Commission and the functions of that Commission

Translator: *Ng'alalen ng'alek ab PSC. En atepab PSC en yekonye ko kosir bik ak kobutan.ko en ireyu ko konu ng' atutik ole to nyalu kobaisioto PSC,*

Mary: The appointment and protection of public officers

Translator: *Ole kimuche kelewendo bik en PSC ak ole kimuche keripto bik choton.*

Mary: Part two covers the Kenya Police Service

Translator: *Mwae kora akoba boisiet ab polisie.*

Mary: It explains how such a law should be established

Translator: *Ibaru ole nyaludo kinamda kasit ab polis.*

Mary: Also gives the qualifications of the appointments of the Commissioner of the Kenya Police Service

Translator: *Ng'atutik che Ibaru kole to chito ne nyalu koik Police commissioner ko chito ne tinye qualification ne.*

Mary: Part three covers Kenya Correctional Services

Translator: *Kamasta ne ilititi ng'alek ab boisiet (prisons).*

Mary: And the appointment of the Director of Kenya Correctional Services

Translator: *Ng'atutik che ribe lewenet ab chito ne indochin kamasaton.*

Mary: Part four, covers interpretation

Translator: *Kamasto ne ba angwan ko mwae akoba ole kimuche kemwaita.*

Mary: Which is supposed to help you in interpreting the draft bill

Translator: *Inoni kowendi kotaretin. Ingen ile ng'alek chu kokisir en lighait ne ba bik ab ng'atutik ko keweel ko namgei ak lighait ne ingen. Ko kale interpretation ne ma nombo bichon kikosir en ng'alek choton ichegen.*

Mary: Chapter 15 covers Defense and National Security

Translator: *Kamasto ne ba taman ak mut ko ng'alalen akoba ribset ab emet ak ole kriptto emet. Ak korib kalyenyon, kiwatenyon ak korib emonyon.*

Mary: It is not that the draft does not refer to them as armed forces instead the draft refers to that particular arm as defense and national security not armed forces.

Translator; *Makikuren armed forces kou ye mi inguni lakini kibare defence and national security*

Mary: It is suggested at the clause 272 that we have a National Security Council

Translator: *ko kibwat kora kele kinam ne kibare national council security. ko ketesetai kebendi kenae.*

Mary: The appointments and who should sit in that council is explained in the following page

Translator: *Ole kilewendo pichoton kora kebendi kenae ketesetai.*

Mary: We shall skip chapter 16 the Commissioner will take us through that one.

Translator; *Kimache kebagach kityo chapter 16 sikor koib kamasoton bwana commissioner,*

Mary: We go to chapter 17 which covers Constitutional Commission

Translator: *kimache kebe kamasto ne ba 17 ne ng'alalen akoba kamsto ne ba ng'atutik.*

Mary; You are aware that many Commissions have been created in the past

Translator: *Onge ole en kasarta ne kikosirto ko kikochang'ait committee isiek anan bik che kekuren commission che kikechobot ak kechobot.*

Mary: But the draft suggest how such Commission should operate in future when they are created.

Translator: *Lakini en inguni konamgei ak bill ini komiten kebebeto ne ibaru ole nyalu kobaisioto bichoton en kasari kibendi.*

Mary: The Kenyans also have requested that we have the Civic Commissions under the Constitution

Translator: *Kitomkonai Kenya kole nyalu ketinye kamaswek che nin en kamastob commissions che kibendi ketau.*

Mary: Such as the Commission on Human Rights and Administrative Justice

Translator: *Commissions konamgei ak hake che ba bik ii, ak ole kiriptoi bik*

Mary: Ethics and Integrity Commission

Translator: *Konamgei ak atepto ne ba bik anan atepto ne mie.*

Mary: Teachers Service Commission, Constitutional Commission etc.

Translator: *Kamasto neba ng'atutik ak alak.*

Mary Chapter 18 covers the amendments of the Constitution

Translator; *Kamastab 18, komwae ole kimuche kilititen ng'alek ab Katiba.*

Mary: Under this chapter it is explained how the Constitution which we are in the process of making should be amended

Translator: *Ibaru kole tun en kasarta ne nyone kimuche keweldono anan kipitсандano ng'alek ab ng'atutik chekokesir en kasarta ne nyone.*

Mary: It explains that some parts of the Constitution are so fundamental that before they are amended the public should be requested from their views.

Translator: *Ibaru kora kebeberta ake kole mi kamasta age ne ba Katiba ini ne makimuche kiistaenge, ne manyalu kewelet kotoma keteben bik tugul.*

Mary: Then chapter 19 covers further interpretation details

Translator: *Kamasta ne ba 19, ko ng'alalen ole nyalu kinetken ole nyalu keipto ng'alek chuton.*

Mary: Chapter 20, the Commissioners will also take us through chapter 20, and the attached schedules

Translator: *ko en kamasto ne ba 20, kebendi kekase koyab commissioner inendet ole tonyalu keipto serikalit ko ngeten niton ni agoi ingo ak ng'alek ab schedules anan kebeberwek.*

Mary: Thank you

Translator: *Mubarikiwe sana. Thank you very much.*

Com. Mosonik: Ameng'ang'ana na hiyo kazi sio rahisi. Kulikuwa na mzee mmoja anaitwa Mr Anthony Lusik wa Kipkelion Education Foundation. Alikuwa amejaribu kutafsiri maswala na maswali, issues and questions kwa lugha yetu. Sijui kama mlitumia wakati wa raia and then -----(inaudible) ng'alek che tinyegei ak Katiba ak tebutik che tot kotebengei commisionaek in Kalenjin na pengine mlifikiria kujadiliana, pengine itasaidia. Kama basic rights Imanit ab chito kama hii aliita mazingira , aliita ole wu emet ak makarnatet ab indet from the beginning. So unaweza kuitumia kwa ajili hizi lugha zimekuwa ni ngumu na asante sana kwa kujaribu.

Sasa mwenzangu Mary ametaja ukurasa la kumi na nane chapter 18, hiyo inaitwa, the Amendment of the Constitution ama kwa Kiswahili kubadilisha Katiba na mwenendo au utaratibu wa kubadilisha Katiba. Ningependa kuisitiza kwamba hilo swala ni muhimu kwa vile nyinyi wote mmeshugulikia maneno ya kurekebisha Katiba, kubadilisha Katiba hii. Kuunda upya, kugeuza Katiba halafu pengine kesho mtu aje aubadilishe siku moja, hii kazi yenu yote mlikuwa mnafanya ilikuwa ni ya nini. Kwa hivyo nitawauliza kusoma ndiyo muelewe zaidi uwakumbushe kwamba Katiba ya Kenya imeenda stages tuseme mbili.

Wakati wa uhuru kulikuwana Katiba ya uhuru inaitwa independence constitution ambayo iliandikwa Lancaster House, Kiingereza na viongozi vya vyama vya kiasi. Nakumbuka kwanza kwamba kulikuwa na viongozi watu kumi na wanne halafu

mwishowe wakaongezeka wakawa watu thelathini na tatu. Wa kwanza walikuwa akina Musinde Muliro, Tom Mboya, Oginga Odinga, Samuel Ayodo, Ole Tipis, Robert Matano, Ronald Ngala, Jeremiah Nyaga, Gikonyo Kiano, Mate, Arap Moi, Arap Towet na kadhalika. Wale ambao waliandika Katiba wakandika kuanzia mwaka wa 1963 mpaka mwaka wa sitini na tau. Tulipopokea uhuru mkiangalia kwa TV ile sherehe ya kwanza ya uhuru wa mwaka wa 1963 tarehe kumi na mbili mwezi wa December.

Hiyo Katiba Mzee Kenyatta akiwa Waziri Mkuu alikuwa anapokea instrument of power na moja za hizo, zilikuwa ni Katiba na tena coming into operation before 12th December 1963 Katiba hiyo ilikuwa ni hii. Ilikuwa Katiba ya ukurasa, chapter ni hii inaitwa sura. Sasa hii ilikuwa ukurasa mia mbili tisaini na tisa, 299 karibu tuseme mia tatu. Lakini tangu wakati huo Katiba hii ikafanyiwa marekebisho, ikabadilishwa. Ndiyo tunasema sasa kwa miaka hii thelathini na tisa ya uhuru imebadilishwa karibu mara thelathini na tisa.

On average inabadilishwa mara moja kila moja mapaka Katiba hii ya uhuru imekuwa hii sasa. Wakati wa elimu ya uraia watu wengi hawajaiona Katiba ya Kenya. Ile tunarekebisha ni hii wakati wa uhuru ilikuwa ni hii. Ikabadilishwa mpaka sasa ukiangalia hii ni ukurasa 98 pages. Original ilikuwa 299 pages. Tuseme kwa hii miaka thelathini na tisa page mia mbili ikafutuliwa mbali. Ikabadilishwa na ikabadilishwa na nani? Na Wabunge. Iliandikwa na viongozi wa siasa. Wengi wao wote walikuwa ni wanaume wale wazee walienda Lancaster. Walikuwa wanaume ijapo mama moja tu alitoka North Nyanza, Western Province alitwa Priscila Apiyo not Asiyo Abwao. Lakini tulikuta huyo mama akatueleza tulipokuwa Lancaster kazi yangu ilikuwa na kuwapikia hawa wanaume ndiyo wapate nguvu ya kuunda Katiba.

Tuseme kwa hivyo iliandikwa na viongozi wa siasa wa wa Afrika na wengine na ikabadilishwa na wa Bunge. Lakini hii Katiba ya kwanza ilikuwa na utaratibu wa kubadilishwa na haikuwa ni rahisi sana vile ilikuwa imeandikwa kuibadilisha. Kulikuwa na sehemu zinaitwa entrenched clauses. Hizo ni sehemu ambayo ilikuwa ni huwezi kubadilisha ama ukibadilisha na ngumu sana na sehemu zingine. Lakini hasa utaratibu ya kubadilisha hii Katiba ilibadilishwa. Kwa mfano, tunakumbuka tulikuwa na Senate na Lower House na kubadilisha wanweza kupendekeza Lower House lakini lazima iwe approved by the Senate. Kwa hivyo kuulikuwa kuna stage ya badilisho lakini ndiyo ikang'olewa ndiyoikawa rahisi sana ibadilishwe.

Sasa kwa hivyo msome sura ya kumi na nane ukurasa wa thelathini na sita. Page 36 chapter 18 na inasema amendment of the Constitution. Inasema kwamba sasa kwa ajili kutakuwa na nyumba mbili ya Bunge, kuibadilisha lazima ikubaliwe na nyumba hizo mbili za Bunge lakini hizo nyumba mbili sio zile za wakati wauhuru. Wakatu wa uhuru zilikuwa zinaitwa Senate na House of Representatives or Lower House. Sasa kutakuwa na National Assembly na National Council. Mtaelewa tofauti lakini kuna procedure kwamba mswada ikipendekeza kwa nyumba moja lazima hata ile ingine ikubali. Kitu cha kwanza lakini ukitaka kubadilisha territorial ya Kenya mpaka ya Kenya au utawala ya wananchi, the sovereignty of the people au yale malengo ya taifa, madili na kanuni. Ile Arap Rotich aliita *ole lite emet* yaani direction ya nchi. *Nga'tutik che mwaie ole lite emet.*

Ukitaka kubadilisha hiyo au ile sura kuhusu sheria ya haki, bill of rights, *Imanit ab chito* au ile serikali inasemekana inaletwa karibu na raia hiyo structure of devolution au kuhusu uraia wa Kenya au chapter hii yenyewe, lazima wananchi wakubali hii. Entrenched clauses katika hii Katiba ndiyo hiyo. Yawe ni mambo makuu kabisa. Mtaangalia na kusema je! Na hizo pekee zao? Tunataka raia waulize maoni yao ama tuonge sehemu nyingine ama tupunguze. The procedure for amending the Constitution.

Ikiwa nimesema hivyo, tafadhali sasa tuangalie ukarasa wa thelathini na saba. Inaitwa schedules katikati ya ukurasa. Schedules kwa Kiswahili zinaitwa nyongesa. Hizi ni nyongesa kwa Katiba. Nyongesa ya kwanza inaitwa territory of the republic of Kenya na hiyo ni kusema amepaka vile tumeelezwa na mwenzangu hapa. Hiyoni kusema mipaka vile tumeelezwana mwenzangu hapa. Hii ni mara ya kwanza, territory ya jamhuri ya Kenya imeandikwa kwa Katiba. Katiba hii ya sasa inasema Kenya ni jamhuri inayojitawala lakini ukiuliza mipaka nio wapi? Hakuna. Ndiyo pengine wale ma shiftar walikuwa wanasema North Eastern kidogo ni yao. Watu wengine bandits wamekuwa wakitoka Ethiopia wanasema area ya Moyale hata ni yao. Iddi Amin mwaka wa sabini na mbili akasema mipaka ya Kenya na Uganda ikoNaivasha mpaka tukafanya mandamano.

Wakati huu tunasikia kwamba kwa lake Victoria majeshi ya Uganda wanafukuza raia wetu wakifanya mambo ya kiuchumi. Page 37 mpaka 412 ni mipaka. Inasema mipaka ya Kenya –Uganda, Kenya-Sudan, Kenya –Ethiopia na bahari sehemu za bahari ya Kenya. Kenya –Tanzania naimeonyesha beacons ukiangalia hivyo iko beacons. Kwa ile Katiba ya kwanza ya mwaka wa sitini na tatu kulikuwa na mipaka imeandikwa kwa beacons wakati huo na leo nitajaribu kupata Kericho district. Wakati ule yaani mipaka ya district imeandikwa kwa beacons, Narok district, Kericho district.

Page 261 ya Katiba ya mwaka 1963 ilisema the Kericho district moja ya wilaya arobaine na moja wakati ile. Kuazia trigonometrical point Kelegele in the South West corner of original na hiyo shamba iko LR No. so and so, generally Manga Hills reach, halafu inaenda kufuata Kisii- Sotik road reserve. Halafu Eastern boundary of Kericho –Sotik road reserve. Halafu two rivers which are not named South of Kipsonoi Hill ilikuwa na mipaka lakini mipaka ya district . Sasa hii ina mipaka ya Kenya mwenyewe, schedule number one. Number two page 41, kuna orodha ya mikoa ya Kenya ambayo ni nane halafu na districts chini ya hii kila mikoa. Tunasema Nairobi Province one district, Rift Valley kumi na nane na zote wilaya ni ukienda the next page, ukifanya hesabu ni sabini. Ni muhimu kujua hiyo kwamba ni sabini zimetajwa lakini beacons hakuna. Lakini kwa Katiba ya kwanza ilikuwa ina beacons.

Haya ya tatu ni vile tumeelezwa national symbol, Bendera ya Kenya, Wimbo wa Taifa, Court of Arms.

Ukurasa wa arobaine na mbili mpaka arobaini na nne inasema kuhusu kiapo ya afis. Mtu akiwa atakuwa Rais ama Wakamu wake ama Waziri Mkuu au Waziri au Naibu wa waziri ama Permanent Secretary au Judge ama Commissioner au kiongozi wa mkoa ama district na Speaker na kadhalika. Halafu page 44 sasa tuangalie hapo hiyo inaitwa nyongesa number five. Inaitwa leadership and Integrity code of conduct. Yule rafiki yetu anaitwa “*atepto ne mie en kandoinatet*” sasa hiyo pengine tuangalie kwa makini. Yaani inapendekezwa kwa Katiba mpya kwamba viongozi watakuwa na tanuni waongozi na watakuwa wanatakiwa wafuate. Kwa mfano, watakuwa wanasema mfanyikazi wawe wa uma hawezi kupokea mishahara mbili yaani

kufanya kazi mbili na kupokea mishahara.

Kitu cha pili kiongozi ameruhusiwa kufany biashara ama kulima. Nakumbuka Ndegwa Commission ndiyo aliwaruhusu civil servants toengage in his business. Hii tunapendekeza waendeleee kufanyha biashara au ukulima. Kitu ingine Rais, Makamu, Waziri mkuu, Mawaziri, zote na wakubwa, naibu wake watatakiwa na viongozi wengine kutangaza mali yao. Inaitwa declaration of assets and liability. Na mtu ambaye amechaguliwa kuwa Rais ama Wakamu wake kabla kuanza kazi yake ni lazima atangaze mali yake na hiyo mali akitangaza kuna register fulani inafunguliwa na inaandikwa hapa. Kama wakisema uongo na ipatikane wamesema uongo hiyo ni kosa na anweza kuhukumiwa kortini.

Na kila mwaka, lazima atangaze tena. Mwaka huu aseme zilikuwa hivi ikiongezeka atangaze tena na kusema imeongezeka vipi kwanjia gani? Kuna maadithi ya kufanya kazi kwa ma ofisi za uma. Watu wakija kisiasa lazima mjue kwamba wewe ni mfanyi kazi wao sio boss wao wakiadhuru wananchi, kina mama wanaokuja kutafuta usaidizi kwa ofisi ya serikali na unamsumbua.

Kitu kingine ni kwamba kama kiongozi unafanya kazi unaenda kazi ya serikali halafu wananchi wanafurahia unapatiwa zawadi ya kushukuru. Hiyo zawadi si yako ni ya ofisi kwa ajili hukuwa unaenda kibinafsi kufanya hiyo kazi. Kwa hivyo, kama ni mbuzi unapeleka mpaka ofis na kuacha kwa ofisi na mambo kadha wa kadha. Kwa hivyo ninawasihi nyiyi wote msome kwa makini pages 44, 45, leadership integrity, code of conduct. Kama mnakubaliana au kaipunguzwe na whom should it apply to. okay. It is very important and it is intended to curb corruption this particular schedule. Page 45 schedule number sita.

Actions to be taken by Parliament. Hapa inaonekana kutakuwa na mabadiliko mengi. Je! yatatekelezwa nini kulingana na Katiba mpya na mpangilio la tume la marekebisho ya Katiba. Inginge inasema six months, ingine inasema one year, ingine two years na ingine three years. Inginge inasema no time limits lakini ile imeandikwa time limits ninapendekezo kwamba itekelezwe kwa miaka mitatu. Kwa vile mnaweza kujuliza hii maneno yote itafanyika lini? Mabadilio haya yote tukikubali hii Katiba imeonyeshwa kwa hii program of action of implementation.

Page 46 kuna nyongesa namba seven na ikiwa muangalie kwa makini. Hiyo inaitwa powers of National and District Governance. Najua kwamba vile mwenzangu amependekeza kuna pendekezo utawala uje ukaribie ya ajabu na tunasema na mnaelezwa kwamba main focus ya powers kutakuwa kwa Province, kwa village ama location lakini main focus ni district. Manaelewa. Sasa hapana orodha ya kazi na uwezo wa serikali ya Nairobi tuseme list number one. National Government list , kazi ya serikali kuu kutakuwa ni fulani. Halafu list namba two ni ya serikali ya wilaya, district government list. Katikati ya ukurasa kuna list number three concurrent list kazi ya sambamba ya serikali kuu na serikali ya wilaya. Mjue responsibilities kwa ajili pengine kama utawala unakuuja kwetu kwa district tunapenda sana utawala lakini mkielezwa ufanye hiyo kazi kwa district hautaweza.

Kwa hivyo, mchunguzee kwa makini nimesema nini? What is the responsibility of the district government?

- a) Kwa mfano number two Local services will be used there for educational services, nursery, primary and secondary education.
- b) Medical and health services, health centers, dispensaries, clinics, promotion of primary health care.
- c) Water services
- d) Road services, construction, rehabilitation and maintenance and so on.

Sasa district itaweza kufanya hii au la? Na central government imepewa kazi za kutosha kama hizi kupunguzwa ama kuongezwa, chungu zenu vizuri. Wakati wa uhuru serikali ilikuwa karibu na raia hata wakati ule na kulikuwa na list kama hii lakini focus ya utawala wa wakati ule haikuwa ni district ilikuwa ni the wazee walikuwa 64, ilikuwa ni majimbo. Hiyo ni kweli? Majimbo ilikuwa ni nini Province? Province wakati wa ukoloni ilikuwa inaitwa Provinces, Mikoa. Tulipopata uhuru ikaitwa regions na kulikuwa na regions na kulikiwa na orodha za regions za Kenya. Iisema Kenya should be divided into Nairobi area in the following regions: Coast region, Eastern region, Central region, Rift Valley region, Nyanza region, Western region and North Eastern region halafu kila region ilikuwa imetajwa district chini yake. Sasa utawala ilikuwa kwa majimbo. Kulikuwa na mapendekezo kuhusu majimbo wakati tulikusanya maoni.

Nimesoma gazeti ya leo, East African Standard, Thursday October 17th. Hata hiyo swala iliulizwa Nyeri kwa Commissioner ambaye alikuwa anafanya hii kazi jana. He said the Commissioner of Kenya Review Commission has admitted that views from certain parts of the country were omitted were left from the final draft because they were too sensitive.

Commissioner Dr Githu Muigai, told a section in Nyeri that views expressed in some communities would have polarized the divide Kenyans unless they were toned down. He gave the example of over views that Kenyans should adopt majimbo as proposed by several Province which was totally rejected in Central Province. He also said sentiments there were other things that were omitted because of controversy lakini kitu cha muhimu ni responsibility ya district government itakuwa ni what? Na ya Central government itakuwa ni what? Kwa vile unaweza kuwa na utawala lakini at the same time utaweza kuwa na shida kwa ajili ukieleza sasa barabara zote is your responsibility na pengine pesa hakuna. Please study this seven schedule.

Sasa eight schedule in page 46 inaitwa transitional and consequential positions. Number one ni Rais duties and obligations of the republic. Ukiwa na Katiba mpya every thing that was responsibility ya jamhuri ya Kenya itatekeleza kimataifa hatuwezi kubadilisha.

Number two inaitwa existing laws, ikiwa tumebadilisha Katiba na hiyo kuna sheria kanuni ya sheria Kenya ambazo ziko sasa je! nini itafanyika? Katiba ni sheria kuu kwa hivyo sheria zote zingine ambazo haziambatani na Katiba mpya zitabadilishwa.

Ya tatu ni kuhusu uchaguzi. Inasema ni lini uchaguzi ufanywe chini ya Katiba mpya kama hii Katiba itakuwa imepita? Haya number three.

Number four inasema tusome right hand corner please. Inasema at the top of page 46, a person who before the entry into the office of this constitution has held office for two or more terms as President is not eligible to:

a) Stand for elections or serve as President, Vice President, Prime Minister or Deputy Prime Minister, Minister, Deputy Minister, or Member of Parliament. Tunasema kwa ufupi yeyote ambaye amewai kuwa Rais kabla ya hii Katiba mara mbili hataruhusiwa kusimama, kuomba kura ama kufanya kazi kama Rais, Makamu wa Rais, Waziri Mkuu, Naibu wa Waziri Mkuu, Waziri Waziri usaidizi ama hatakuwa MP. Mnaelewa hiyo?

Number five inasema any person, who would otherwise been qualified to stand for election for the Commission of this constitution is eligible to stand for the candidate in the first election and under this constitution. Tumetoa qualifications of the President in the chapter four executive. Msome qualifications of the President ni gani lazima awe mtu wa high moral integrity. Lazima awe mtu wa miaka kati ya thelathini na tano na sabini na lazima awe na degree from a recognized university na kadhalika. Okay. Lakini tumesema wakati huu kama kuna mtu yeyote ambaye haitosheleshi hayo mahitaji, pengine kwa mfano hajapata degree ya university ama pengine yuko chini ya miaka thelathini na tano ama amefikisha kidogo sabini tutaruhusu kusimama kwa uchaguzi ujao mnaelewa? Hiyo inaitwa transitional clauses.

Bottom of page 46, naona imeandikwa Provincial Administration. On the coming unity of force of this constitution the system of administration comprising Chief, Sub-Chiefs, DO's, DC's and PC's on the following page commonly known as Provincial Administration shall turn dissolved. Kwa Kiswahili inasema wakati wa kutekeleza Katiba hii jukumu la utawala unaoitwa utawala wa mkoa utatupiliwa mbali. Secondly it says na wale watuwaliokuwa wakifanya hiyo kazi ni nini itafanyika? They will report to the Public Service Commission for re-deployment kuna existing offices.

Kuna maneno ya Judiciary, mahakama na mmesikia kumekuwa na kesi kortini. Hata hatujui kusema tutasema ndiyo tumeweka hizi zote. Mnajua hiyo shida? Lakini tumetengeza hata isipopitisha hii kuna mambo yatafanyika kuhusu courts na Judges. Middle of page 47 is death penalty and other outlawed services. Hukumu ya kifo mmeelezwa na rafiki yangu kwamba hukumu ya kifo itatupiliwa mbali. Nimependekeza kwamba mtu yeyote ambaye alihukumiwa kunyongwa under 1313 na amemaliza ile maneno ya kukata rufai. Anangoja tu kunyongwa. Sasa kunyongwa hakutatekelezwa na automatically everything will be reduced to life imprisonment. Itakuwa ni hukumu ya kufungwa maisha na tena wanaweza kuendelea wanaweza kusamehewa. Mnajua kuna kitu inaitwa remission for sentence na vitu kama hiyo lakini hukumu ya kifo should be stopped hata retrospective. Understand that.

Ya tatu, every sentence of corporal punishment passed before the coming into force of this constitution, is remitted and shall not be carried out. Ile maneno ya kusema kuwa mtu amehukumiwa kuchapwa kiboko kumi na mbili ama moja itakoma. Hawatapigwa wale wanapigwa----- (inaudible)

Haya Constitutional Commission, Interim Judicial Service Commission. Page 47 the last column inaitwa first human rights abuses and I think you want to lead us the Commission of human rights and its structure, shall within six months of the coming into force of this constitution on the petition of any person or on its own motion shall :

- a) investigate all form of human rights submitted by any person or group for the coming operation of this constitution.
- b) Investigate the causes of civil strife including massacres, tribal clashes and identify those responsible
- c) Make appropriate recommendations regarding prosecution of those responsible, award of compensation to victims, reconciliation and referations.

Kwa hivyo kutakuwa na tume hii ya haki ya kibinadamu na ikipitishwa Katiba kwa muda ya miezi sita itatakiwa kuchunguza maneno yale yote ya kiuka haki, utiukaji ya haki ya kibina damu za wakati ziliopita. Kuchunguza ni kwa ajili gani yalifanyika. Nani alianzisha na wale walianzisha wahukumiwe na wale walipoteza mali yao wapewe ridhaa na halafu kupatanisha wananchi ndiyo wasikizane.

Finally kuna something about ownership of land. Hiyo msome pamoja na ile ukurasa ama sura chapter eleven kuhusu land and property because it was explained policy framework for land. Nafikiri nimemaliza. Now yes very quickly please. Sasa tumeangalia kwa ufupi. Mtaenda kusoma nyinyi wenyewe. Msome tena mara mbili mara tatu lakini tofauti ya hii Katiba sasa tunapendekeza na ile Katiba ya sasa hii ni gani kwa ufupi? Mnajua tumesema kwa ufupi ukiangalia hii na ile ya kwanza mnaona tofauti. Moja ni kubwa na ingine ni ndogo sana. hatujachapa hii ndiyo tujue itakuwa kubwa zaidi ya hii ama ndogo lakini tukiangalia ni sura ngapi iko. Hii ilikuwa sura kumi na nne, hii ingine sura kumi na mmoja. Hii tumeangalia saa hii ni sura ishirini. This one is eleven chapter that means there is more in the new Katiba than the old one. Mfanye kujua what is more in the new Katiba lakini kitu kimoja ni kwamba procedure, vile tuliandika hii Katiba ni tofauti. Hii iliandikwa na viongozi wa vyama wa siasa na ikabadilishwa na Wabunge. Hii tumehusisha wananchi tukiandika.

Haya kitu cha pili hatukuhuzisha tu wananchi tukiandika lakini tumeendelea kusema kuhusu wananchi kwa hii katiba. Chapter one, inasema sovereignty of the people. Uhuru ya wananchi na utukuu wa katiba. So people driven constitution versus the one ambayo it was Parliament driven.

Katiba hii tunapendekeza ina utangulizi, ina preamble, ina domain in the translation of the ----- (inaudible). Ile ya sasa haisemi chochote kuhusu utangulizi. Inaanza tu. One, Kenya is a sovereign republic, ina utangulizi. Wacha niende haraka haraka niwajulishe mambo mengine ambayo hata sijui wanajua. Kuhusu uraia Katiba iliruhusu kwamba mwana mume Mkenya akienda ng'ambo na akioa yule bibi wake wa ng'ambo akija na yeye Kenya bibi anakuwa automatic citizen na

watoto ni wa Kenya ingawa wamezaliwa ng'ambo.

Msichana wa Kenya akienda ng'ambo na apate mwanaume akaolewa. Yeye tunataka abaki ng'ambo na akija na huyo bwana yake wanaweza kukaa hapa Kenya na huyo mwanaume hapatiwi uraia na watoto wanangoja mpaka 18 ndiyo wa apply for Kenyan citizen. Kwa hivyo kwa ufupi kuna jaribio kwa hii Katiba mpya ya kuhuruzisha wanawake na wanaume, wasichana na wavulana, wazee na wamama.

In brief sasa tuseme kwa makini ile chapter tano sheria ya haki, the bill of rights, ndiyo muelewe kwa njia gani ama mbinu gani tumependekeza zitumiwe ndiyo kuzawazisha. That's okay the alance is here. Kitu kimoja tumeandika ni kuwa mwanamke na wanaume wana haki sawa lakini tumeendelea kusema kwamba kwa ajili sio sawa sasa, wanawake wapewe 30% of the seats in Parliament na mabo kama hayo.

Tumependekeza kwamba kuhusu kwa mfano watoto, tumesema watoto wote kama wamezaliwa ndani au nje ya ndoa wako sawa mbele ya sheria na wana haki sawa chini ya Katiba hii na hawa watoto wana haki na hata na jina. Outside of wedlock or inside. Tunasema mama yake na baba yake mtoto wawe wamefunga ndoa ama la wana majukumu sawa ya kulinda na kupatia mtoto mahitaji yake na kadhalika. Okay. I don't want to go in to details lakini *lakwet ab kap chi kesikchi lakwet ak itil kona*, haitawezekana kulingana na hii katiba. nisiendele sana lakini tumezawatisha rights kati ya men na women.

Kuna haki za mtu binafsi. *Imanit ab chito*. Tumeyaandika mengi mtayaona kwa hiyo chapter. Haki ya kuwa na elimu ya msingi mpaka ya secondary, basic education. Haki ya afya, elimu, nyumba, chakula, maji, mazingira na kadhalika. Lakini tumesema hizo haki serikali lazima itimize na tumepatia serikali itoe programe ya implementation of those rights. Kama hakuna pesa ni jukumu kwa serikali kuonyesha kwamba pesa kweli hakuna halafu ituonyeshe tena pesa itapatikana lini. Mnasikia? Ndiyo kutekeleza those rights.

Bunge itakuwa na nyumba mbili, National Council and National Assembly. At independence, ilikuwa Senate and Lower House. Wakati huu ni moja tu ya wajumbe mia mbili na kumi. Kwa jumla Bunge imepewa more powers kushinda hii ya sasa. Can you go into the details under Legislature? Then kuwachagua Wajumbe na wengine kuna taratibu mbili. Wakati huu kuchagua mtu inategemea tu uwingi, majority of people ama plurality of votes. Watu watano wakisisimama kutaka Bunge tunasema the first one ambaye ana uwingi wa kura lakini sasa tutakuwa na hiyo na tena tutakuwa na viti tisaini, the ninety seats of political parties. we shall talk about that two systems of political voting.

Mtu ambaye siye member wa chama chochote anaweza kusimama kuwa Rais ama Wakamu wa Rais na Wakamu wa Rais na Rais watakuwa wanasimama pamoja, ama awe MP na kadhalika. Independent candidate sio kama wale wa Mwau. Mwau anasema yeye ni independent lakini yeye ana chama cha wale ambayo hawana chama. Inaitwa Party of the

Independent candidate of Kenya. Si hiyo ni chama tena ? Lakini wakati huu mtu ambaye ni independent pekee yake kabisa anaweza kusimama na kuchaguliwa na kuna -----(inaudible).

Sasa vyama vya siasa vimeandikwa katika hii Katiba mpya. Kwa hii Katiba ya zamani hakuna vyama vya siasa. Tumejua kwamba imekuwa Registrar of Society ambaye wanaregister political party. Sasa there will be registrar of Electoral Commission lakini kuna masharti ya kuregister au ya kuderegister.

Kwa mfano chama cha siasa lazima ifuate kanuni cha kidemokrasia in its own internal affairs. Chama ambacho kitakuwa kina 5% ama zaidi ya kura zote itapewa pesa from political party fund kutumia in some ways. Kutakuwa na public fundings and political funds. MPs hawata tena amua maswala ya mishahara yao. Kutakuwa na Tume inaitwa Salaries and Remuneration Commission to decide salaries of the Mps. Tumeelezwa kwamba MP akipotelea Nairobi anaweza kuwa recalled. Sio lazima analize miaka mitano anaweza kurudishwa nyumbani na kuna procedure ya kufanya hivyo. Akiwa MP atassign hiyo leadership copy ambayo hakuna kwa Katiba ya zamani. Mjue kwamba tumesema kwamba MP hawezi kuwa Minister. Kwanza tunapendekeza ministries kumi na tano, wizara kumi na tano na wale wote ambao watakuwa waziri watatoka nje ya Bunge kama America. America Secretary of State Collins, Powell hakugania kiti cha Bunge. They are professionals. Tumesema kwamba watu wengi wantaka kuingi Bunge ndiyo walete bendera ipepee kwa constituency yao na akipewa bendera anaanza kuzunguka Kenya na kusahau nyumbani. Sasa tukasema they should not have a necessary burden wacha wakuwe tu MP kama American Congress.

President atakuwa na less power. Wengine wamesema ni ceremonial lakini hatujui lakini tumesema ni less powers. Mbinu ya kuchagua President imebadilishwa wakati huu ni 25% in all Provinces na wengi. Tumependekeza kwamba mtu akitakla kuwa President apate 50% ya kura zote na 20% in five Provinces. tulisema inaonekana hii 25% ni ngumu sana ndiyo tukapunguza iwe 20% lakini tumesema kama hakutapatikana mtu wa 50% na 20% kutakuwa na run off candidates number one na number two. Yule atashinda ndiye atakuwa na Rais.

Kutakuwa na Prime Minister ambaye atateuliwa na rais kutoka kwa kile chama chenye uwingi Bunge ama muungana wa vyama ambavyo wana win Bunge. President anaweza kuwa impeached. Hiyo hiko kwa Katiba ya sasa. Prime Minister anaweza kutolewa through a vote of no confidence. Kuna ile serikali ambao tulisema upunguzaji na utangazaji ya madaraka. Hii serikali ya devolved government. Ilikuwa kwa independent constitution lakini devolution ilikuwa Province. Ya hii ya sasa hakuna kitu kama hicho. Hii yetu tumesema iwe basically at the district level. Provincial Administration tumesema itupuliwe mbali. Provincial Administration haikuwa kwa hii Katiba lakini hii Katiba ilikuwa na kifungu na wacha nisomee nyinyi vile imesema.

Tulisema Provincial Administration kwa hii Katiba ilisema executive authority of the government of Kenya shall be in the President and subject to this constitution may be exercised by either directly or through officers, subordinates. Utawala ya

hiyo Provincial Administration tunaona imeandikwa office of the President. They were not there but they were created out of this constitution. Lakini sasa tumerecommend kwamba ufutuliwe mbali na hata kwa Katiba tumesisitiza avoidance of doubts. The present system and I'm almost through please just give me one minute so that you can understand.

Where is that can you please read it. On page 27, upande wa kushoto kabisa means staffing of devolved authority. It says for the avoidance of doubts, the system of Provincial Administration existing at the time of coming in to force of this constitution is abolished. So that is another difference between the two and then along side that administration police are to loose their separate identity. Administration Police imekuwa part of the Provincial Administration. So recommendation ni kwamba waingie kwa polisi ya kawaida. Kutakuwa na Supreme Court, kutakuwa na kadhi ile court ya kislamu imepewa nguvu zaidi kwa mambo ambayo yanahusu waislamu.

Polisi na kazi yao ya majeshi ya usalama yameandikwa. Kwa hii Katiba ya sasa you cannot read anything about majeshi lakini yameandikwa kwa Katiba and ana attempt to control them. halafu kuna what we called wakati wa civic education, imagined constitutional issues. Mambo ya walemavu yameandikwa hapo na mambo ya mazingira yameandikwa hayo na mambo kama hayo. Ukilinganisha Katiba ya zamani those things were not there that is why we call them imagined constitutional issues. Hiyo ni kwa ufupi lakini mengine mengi nyinyi mtaangalia. Pengine hamjasoma sana hii Katiba lakini kwanza tunasema kwa Kiingereza yule anvaa viatu anajua mahali inafinya so even without reading you should know na kuisoma hii ingawa watu wetu wamecomplain kwamba ni lugha ya lawyers. Hii sio lugha ya lawyer hii. ukilinganisha na hii, hii ni lugha ile inatakiwa lawyer asome na kukueleza vile inasema. Tumejaribu sana kuandika kwa lugha ya kueleweka na tumetafsiri kwa kiswahili. Hii Katiba iko kwa lugha ya lawyers na ya kiingereza pekee yake ingawa kama sisi Watume tulikuwa na pocket Verson ambayo tulikuwa tunatumia kwa civic education. Asante.

Caroline: Ngoja kwanza. Asante sana bwana Mosonik. Saa hii tungependa tupate reactions from your new people. Mtupatie maswali halafu tutajaribu kujibu. Sasa ningetaka tukuwe na order kidogo. Ukitaka kuuliza maswali weka mikono juu halafu utajibiwa. -----inaudible.

Philip Mitei: Jina langi ni Philip Mitei. Swali yangu tumesika sasa hakutakuwa na Provincial Administration. Assistant chief watakuwa under Provincial, watakuwa nje ama wapi? Maswali zingine nimesikia tunaanzia chini na macouncillors. Sikusikia mnataja macouncillors. Watachaguliwa wapi? Asante.

Caroline: Majibu mtapatiwa baadaye.

Grace Maina: *Kongoi missing en ng'alek tugul che kagemwa che ba iman. Ng'alek tugul che ka ng'alal bichu ko ng'alek ab iman*

Translator: Haya yote yameelezwa na hawa wote ni ya ukweli.

Grace: *Ko amun kaba iman ii,*

Translator: Kwa sababu ilikuwa ya ukweli sana

Grace: *Ko kamwae ale kagas tebutyet en yonon ne ba MPs,*

Translator: Kuna swali ambalo ningetaka kuuliza kuhusu kiti cha Ubunge

Grace: *Kounoton ko MP ko to tinye uwezo ko ng'alal en bunge,*

Translator: Anauliza ya kwamba member ya Bunge anaweza kuuliza maswali huko Bunge. Huenda nauliza hivyo kwa sababu inasemekana kama kiti kile kingine ya uwaziri ambayo ataletwa kutoka nje ya Bunge ambao hatachaguliwa

Grace: *Ana member puch?*

Translator: Ama atakuwa tu mtu wa kawaida?

Grace: *kounoton awekyini kongoi en baisionik che karoyai,*

Translator: Kwa hivyo tunawarudishia asante sana kwa kazi yeyote ambaye mmewai kufanya.

Grace: *Ko malelen amwa chechang', kainenyun ko Grace Maina.*

Translator: Kwa majina anitwa Grace Maina asante sana

Grace: *Aba yuton.*

Translator: Yeye ni mkaaji wa Kiptere.

Joseph Tere: Mimi naitwa Joseph Tere na ningetaka niulize kwamba ni Provinces ngapi ambao walipendelea majimbo? Swali ni hiyo tu.

Chende Sang: My name is Chende Sang. My question is you talk of government will provide basic needs like water, shelter, medical services. Suppose the government does not provide these services to a citizen, what must a citizen do?

Geoffrey Samoei: Yangu ni kufuatana na vile imeandikwa kwa karatasi. Jina ni Geoffrey Samoei. Kwanza ni katika ile chapter one ninaye kwa ile mbili ama kwa tatu ambayo inasema supremacy of the constitution an enforcement of the constitution. Ninapendekeza hiyo iwe ni kitu ambayo itapendekeza. Na kitu ionginge iwe ni mbili, saba na katika ile chapter mbili, saba na kumi na kumi na tatu. Hiyo inasema katika chapter ya saba, territory labda tuseme direct rally, ile Province yetu mali zote isiende katika Central Government. Iwe ndani ya Province na katika saba, nane, capital, Province isiwe Nairobi. Itolewe Province kwa mambo ya kuminimize fedha zetu. Yaani iwe Province sawa kama kawaida. Hata mambo

ya constituencies itolewe.

Chapter tatu, sijui nitakuwa nimemaliza.....niendele. Kwa chapter ya tatu kwa mambo ya

(End of tape two side A) and values and principles. Hii national goals kitu ambacho mtu mwingine alikuwa anauliza ni kwamba serikali asipotufanyia kitu tutafanya namna gani? Tuangalie labda kama President asipotufanyia ambao tunafanya hata yeye atolewe halafu tuchague mwingine. Kwa maana pengine mtu anaweza kuja kutuambia kitu ambao haendi kufanya huko. Itolewe.

Chapter ya nne ambayo ni sehemu ishirini na saba ambao inasema powers of Parliament... powers of Parliament inachagua Commissioners zote halafu ikichagua ma Commissioners kama ni Secretaries itakuwa ni sisi ndiyo tumechagua hawa Commissioners. Kwa sababu kutakuwa na mtu mwingine ambaye anaenda kuchagua Commissioners, nini mambo yote itakuwa , hatukuchagua hawa Commissioner of Police, Commissioner ya mashamba, itoke kwa Parliament. Isitoke kwa namna ingine halafu hiyo imeturusisha hata na sisi.

Chapter ya tano ambayo inasema nitazungumzia thelathini na mbili, arobaine na nne, na arobaine na nne na hamsini na tatu, sitini na saba, sitini na sita, sitini na tano, na sitini na saba na sitini na tisa. Thelathini na mbili inasema right to live. Mtu akiuliwa labda mtu mwingine anaweza kuuwa mwingine. Itakuwa inamkataza kuishi kama mwanadamu mwenzie. Sasa ikifungwa maisha haitakuwa mzuri. Ama mtu akitoa maisha ya mtu auliwe hata yeye pia. Itoke tu evidence kwamba aliuwa mtu. Na tukiwacha namna hiyo sasa mtu atasema hafadhali mimi nifungwe milele lakini nitoe maisha ya huyu. Kwa hivyo hiyo right to live haitakuwa mzuri mtu akienda kufungwa milele, na baadaye asemehe.

Arobaine na nne inasema freedom of religion, belief and opinion. Freedom of religion na kanisa. Unajua saa zingine hii kanisa sijui mambo yake sana kwa maana ni dini. Tunaye makanisa mingi ya kikristo, ya kislamu hata Waindi watakuja hapa Kenya, watuhubirie na tutaingia hiyo. Makanisa hata ya kabila yetu sio kama ile ya Mungiki. Hapana. Lakini ya ukabila kwa vile hata saa hii wakalenjin iko na kanisa yetu. Ndiyo ninasema kwamba kikitokea labda siku ingine tupate makanisa mabao wazee walijua ya kikwetu, sio mbaya. Serikali amepatia sisi lakini iwe registered tupate kanisa mzuri ya kinyumbani.

Kitu kingine 48, mimi naangalia kufanya haraka haraka. Freedom of association, mambo ya kufanya mkutano isiwe inatolewa peana permission kutoka kwa polis ama mahali pengine. Kitu mzuri Assistant Chief ametolewa lakini polis. Hiyo freedom ya association isitokee sisi ya kufunga hiyo maneno kwa maana isipokuwa tu manmeno machafu isitokee huko lakini watu wakutane wapate freedom.

Hamsini na tatu ambayo inasema freedom of trade and occupation and profession. Hii biashara iendele hata zaidi. Iendele kawaida vile tulikuwa tunafanya kwa maana restriction isipokuwa tu labda wewe ndiyo ukataliwe ununuliwe kutoka sehemu

ambayo unaenda ni shauri yako lakini biashara iendelee kwa Kenya nzima namana hiyo ndiyo maana hata mimi naunga mikono.

Sitini na tano, nataka nifanye haraka haraka kwa maana hata watu wengine wanataka pia kuongea. Fair Administration, yaani hutumwa mzuri ambayo hata nasi tunataka kwa maana hatutaki mambo ambao saa ingine inafanywa namana hii, mimi nafikiria hawa watu wengi wanafikiria namna hii. Vile tulikuwa tuko katika ile sheria ya huku nyuma ya utumwa ya ile nyuma lakini saa hii tunataka fair administration. Hii ni kusema kwamba hata hii Commission ya kutunga sheria isitolewe ili tuendelee kufanya nini kutoa maoni kwa maana hii ni muda kidogo sana na mtuasitirestrict kwamba Commission isimame. Hii sio administration mzuri. Nani huyo sasa anatoa sheria namna hiyo. Tunataka watu wa Kenya wamesema Commission iendelee iendelee mpaka wamalize kazi hata elections fine. Tusifanyiwe haraka haraka namna hiyo.

69 ambayo inasema ya kwamba fair trial, hiyo ni kwa kortini. Hii mambo ya ma advocates ambao wanaenda kusumbua watu huku na huku kuwafanyia watu biashara ambao saa ingine hata inasiumbukiza mtu ambao hakuwa na makosa ndani ya jela hatutaki. Tunataka fair trial mzuri. Haya katika ile chapter ya sita nitaenda kwa sehemu ya sabini ya saba ambao inasema ya kwamba elections zifanywe na kuhesabiwa hapo hapo na vitu vyote iwe fast katika Commission ya kufanya mambo ya elections ili kusitokee mambo kama zile za zamani. Ifanywe kwa hapo na ihesabiwe kwa hapo na iwe fast ili hii mambo ya kupelekwa na gari isiwe.

Sehemu ingine ni ile chapter ya nane sehemu ya mia moja na sita na mia moja na saba. Nitaunga tu mkono hapo nikisema members of National Council and members of National Assembly. Isipokuwa ningependekeza kwamba, hii member of National Council, iwe katika district halafu hata sheria kidogo kidogo ziwe zinatoka kwa district level halafu inakuwa na maasiliano yaani ile relation ya national. Iwekwe hii macoucillor itoke kwa district na apeleke sheria halafu hiyo inarelate na ile kwa maan sheria hatuakuwa tukitengeneza leo na tumalize leo. Kwa mfano; kama sisi Wakalenjin tunataka sheria kama nikikamatwa nisiwe na makosa niende nifanyiwe nihukumiwe huko kortini kwa sheria za mila zetu. Kitu kama hiyo tu. Nihukumiwe kwa sheria za kinyumbani ndiyo maana mimi nasema kwamba hiyo Council Assembly ya district iwe inatengeneza kitu kama hiyo.

Chapter ya nane ndiyo nitazungumzia mia moja hamsini na nne, mia moja hamsini na tatu na mia moja sabini na moja na sabini na saba. Hapa ndiyo inasema kwamba, 164 inasema kwamba retainment of Presidential power. President asikuwako na nguvu kama vile ilikuwako zamani. Akiiba kitu ndani, akifanya kitu ambao landa saa ingine haja vunja hii sheria yetu hii awekwe ndani kwa maana aafe kwamba nitachunga ile Katiba ya wananchi na akienda kuvunja huku awekwe ndani. Asivutwe tu kwa maana atakuwa ametudharau.

163 inasema kwamba impeachment and removal of the President naunga mkono tena hapo. 171, nipeleke haraka haraka. Appointment of Prime Minister iwe ya Parliament sio President ndiyo inaapoint Prime Minister. Parliament ndani kama

wale Commissioner halfu President asikatumie kwa mambo ya kivyake. Tunataka Prime Minister atoke ndani yha Parliament, kura kutoka kwa Parliament halafu Prime Minister aeshimu Parliament. Sio aheshimu mtu mmoja. Aheshimu Parliament.

Kitu ingine ambao ni 77 inasema ya kwamba assignment of functions. Kazi ya Prime Minister mimi nafikiria isiwe ni mtu ya nje tu kutuombea sisi mambo ya pesa huko nje na mambo zingine. Asiingie mambo ya ndani ya hapa nyumbani. Iwe tu akitekeleza mambo yake ya huko nje.

Haya katika chapter ya sita sasa kwa sehemu ya mia moja tisaini na nne nina mambo kutoka hapo inasema kwamba appointment of judges. Appointment of judges iingie tena ndani ya Parliament. Hawa hawana chama ya Bunge ambao watasema kwamba tumechoka. Waende wa appoint judges kutokana na qualifications yao. Mtu ambaye amehudumu kwa muda mrefu na ambaye records yake ni mzuri awe ana appoint ndani ya Parliament na lawyers wapeane makaratasi yao kwa Parliament. Watu wa Bunge wanangalia wanasema huyho anakuwa wa kweli anakuwa mzuri bila partiality yoyote. Hiyo inafanywa namna hiyo.

Haya kitu kingine mimi karibu nimalize kwa sababu nimechukua muda mrefu sana. Chapter ten sehemu ya 220 inasema ya kwamba, powers of district government, civil servants zote. waalimu, askari, madaktari iwe inalipwa kutokana na resources ya district isiwe tena ikitokea kitu kama strike ya teachers. Mishahara yote inaangaliliwa kutoka wapi? Kwa district halafu pesa zote itoke huko kwa central government, iingie kwa district halafu district inadistribute anangalia vile mishahara yao iko. Halafu mwalimu ambayo ataona kwamba haikutosheleka na hiyo mishahara aende. Akiangalia kwamba anatosheka na hiyo mishahara aendelee na kazi. Kwa maana saa ingine tukiweka zote kwa kitabu moja sisi wananchi tutaumia kwa mambo ya strike kila siku.

Kitu kingine ni chapter 14, 260 powers and functions of the Public Service Commission. Parmanet Secretaries wote ni Public Service Commission, wote iwe watoe hizo powers katika Commissioner ambao pia Commissioner inachaguliwa na Parliament halafu isinyanyase watu.

266 appointment of Police Commissioner, nilikuwa nimemaliza hapo kwamba anachaguliwa kwa Parliament.

Kitu kingine 18, 294 ni constitution amendment. Hii constitution amendment ni nyinyi kama Commission. Muendeleo halafu labda siku ingine tutakuja kubadilisha kitu ingine tena kwa hizi ambao labda hatujui ama kuongeza. Hiyo Commission iendelee kufanya kazi kwa district mpaka wapi, National. Asante.

Joseph Kiptum Arap Koech: Asante sana jina langu naitwa Joseph Kiptum Arap Koech. Yangu nitatoa maoni moja tu kwa sababu mimi naona kitu ambayo inashinda sisi kwa hii mambo ya constitution ambayo insumbia sisi hawa watu wote na kama sisi tunakubaliana kitu kimoja kwa dunia hii ni tofauti. Hiyo ni kitu ambayo inafanya sisitunakuwa tofauti kwa njia

zote ambao tunataka. Sasa haja yangu ni kusema kuliko kuwa na hii chama mingi na hakuna kitu ambao wanatengeneza kwa maoni yangu binafsi vile nimeona hizi political parties. Tukiwa na political parties tatu tu peke yake kwa maoni yangu ile iko kwa serikali na ile ina oppose naingine ya tatu ni kuchunga hawa halafu wanaweka namna hiyo. Hiyo kazi itaendelea vizuri. Sasa itafanya sisi wote tukubaliane kitu moja na tukifanya tutafaulu.

Ingingine mimi naenda kwa mambo hii ya religious kwa sababu kwa maoni yangu sioni sababu gani tuweni chama hata hii ya religious ingawa nikisema ni ya makanisa lakini kwa maoni yangu ni kama political party tu. Haja gani kuwe na kanisa saba na mimi najua Mungu moja tu, Biblia ni moja. Hapana tatu. Ukiona kanisa mbili tu peke yake kwa maoni yangu. Ya Jumapili na ya Jumamosi. Wale ambao wanapumzika Jumamosi wafanye kazi jumapili kwa sababu Mungu ni moja. Tukubaliane. Hiyo sasa tutakosa hii mambo ya mimi nataka kuwa mkubwa upande hi nataka kuwa mkubwa pande hii. Hiyo ndiyo inaumiza sisi na tukiomba kitu kimoja safari moja Mungu haikatai anasikia na utafaulu. Hata tukitaka kutawala kama wenzangu tukubaliana kitu kimoja Mungu atakuja hapa kwetu kutu tendea sisi kitu chochote. Tukienda kitu kimoja. Hapana zungumza maneno mingi na mimi.

Ingingine kwa maoni yangu hii ya mashamba mimi naona hakuna haja mimi nikiwa na plot karibu eka kumi na niko na watoto saba. Sasa kila mtoto kama atakuwa miaka kumi na nane atataka shamba lakini ukiona haja yake tu ni kuenda kuuza hilo shamba. kesho akichukua anaenda kuuza. Mimi maoni yangu naona shida ya vijana ikiwa kwa society ama kwa community kama village ya clan. Hizi shamba ziwe owned by clans na ni hawa clans wenyewe wataamua itakuwa namna gani. Na hiyo tutapatia watoto wetu kazi. Hakuna kazi ingine kwenda kutafuta kwa shamba huko mashambani. Kazi iko nyumbani. Tukiwapatia watoto wetu na tuwaambie wewe lima hapa leo, wewe panda maharagwe, huyu panda viazi, huyu apande cabbage pesa itakuja. Hakuna haja ya kuenda kutafuta kazi pahali pengine. So this should be owned by the land.

Ingingine ni hii mambo ya marriage. Kwa maoni yangu tuko na marriage ya serikali na tuko na ya kanisa na hii ya kienyeji ya nyumbani vile vile tuweke sheria kwwa sababu kuna wengine hii ya nyumbani, mtoto wako akitaka msichana ameona msichana ya fulani yuko mzuri anachukua anaoa kwa wa kisiri huko. Haambii mimi. Kesho anasema anataka kumfukuza anaita wazee wa kijiji ati mimi nimekataa na hii mwanamke anataka kumfukuza. Na wakati wa kuoana hakumwambia kitu. Walikuwa wanaibana. Sasa hii mamboya kuibana ajabu sheria iwekwe kwa wazee. Mtu akitaka kuoana kwanza alete wazee aseme kwa nini anataka kuwa bibi wa pili. Sijakataa bibi kuolewa hata kama ni kumi lakini *ogigilgei ko yon mache kebarait komakichabe oret kobarait kotiech chito kobarait ak konde kwondo oloton. Nyalu konde kwando oloton kosir konyokoyamo tugul en yu. Makichilegei ngwany yache atokosta au.*

Translator: Huyu mzee ameeleza ya kwamba kabla hujaoa bibi wa pili au wa tatu ama wa kiasi fulani, bado umetengeneza mahali penye hawa wote watakaa. Sio tu kuo. Tena ikiwa hata ni ya kimila lazima ujulishe wazee wengine wajue ili watoe idini yao kama huyo mtu mwenye wanataka kuoana ni watu halali ama hapana.

Ingingine mimi natoa ni hii haki hii ya kifo kama mtu ameuwa mwingine. Mimi kwa maoni yangu sioni kwa sababu gani anasema anafungwa maisha. Hata kufanywa hiyo maisha mimi naona nikua tu ni kukufa tu kwa sababu siweji ona yeye tena. Ajambo yeye auliwe saa hii halafu wale wengine wanaona wakose kusema kuenda kusifu kama wewe unaua mtu hata wewe unawawa lakini ikiambiwa utafungwa maisha kuna wengine wanaweza fikiria njia ingine lakini kufungwa maisha hii anaenda kutafuta njia ingine. mara -----(inaudible) kesho unasikia ametolewa ameenda Tanzania amenda Uganda. Anataka kurudi na watu wake na huko ameumiza watu wote.

Yangu ingine tena ni hii mambo ya kazi. mimi naona kama mtu ameshakuwa mwalimu ama ashakuwa karani. Kama anafanya hiyo kazi afanye hiyo kazi moja asipewe tena kazi ingine. kama mfanyikazi anapata mishahara kuna haja gani tena yeye ana shamba kubwa ya kulima. Wewe utauzia yeye maziwa namna gani na yeye iko na maziwa hiyo. Si jambo kama yeye anafanya kazi. Wewe mtu ambaye hata analima uwe unawezesema mimi nitauzia yeye kiasi hii vile anataka. Lazima anunue kwa sababu hana pahali pengine halafu ikiwezekana hiyo ni mambo tunaweza kuelewana halafu utajiri tutagawana.

Ya mwisho ni hii mambo ya Natinal days. mimi naona kwa maoni yangu National days hii ya kupumzika ingawa mimi nilikuwa nafanya kazi kwa Trade Union siwezi kusema mimi napendelea wafanyikazi ama watajiri. Tuwe na national days kama National days iwe moja. Halafu na jamhuri tuwe kama Kenya tunaweza kuwa na National days. Kama juzi kumekuwa ya Kenyatta na Moi. Sasa kwa vile miaka zao zinaenda si tuwe tu na moja tu. Halafu pengine hii tuko na International days kama Labour day, Christmas hiyo bado iko lakini national days ya Kenya hapa tusikizane tuwe tu na ya Jamhuri siku a mbayo tulipata uhuru na siku ambayo tulithibitisha Katiba hiyo itoshe. Yangu kwa hayo machahe mimi nasema kongoi. Asante sana.

Reuben Koech: Kwa jina mimi naitwa Reuben Koech kutoka -----(inaudible). Mimi nataka kusema juu ya sheria yaani Legislation procedures in Parliament. Wamesema watu watahusika yani public watahusika na kuthibitisha sheria. Watawezaje? How will they do it? Kuhusu sheria legislation in Parliament. You say people will participate in passing the legislative laws, how will they participate?

Another one is kuhusu mashamba I want to recommend something. Hizi mashamba kubwa to be taxed kwa sababu kuna matajiri wengine wako na large scale farms undeveloped. If they are undeveloped halafu wataenda kuuza.

Isaack Mrimbi: Mimi ni Isaack Mrimbi. Swali langu ni mawili tu nilitaka kujua tu kama mnafanya constitution na mimi naona constitution iko hapa, ile ya zamani na ingine na kama hii serikali ikikataa kutumia hii constitution yenu mnafanya sasa, nyinyi mna uwezo gani ya kufanya?

Ya pili ningependa kusema juu ya chokora na wale waombaji. Tunataka waombaji kwa sababu waombaji na chokora ni watoto wa watu. Tunataka chokora na waombaji wa Kericho wakae Kericho, wa Nakuru wakae Nakuru. Ya kila mahali

wakae district wao kwa sababu iko wengine wanaenda kwa district ya wengine. Kwa hivyo tunataka kila district wachunge chokoraa yao kamili ni hiyo tu asante.

Charles Arap Kerich: Majina yangu ni Charles Arap Kerich na maswali yenyewe ni kama hayo. Mojani kwamba katika hapo mbeleni tulikuwa tumeyasikia mambo ambayo saa zingine tutagusia kidogo kwamba mtu fulani ako above the law na sisi wote tumeumbwa pamoja na Mwenyezi Mungu tuko sawa sawa na hapa na si kuwa na makosa tuko above the law . Nobody is above the law. That's my comment as far as constitution ambayo inatengenezwa sasa. Hakuna binadamu ambaye nafikiria amekuwa above the law.

Pili ni kuhusu mambo ya corruption. Corruption kidogo inatumiza kwa maendeleo yote inaonekana kwamba corruption imekuwa kitu kibaya. Ningeuliza kwa moyo mmyenyekavu kwamba katika Constitution iwe hivi: Serikali yeyote ambayo itaweza kuhusika na corruption irudishwe nyumbani uchumi iendelee kuharibika. Watu wapatiwe ruhusa wawe na ilisema vote of no confidence katika serikali ambayo imeshuhudia katika hayo mambo ya corruption kwa kuwa corruption inaleta uchumi kuanguka kama kwa mfano ujenzi wa molasses kule Kisumu imekwama, kwa mfano, Raymond Industries hapa Eldoret na mengine mengi na hatujui pesa zilienda wapi zilienda wapi zilizokuwa likijengwa.

Nataka nirudie kidogo about mashamba makuwa kwa mfano mashamba ambalo liko upande huu. Ingawaje haikutajwa vizuri mashamba chai au mashamba miwa iwe mahsamba ya chai. Ningeonelea kwamba chochote ambacho kitaweza kutokea pale iwapo ni shares, watu wa wilaya hiyo, wawe wa kwanza kuwa considered halafu wale wengine marafiki wetu ikipatikana nafasi wakubali lakini kwanza mchanga yenyewe ni mchanga ya watu ambao wako hapa sasa chochote kizuri kitakachotokea pale iwe ni kwa faida ya watu ambao wanaishi hapa kwanza halafu baadaye majirani wetu, willing buyer willing seller.

Councillorship. Sijui kama imelezwa hapo kwamba wengine wetu tunafikiria kwamba watu kama Mayors, Chairman, County Council and Clerk to the Council, wawe directly elected by the people themselves sio watu wengine wakisema huyu ni Mayor kwa kuwa huyu ni rafiki yangu. Awaachie wananchi wawachague hawa halafu Mayor akifanya makosa ndipo atakuwa answerable to the electorate sio unswerable to a certain Minister ama MP kwa kuwa ni rafiki wake. National days nadhani itakuwa jambo la maana kama tukipreserve zile National days ambazo tumesema na moja itengwe iwe heroes day. Kwa sababu tukiendelea kuwa Kenyatta day, Moi day, Kerich day, Cheptoo day and so forth itakuwa nyingi sasa tuweke heroes day ambapo kila mtu ataingia tu hapo yaani isisidi vitatu celebrations ili tusaidie kwa kuwa sisi twajenga taifa letu na tunapojenga taifa hatuwezi kuwa tunapoteza wakati.

Mashamba ambalo tumeongea ju yake hapa. Katika Kenya siku hizi kuna wale ambao hawna mashamba na waleniwengi zaidi. Wengine wana kama nusu eka na wengine hawana kabisa ama eka moja lakini ukipinduka kidogo hivi unaweza ukapata mtu mwingine ambao ana eka zaidi ya mia tano. So nataka constitution iwe na ceiling fulani kwamba ikiwa ni eka

mbili inakuwa eka mbili. Zile zingine zauziwe watu ambao hawana mashamba kwa kuwa ni aibu kumwona mtu mwingine akiwa na ma eka kama mia tano na wengine wanakuwa fukara. Hayo ndiyo my comments. Thank you very much.

Wekesa Patrick: Jina langu ni Wekesa Patrick na ningependa kutoa maoni yangu kuhusu utamaduni. Kuhusu utamaduni wetu pengine Tume ingetufafanulia utamaduni wetu kabisa ikuwe kamili ili nchi yetu iweze kuwana heshima. Kwa mfano upande wa utamaduni kungekuwa na sheria. Kama ni upande ya wananchi wa Kenya kama ni upande wa kuvaa yaani dress, kuwe na ile kufaa kwa upande wa mama au wazee. Tuwe na vazi rasmi ambao inaweza kufaa kwa mfano unaweza kupata siku hizi watu wanavaa nguo zingine ni kama mtu ameweka mfano za nchi zingine. Sasa hata anataka kutembea uchi na hiyo tunaona kwa utamaduni yetu haifai hasa mbele ya wazazi wetu.

Halafu hii mambo nimeona pahali inaitwa equality yaani usawa. Wanaume na wamama hapo ingespecificy kwa sababu ukisema tu sawa hapo na msembe mambo machache pale unakuta hata mwanaume anaanza kujirembesha kama mama hata wengine wameshuka nywele. Sasa unaangalia ana lengo gani ya kujirembesha hivi? Hata amepaka rangi midomo kama mama sasa hii anaonani usawa na anachukuliwa vasi na hiyo sio mzuri kabisa. Kwa hivyo, serikali ingekuwa na sheria. Kama ni sheria ile ya kuvaa upande wa wanaume itiliwe mkazo iwe sheria wafuate tu mambo ya wanaume. Sio ati unabadilika unataka kuwa mwanamke, hiyo ni makosa.

Halafu tena kungekuwa na heshima. Sheria ingekuwa ile ya heshima kama watoto wadogo kuheshimu watu wakubwa vile vile watui wakubwa pia waheshimu watoto kwa sababu unaweza kupata mzee hawezi kuheshimu hata mtoto anatarajia mtoto amuheshimu. Kwa mfano kuna maboma tofauti. Kuna ile hata ya matajiri wanaangalia mabo ya kisasa mambo yanatoka kwa nchi ingine. Utamaduni hii ambao watoto wao wanauchukua halafu wantaka kuleta uwe sawa namakabila zingine ambao wa afrika sisi tunakataa.

Upande wa dini, uhuru wadini hapo uangalie kabisa kuna dini zingine zina nia. Mtu ananzisha dini yake akiwa na nia fulani lakini sio lengo la Mwenyezi Mungu. Anaenda kinyume na vile maadini ya Mungu inataka. Wanabudu na hawabudu Mwenyezi Mungu. Wanabudu mashetani na hiyo atakuwa ameregister. Sasa hiyo wanasema ni uhuru ukimuliza ansemani uhuru. Hiyo serikali lichunguze. Asanteni sana.

Joseph Ropo: Kitu ambayo tunataka kusema. Sorry, mimi niko moto kwa kuuliza. Mimi nataka kuzungumza kidogo. Mimi nataka kuongeza na kuuliza kwa sababu hii ni wakati wa kusafisha Kenya yetu ing'are kama siku zingine ambao inaendelea bila matatizo na kama sisi hatukazane kwa njia kama hiyo itakuja kuwa hakuna. Kwa hivyo kitu ya kwanza watu wengine wamezungumza mambo ya corruption. Corruption imefanya Kenya iwe kitu mbaya kwa mambo mkubwa kutoka mkubwa mpaka mdogo amekuwa mwizi wapesa. Na hiyo ni kitu mambo mpya atoe hiyo maneno ili kila mtu akae na role yake vizurisana. Maanake utaratibu wa pesa siku hizi wewe hujui. Hataukienda kwa serikali wewe huwezi kupata receipt. Unapeana pesa unapata kitu ingine kesho unapata mambo ingine.

Tukija mambo ya mimi nikiwa bado niko kwa corruption ukisikia Nakuru kuna title deeds ambao ni fake ambao mtu anakula pesa na yule aliuziwa na mwenye shamba watakuja kugonganisha. Kwa hivyo kitu kama hiyo inatakiwa utaratibu ya pesa iwe kama zamani ambao mtu akiiba hata ndururu ihukumiwe kuliko watu kuachwa mpaka inakuja kugonganisha watu mpaka wewe unakuta mdogo analia, unakuta Minister analia, unakuta nalianalia na hajulikani ni nani ni mbaya kwa hivyo lazima iwekwe hapo iwe jambo nzuri sana kwa utaratibu ya pesa.

Ujenzi kama ile tukonaye inatakiwa kuambia watu ujenzi kama ya shule, ujenzi kama ya nursery hii ujenzi ya public iwe inaanza sasa na mambo ya corruption. Asiwache ikae kama hivyo kwa sababu Kenya sasa inakwisha kutoka 582, 600 km square, hii itakuja kwa sababu watu wanakuja kuwa wengi kwa hivyo tunataka wizara ambao unahusika ifanye watu waizunguke kuambia watu hata maduka ianze mambo ya koroba ili wale wengine ambao wanakuja ile generation inakuja inapata mambo inakuwa mzuri. Kitu ingine ni marketing. Marketing katika Kenya imeharibika na vile mnaona watu (End of tape two side B). Na hakuna na kama hatupati wale watu ambao wanatafutia sisi marketing tutasunguka namna hiyo mpaka hata tunatupa yote halafu kesho mwanambia ni tatu nne mambo ya jana kuja namaliza sisi. Kwa hivyo lazima itafutiwe marketing na tena kuongelesha watu kuacha chakula itakuwa na jana tutakufa. Kwa hivyo tunataka wale wanahusika wafanye mambo kama hiyo inasimamisha Kenya iwe mzuri.

Kitu ingine ni mambo ya jua kali. Jua kali ni kitu kizuri sana maanake hata mzungu ukiona saa hii amejua kufanya nini hata china wakati inapopambana na mambo ya USA kwa mambo ya kutoa mambo kali kali kama gari au nini. Sasa wakati tunawacha watoto wetu wanafanya kitu kidogo kufika pale fulani inakuwa demotion inatakiwa hawa watu ambao wanzunguka katika jua kali wote wakija kuona wanapelekwa kwa China, wanapelekwa pale ambao wanakua na promotion ya kumwambia hawa wapate kazi ile ambao wanakuja kufundisha wengine na wakiwa wamekwenda ng'ambo watakuwa shujaa ya wengine ili tujimudu kabla Mungu hajaingia nchi hii kumaliza watu. Maanake kama si badofanya technical tutakufa kwa ile ambao tunafanyia sisi wenyewe. Kwa hivyo tuweke serikali isimame imara ili tukuwe watu ambao tunakufa kama vile Mungu anataka sio kukata mwingine na panga, sio wewe unakufa kwa njaa. Hiyo ndiyo kitu ambayo ningependa kuzungumza sana.

Kitu ingine katika Kenya hakuna role kwa mkubwa. Hakuna role ya mkulima, hakuna role ya kila mtu. Tuseme all department. You can see mtu ni mtu. Wewe unasikia huyu ni nani na zamani kulikuwa na kama ni agriculture iko staff, kama ni veterinary iko staff, kama ni nani iko staff, kama ni Minister unaona kwa gari, kama ni Assistant Minister unaona kwa gari. Na hiyo yote wakati ilipoanguka ndiyo Kenya inaanza kuporomoka pole pole. Halafu mnaanza kupiga kelele mambo ya President, mnapigia kelele mambo ya Kenya bila kujua ni nani na ile kitu ambao ingekuwa inasimama tungekuwa sasa tuko mbali. Sasa hata Uganda nashinda sisi kwa maana ya akutekeleza mambo mengi sana. Kwa hivyo tujimudu kwa kuwa na watu ma ofisas ambao wanajua kuangalia huyu anakosa nini. Tufanye nini? Tuweke pale mbali ili tupate maisha mzuri katika Kenya.

Ya kumaliza hii mswada yenu ambao mliendesha ambao inaandikwa kweli the peoples' choice. Lakini siku ingine tulisikia mnataka kuhukumiwa niliuliza ni nini kosa gani mlikosa na mlizunguka Kenya nzima halafu baadaye watu wametoa kitu inaitwa peoples' choice wanataka kuhukumiwa. Hiyo sasa inasemekana kuwa Kenya hakuna lengo? Kwa sababu kama watu yote tumezungumza kwa ndani ya nyumba hii tuseme hii kitu itakuwa namna hivi halafu kesho inakwenda vunjwa na wengine, hiyo sasa tunasema tunataka uhuru? Hakuna kitu tunafanya. Kwa hivyo hii mambo kwanza naambianga watu this the peoples' choice who is going to break it. Mtakuja kuzunguka tena kusema toeni ile maneno mlizunguka nae kwa sababu kile tulizungumza ni vile tulivyo na kama kuna mtu anataka vunja anavunja sisi iwe mwenyewe aishe Kenya pekee yake.

Ya mwisho tunashukuru nyinyi kwa kuwa hapa na tunashukuru nyinyi kwa vile mnavumilia na vile vile tuzungumze kama sisi wanakenya na tuweke Kenya yetu iwe maridadi kwa kila kitu. Ikiwa mtoto kuna kitu moja wewe unakuta kijana unasema mzee kupinga unakuta mzee anasema kijana mjinga. Kwa wakati huu kuna vijana wajinga lakini huwezi kukosa wazuri. Kuna wazee wajinga kwa hivyo lazima iwekwe yote. Yule mzuri kutoka huko na mzuri kutoka pande hii inaendesha kenya na wengine watakuja hivyo na tutabadilisha mpaka kenya inakuwa mzuri. Kwa hivyo asante sana Mungu awalinde mpaka tukutane tena.

Samuel Lang'at: Thank you very much. Majina yangu ni Samuel Lang'at kutoka civic education provider kutoka group inaitwa creco, ningependa kusema ni furaha mkuu kukutana na Commissioners kutoka Constitutional Review Commission na niko na mambo matatu manne hivi ningependa tupate ufanusi kwa ukamilifu. Kuna hili jambo ya Bunge. Nimepata kuangalia hii draft constitution na kidogo nilikuwa nikitarijia kuona jambo ambalo inaipatia nguvu Parliament ama Bunge ya kuweza ku coordinate Ministries amabyo inaonekana haiendi sambamba na matako ya wanainchi.

Ningependa kusema kama hivyo kuhusiana na jambo kama hizi ya strike ya Walimu na ningependa kuona Bunge ikipewa nguvu zaidi ya hata kuweza kukaa chini hata kukuja na some ways in which have been able to solve the problem through their committee. Najua kuna committee tofauti ya health, kuna committee tofauti ya education na committee nyingi kwa Bunge na tungependa kuona kuwa hizi kamiti zikikuwa hata tupatie Ministry or when the Minister in charge doesn't seem to be doing his or her work properly.

Jambo la pili ni kuhusiana na corruption, ufisadi. Nimepata kuangalia ripoti kadhaa jinsi watu walivyochangia sana hili jambo la corruption. Ningependa kusema kwamba ile tatizo zaidi na yenye imesababisha corruption ienee zaidi ni vile kukosa haki katika law court. Unapata kwamba kuna mtu anajulikana ameiba pesa kutoka sehemu fulani. Huyu jamaa anaenda kutransfer hiyo money ifikie account ya bibi yake au watoto wake. At the end of the day, hiyo network inakuwa so complicated hata kwa judicial system might not even be able to exactly come down to find a solution. Sasa ningependa kuona the judicial system ikipewa nguvu zaidi ndiyo iweze hata kuweza kupigana na hili jambo la corruption.

La tatu ningependa kuona constitution ikitupatia ile ceiling, ile site ya shamba ambalo kila raia angepaswa ku-own. Nimeangalia hiyo constitution na kuna vikundi vitatu ambavyo mmegawanya mashamba. Kuna ile inaitwa private land, ile inaitwa land of commons and public land. Ningependa kusema kwamba kuhusiana na private land lazima ikuwe huku na seal kwamba mtu akuwe na shamba kiasi hii. Kwa hivyo unawezapata ya kwamba kuna mtu ako na mashamba katika wilaya kadha ako na mashamba makubwa kubwa. Kama vile moja wetu alikuwa amesema hapo mbeleni labda hayo mashamba haikununuliwa kwa njia ipasavyo na tungependa ufafanusi kamili katika constitution iweze kutupatia ceiling, ile site ya shamba ambalo kila mmoja anaweza kuwa nayo.

Vile vile kuna haya mambo ya constituency development fund. Katika mishahara ya wa Bunge inahidi kwamba kuna sehemu fulani ambapo huwa imetengewa maendeleo katika kila eneo la Ubunge, kila constituency na tungependa kusema ya kwamba kuna Wabunge wengine ambao kidogo vile development record yao huwa ni kidogo, hatufurahi sana. Sasa tungependa kama ingewezekana constitution iweze kutupatia mwelekeo fulani kuhusiana na jinsi ambavyo hii pesa ingetakikana kufanyiwa kazi. Ndiyo ifike kwamba baada ya miaka mitano Mbunge amepata pesa lakini hatuoni sana sana kazi imefanyika kule chini. Kwa hivyo hayo tu ndiyo maoni yangu na ningependa labda utatupatia ufafanusi zaidi. Asante.

Simon Mutai: Asante sana jina langu ni Simon Mutai. Ningetaka kutoa maoni kuhusu urai. Vile tumeona katika Katibatumepeitia kwamba mtu akienda ng'ambio na bado msichana huko akirudi automatically huyo msichana atakuwa raia wa kenya. Na vile vile msichana akienda ng'ambo ama akipata mwanume wa kutoka nje ya kigeni huyo mwanaume automatically atakuwa raia ya kenya. Kwa hivyo mimi naona ile kidogo inanibabaisha naona Kenya hii wanawake ni wengi na wasichana pia ni wengi, ambao hawana mabwana. Kwa hivyo waume wa kigeni wanaweza kutumia hiyo nafasi kufurika katika nchi hii kwa nia ya eti wanakuja kuo kumbe wanataka uraia wa kenya. Kwa hivyo sijui mtafanya namna gani ili kujibidi hio hali.

Swala lingine ni kuhusu kenya currency. Tukiangalia tunaona picha ya rais. Mara ya kwanza tulikuwa na picha ya Kenyatta tukaona picha yake, Moi pia tukaona. Sijui mwenye atachukua tutaona picha gani? Kwa hivyo ningependekeza tuwe na kama ni kuchagua picha ya mtu mmoja ambaye atakuwa hivyo hata mwenye ataingia mamlaka hiyo picha itaendelea kuwa namna hiyo bila kubadilishwa. Maana tutakuwa na picha kadha wa kadha mpaka. Asante sana hiyo ilikuwa yangu.

Com. Mosonik: Tungependa pengine mmefahamu kwamba tafadhalini kwamba ile tunafanya sasa ni kujadiliana kuhusu mswada ambao unapendekezwa ya Tume. These are the proposals which we are making for you especially to the National Constitutional Conference. Sasa tumesikia maoni kidogo kidogo hapa na tukayawazilisha Watume tukiwa tunajitayarisha sisi kuenda kwa mkutano. Lakini kitu cha muhimu ni nyinyi mjadiliane vile tunafanya sasa na kubaliana kwa ajili tunaandika hapa lakini haya yote hayawezi kuingia kwa hiyo Katiba kama hakuna kama mawakilishi hawatapendekeza mambo kama hayo. Kwa hivyo naona hata tusiendeleo sana hapa. Kitu cha muhimu ni District Coordinator na wale wakilishi watangaze program of meetings and then when you are in those meetings, you will be questioning. Sasa ni mapendekezo ya watu

binafsi lakini pengine------(inaudible) sasa pendekezo yetu kama constitution kuhusu Provincial Administration ni hii kwa mfano Arap Mitei aliuliza kuhusu sub-chief. Lakini tumesema pendekezo letu ni kwamba Provincial Administration kuanzia Sub-Chief mpaka PC ifutuliwe mbali. Sasa swala ni hii: mimi naona hoyo ni haki au la.

Haya kitu cha pili hata kama unasema ndiyo je mbinu ya kufutulia mbali tunakubaliana? Na vile vile tumeandika sisi tumesema kuhusu Provincial Administration itafutuliwa mbali. Lakini chini ya hiyo chapter ishirini nafikiri, ile inaitwa transitional and consequential provisions, chapter ishirini. Na tulisoma hiyo kwa makini. Tukiangalia hapa kuna mapendekezo kuhusu vile judiciary itakuweko itekelezwa katiba. Pengine mfikirie ikiwa inatekelezwa ingawa tumekubali kwamba ifutuliwe mbali na jinsi ya kufutulia mbali ni nini. Mnaweza kupendekeza kwamba hiyo iingizwe kwa chapter hiyo kwa hii katiba. Kwa mfano wafutuliwe tu mbali na waende kwa Public Service Commission na waombe kazi ingine? Je tunahakika kwamba Public Service Commission ina hizo kazi ama tunatafuta njia ya kusema na kazi hizo ziwe kama hizi. Pendekezo lenu kuhusu Provincial Administration. Yetu ni kusema ifutuliwe mbali.

Grace Maina aliuliza, je! wana Bunge wana haki na uhuru wa kusema kwa Bunge. Mkiangalia kifungo 144 ukurasa wa sita inaandikwa Tume la Legislature freedom of speech and movement. Wabunge wana haki wakiwa kwa Bunge. Wana powers, privileges and immunity. And our translator was trying to highlight those point following my colleagues outline of the context.

Arap Tele akauliza je kuhusu majimbo kulikuwa na mapendekezo kutoka mikoa mengine gani? Hiyo swala tumeulizwa hata jana tukiwa Enamoi constituency na ningependa tu kuwaeleza kwamba hata kwa hii ripoti yetu tumesema kwamba swali ya majimbo ilikuwa moja ya maswala magumu kwa Commission. On page fifth ya hii ripoti na representative anaweza ku note page 60, inasema devolved government. This was the most controversial issue within the commission as it was in the whole country. Nasikia Nyeri waliuliza swala hii jana na Commission wakasema we were trying to avoid controversies.

Tulifanya mapendekezo kulinganana wengi wa watu yaani based on the gender ------(inaudible) lakini wakati mwingine tuliacha data ya kufikiria tu pengine hata ingawa wengi walisema namna hii lakini afadhali iwe namna hii using our own judgement. Your representative wakilishi wenu wana haki ya kuuliza hiyo swala na kifika kwa mkutano wa taifa. Serikali wa majimbo ilikuwa wakati wa 1964 kidogo tu. Haikipatiwa wakati wa kuendelea sana ikatupiliwa mbali. Tumefanya pendekezo ya district. Tofauti ya district na Province ni nyinyi mjadiliane halafu mpeane instructions.

Geofrey Samoei akasema kwamba Nairobi isiwe ni Province hata isiwe ni district. Kwa hiyo chapter ya devolution ukurasa ya kumi na saba, article 222, tumesema urban government, serikali ya kijiji. 221 tumesema Nairobi has the status of the capital territory and can be managed in accordance with an Act of Parliament. Tumesema Nairobi itakuwa mji mkuu wa Kenya na vile itatawaliwa itategemea Bunge ithibitisha sheria. Na mambo mengi kuhusu hii devolution hii serikali tunasema tumeachia Bunge iseme inafanyiwa namna gani sasa. Kwa hivyo tuna haki kwa ajili Nairobi ni yetu sisi, si ni kweli? Kutoa

maoni yetu vile inatakiwa itawaliwe na delegates waende waulize na wawe na mapendekezo.

Mkisoma hapo hapo tu inasema a City or Municipality has the status of a district. Kwa hivyo, tumefocus kwa district tukisema district isitawale lakini tumesema tena city ukiacha Nairobi, sasa kama Mombasa na Kisumu itakuwa kama district. Kwa hivyo itajitawala na Municipality itajitawala kama district. Kwa hivyo Kericho ni kama district ingine ndani ya Kericho district. Nakuru itakuwa ni district. Mnajua wakati huu tukiwa tunapiga kura ya 25% tumekuwa tukijulisha watu wote wa Rift Valley. Lakini utawala sasa tunarecommend iwe ya district mnasikia? Kwa hivyo Nakuru iko kando kama Municipality na Nakuru kama district iko hiyo kando. Na sisi watu wa Kericho district tuko kando. Hakutakuwa nauhusiano sana, ile uhusiano itakuweco tunasema kwamba ni district itakuwa inafanya consultation that is intergovernmental relations may be. Districts zinafanya consultations lakini huwezi kuingilia sana maneno ya district ingine mjue hiyo.

Hii maneno ya uhuru wa kuabudu watu wengi wamesema hiyo kwamba tuwe clear ni ibada ya aina gani ama tena shule ya devil worship itakuwa ndani yake au la ndiyo mtu alipendekeza jana kwamba iandikwe kwamba kuna uhuru ya kuabudu Mungu ile ya kweli, kitu kama hiyo. Madini hayo yanatoka nje zinakuja foreign sect ama ile traditional tulisema. Kwa hivyo pengine hiyo section inastahili kuangaliwa tena article number four ambayo iko page seven. Freedom of religion belief and opinion. Page seven number 44 upande wa kulia “every person has the right to freedom of conscious, thought, belief and opinion”. Pengine itafanuliwe kidogo.

Then mtu amesema kwamba huyu gentlemen who made a lot of comments I think it was Mr Simon. A lot of them alikuwa nasema ni sawa lakini mambo mengine akauliza maswali. Akifanya mapendekezo mengi kuhusu Bunge iteue majaji, Bunge iaappoint sijui nini lakini kulungana na hii Katiba tulikuwa tunataka tu kitu inaitwa separation of power. Executive ifanye kazi yake, Judiciary hata hiyo ifanye kazi yake na Bunge pia ifanye kazi yake. Sasa kuna hatari kwamba kwa ajili tumesumbuliwa sana na Executive. Sasa tunakimbilia kwingine tutoe powers hapa na tuweke ingine na hiyo ianze kuwa ni kiteta tu kama executive. Je! Wabunge wa vyama vingapi kuna mtu amependekeza kuwa kuna vyama vitatu lakini kwa hii Katiba imeandikwa kwamba kila mtu ana haki ya kuform chama chake or to- belong to any political party kwa ajili hiyo ni freedom of association. Kwa hivyo hatuwezi kuhesabu zitakuwa ni ngapi. Tumesema tu kwamba pesa za uma hazitapewa chama ambacho inapata kura chini ya 5% ya total. Lakini hatusemi kuna vyama kama sasa kumi kwa Bunge, na useme wao wa appoint Commissioner of Police na wao Wabunge sasa vyama tofauti tofauti watasikizana kweli? Sasa ile inatakiwa na vile tumeandika ni kwamba appointment ikiwa imefanywa kama nina Rais ama Prime Minister ama nani sasa ibinishwe na Bunge ndiyo hawa wana appoint ma authority have to be careful kwa ajili akifanya ile favouritism au kitu kama hicho ya kujuana haitapitishwa na Bunge.

Lakini huwezi kusema Bunge should take Executive powers kawa hivyo tuchunge Bunge vile tunatgaka kuchunga executive na tuchunge tena Bunge kama vile tunataka kuchunga Judiciary yaani mahakama. Kwa hivyo hata the same gentleman

alisema kuna haki ya kuwa na fair trial, hukumu ya haki lakini akasema tu watch lawyers kwa ajili siku hizi kwa ajili hii tumebandika sote tumekasirika kwa ajili, judges wanaonekana wanataka kuudhi sisi. Upande moja ni judges lakini hakuna judges bila nani lawyers na hakuna lawyers bila judges. Wao ni two sides of the same coin kwa hivyo hata wao tuchunguze. Check.

Sijui kama mmependa vile tumeandikwa hapa. Mrs Kanyiha aliaeleza chapter nine Act three, legal profession 212 wajulishe hii page 26, inaitwa legal profession tukasema lawyers kazi yao ni public trust. Wakifanya kazi ya ku uphold waheshimu Katiba, waheshimu haki ya raia na hiyo sheria ya haki, wafanye kazi ya wakiwa na *atepta ne mie* what he was calling it. Wakiwa kortini walinde kabisa wateja wao na wasaidie korti kuendeleza sheria for development of law na wasitangaze siri za clients. Hiyo ni kuhusu lawyers. Sijui kama hiyo ni good enough. Kwa ajili judges tumesema maneno mengi haichuki pesa za watu na vitu kama hizo. So there are two sides, the lawyers hold and I'm happy that Mrs Samwea ameturemind kwamba we should also watch the lawyers.

Ni yeye tu tena alisema kuhusu korti za nyumbani ama traditional courts. Article 185 hiyo page 23, katikati hii column ya pili, hierarchy of courts. Tunasema there are superior courts of records, hiyo ni Supreme Court, Court of Appeal, High Court. Halafu kuna Subordinate Courts. Moja ni ya Magistrate ama kadhi. Courts zingine zitaundwa na Bunge and then number three tunasema any traditional or local tribunal with limited jurisdiction in issues of local significance that may be established by an Act of Parliament. Kwa hivyo korti ya wazee ya nyumbani iko lakini ni Bunge ataamua power zake na kadhalika itakuwa ni vipi and so we appreciate that.

The same gentleman akasema district ilipe Walimu na Wafanyikazi wengine. Ningependa muangalie vizuri list ile tulisema page 46, powers of national government na powers list number two ya district government halafu ile concurrent list ya tatu. Sijui mishahara ya kulipa public servant iko wapi? Chapter ile ya devolution inasema devolved government na haki ya kuajiri wafanyi kazi wake. Lakini tujichunge tukiwa tunasema maneno mengine kwa ajili sasa kama pesa hakuna kwa Central Government ambaye ina Central Bank na district government, inawezekana kwamba haina pesa. So you have to be careful because unaweza sema unataka hiyo responsibility halafu ithibitishwe kwa Katiba halafu kesho ukiangalia hakuna kitu. Na mnajua kwamba Kenya kuna district tofauti tofauti. Sehemu ya arid and semi arid land kama Turkana halafu kuna districts zingine very rich kama Nakuru district, the white highlands. Utafananisha the responsibility.

Tumejaribu kusema kwamba (pause). Chapter ten, muangalie page 27 the bottom ya mkono wa kushoto chini hapo. Inasema financial arrangement. "The national government is responsible for the collection of major sources of revenue and then district may impose taxes or levies under the authority of an Act of Parliament. The national revenue shall be shared equitably in national and devolved government. there will be a c omission of local government finance," halafu 225 92) inasema kwamba the Commission shall advise the national government and the devolved government on the distribution of grants in the devolved councils.

Grants zitapewa councils. There are three categories:

- a) unconditional grants based on the criteria of population and geography and any other relevant factors.
- b) Conditional grants based on criteria approved by Parliament.
- c) Equalization grants paid to marginalized districts.

So maneno ya pesa ni ya muhimu tuchunguze kabisa. Tusiwe na power bila pesa. We want to be careful about that. Now I'm almost through please. Death penalty ile watu wengi wanuliza swali. Tulisema kila mtu ana haki na maisha halafu watu wengine wamesema hiyo sio correct. Tulikuwa tunajaribu kuwa na nchi kama tunasema civilized Country. Nchi nyingi siku hizi imeondoa hukumu wa kifo na Constitution mpya ile ya African kusini, ya Uganda they don't have death penalty. Lakini mnajua America wanahukumu kwa penalty zingine na watu walikuwa wanatoa hukumu wa kifo halafu wakurudisha baadaye.

Kingereza hakuna wakati mwingine kuna Waalimu. Watu wanasema tungependa tu kama ile hukumu ingekuwa bado iko. Hata Africa kusini huko kuna waalimu. Kwa hivyo hatujafunga hii swali. Lakini kitu cha muhimu ni kwamba naona tunawasamehe hata wale walikuwa wakifanya hii kazi kabla ya hii Katiba. Ama tuwanyonge wote tumalize halafu tuanze on a green field. Hiyo our representatives watasema wakienda kwa mkutano wa Taifa, National day ni sawa. Mr Arap Kerich akasema hakuna mtu above the law kwa hii Katiba ya sasa. So don't worry about hii maneno ya zamani. There is impeachment and there is also prosecution. Tea Estates inasemekana on page 28, ownership of land, corner ile ya kushoto chini kabisa. Inasema number two subject to this constitution, "no person other than a citizen of Kenya shall have the right to acquire any interest on land in Kenya".

Three, "non-citizens of Kenya may own or use land on the basis of lease hold tenure only and such leases however granted, shall not exceed 99 years". Kama ilikuwa 99 years jua kuna wengine wanataka waongezewe 99 ingine. Tunasema it does not matter how. Isipitishwe 99 years.

Sasa kama ni maneno ya Tea Estates mjue walipewa hiyo lease mwaka huu na ikiisha mjue kwamba hawawezi kuendelea lakini sasa itakuwa ya nane itategemea sasa mambo mengine kwa ajili hatujamaliza. Mkiangalia chini inasema tenure of land. Na ingesema within two years of the coming into force of this constitution, Parliament itafanya sheria nyingi kuhusu ardhi na ningependa msome for enact laws for consolidation, nationalization of existing land laws, division of both several land laws and so on. The manner in which any land may be converted from one category to another. Tumeelezwa kwamba kuna three categories common, private and public. Umetaraji Bunge ifanye sheria kwa muda wa miaka miwili. Je hiyo sheria itakuwa ya aina gani? Pengine tungepea Bunge better guideline clearer na hiyo watu wetu waseme wakiwa confident.

Haya kuna mtu alisema kuna land which was acquired siko haki, kuna watu walikuwa wana grab. So ni kweli? Nafikiri huyu alikuwa Mr. Arap Kerich. Kwa hiyo ukurasa tumesema hapa Bunge will establish mechanism for:

- a) Review of all grants or provision of government or public land to establish their propriety and legality and determine

whether or not such grants or disposition should be revoked. Hiyo ni kusema kama kuna ardhi ya serikali imenyakuliwa kwa hii miaka, inaweza hiyo irudishwe na serikali. And there is something on that ground. about culture inasemekana tu kwamba utamaduni must not be repugnant to the constitution and then the national days na mambo mengine kama hayo na kujiuliza je Katiba hii yenu watu walijaribu kuwafungia. Hata mmesema maneno ya politics hatupendi sana. Kwa ajili kama ni mbaya ama ni mzuri ni korti na sisi ni watu tunafuata sheria na hiyo sitaki kuhusiana sana na maneno ya korti lakini tunaomba Mungu mambo (*inaudible*).

Kitu kingine ni kwamba na hiyo ni ya mwisho. Mzee moja aliuliza je hii Katiba itaishuriwa ikatumiwa kupiga kura? Mureithi alisema hii draft, hiyo hatuwezi kujua. Yetu ni kupanga na kutimiza hii kazi. Kutimiza ni kusema kuendelea. Wiki ijao delegates wataenda Nairobi tarehe ishirini na mbili kijitayarisha. Tarehe ishirini na nane tunaanza mkutano kubwa wa kimataifa lakini ikivunjwa Bunge sisi hakuna mkutano wa kimataifa kwa ajili members wengi wa mkutano wa Kimataifa ni MPs bado 223. Wengine ni Councillors. Sasa ikivunjwa hawa hawako. Kwa hivyo tunaomba kwamba isivunjwe lakini ikivunjwa itakuwa inavunjwa kikatiba. Kulingana na Katiba ya sasa, there is third section.

Let me read it to you so that you hear it very clearly. It says: 69 ukiulizwa kwa Katiba ya sasa hiyo uwezo wa kuvunja Bunge iko section gani. Nasema iko page 35 article 69 (2) inasema the President may at any time dissolve Parliament. Hiyo ni katiba. Na hii power haikutungwa Kenya. Hii ni ile system ya uingereza. Kwa ajili we came from a Parliamentary system. Uingereza unasikia kwamba watu hawajui Bunge itavunjwa lini kwa ajili hiyo inaitwa secret weapon ya the Head of the Government. Hata conduct ya hiyo secret hakutoka-----kutoka hapa. Iitoka Uingereza. Kulingana na hii Katiba the President may dissolve Parliament any. Ile kitu tunaweza kufanya ni kuomba asivunje ok. Lakini akivunja kwa ajili kwa vile sisi ni watu wa kutengeza katiba, tunafuata hii Katiba mpaka iwe imebadilishwa. Ikibadilishwa tunaweka tarehe hapa. Haiwezi kuvunjwa. (End of tape 3 sides A) Hakuna mtu anaweza kuvunja ikiwa tu there is a vote of no confidence of some posts. Hiyo ndiyo pendekezo yetu. Lakini tukiwa tunapendekeza tunatoka from this constitution to this one. Kulingana na hii....(*inaudible*).

Now 136 unajua tulipewa kama Tume mpaka tarehe tatu mwezi wa January. Tulikuwa tunaomba tupewe muda mpaka Mei mwezi wa tano. Lakini Wajumbe wakakutana sijui ni kwa ajili gani wakasema hapana baadala ya mwezi wa tano mwezi wa January tarehe tatu. Wakasema term ya President inakwisha tarehe nne January na hatutaki tuongeze hata siku moja. The last time somebody alisema hata dakika moja.

Kwa hivyo wakasema hii Commission ikwishe tarehe tatu ndiyo keshoe President anaenda retire. Sasa akifuata yeye pendekezo hilo na kutumia sheria yake hakutakuwa na conference na tarehe tatu hakutakuwa na Bunge mpya kwa ajili kawaida kama uchaguzi unafanywa December 29th, Bunge unaapishwa mwezi wa pili. Sasa tutashikwa katikati hapa kwa ajili time yetu itakwisha ikiwa hakuna mtu wa kutuongezea kwa ajili ni Bunge pekee yake inaweza kutuongezea. Kwa hivyo muombe kwamba Bunge na kama itavunjwa ichege Katiba kidogo ituongeze kabla ya kuvunjwa yaaniwe kuna Bill tuseme. Hiyo tarehe tatu mwezi wa January watupatie mpaka kama Mei.

Na kwa gazeti ya leo ya nation imeandikwa sijui mmeona page ya mwisho. Hata ufungamano wamesema kama itavunjwa ama haitavunjwa tunaomba kila chama amabcho inaweza kuunda serikali ambacho inaweza kuunda serikali ikubali kwamba tutapea Commission mpaka June imalize kazi yake. Siku ile ingine huyo candidate wa KANU alisema kwa hiyo section kwamba yeye hiyo maneno ya Katiba ni very serious na ahidi kwamba akishinda atahakikisha imetimizwa kazi ya kurekebisha katiba. Alisema huyu Uhuru Kenyatta. Akiwa Rais tunaomba kwamba atafanya hivyo. Na wale wengine wote watafanya hivyo kwa ajili kwa bahati mbaya italingana na kazi hii yetu ya kurekebisha Katiba maneno ya uchaguzi. Hakuna mtu alipanga lakini sasa----- (inaudible).

Hiyo tarehe kumi na mbili December ni kama tutaanza tarehe ishirini na nane yaani ikiwa kuna Bunge na ikuwe na mkutano lakini hiyo ni ndoto yetu kwamba tutamaliza. Yaani mnasikia nyinyi tunataraji kwamba tutakuwa tumemaliza tarehe kumi na mbili lakini hiyo ni ndoto ama ombi letu kwa ajili na kawaida nimesema nijjulize hiyo swala. Nafikiri hii muda nitachukua ni masaa sita, six hours ipitishie ama miezi sita. Kama sisi wote tunaenda kama new candidates tunaenda Kasarani na wote tumekubaliana na account moja by acclamation. Tunasema lazima tukubaliane pamoja, consensus. Kama tunaweza kama wa kenya tu borrow ile example ya KANU, one day is enough. Tutakuwa na Katiba hata tarehe kumi na mbili December sio lazima. Tunaweza kumaliza tarehe moja in November.

Sisi tumehesabu about six weeks ama one month and two weeks. Uganda walichukua miezi sita kuthibitisha katiba. Kwa hivyo ninasema six hours itategemea Wajumbe wetu kama wanakubaliana kwa kundi moja lakini ndio wakubaliana lazima kila mmoja asome kwanza na wakubaliane na raia hapa na wakati huu tukiwa tunafanya kazi hii tunajaribu kuform concensus. Naona hata kwa gazeti ya jana kulitangazwa kwamba kuna mkutano Nairobi. Watu wanakutana kujaribu kubuild concensus hata ya kuelekea mkutano. Consensus kama hakuna, ni kushinda kwa uwingi wa four hundred. Kwa hivyo watu wa Belgut tukizane na Kalenjin ndiyo delegates wawe sita hapa na sita wa Buret. Je! mmesikizana na wa bomet ndiyo wawe kumi na nane halafu hiyo ni kumi na nane lakini tunataka mia nne. Na watu wa Nyando district wamesema namna gani? Halafu hiyo ni 64. Je watu wa Kimabu wamesema namna gani? Halafu muendeleo namna hiyo. Kwa hivyo one of the things we must be doing is to do what is called lobbying and networking in the times. Tunaomba kwamba wakati huo umetosha kuanzia leo mpaka Tuesday next week. Thank you.

Chokoraa, umependekeza umeandika hiyo kabisa. Wewe ni mzee wacha nikujulishe ilisema chokoraa wa kila district ibebe chokoraa wao. Hiyo ni pendekezo. Delegates wamesikia. Hiyo ilikuwa registration in Parliament. People had it Reuben Koech. Ilikuwa .can you remind me ilikuwa sehemu gani?

Speaker; inaudible

Com. Mosonik; Nafikiri tulikuwa tunataka kusema Wajumbe wanaweza kufanyiwa ile inaitwa lobbying. American system inatumiwa sana. Wajumbe wakiwa Bunge sasa wamepewa hakikisho na wananje wanaweza kuja ku lobby. Waandikie memorandum, waandikie petition. Kuomba influential Wajumbe wakiwa kwa Bunge lakini uunaambiwa huwezi kwenda kwa Bunge. Lakini wewe unatafuta Mbunge na kuandikia na kusema there are so many people wamesign kupiga kura style hiyo. Nafikiri ndiyo hiyo point ninamaanisha.

Caroline Langa't: Nadhani tutakomea hapo kwa maswali na maswali mengine mtakuwa nazo mtatupatia baadaye halafu we are having a meeting on 22nd, the committee yote ya district pamoja na delegates kabla hawajaenda Nairobi tunataka waende na maoni ya watu sio yao binafsi. Kwa hivyo ningependa mungujua committee mwenye ako karibi na nyinyi ndiyo mtawapatia maoni yenu. Ile mabaya mmetupatia saa hii tumeandika na nitampatia ndiyo ataenda nayo kwa conference. Sasa ningependa turudie kuonyesha committee. Kama mwenye yuko area hi tuko na Joyce Mutahi simama. Mnaweza kumwona kabla tarehe ishirini na mbili ndiyo mtampatia maoni yeyote yenye mtakuwa nayo. Nadhani na hayo tu ningependelea kusema kabla tuendele mbele.

Com. Mosonik: Sasa niseme kwa niaba ya wenzangu Zipporah Wambua, Mary Kanyiha, Bwana Koech. Nime washukuru kwa participation. Kazi yetu ilikuwa tangazwa na kuona kwamba umekuja kufaulu na tumejadiliana. Sasa kile tunaweza kusema ni kwamba tunawatakia kila la heri katika muungaji wa Katiba vile chairman alisema. Happy constitution. Nasema ni asanteni sana.

Caroline Lang'at: Hata mimi naye nawashukuru sana kwa elimu yenu. Nimekaa pamoja kuanzia asubuhi mpaka saa hizi na hakuna yeyote ambaye ame complain. Kwa hivyo nawashukuru sana na kabla tumalize ningependa tuombe na ningeomba Mutahi atuombe.

Grace Mutai: Haya tuombe. Kwa jina naitwa Grace Mutahina tuombe. Asante sana Mwenyezi Mungu kwa vile umetulinda kutoka asubuhi mpaka wakati huu. Ni shukrani kuu kwa kuwa tumekaa kwa pendo lako kwa mambo yote ama uamuzi wote, tunakurudishia asante kwa vile unaendelea kukaa nasi na kutuonyesha njia ya kila njia.

Asante sana kwa wageni wetu ambao wamefika hapa kwetu. Tunakushukuru na tunawapa neno la heri na faraja katika kazi yao ambao wanaendeleza. Tunaomba Kenya hi izidikuwa na amani ili wanainchi ya Kenya huu watoe pendekezo yao kulingana na Katiba ambayo wangependelea iwatunze katika maisha yao. Asante na naomba hayo machahce katika jina la yesu mkombozi wetu. Amen.

Meeting ended at 1.30 p.m.

