

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

Verbatim Report

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

HELD AT LITEIN HIGH SCHOOL.

ON

15TH OCTOBER 2002

DISSEMINATION OF REPORT & DRAFT BILL OF BURETI CONST. HELD AT LITEIN HIGH SCHOOL
15.10.2002

Present:

Com. Mosonik arap Korir

Secretarial in Attendance

- | | |
|----------------------|------------------------|
| 1. Mary Kanyiha | - Program Officer |
| 1. Zipporah Wambua | - Verbatim Recorder |
| 1. Kenneth Cheruiyot | - District Coordinator |

The meeting started at 11.30 a.m. with Com. Mosonik arap Korir as the Chair.

Kenneth Cheruiyot: *Nyony taa ireyu si ke recorden*

Ann Maina: *Oge saa, ongirur konyek. Jehova kamu ktainden yon, kiwegun kongoi en karonet ne mie neu ni. Kitororin Jehova amun nengung toronatet. Ara en tuiyet neu ni Jehova en tuguk che magegas akoba ng'atutik che ba emani nyon. Kisomin Kiptaiyat sikobit keigun che kase ak ke chob tikyok sikobit kegas tugul en che maimugag Kiptaiyat ikonech sigewalun komie. Tuguk tugul Jehova ko ingen inye ak ingen inye amune si kemi yu. Ara Kiptayandenyon, kisomin sindoiwech en Saisiek tugul che kitinye en iyeu ko sikoyayayak magengung' en kainet ne ba Jeisu Kiptayandenyon. Amen.*

Kenneth Cheruiyot: Kabla hatujaendelea ninafikiri kila mtu ako huru anasikia vizuri kwa lugha ile ninatumia. Sawa, kama iko, sitaki kuendelea na mtu aseme hakisikia. Tumefika stage muhimu katika marekibisho ya Katiba. ningependelea kila mtu awenacho. Sasa kwa district tungependa kuwajulisheni kwa ufupi, watu ambao walikuwa kwa kamati yetu ya constituency ya Bureti. Halafu baadaye niwajulisheni pia, delegates wetu ambao watenda National Constitutional conference kujadili mswada

wa commission ambayo wamekuja nayo. Halafu baadaye nitampatia ruhusa, commissioner, atujulisha wageni ambao wametoka Nairobi. Leo hii tuko na wakamati, tuko na Mrs. Alice Koros, mama simama. Tuko na bwana Joseph Rono, tuko na bwana Ismael Chesimet na tuko Bwana Joseph Tanui ambaye ameenda kwa shughuli kidogo, tutawaonyesheni baadaye.

Pamoja nasi pia tunaona tuko na watu wa civic education wengi kwa sababu leo ni dissemination. Kabla hatuja pteza wakati tutawajulisheni yule ambaye alichaguliwa kuwa di strict delegate ambaye ako nasi wakati huu anaitwa councillor Koech. Atatuwakilisha Katika kikao kikuu cha kitaifa cha kubaadilisha Katiba. Sasa tutainvite commission, atujulisha ni kina nani walikuja nao kutoka Nairobi halafu kwa ufupi nitawaeleza ni nini sababu ya kufanya mkutano huu. Karibu commissioner.

Com Mosonik: Kutoka kwa tume ya marekebisho ya Katiba, leo niko hapa. Wa kwanza ni Zipporah Wambua ambaye kazi yake ni recording yale yote tutayasema kwa kanda ya cassette recorder na kwa kuandika vile ana andika sasa. Mwingine ni assistant program officer, Mrs Mary Kanyiha. Mimi mwenyewe ni commissioner Mosonik arap Korir. Asanteni.

Kenneth Cheruiyot: Asante sana commissioner. Nafikiri sasa tumejua wageni ni kina nani, na kina nani wako nasi kwa constituency. Tuko na program yetu fupi. Nafikiri tutachukua muda fupi. Tumeanza na introduction kama vile tumefanya. Tutaingia Sasa, baada ya hii, tutaingia commissioner atuelezee ni nini tulijiwekelea mpaka tukawa na ile reporti ya commission ya hii mswada ambao tukonayo sasa. Baada ya hiyo, Mary Kanyiha ambaye tumeonyeshwa, atatuhudhuria kuhusu ile reporti ya commission inaitwa the peoples choice, Halafu baadaye commissioner atatuhudhuria. Baadaye pia tutapata kuuliza maswali, kutoa maelezo ama kutoa maoni yanayo ambatana na hiyo draft. Tutapatiaa commissioners hiyo maoni yetu kuhusu hiyo draft vile unaonelea sasa kwa sababu si maoni kama vile ya mwanzo Lakini maoni kuhusu hiyo, ama maswali kuhusu yaliopendekezwa katika hiyo draft.

Sasa sababu gani, tunafanya mambo hii inaitwa dissemination? Sababu ni rahisi. Inapendekezwa tupate nafa si kama watu wa constituency hii ama eneo hii ya wakilishi ya bungeni ya bureti, tupate nafasi ya kujadili hii mswada ambayo imeandikwa, inaitwa draft ama mswada. Tunajadili ili tujue ni nini tungetaka iwekwe ama ijadiliwe katika kikao kikuu cha kitaifa. Vile tulijadiliana hapo awali. Tunajua kwa nini tunabadilisha Katiba, sitaki kupoteza wakati hapo, tunajua tunahitaji Katiba mpya, kwa sababu mambo hubadilika na tunataka tuwe na Katiba aambayo ita respond ama ina address mambo mengi ambayo inatokea na hayakuweco wakati tulipokuwa tunabuni Katiba iliyokuwa siku hizo. Sitaki kupoteza wakati, nataka kuita mgeni wetu Wa rasmi leo ambaye ni commissioner Dr. Mosonik arap Korir, atuhudhurie.

Com. Mosonik: Hamjamboni tena. Ningependa kwanza kuwajulisha, kwamba vile nilisema sisi watu watatu tumekuja kwenu kuzindua na kusambaza taarifa ya tume ya marekebisho ya Katiba na mswada wa Katiba ya Jamuhuri ya Kenya, mwako elfu mbili na mbili. To launch and to disseminate the national report of the C KRC and the draft bill to alter the Constitution of Kenya, the draft bill being dated 2002.

Tukiwa hapa siku ya leo, watu watatu kutoka tume ya marekebisha ya Katioba. Wenzetu wengine wako sehemu zingine za Kenya, wakifanya kama hivi wakiwa kwa vikundi vya watu watu watatu vile sisi tuko hapa. Kwa ufupi leo, tarehe kumi na tano mwezi wa kumi, jumanne. Tues day 15th of October, wenzetu wako mkoa wa kati wakiwa constituencies zifuatazo: - Nyeri town, Maragua, Mwea na Madioha. Kwa kati ya pwani, wako Garsen, Lamu mashariki na Kinangop. Mkoa wa Mshariki, wako Imenti, Tigania Magharibi, Kitui Magharibi na Kilome. Katika mkoa Kaskazini Mashariki, wako Wajir kusini na Mandera magharibi. Katika wilaya ya Nyanza wako Gem, Nyakach, Wachi, Orere na Rongo. Katika mkoa huu wa Rift Valley, wako Eldoret mshariki, Baringo katikati, Bureti leo kwa liberty Church which was supposed to be but we shifted the venue, Narok kusini, Kuresopi, Sigor ile ya Pokot, Mosop -Nandi. Katika mkoa wa magharibi wako Shinyali, Sirisia, Malava na ikolomani na kwa mkoa wa Nairobi wako Makadara na Kasarani.

Kwa hivyo tumeketi hapa sisi tufahamu kwamba kuna vikao vingine kama hiki tu ambapo Watu wanajadiliana kuhusu Katiba. Najua kwamba tulianza harakati za kurekebisha Katiba tangu mwezi wa October mwaka wa elfu mbili, lakini hasa kazi yenyewe ikaanza mwaka jana mwezi wa sita, mwisho mwisho wa mwazi wa sita, wakati tume mbili wa kurekebisha Katiba, ile ya bunge na ile ingine ilikuwa inaitwa ufungamano iliundwa ikawa tume moja. Tuliyaifanya mengi hata kujifunza kuhusu Katiba. tukafanya civic education na kadhalika. Lakini ku kusanya maoni ya raia tulianza mwanzo wa mwezi wa tatu. Tulianza kwanza kwa kufanya kama jaribio tuone kama inawezekana kukusanya Maoni kwa constituency moja kwa siku moja. Jaribio tulifanya, mkoa wa Nairobi na sehemu vitongoji ya Nairobi.

Tukatembelea sehemu za mkoa wa mashariki, Rift Valley na mkoa wa Kati. Tulipofanya jaribio, tukafahamu kwamba siku moja haitoshi kukusanya maoni kwa raia, ndio tukakata shauri, kwamba tutapea kila constituency siku mbili. Hiyo kazi ya kukusanya Maoni siku mbili tulianza tarehe kumi na saba mwezi wa nne, tukaenda mkoa kufuatana na alphabetical order. Maandiko, a, b, c, d, Kwa mipango ya herufi za alphabet. Tulianza mkoa wa kati (central province), tukaenda Coast, tukarudi Eastern province, tukawa Nairobi, tukaenda North eastern province, tukaja Nyanza province, Rift Valley ikawa wa saba na tukamaliza mkoa wa magharibi (Western province). Hiyo kazi tulianza vile nimese ma tarehe kumi na saba mwezi wa nne na tukamaleza tarehe nane mwezi wa nane kazi ya kukusanya maoni kwa raia kwa wanainchi kwa siku mbili kila constituency.

Wakati tulikuwa tunakusanya maoni, kazi ya kuchambua hayo maoni na kuandika mambo mengine ambayo yanahusiana na kurekebisha Katiba, ilikuwa inaendelea, inaendelea katika kikao kikuu cha tume Nairobi ikifanywa na wafanyikazi wengine wa tume na watu wengine ambao tunaweza kuwaita consultant. Tulipomaliza kazi tarehe nane, tu kakusanyika Nairobi na tukakata shauri kuondoka Nairobi kuenda Mombassa sehemu ya Coast ndio kuandika mswada, kuyachambua hayo maoni halafu kuandika mswada. Hiyo kazi tulianza tarehe ishirini na tano mwezi wa nane na tukaimaliza tarehe kumi na nane mwezi wa September.

Kazi kwa ufupi ambayo tuliifanya inapatikana kwa hayo makaratasi yako hapo. Ya kwanza tu liandika reporti ya kitaifa. Tarifa ya tume iko mara mbili. Iko kwa muktasari (short version) na iko ile kubwa na tarifa ile kubwa ni vitaabu kama vinne vitano

vikubwa. Tumekata shauri kwamba the long version of the report, ile taarifa ile kubwa itawekwa kwa Maktaba makubwa Nairobi na sehemu zingine. Lakini tukaandika muktasari ya hiyo taarifa na tukatoa. Hiyo taarifa kwa ufupi ikatolewa, inaitwa kwa kiingereza, the “people’s choice” kwa Kiswahili inaitwa “Chaguo la Wanainchi”. Hii kwa ufupi ni taarifa ya kitaifa ya tume ya marekebisho ya Katiba. Yale mambo yote tuliyasikia, tumeandika kwa ufupi, maoni ya watu na mambo mengine.

Kitu cha pili tuliandika mswada, kwa kingereza, the draft bill to alter the Constitution. Hiyo taarifa tumeichapa. Hii chaguo la wanainchi nimesema inaitwa kwa kingereza the people’s choice ama kwa Kiswahili chaguo la wanainchi na iko kwa kingereza na Kiswahili na mswada ilichapiswa kwa kingereza, kwa mageziti kadha wa kadha, kwa gazeti la daily nation, ilitolewa tarehe mbili mwezi huu na kwa Kiswahili ilikuwa kwa Taifa Jumapili, weekend hii imepita, inaitwa mswada wa Katiba ya Jamuhuri ya Kenya elfu mbili na mbili, Taifa Jumapili October tarehe kumi na tatu . Mumepewa nakili za hiyo reporti na draft bill. Tena tulitakiwa kutoa reporti ya constituency yenu. Hiyo ni kusema mlipotoa maoni yenu mulitona tukiandika na kunasa kwa kanda ya tape. Tulienda na kuandika reporti ya constituency yenu na reporti hiyo ndio hii, inaitwa constituency, Constitutional forum report, inaitwa interim version, interim haijakuwa ya mwisho, Bureti Constituency, Rift valley Province. Tulihesabu kwa orodha za constituencies ikawa constituency number mia moja na hamsini na moja. Hii tulitakiwa tuwatumie nyinyi ndio kwanza muangalie kama maoni vile muliyasema kweli ya lirecordiwa vizuri na yameandikwa hapa ndani. Ikiwa umejua vizuri vile reporti iko mnakubaliana.

Kitu cha pili ni kuangalia mswada, yani draft bill, Kulinganisha maoni yenu vile yameandikwa kwa reporti ya constituency na vile mswada imeandikwa. Pengine mutapata kwamba kuna tafauti kati ya mapende kezo yenu na vile mswada imeandikwa na ku jua kwa ajili gani inatakiwa msome reporti ya kitaifa. Kwaajili tulikuwa tuNasikia maoni ya wakenya wote Katika constituencies zote. Na constituencies ni 210, kwa hivyo tungependekeza kitu kimoja hapa, lakini tu kaandika ingine sio kwa ajili mulikosea lakini pengini kwaajili mapendekezo ya wakenya katikati constituencies zingine zikapendekezwa na tume. Kwa hivyo tunawasihi ku soma r eporti kama inawezekana, hata kama hamutasoma sio Lazima kwa ajili ni maoni yenu, mutakumbuka vile mu limkuwa mumesema. Someni draft kwa kingerezaa, mswada kwa Kiswahili, mulinganisahe yale yameandikwa ndani na maoni yenu kufahamu kwaajil igani tume ikapendekeza vile imepende keza. Muangalie reporti ya taifa.

Tukiandika mswada tulijadiliana kama tume, tuliketi, tulijadiliana kuna njia nyingi tulifanya shauri kati yetu na mwishowe kukubaliana kwamba pendekezo letu, our proposal the draft tuiandike vile tumeiandika. Munajua kwamba tukifanya hii kazi, tunajitayarisha kwa mkutano mkuu wa taifa. It is called the national constitutional conference. Munajuliswa kwamba muna wakilishi yenu kwa district ya Bureti ya wakilishi watatu. Kwa gazeti ya Standard ya leo, iko orodha ya waakilishi ambao wataenda mkutano mkuu wa kitaifa ambao tunataraji itaanza tarehe ishirini na nane mwezi huu. Hawa watu wote ni watu mia sita ishirini na wanane, 628 delegates watakuwa kwa mkutano. Wa kwanza watakuwepo wajumbe wa bunge,MPs na hao ni Watu 223, mu kihesabu speaker wa parliament .Hawa watakuwa kwa mkuta no mkuu. 223 MPs halafu kutakuwa na wakalishi wa vyama vya siasa, Political party representatives. Vyama hivi vilikuwa vimeachiliwa mpaka mwaka wa elfu mbili mwezi wa October, tume ilipoanza kazi.

Vyama wakati huo vilikuwa 42 na baada ya merger ka ti ya Kanu na NDP vikawa 41. Kwa hivyo kila chama kaati ya hiyo 41, kitakuwa na mwakilishi wake kwa mkutano. Halafu kutakuwa na mwakilishi wa kila wilaya. Every district itakuwa na watu watatu. Moja lazima awe mama. Mwingine anaweza kuwa councilor na mwingine watatu ndio wawe watatu. District vile vimehesabiwa ni sabini. Kwa hivyo itakuwa ni watu 210, 70 times 3, kwa wakilishi watatu watatu wa kila wilaya ndio Wawe watu 210. Halafu kutakuwa na wengine wanaitwa civil society, vyama vya wafanyikazi, NGOs, professional organizations, vikundi vya kina mama na wakilishi wa maKanisa na dini. Wao wote ni watu kama 126. Na wa mwisho ni commissioners. Commissioners ni watu 29. Lakini tukiwa kwa mkutano, tuko kama Ex-officio, Yani hatupigi kura kwa mkutano. Kwa ajili kura itakuwa inapigiwa kusema, Je, tunakubaliana na mswada ama la. Na wale watu walioandika hawatakiwi kupiga kura, kwa ajili hiyo wale wengine kama watu mia sita ndio watapiga kura.

Kupiga kura sio lazima inatakiwa kwamba wakenya wakubaliane kuhusu hii mswada kwa kauli moja. Wakisikizana kwa kauli moja itakuwa excellent kwa ajili wakenya tunawataka wasaikilizane. Lakini kama hawatakubaliana kutakuwa na kupiga kura. Kama ni swala ama swali lisilo la Katiba, yani kama kusema chapter one wakati huu inahusu uhuru wa wananchi na ukuu wa Katiba. Kingereza, kwa mfano hiyo ninapea tu mfano. Na sema sovereignty of the people and supremacy of the Constitution. Hiyo ni chapter one.

Pengine mtu mwingine, ama delegates wengine wanaweza kusema hiyo chapter isiwe chapter one, iende chapter ten, kwa mfano lakini haja sema tutoe hiyo chapter tuingoe. Kama ni hivo inaweza kuwa watu watasema hapana ikae pahali iko na wasipokubaliana watapiga kura. Hiyo kura kuhusu mambo yasio ya kikatiba itakuwa simple majority, watu 301 kati 600 watapitisha. Lakini ikiwa ni swala la Kikatiba kama kwa mfano hiyo chapter, tuseme tuingoe kabisa, tuingoe hatutaki. Hiyo chapter inaitwa kwa Kiswahili uhuru wa wananchi na ukuu wa Katiba. kwa kingereza – sovereignty of the people and the supremacy of the Constitution. Delegates waseme hatutaki hiyo Maneno ya ukuu wa Katiba, tuitoe kabisa, hiyo ni swala ya kikatiba. Sasa wanatakiwa wapige kura kwa wingi wa watu wawili kati ya tatu, two-thirds majority. Hiyo ni kusema watu mia nne kati ya mia sita ndio wanapitiswa. Lakini hao wakilishi ni wakilishi wa wananchi. Hawaendi wakifika Nairobi, wapige kura vile tu wanataka ama haitakiwi waende na kupiga kura vile wanataka. Inatakiwa wapige kura kulingana na Maoni ya wale waliwatuma. Yani munawapea hawa washarti kusema mukifika Nairobi kuhusu ile ukuu wa Katiba tunataka ikae hapo. Na kuhusu ile Maneno ya Jamuhuri ikae namna hiyo. They will be acting on instructions.

Sasa wakipiga kura, munajua kama sehemu hii yenu ya Bureti ne tebes, muna wakilishi wangapi. Mutakuwa na wakilishi watatu wa district na muna constituencies tatu, kwa hi vyo kutaakuwa na MPs tatu. Hawa ni watu sita. Wakitaka kupitisha mambo yasio ya Kikatiba, lazima kura yao iongezeka mpaka ifike 301, 6 votes, how do you multiply them to make them 301. Kama ni kupisha swala la kikatiba, inatakiwa watu mia nne. Hiyo ni kusema Bureti ne tebes, mara mia moja. You need to multiply almost 100 times so that they come to 400.

Kwa hivyo tukiwa hapa kwanza, tuangalie yaliomo, halafu kwa ufupi kwa aji li munatakiwa nyinyi wenyewe mujadiliane. Iitakiwa mu jadiliane miezi miwili. Lakini bunge ikarekebisha sheria ya marekebisho ya Katiba. The Constituion of Kenya review act 3 (a) sheria ya kubadilisha Katiba. walirekebisha kidogo mwezi wa nane, wakafupisha siku za kuchapisha ikawa 30days. Ikawa mwezi moja na mwezi huo moja unaisaha hivi karibuni kwa ajili mkutano utanza tarehe 28, leo ni tarehe 15, kama wiki mbili tu imebaki, kujadiliana na kukubaliana na kuwapa masharti kwa wakilishi wale watenda. Na tena kulobby. Kwa ajili kama kura hizo sita zitaongezeka kuwa 301 ama 400, lazima tujue wale wa Bomet wanasema nini na wale wa Kericho wanasema nini na wa Kiambu wanasema nini na wa Kwale wanasema nini. Kwa ajili maoni yenu tunahakika munafikiri ni mazuri. Lakini muwapatie Wakenya wengine hatawao nafasi. Mufikirie kwanza, Je, kwa ajili gani imeandikwa namna hii. Pengine tulikosea vile tulisema, mufikirie, lakini mukiwa na hakika kwamba maoni yenu ni yale yanahitajiak kwa hii Katiba mpya. Mufanye lobbying, na inaitwa net working with other Kenyans within that time.

Cha mwisho ninaweza kuwaeleza ni kwamba wale wakilishi wenu, lazima wawasikize na hata kufanya kazi zaidi sio tukusikiza nyinyi lakini kusoma zaidi na kuelewa kwa ajili mukiangalia hiyo orodha ya majina ya wale wataenda kwa mkutano mkuu wa kitaifa, mutawapata kwamba watu mashuhuru wengi wao kama MPs ambao wanaujuzi mingi kwa maswala kama haya. Kama hawa wakilishi wa wilaya zingine ama wale wa NGOs ama wale wa political parties, ama makanisa, ama vikindi vya kina mama ama special interests groups. Ni watu wamefikiria sana kuhusu Katiba na kama hamutakuwa chonjo kupitia kwa wakilishi wenu maoni yenu pengine hayatapitiswa. Wacha ni wachie hapo halafu ni ulize menzangu Mrs. Mary Kanyiha atijulishe yalimo kwa hii mswada ya Katiba ya Kenya.

Kenneth Cheruiyot: Kabla Mary hajashika amesema ako na shida kidogo na Kiswahili. Sijui kama tutaweza kingereza. Sasa heri afanye kingereza halafu nitaita mtu moja. Nilijaribu jana nikaona sileti maneno mzuri. Nitaita mtu moja ambaye ninajua anaweza hiyo lugha atuletee kwa lugha ya nyumbani. Sawa, sawasawa. Bwana Rotich, ningomba utusaidie ili Mary akisema kwa kingereza, inigie kwa Kipsigis ili iwe rahisi na inaingia direct home. Hakuna kuleta kwa Kiswahili halafu ndio zinakuja polepole.

Mary Kanyiha: Thank you commissioner, we shall look at the draft the copy you have starting from page two. We shall briefly go through all the chapters so that when you read you are able to understand how the chapters follow and you have to offer to comment incase you any comment.

Rotich: *kiname baisiet kesomani draft constitution yani Katiba ne ko kisir netom kipitisian kongeten pagit oeng' ak ketestai kounoton akoi pagit ab mwisho.*

Mary Kanyiha: I would like to draw your attention to the center of the Page, which is titled preamble.

Rotich: *Amache amwa missing akoba ng'aliot ne mi kwenet ab pagit ab oeng ne kakisir en yon Kagile table of contents. Arrangement of articles, ko kakisir kele preamble. Noton ko kagile ng'alek che indounen.*

Mary Kanyiha: A lot of Kenyans as the commission went around the country requested that the new Constitution should have an introduction or a preamble. Please read the preamble for yourself. It has very nationalistic views and values that are expressed in that preamble.

Rotich: *Ye soman kotagu kele ng'alek che kiyumat commissionaek ko kikamwa bik che chang' kole katanyalu en Katiba ne nyon ne lel ke tindo ng'alek che indounen asi komwa tuguk ole takyingei emani, ole takyingei emani ak baunatet ab emani. Ara si soman kityon ak iger ngo kaitimizan ng'alek choniton, ng'alek chon indounen preamble.*

Mary Kanyiha: Lets look at chapter one which covers the sovereignty of the people and the supremacy of the Constitution. If you notice the items numbered there you see the sovereignty of the people, the supremacy of the Constitution.

Rotich: *En chaptait ne tai ko mwae kole sovereignty of the people yani yetunet ak kimnatet ne tindo bik ak toronattet ab Katiba.*

Mary Kanyiha: When you read the other pages, you will notice that the people are stated to be sovereign and also explains the supremacy of the constitution. The Constitution is the supreme law of the land.

Rotich: *Mwae kora kele okot ingekerate en chaptait noniton kegere kele inyikise missing kole chito ne toror en emani tugul ko mwanainchi mwenywe yani tindo torornattet chitob Kenya mwenyewe ak Katiba.*

Mary Kanyiha: The Laws of Kenya comprise of the Constitution, the acts of parliament that are passed from time to time. African customary law, Islamic and Hindu law and other areas of that comprise when put together they comprise the laws of Kenya.

Rotich: *Ye ker en kurget ab angwan igere kagisir kele chon ko principles, yani ng'atutik che nyalu kotinye gei ak ole kiibundo chitab Kenya, yani chi indet neba emani. Mwae kora agoba olenyarundo chi indet. Mwae ng'alek che chang' en chapter four akot kimnatet ab parliament ak ng'alek alak omuche onyorchi kurget ab angwan.*

Mary Kanyiha: Chapter two covers the republic. Kenya is declared a republic. It also covers the physical territory of the country. The capital, the languages,

Rotich: *Kurget ab oeng' ko mwau ole kiit emt ab Kenya, yani territory. Mwae kora akoba ng'anaset newo neba emani ak kutusuwek che nyalu keng'alalen en emani. Tesetai okot ko mwae kora akoba kurenge ne serikalit ak dinisiek che mi emani ak tuguk alak che chang' cho kerchinigei okwegen en kurget ab oeng'*

Mary Kanyiha: It states that the capital of Kenya is Nairobi. The official languages of Kenya are Kiswahili and English. And the national language of Kenya is Kiswahili.

Rotich: *Ogere ole kakimwa kele ng'anaset newo neba Kenya ko Nairobi. Kutuswek che king'alel ko Kiswahili ak English ak mamiten dini neba seriakalit.*

Mary Kanyiha: It also explains the national symbols, that include the national flag, the national anthem, the coat of arms and public seal of Kenya.

Rotich: *Mwae kora kole kinaenei kele Kenya emani. Kinaen menderenyin, kinaen kora tiendo neba poriot ak alamet nemiten en baronok ak tugu k tugul che ba Kenya ak seal ne kibaisaien en Kenya kora*

Mary Kanyiha: It also has the proposed national holidays. On 1st June, that is Madaraka day, 12th December, Jamuhuri day and the date of enactment of the Constitution to be called Katiba day. Those were the National holidays proposed.

Rotich: *Betusiek che yechen ko kakimwa en chaptait noniton, ko kagile betusiek che yechen en komwae Katiba ini ko tarikit akenge ne ba arawet ab lo, yani madaraka day, tarigit taman ak oeng' betut ab Jamuhuri ak tarigit netatun kemwae let nekiguren betut ab Katiba, Katiba day.*

Mary Kanyiha: Chapter three talks about the national goals, values and principles and it goes into details from page five to illustrate that the republic of Kenya is based on principles of democracy.

Rotich: *En kurget ab somok, kegere kele takyingei ano, ko kakimwa kele national goals, values and principles, takyingei ano emani ba Kesnya, ne tuguk che ba kamanut che tindo inendet, ak ng'atutik achon che baisien asi ingeba anyon pagit mut kegere kele mi tuguk yono che kikisir kora kele ole ta kyingei emani eb Kenya koyon Kamwa en yoniton yon, tuguk che ba kamanut ak olelite emani*

Mary Kanyiha: It further states that the republic shall take effective measures to eradicate all forms of corruption. The republic shall ensure access of people to independent, impartial and competent institutions of justice and the role of civil society in governance.

Rotich: *Tese tai kora komwae kole tatun kimakyin Katiba ini Jamuhuri ne ba Kenya, ko ger kole kachob ng'atutik che kararon che iisto osoya ak ng'alek tugul cheba ufisadi en emani. Kogeny kora ko kimache koger Jamuhuri ne ba Kenya ko tienge ng'atutik chutan ba Katiba kele kanyor bik ab Kenya ole imuche konyor chi baisonik kwak che mache ko yai che malite kamasi anan ko kamasi oko che tindo kamuget koyai baisonoton en imanit.*

Mary Kanyiha: And finally that chapter covers the duties of a citizenship. If you read it you will what you are expected to do a Kenyan citizen

Rotich: *En chaptait noton kora komwae kole ko iraiia neba Kenya, ko ichito indet neba Kenya ko nyaljin iyachi ne emengung' oko nyaljin iger ile meyachi ne yae ing'angde emengung'. Ne ng'atutik che nyalu iyai si itaret emeng'ung*

Mary Kanyiha: Chapter four covers the issue of citizenship. When you read the details you get to understand how citizenship is acquired, either by birth, registration and naturalization.

Rotich: *En kurget ab angwan komwae akoba isigtai ano kegurenen chito ne neba Kenya. Chito ne tindo indet ab Kenya. Isomani ile imuche inyoru yon kagisikyin emani sigik ab emani. Im uche iregistaren gei kora kesirin iigu chitob*

Kenya ako mwisho kimuche kengwasin, keguren noton naturalization. Kengwas chito konyo emani.

Mary Kanyiha: It also covers the issue of citizenship by marriage. Dual citizenship and cessation of citizenship. It explains how one can lose his citizenship.

Rotich: *Mwae kora ole muche iigu mwananchi neba Kenya, iigu chi indet ab Kenya. yon ketuni sie, itun chitab Kenya ngoi muren, ne kipsogorin, anan ngoi chi neba Kenya itun kipsogorindet koiku chichon chitob Kenya. Akot ne muche ibunje emani ak ibunji emanin keguren dual citizenship, ko mwae kora kurget ab angwan ole imuche isikte citizenship inoton yani uraia ne ba Kenya ak ole kimuche kereptaenen uraia neba Kenya.*

Mary Kanyiha: Chapter five covers the bill of rights. As you will notice that is the biggest chapter we have in the draft bill. It covers very many issues. The fundamental rights and freedom and the duty of the state to promote rights and freedom.

Rotich: *kurget ab mut ko kurget ne tindo ng'alek che chang en tugul ko mwae akoba imani ngung' koi chitab Kenya. Mwae n'alek che chang kora, mwae kole aechin bik tugul en emani ak ko mwae ng'alek che chang' che tinye gei ak imanit ab chito en emani.*

Mary Kanyiha: Issues to do with the right of life, equality, gender issues, how to handle older members of society. Please notice that death penalty under this draft is abolished. Issues like education as it proposes free and compulsory primary education or basic education.

Rotich: *En kurgan nomba mut ko mwae kole tindo chito imanit ko mat koreben chitage sobenyin. Tindo me komi ni kokilelen kingae chito kagisto. Ak en imanit ab chito komwae kole okot kwondo ko chito akine.*

Mary Kanyiha: We would urge you to read this particular chapter so that you will get to know what your rights are or what exactly you are entitled to.

Rotich: *Nyaljini anyon iso man kurget ab mut asinai imani ngung' ak imanit ne tindo en bik alak.*

Mary Kanyiha: Chapter six, covers representation of the people through the electoral system and process.

Rotich: *Kurget ab lo, komwae akoba wakilishi ne ba bik akoba kotiengei lewenisiet ak ortinwek alak en bunge anan ko olda tugul.*

Mary Kanyiha: It covers elections when and how elections are to be conducted, the right to vote for citizens, voting and the issue of unopposed candidates.

Rotich: *Mwae akoba ole kichakuaando chito kwa bunge anan ko olda tugul, mwae akoba ole kibirta kura, mwae akoba okot bik che kaba ko ma ki bingan ko kagichakua koma ki bingan.*

Mary Kanyiha: Part two of that chapter talks about the electoral commission. This is the body that supervises elections.

Rotich: *Kebebertab oeng' neba chaptait noton komwae akoba tume neba lewenisiet. Mwae akoba electoral commission, boisionikyik, bik che baisiechin ak tuguk che imuche ko yai ak chemamuche koyai electoral commission.*

Mary Kanyiha: It explains the functions of that Electoral commission, the staff of ECK and creation of constituencies. How exactly should constituencies be created or abolished.

Rotich: *Mwae agoba boisionik che nyaljin koyai ECK akot ole baisiotoi ak bik che kikisir en yoton ako mwae kora kole ite ano anan maite ano cons tituency fulani.*

Mary Kanyiha: Part three of the same chapter, chapter six, covers political parties, it explains the right to form a political party, the roles and functions of political parties and the cancellation of registration of political parties.

Rotich: *Kebebertab somok ne ba kurgan noniton komwae akoba chamaisiek ab siasa. Mwae kole tindoi bik imanit kotoo chamait ab siasa ako yae ne ak ne chamaisiek choton chomba siasa, ak kimuche kestoitono chamait ab siasa keisto en register.*

Mary Kanyiha: It also explains the political parties fund, the sources of the funds, how the political parties are supposed to raise funds for their own affairs, and supervision, who should supervise the conduct of the political parties.

Rotich: *Mwae kora akoba ole imuche kosigen rabinik chamaisiek ab siasa, nyaljin kosich rabinik chutana chaisiek ab siasa anan achicha. Ako kiripto ano chamaisiek ab siasa yon kagechamji konyor rabinik kobun wuyan.*

Mary Kanyiha: And chapter seven covers the legislature, what we commonly refer to as parliament. It covers the establishment of parliament, the role of parliament and the approval of appointment by parliament and the approval of expenditure by parliament.

Rotich: *Kurget ab tisap ko mwae akoba kot ne king'aten ng'atutik. Ole kichapto ak ketaundo kot ne king'aten ng'atutik ii. Boisionik chenyalu koyai kot ne king'aten ng'atutik ak boisionik alak che kakigachi bik ko nyalu koger ak koyan kot ne king'aten ng'atutik ak koyan kora kole nyalu ke baisien rabinik chetian en emet kot ne king'aten nga' tutik.*

Mary Kanyiha: And part two of chapter seven, covers the structure of parliament whether it is to have one chamber or two chambers, the members of the national council, the members of the national assembly and qualification and disqualifications of the MPs.

Rotich: *Kebebertab oeng' neba kurget ab tisap ko mwae akoba ole kikitakta ak ke chapto parliament, structure inoton ko neba parliament, ng'o ak ng'o che nyalu ko mi bunge. Ngo members che nyalu komi kot ake ne ko ketoo ne kikuren national council yani kapbaisiek newo neba pororioni ak ngo' members cheba national assembly, ne ak ne, salanik achon che nyalu kotindoi members asi komuch koik members cheba bunge.*

Mary Kanyiha: It also covers the representation of women. It is of note that the draft bill proposes that a third of the MPs should be women. It also covers election of MPs and tenure for how long the MPs should serve and the recall of an MP. This is a facility that the electorate is given in the draft bill to recall an MP who does not perform.

Rotich: *Mwawech anyon kebebertab oeng' neba kurget ab tisap ko mwae akoba wakilishi ne ba chepyosok en bunge. Ko nyalu keger en yoniton kele en Katiba ini ko koKachi chepyosok akenge n somok che ba kuraisiek tugul yani one third che ba kuraisiek tugul en bunge. Mwae kora kele kichaguando ano MPs ako ibure ne tian membaek en parliaent. Ak komwae ng'aliot newo kora ne kale kimuche kegur ra bik wanainchi MPs kobwa gaa yon mayai baisionik kwak komie.*

Mary Kanyiha: Part three of that chapter covers the presiding officers and other functionaries in parliament apart from the MPs, there are other officials like the clerk of the national council, the speaker and deputy speaker, the clerk of the national assembly and the issue of Salaries or remunerate of MPS. All those items are covered under part three.

Rotich: *En kurget ab somok neba kurget ab tisap, komwae akoba neba ngecheret ak rubeiwandenyin en national council. Tuiyet ab baisiek newo neba pororiot. Mwae kora akoba karaniat newo neba national council neba tuiyet ab boisiek ak neba ng'echeret ak rubeiwandenyin en national assembly noton ba bunge ak neba Ng'echeret ak rubeiwandenyin ak karanindet neba national assembly noton ko clerk to the national assembly. Mwae kogeny akoba tuguk che nualu kikachi, yani mushara che ba MPs.*

Mary Kanyiha: Part four covers the registration and procedure of parliament. This is the procedure of day today operations of parliament. It covers very many issues, like the introduction of bills in parliament, the issues of quorum, the official language to be used in parliament, voting in parliament,

Rotich: *Kebebertab angwan komwae ng'alek che chang' akoba ole kibaisiotoi ak kosipto baisionikyik bunge kou kiibundano ng'alek che kimache keng'alal en parliament komi bagol ak sosom. Quorum asi koik iman atebet ab bunge komakimache kosir bik ata che mi bunge. Ak king'alalen lughaisiek achon ak achon en bunge aka ole kibirta kura en bunge.*

Mary Kanyiha: Part five on top of page three covers the seat and calender of parliament. It explains where the seat of parliament or where parliament should seat. It explains tha dissolution of parliament and prologation of parliament towards the powers to prologate parliament and how parliament can pass a vote of no confidence.

Rotich: *Kebebertab mut komwae kole oleteben bunge ko ano ako baisiotono en betusiek achon bunge inoto. Mwae kole kap bunge ko ano, koma olin ba parliament inye ak komwae kole ng'o ne imuche kobut bunge anan korito bunge. Mwae kora kole ani tindoi ngatutik achon anan kimnatet ainon bunge asi kogon kole matakiyan anum anan matakiyan ng'o*

Mary Kanyiha: And finally part six talks about the miscellaneous issues, that is the freedom of speech and debate while in

parliament, the powers, privileges and immunities of MPs. Public access and participation during parliament debate and finally the parliamentary service commission.

Rotich: *Mwisho ko en kebebertab lo komwae tuguk cheter ak cheter. Mwae kou imanit ab chita ak uhuru neba chito en ng'alek ab ng'alale en bunge yon king'alale en bunge. Mwae kora akoba kimnatosiek ak tuguk che ribe chitab bunge ak ne ne maimuche keyachin bunge yon ng'alale. Mwae kora kole imuche koit ano ak kotiny ano en ng'alekyik chito ne mi bunge yon ng'alale ako ng'alalen kora en mwisho kole ng'o ak ng'o ne yae bik che sire bunge ak koribe ng'alek ab mushahara ikwak.*

Mary Kanyihya: Chapter eight covers the executive and part one talks about principles and structure. Part two talks about the president and vice president.

Rotich: *Kurget ab sisit ko mwae akoba ng'atutik che ribe executive. Executive inoton ko president. Baisiotono ako ilite ano baisiet executive authority, noton ko president. Ako kikichopta ano baunatet ne wo en tugul ne ba pororiondoni. Mwae kora en part two ako president ak vice president. Rais ak rubeiwandenyin.*

Mary Kanyihya: It goes into details on the decisions of president. The decisions that the president can take. The qualifications for elections as president. The procedure at presidential elections and the assumption of office of president.

Rotich: *Mwae kogeny kole imuche kotil ne rais inegen ak ko mwae kole asi kosich chito kelewen koik rais komache kotondo salanik achon ak achon. Salanik en somanet ak tuguk iko tugul. Mwae kora kole kilewendo ano president ak komwae kogeny ko tom koik chito president ko wenditono kotor koteben ng'echeranoton.*

Mary Kanyihya: It also covers the issue of impeachment and removal of president from office, the vacancy in the office of president, what happens or who assumes power when there is a vacancy in the office of the president. The office of the vice president, the functions of the vice president are detailed and finally the salary and allowances of president and vice president.

Rotich: *Ani ngot anyon ko makomache bik komatako yan bik ole baisiotoi president, kinemundano kemwae en bogal 163 ak kemwa kora kole ndaigu cheba muren gai kele ko karuto president anan ko vice president yae ne, ne baisionik ab vice presiden, rubeiwot ab rais ak ame mushahara ata anan kikachin melekta netian president ak vice president.*

Mary Kanyihya: Part three talks about the prime minister and cabinet. This is a new introduction, which was requested for by all the Kenyan all over the country. They wanted the office of the vice president created. This part also explains that the term of office. The appointment who appoints the prime minister and what happens or how can the prime minister resign or how can he be dismissed from office.

Rotich: *Kebebertab somok komwae akoba prime minister ak tuiyet ne ba mawaziri. Prime minister ak cabinet ko ng'aliot ne kisom Wanainchi ine kole kimache akechek kenyoru en Kenya prime minister kou bik. Kemwa any kele kichakuanda ano en 171, kichakuandano prime minister ako ibure en kenyisiek ata ako ng'o ne chaguani.*

Mary Kanyiha: Also 175, covers the issue of the cabinet, it is noticed that the draft proposes that the cabinet or the ministers are appointed outside parliament. It also covers at the bottom the oath or affirmation of ministers and permanent secretaries.

Rotich: *Kigere kora en 175, ko kamwa kole ng'o ne nyone tuiyet ab mawaziri, yani council of ministers ko ng'o e nyone. Ko nyalu keger ak kenai kora kele en Katiba ni lel ko kogile kaigai ke chagua prime minister, mawaziri che chiket koyab inje, timin en parliament. Komayab bik che mi parliament en kasaton. Mwae kora kole ani si koigu chito a minister koigu waziri konyalu koyasio kole kaigu waziri. Komiten 182.*

Mary Kanyiha: Chapter nine covers the judicial and legal system. This particular chapter covers the hierarchy of courts, the introduction of a supreme court and goes down to talk about the appointment of judges and qualification for appointment of judges and also the tenure of office of judges.

Rotich: *En kurget ab sogol komwae akoba kapkirwak ak ole kisipto kirwaget en emani. Mwae akoba en kapkirwak neba Kenya, konamen yekile ak kowa agoi koit supreme court. Komwae noniton en 185, 187, ko mwae kole koketa kotini ake nekikuren supreme court. Kotini newo en Kenya ak kemwa kele anyon en chapter inon komwae kole ng'o ne sire judges kirwagik che yechen en emet ako nyalu kotindoi salanik ne kirwagik choton asi komuch konyalji ak koyam kesir koik judges ako ibure en kenyisiek ata.*

Mary Kanyiha: It also covers the subordinate courts, kadhi's court, the judicial service commission and the functions of the judicial service commission. It also talks about the salaries and retirement benefit of the judicial officers.

Rotich: *Mwae kora akoba kotini che mengechen ak kotini alak che kibare Kadhi's court che tinye gei ak dini ne ba Islam. Mwae kogeny en 204 kole to nyalu komi ne kile judicial service commission ne sire ak koga chi ng 'atutik judgesiek en Kenya ako nya lu koyai ne ak ne judicial service commission inoton*

Mary Kanyiha: Part two of that chapter nine covers the legal system, comprise of the attorney general, the director of public prosecutions, public defender and the issue of prerogative of mercy.

Rotich: *Kebebertab oeng' ko mwae akoba ole wu ng'atutik ole kisipto ng'atutik ab Kenya. Mwae akoba attorney general, mwae akoba prosecutor newo en tugul en Kenya ak komwae kora akoba chito ne tononjin bik che kakisitagan en Kenya ne wo en tugul ak ngo ne konu ne ingele kagolel chichon kolelen acha onyochin gat ne ma kesire.*

Mary Kanyiha: And finally part three of that chapter covers the legal profession, this is the profession to do with lawyers.

Rotich: *Mwisho komwae akoba ogilisiek en Kenya. Tinye kebebertab somok, baisonik che yae ogilisiek, koyachin bik ak koyachin gei ichegen ak koyachin okot serikali en kebebertab somok.*

Mary Kanyiha: Chapter ten covers the issue of devolutional of powers or the concept of bringing the power of the government closer to the people. The Kenyans requested that the powers of the government to be brought closer to the people

hence this structure. Clause 214 covers the principles of devolved government. The various levels of that devolved government, the village government, locational government, district government and provincial government. Please note that in the draft the focus of development and other issue will be the district.

Rotich: *Kurget ab taman ko mwae ole ko ibundo Katiba ne lel kimanatet tugul ne ba baunatet ab emani kongeten kimonjok agoi tolochik en ngweny, Keguren noton devolution principles and objectives of devolution of power. Mwae akoba ole kisipto asi komuga kachweret ab seriaklit ko nyo ngweny. Mwae kora akoba principles of devolved government. Ye kageib kounaton kobaisiotono ak komwae kole ano ak ano ole iburen talachik ab kimnatanoton kagechor konyo ngweny. Mwae akoba serikalit aba kokwet, serikalit ab location, serikalit ab district ak serikalit neba province. Nyalu kenai kele kimnatet newo neba kokechor kimnatet ab serikali komitten district. Kibare district focus ne ba serikali.*

Mary Kanyiha: Part three goes into details into outlining issues like the powers of district government, the staffing of devolved authorities, the financial arrangement for these various levels of government and how the national resources are going to be shared in the various levels of government.

Rotich: *En kebebertab somok ko mwaekole ne anyon kimnatet neba serikalit ab district. Mwae kora kole ng'o che nyalu kobais en serikalit ne kagechor koyab barak. Tesetai komwae kora kole ani rabinik kechaptaano yon kagechor kimnatet b serikali koyab barak asi taityo ani malik aab emetche kiamdo, kepyeito ano. Komwae en 226.*

Mary Kanyiha: Chapter seven covers land and property. Starting from clause 232, we have land policy framework. The ownership of land, it defines who owns land, the classification of land, whether land is individually owned, communally or state owned. The tenure of Land and also the establishment of national land commission.

Rotich: *Kurget ab taman ak akenge, ko mwae akoba ngungunyat. Mwae akoba policy, ole kisipto ak ole kikitetita ng' alek che tinye gei ak ngungunyat. Tesetai ko mwae kora kole ng'o ne toba ng'ung'unyat en emani. Ak komwae kole ani emet kotabala chichok ko ani bik alak ko nyalu kepyechindo ano imbarat kele mi kou neba community, mi ne ba chichok asi komi ne ba pororiet. Mi kora kemwa kel mwae kora chapter eleven kole kichapta ano oko nyalu kechaptaano commission ne tinye ng'alek ab emet.*

Mary Kanyiha: Chapter twelve covers environment and national resources, environmental protection, the creation of national environment management commission. The enforcement of environmental rights and the environmental registration.

Rotich: *Mwae kurget ab taman ak oeng' akoba mazingiRa neba emet, kit ne wu emet ak magarnatet neba indet ab emani, natural resources. Ko en 239 ko mwae kole ki ripta ano mazingira ne ba emet. Ne ba 240 komwae kole tos nyalu ketaa commission ne ribe kit ne u emani. Ara kichapta ano, ak komwae kora kole ani ng'atutik che tos tin imanit ab bik che to nya lu komeny kou okot osnosiek ke chaptaano. Ko ng'atutik achon che nyalu ke chob. Komwae en 242.*

Mary Kanyiha: Chapter 13, covers public finance and revenue management. The issues like imposition of tax, who imposes

tax, financial year estimates, the power of government to borrow or lend and public debt. The central bank and its functions and also suggests a commission of economic and social function.

Rotich: *Kurget ab 13 ko mwae akoba rabinik che ba emani eb Kenya ak kopi che kiyumi ak ribet ab kopi inoton. Mwae kole to kiyakta ano kopi ogo kindone kopi en emani asi komang' rabinik che baisien serikali. Mwae kogeny kolenen asi kimuch kinem rabinik che kagiyum koik kopi konyalu keyaita ano asi kotak komie kole kagibaisien rabinik choton komie. Mwae kogeny akoba n g'alek ab kimnatet ab serikali ko besen rabinik en emet ake ak komwae ako deni nekitindoi en emani eb Kenya. Tinye kogeny chapter 13 akoba Central bank of Kenya, Bengit newo en tugul en Kenya. Ako mwae kole kiripto ano auditors, ng'o auditor ne nyone ak keribto ano chichon niton.*

Mary Kanyiha: Chapter 14, covers the public service with part one talking about public administration, the values and principles in administration. The public service commission, this is the commission, which is judged with the responsibility of recruiting or hiring public servants, the appointment of public officers and the protection of public officers.

Rotich: *Kurget ab 14, komwae akoba kiba itinik ab Serikali. Mwae kole ne tuguk che nyalu keger inei che ba kamanut che tinye gei ak kibaitinik ab serikali ab bounet ab emet. Mwae kora akoba public service commission. Tume ne ribe kibaitinik ab serikali ak kimnatosiek achon che kikikaci tume nebau kibaitinik ab serikali ak siret ak putanet ab kibaitinik ab serikali.*

Mary Kanyiha: And part two of that chapter, chapter 14, covers Kenya police Service, it details the principles and object and establishment of the Kenya police service and also the appointment of the commissioner of the Kenya police service. It indicates the qualification of a commissioner of the Kenya police Service.

Rotich: *Kurget ab 14, kebebertab oe ng' kotinye akoba police. Amune asikolyan asigai komi police ako nyalunda ano komi police. Ki chaptano police service ne kararan ne imuche koitimisan baisionik che kimache ak ng'o ak kesirta ano ako ne salanik ab commissioner ne ba police en emani.*

Mary Kanyiha: Part three talks about the Kenya correctional services. The principles and objects and the establishment of the Kenya correctional services and also the appointment of the director of the Kenya Correctional services.

Rotich: *Kebebertab somok neba kurget ab 14 ko mwae akoba ole kisahishianen bik ole kocham keguren prisons, ako mitten che kebare defense forces ak bik che bau forces ichoton che kibare commanding officers.*

Mary Kanyiha: I will skip chapter 16th commissioner will take us through that particular chapter. We move on to chapter 17, which cover Constitutional commission. Under here we have the principles applicable to all commissions, we have composition of the commissions, the funding of the commission and the Kenyans requested for special commissions to be under the Constitution such as the human rights and administrative justice, the ethics and integrity commission, salaries and remuneration commission, TSC, Constitution commission and other constitutional offices.

Rotich: *Matinye kurget ab taman ak lo asi kor kotiny no ton commissioner Mosonik, lakini en kurget ab taman ak*

tisap ko mwae ofisaisiek che to nyalu kotinye gei ak Katiba che ba emani yani che mwae Katiba kole nyalu komi. Choton ko Kou ke mache kenai kele ng'o ak ng'o che mi commission inoton, ko mwae 281 asi keba, sigen ano rabinik commissions che kakitoo, tume che kakitoo che chang' en emani. Ko kigasom kora bik ab Kenya kole kimache ake ne kikuren special Constitution commission noton ko kou ethics and integrity commission, yani tume nekere kole kabur chito en atebet ak mieindo ne yame kei ak kotaityo ko bur ak kotagur, ko talbis kou ole nyaljin. Ethics and integrity. Miten kora tume neba imanit ab chito ko chito, yani human rights and administration of justice. Imanit ab chito ak ole kiripto imanit kele kayayak. Akenge en Tume che kimaache kikimit ko kou tume ne ba boisionik ab kanetik ak tume ne ribe ng'alek ab Katiba ak Constitutional offices yani Tume ichugan chu katau Katiba.

Mary Kanyiha: Chapter 18, covers the amendment of the constitution, this is to explain how the Constitution should be amended, whether constitution should be amended by parliament on its own or whether there are particular parts of the Constitution that should be amended only after the citizens have heard their force or have given their views and also the certificateas of compliance.

Rotich: *Kurget ab taman ak sisit ko mwae kole ndagor magagse kele kimache keweel Katiba kechapta ano? Ngo chamji Katiba ini koweel bunge ichegen komateben chi. Ana nda kimache keweel Katiba kenyoketeben inye ak ane ak eche tugul. Ko mwae cho niton en kurget ab taman ak sisit. Ko mwae cho niton en kurget ab taman ak sisit.*

Mary Kanyiha: Please read chapter 19, the one interpretation so that you understand the issues and how to interpret them and finally chapter twenty covers the issues of transitional and consequential provisions. The commissioner will also take us through that and also the schedules attached at the end of this schedule.

Rotich: *Mwisho kamache sikitigin oger kurget ab 19, ak osoman asi ingo mi ng'alion oteben commissioner ng' aliondonoton. Ko kor kibendi through alak che kiguren transition and consequential provisions. Yani en kasarta non tom ko nget lagok koik murenik asi kou inguni komi kasarta ne kiben kwenet ab lewenisiet ak kayasyet ab president keguren transition. Ne ne tot koyayak en kasarato ko mwawech commissioner Mosonik. Kongoi missing.*

Com. Mosonik: Asante sana mwenzangu Mary. Tukiendelea kidogo, pengine tujikumbushe kwamba, tangu tupate uhuru tulikuwa na Katiba ya uhuru ya mwaka wa 63. Inaitwa independence Constitution, na nitawaonyesha makala ya hiyo Katiba ya mwaka wa 63, nina makala moja. Halafu hiyo Katiba ika badilishwa. Na kumbuka kwamba tumekuwa tukisema kwa miaka 38 ya Uhuru, Katiba ile ya Uhuru, imebadiliswa kama mara thelatini na nane. Ni kama kwamba kila mwaka, kumekuwa na badiliko moja kwa miaka 38.

Katiba ile ya mwaka wa 63, iliandikwa na wazee, wakilishi wa vyama vya siasa ambao walienda uingereza, Lancaster house. Karibu wote walikuwa wanaume wazee. Kulikuwa na mwanamke mmoja tu. anaitwa Mrs. Priscillar ambao alitoka north Nyanza, na tulipokutana na yeye, akasema tulipokuwa London, kazi yangu sana ilikuwa ni kuwapikia hawa wanaume ndio Waweze kujadilina kuhusu Katiba. Kwa hivyo tunaweza ku sema Katiba ya kwanza, iliandikwa na wakilishi wa vyama vya

siasa. Kwanza walikuwa watu kumi na wanne halafu mwishowe wakaongezeka wakawa watu thelatini na watatu. Kulikuwa na akina Julius Gikonyo Kiano, Jeremiaah Nyaga, Oginga odinga, Tom Mboya, Masinde Muliro, oletipis, Daniel arap Moi, Taita arap Towet, Ronald Ngala, Robert Matano na wengine. Wale waliongezeka walikuwa pamoja na kina John Maria Seronei na Kipsirimbi, William arap Murgor na wengine. Sasa hiyo Katiba ilikuwa na taratibu ya kuibadilisha. Na taratibu hiyo ilikuwa imeandikwa kwa Katiba ndani yake. Kuna maswala ambayo hayakuweza kubadiliswa.

Halafu kama procedure ya kubadilisha hiyo Katiba ilikuwa haiwezi kubadilishwa na mambo mengi, ilikuwa ni mswada ya kubadilisha Katiba inatoka lower house, kwa ajili bunge kulikuwa na lower house Na upper house. House of representatives na senate. Halafu kulikuwa na senate ya kucontrol mabadiliko, lakini haya yote ambayo yameandikwa na wazee viongozi wa vyama vya siasa yote hayo yakabadiliswa mara 38 kwa miaka 38 na wabunge. Kwa hivyo stage ya mabadiliko ya Katiba, ya pili ilikuwa imebadiliswa kwa bunge na wabunge. Na hao wabunge wakaibadilisha Katiba ya kurasa mia mbili na tisini na nane mpaka ikawa kurasa tisini na nane. Wakangoa 200 pages in 38 years. Mpaka sasa Katiba amba yo tunasema kuhusu sasa, tunarekebisha ndio hii. Mu kilinganisha na hiyo Katiba ya Uhuru munaona ni kama kitu ki dogo tu. Ndio umuhimu wa chapter 18, vile mwenzangu Mary amesema, amendment of the Constitution. Kubadilisha Katiba. Je, itabadilishwa Namna gani kama mume shughulikia nyinyi wenyewe wanainchi maneno ya hii Katiba. Mutawachia bunge peke yake ibadilishe. Kuna vifungo gani ambavyo tunaweza kuwachia bunge ibadilishe Na kwa uwingi upi wa bunge. Simple majority, two thirds majority?

Je, kuna vifungo ambavyo mutasema visibadilishwe hata kidogo bila kushauriana na wananchi. Kwa hivyo tafadhali muangalie vile sura hizo zote chapter by chapter na mukubaliane hapo, kusema kwa mfano chapter one, ile kuhusu ukuu wa sheria, na utawala wa wanainchi, hatutaki ibadilishwe hata siku moja na bunge bila kutuuliza. Lakini ile ingine kuhusu hii, bunge inaweza kubadilishwa kwa wingi ya namna hii na kadhalika. Kwa hiyo chapter 18, kuhusu kubadilisha Katiba, tumependekeza sisi, vifungo vipi vibadilishwe vipe. Tafadhali musome kwa makini na kuelewa na kuamua kama munakubali procedures for the ammendment of the Constitution ili watu wasijewakabdilisha tu Katiba na kuirarua Katiba size hii mpaka hii bila kusema nani. Hiyo ni point number one.

Points number two, tuangalie tafadhali pamoja kurasa ya 37, inaadikwa chapter 20, halafu katika hapo chini imeandikwa schedules. Schedules kwa Kiswahili inasemekana ni nyongeza kwa Katiba. Mwenzangu amesema kwamba sura ya pili inasema kuhusu jamuhuri ya Kenya, lakini hii ni mara ya kwanza kwa Katiba kuonyesha kinaganaga eneo ya jamuhuri ya Kenya. Territory ya Kenya. mutakumbuka kwamba miaka ya sitini tukipata uhuru tu, tulikuwa na msuko suko kwa jimbo la Kaskazini mashariki wakidai sehemu ya Kenya. Kumekuwa na madai, wakati mwingine kutoka Ethiopia, wakiruka mpaka Na kusema hii ni Ethiopia ama Bandits. Ama mwaka wa 70, Idi Amin wa Uganda akasema mpaka wa Uganda unaenda mpaka Naivasha, halafu tukafanya maandamano, halafu hivi majuzi hata sasa inasemekana kwamba majeshi wa Museveni rais wa Uganda anakataza Wakenya wengine wavue samaki kwa lake Victoria wakisema hiyo ni sehemu ya Uganda. Sasa hiyo nyongeza number one kuanzia kurasa la 37, mpaka 41, ni kuhusu mipaka ya Kenya na eneo ya territoria ya Kenya. Inasema mpaka ya Kenya na Uganda iko Wapi? Halafu Kenya na Sudan, Kenya na Ethiopia, Kenya na Somalia. Halafu eneo ya bahari ya Hindi

na bahari ya taifa ya Kenya. Hata lake Victoria na sehemu ambazo tunahaki ya kufanya mambo ya kiuchumi kwa bahari ni gani. Zote zimeonyeshwa kutoka kwa survey. Kwa Katiba ya uhuru hiyo ilikuwa imetengenezwa kwa districts. Sasa tumetengeneza kwa mipaka ya kitaifa ya Kenya.

Page 41, nyongeza number two, inataja mikoa ya Kenya na kusema mikoa ni nane. Na inatoa orodha ya wilaya ya Kenya kulingana na mikoa, Kusema Nairobi kuna wilaya moja. Nairobi ni mkoa na ni wilaya. Riftvalley district ni kumi na nane na kadhalika. Zote ni 70. Inatakiwa mujue hiyo kwa ajili imekuwa hata hivi majuzi na kesi kotini kwamba kuna districts iliundwa kisiasa.

Kwa Katiba ya 63, ilikuwa kuna districts 41. Zimeongezeka Mpaka zikafika sabini. Moja ya hizo districts mpya ni Bureti ne tebes. Sasa kama muktaka kujua orodha rasmi ya districts za Kenya ndio hiyo. Na hiyo itakuwa kulingana na hiyo orodha ya district ndio wakilishi wataenda Nairobi. Hata watu wa Nairobi wamesema je, mji kubwa namna hii ya watu sijui milioni ngapi, inahesabiwa kama district moja. Na Bureti ne tebes kidogo tuwe na wakilishi sawasawa. Hiyo inaitwa wakati mwingine siasa ndio munatakiwa mujue rasmi district ni nani.

Third schedule ni kuhusu bendera na wimbo wa Taifa na kadhalika vile mumelezwa, halafu fourth schedule, page 42, ni viapo vya ofisi kubwa kuanzia offisi ya rais mpaka za speaker wakiwa wanaanza kazi. Sasa kurasa la arobaini na nne tungependa kuangalia kidogo tafadhali page 44, hiyo page 44, inaitwa kwa Kiswahili kanuni ya maadili ya uaminifu na uongozi. Kwa akingereza inaitwa leadership and integrity code of conduct. Viongozi Watatakiwa wasign hiyo ndio mwenzangu alisema hiyo chapter 16 tutarudia hiyo. Watatakiwa wasign kufuatia hizi Kanuni ya maadili ya behavior na conduct kwamba watakuwa watu waaminifu watiifu, watu wa kufanya haki nakadhalika.

Kitu cha kwanza, sita soma yote Lakini someni kwa makini. Kitu moja ni kwamba kiongozi, yani mtu binafsi yule havezi kupokaea malipo ya ofisi ya uma wakati ambapo ofisa huyo anataka malipo ya ofisi nyingine ya uma. You cannot have double salary in public office, kitu kimoja. Lakini tena inaendelea kusema ofisa wa uma hazuiliwi Kuwa na hisa katika biashara za binafsi wala kushiriki ukulimaa. Na kumbuka the other Ndegwa commission of 1971 ndio iliwapea maofisa wa serikali ruhusa wa kufanya biashara. Watu wengi wamesema hiyo ilikuwa mbaya, lakini tumependekeza kwamba hatuwafungi kuwa na hisa katika biashara za binafsi wala kushiriki ukulima. Wanaweza kuwa wakulima, kufanya biashara, hatuwazui kulingana na hii Katiba.

Kitu kingine ni kusema rais, makamu wake, waziri mkuu, mawaziri wa serikali, PS, CEOs, managers wa parastatals, maofisa wa Central banks, MPs na maofisa wengine wa uma, hawawezi kuwa na account ya bank nje ya Kenya. They cannot hold foreign Bank accounts. Tena imesemekana kwamba watu kama speaker, naibu wake, lazima watangaze mali yao.

Number five, speaker na naibu wake wa bunge, watatangaza mali yao kwa njia iliyo pendekezwa na Katiba, na hatimaye wale kiapo cha utii, na kiapo cha wanachama mbele ya karani wa bunge. Mali ya hao watu watangaze ndio watu wajue.

Kitu kingine ni kwamba mtu ambaye amechaguliwa kuwa rais ama makamu wa rais hataweza kuanza. Mtu atakaye chaguliwa katika ofisi wa rais au makamu wa rais hataweza kutimiza mjukumu ya ofisi hiyo hadi mtu huyo atakapo tangaza mali na madeni yake kama ilivyo agizwa na Katiba, declaration of assets and liabilities. Na assets na liabilities zitaandikwa kwa kijitabu fulani na kila mwaka ikiongezeka hiyo mali atakuja na kusema imeongezeka namna hii na kuuliza iliongezeka kwa njia gani, halafu akiandika uwongo hapa, anaweza kushtakiwa kulingana na sheria.

Kuna masharti mengine kuhusu vile mtu akiwa ofisi awe na uhusiano na raia. Usitusi raia ukiwa kwa ofisi. Wanataka huduma ya serikali, uwalinde, uwaheshima kina mama wakija ofisi, na mambo kama hayo. Halafu, mtu ambaye amekuwa rais, makamu wa rais, waziri mkuu, judge mkuu, chief justice na wengine wakubwa kama hao, wanakatazwa wafanye kazi kwa companies wa nje ama foreign enterprise yani wakijiuzulu hawawezi kufanya kazi kwa companies za ng'ambo. Ya mwisho kwa wakati huu kwa sababu mutayasoma ni kwamba maofisa wa serikali na viongozi hawatakiwi kupokea zawadi ukienda pahali na uwafanyie raia kazi wakupi wewe zawadi ya kama mbuzi, hiyo mbuzi sio yako usipeleke nyumbani. Unapeleka kwa ofisi ambayo unafanyia kazi. Kama watu Wanataka ku kupa zawadi. Sio zawadi yako wewe binafasi kwa ajili ulikuwa unatimiza kazi ya serikali na kadhalika, mambo kama hayo. Kwa hivyo, musome muone kama ina kubaliwa ama iongezwe ama ipunguzwe okey na ita apply kwa akina nani. Ni Maofisa gani wa serikali ama itakuja mpaka kwa councillor ama ni nini. Tafadhali muchuguze vizuri kwa makini.

Page 45, 6th schedule, ni kusema hiyo ni pangilio ya wakati wa kutekeleza hayo mabadiliko yote. Tupendekeza mabadiliko mengi sasa utajiuliza, hii Maneno ya kusema, maneno ya ardhi ama kuhusu uraia, itatekelezwa lini, hayo mabadiliko ambayo yamependekezwa kwa huu mswada. Imeandikwa hapa, one year, six months. Na ile imeandikwa no time limit inamaanisha wakati wa miaka mitatu baada ya kukubalia hii Katiba. Isipite miaka mitatu kabla hayo yote hayajatekelezwa so implementation program for all the changes that are proposed.

Sasa kurasa ya arobaine na sita, seventh schedule, inasema powers of National and district government inaitwa kwa Kiswahili, uwezo wa kiserikali wa kitaifa na serikali ya wilaya. Mumelezwa na mwenzangu kwamba, yani utawala utarudishwa kwa wanainchi kwa raia vile Mr. Rotich alisema *koyab kimonjok ake tor kobwa ole mitten tolochik*. Na tumependekeza kwa hii katiba mpya kwamba sehemu muhimu ya hiyo utawala kurudishwa kwa raia aitakuwa ni district. Wilaya. Kwa Katiba wa sitini na tatu sehemu muhimu, uongozi ulirudishwa ama utawala ilikuwa ni mkoa. Ilikuwa ni serikali ya majimbo ambayo haikufanya kazi lakini hiyo ilikuwa ni utawala iko kwa mkoa. Tumependekeza district.

Mukiangalia ukurasa huo wa arobaini na sita munaona: -

- ? List number one, National government list.
- ? List number two, District government list
- ? List number three, concurrent list.

Uwezo wa serikali wa kitaifa na imepewa jukumu kadha wa kadha. Muangalie hiyo na mulinganisha na ya district halafu ile list ya tatu inaitwa orodha sambamba yani concurrent list. Ile itafanywa pamoja na serikali ya kitaifa ile inafanywa na serikali ya wilaya. Je, majukumu hayo mumeypenda? Na muchunguze kwa makini Kwa ajili wakati mwingine unaweza kupenda kitu lakini baadaye ugundue kwamba huwezi kama ukipewa mamlaka ya kuunda jeshi ya district. Useme hiyo ndio mzuri halafu baadaye ujikute hakuna pesa ama hakuna uwezo. Chunguzeni ndio museme munapenda vile imepangwa au la.

Sasa tuchuguze kwa hiyo kurasa, eighth schedule. Inaitwa nyongeza ya nane. Hayo yanaitwa transitional and consiquencial provisions. Yani inaitwa kwa Kiswahili masharti ya mpito na matokeo. Je, ili kutekeleza Katiba mpya taratibu ni gani, tutafanya hivo kwa njia gani? Tutasoma kifungu cha pili hapo inaitwa sheria zilizopo, existing laws na kwa ufupi inasema kwamba, kwa ajili mtu anaweza kusema na sheria vile ilikuwa, itafanyika nini? Imesemekana kwamba Katiba ni sheria kuu, the fundamental law of the land. Ndio tunasema ukuu wa Katiba. Kwa hivyo kama kuna sheria, itahitilifiana na sheria hii mpya, hizo sheria zita badilishwa. Kwa hivyo kitu cha muhimu ni kufahamu kwanza, Katiba Inasema nini? Halafu mujue kama Kuna sheria ingine hapa hailingali na hii, itabadilishwa, kufuatia taratibu fulani.

Kitu cha pili ni waonyeshe ni number four, mkono wa kulia juu hapo, number four, chini ya elections. Inasema mtu ambaye, “kabla ya mwanzo Wa utekelezaji wa Katiba hii, amechukua madaraka ya rais, kwa awamu mbili au zaidi, hastahili kugombea uchaguzi au kuhudumu kama rais, makamu wa rais ama waziri mkuu. Au (b) kuchaguliwa ili kuhudumu kama naibu wa Waziri mkuu, naibu wa waziri au mwana mbunge, hiyo ni kusema nirudie kwamba mtu ambaye amekuwa rais, kabla ya hii Katiba, mara mbili au zaidi amefungiwa asisimame, kuwa rais ama makamu wa rais, ama naibu wa waziri mkuu ama waziri, au MP. Hata kama watu Wao wanataka yeye awe MP, tumefunge hapo.

Kitu cha pili ni number five inasema, kwa mujibu wa kifungua cha nne, mtu yeyote ambaye kwa njia nyingine angeistahili kusimama kwa uchaguzi isipokuwa kwa kanuni za Katiba hii anaweza kusimama kama mugombezi katika uchaguzi wa kwanza, utakoyo fanywa kwa kuifuata Katiba hii. Ili kuelewa kifungu hicho, mutatakiwa musome chapter eight part two. Ili elezwa na mwenzangu kuhusu the president na president qualifications za president, kulingana na Katiba mpya ni kifungu 156 on page 20, the qualifications for elections as president. Sasa musome masharti. *Salanik ab chito ne imuche koik rais*, Citizen of Kenya, amekuwa m tus wa miaka 35 na asipite 70. Mtu wa very good character, with degree from a recognized university etc. Sasa tumesema kama kuna wagombezi wa uchaguzi kwa ofisi wa rais, wakati huu who don't qualify under those new terms, pengine amepitisha Sabini kidogo ama yuko chini ya 35, ama pengine hawaja pata degree. Tutawaruhusu wakati huu wasimame, lakini baadaye, wasisimame tena.

Nikitaka kufunga hapo, chini ya hiyo page, page 46 mpaka 47, kwa Kiswahili inasema, utawala wa mkoa. Provincial administration. Inasema, 7a) - 1 wakati wa kutekeleza Katiba hii, mvumo wa utawala unaohuzisha naibu wa chifu, wakuu wa tarafa, wakuu wa wilaya na wakuu wa mikoa. Yani sub chief, chiefs, district officers, DC na PC kwa Kiswahili inasema ambao kawaida hufahamika kama utawala wa mkoa utafutiliwa mbali. Hiyo ni pendekezo iko to scrap the provincial administration.

Halafu maofisa wote wa uma wanaofanya kazi kama kwa provincial administration, watarudi kwa tume kwa huduma wa uma, public service commission ili wapatiwe nyadhifa mpya. They will go to the public service commission for redeployment.

Ingingine katikati ya page 47, inaitwa kwa Kiswahili adhabu ya kifo na adhabu nyingine zilizo haramiswa, death penalty and other out Lawed penalties. Mwenzangu ame waeleza kwamba tumependekeza, kwamba hukumu ya kifo, ifutiliwe mbali, Kwa maana kulingana na bill of rights, sheria za haki. Tumesema kila binadam ana haki ya kuishi. Kwa hivyo tumependekeza kwamba tufutilie mbali hukumu wa kifo. Na tumesema ya kwamba kama kuna watu ambao wanangoja wakati huu kunyongwa. Walikuwa wame hukumiwa kunyongwa, wamekata rufani. Imekataliwa, tumesema tumependekeza kwamba kila hukumu ya kifo iliyo tolewa na mahakama yoyote mara tu kabla ya utewkelezaji wa Katiba hii na ambayo haisubiri rufani wakati wa utekelezaji wa Katiba hii itaondolewa na kufanywa kifungo cha maisha. Kwa hivyo wale wote wanaongojea kamiti it will committed to life imprisonment. Na wanaweza kuendelea na kuomba msamaha hata hiyo irudishwe, kupitia hiyo inaitwa prerogative of mercy ama remission na kadhalika.

Na cha pili ni kwamba kila hukumu ya kupigwa viboko iliyopitishwa kabla ya kupitishwa kwa Katiba hii imeondolewa na haita tekelezwa. Ile maneno ya viboko kuchapwa ishirini sijui mbili, out. Na tena mukisoma baadaye haki za mtoto, mutagundua kwamba hata tumependekeza kwamba shuleni hakutakuwa na kiboko, no corporal punishments in schools.

Ya mwisho ningependa kuwaeleza, kwa ajili mutaasoma nyinyi wenyewe ni kifungo kinaitwa, ukiukaji wa haki za binadamu za wakati uliopita, past human rights abuses. Sikizeni niwasomee kidogo. Inasema, “Tume ya haki za binadamu na haki za utawala, katika kipindi cha miezi sita ya utekelezaji wa Katiba hii, kwa lalamiko la mtu yeyote au kwa hoja ya hiyo tume;

- (a) Itachunguza hali zote za kukikuka haki za kibinadamu na mtu yeyote au kundi la watu kabla ya kuanza kutekelezwa kwa Katiba hii.
- (b) Itachunguza sababu za migogoro ya kijamii pamoja na vivo vya halaiki. Vita vya kikabila na kubainisha wale wanaohusika.
- (c) Kufanya mapendekezo yanayofaa kuhusu:-
 1. Kuwashtaki wale wanao husika.
 2. Malipo ya fidia kwa waliodhulumiwa.
 3. Upatanisho.
 4. Kufidia

Halafu taarifa kamili itawakiliswa na hiyo tume kwa mbunge wakati wa miezi 24, miaka miwili, baada ya kutekelezwa kwa hii Katiba. Hii nikusema pendekezo ya kutekeleza katiba mpya inatakiwa ifanywe nini. Tafadhali muchunguze kwa makini na muone kama munakubaliana ama hamupendi na tusikize kutoka wakilishi wenu wakija kwa mkutano mkuu wa taifa.

Nikimalizia hapo, kitu cha mwisho ni kusema je, tafauti kati ya Katiba mpya, vile tumependekeza na Katiba ya sasa ni gani kwa ufupi? Nyninyi wote mulipokea elimu ya uraia, civic education. Mukasoma mukajua vile Katiba imesema. Katiba vile iko.

Tulikuwa na hiyo Katiba, kama munataka kujikubusha nitaweza kuwaonyesha lakini munajua kwamba kulikuwa na small version. Ile Katiba ilikuwa inaitwa pocket Consitution kwa Kiswahili na kiingereza na mukasoma na mukafahamu. Lakini hata kama hamukusoma, Waingereza wanasema, the wearer knows where the shoe pinches. Hata kama haujasoma katiba ya kwanza unajua ile inakufinya ama ile inakupendeza. Sasa tofauti ni gani? Tungependa kuanzia kusema, hata ukiangalia kwa macho iko na tafauti si ni kweli. Ukiangalia ile ya sitini na tatu ni Katiba namna hii, ile ya sasa ni hii, ile tunapendekeza bado iko kama karatasi lakini iki chapwa vizuri itachapwa kama hii. Just the physical look. Lakini hiyo sura yake ya nje ina mambo mengi zaidi, imeyataja ama ni machache.

Katiba ya sitini na tatu ina kumi na moja. Kurasa tumeongozwa na Mary through the chapters. Imekuwa na 20 chapters na nyongeza, na kadhalika, iko mengi kushida vile iko sasa ama mwaka wa sitini na tatu, lakini mapangilio, which chapter comes before which one pengine ni tofauti. Kwa ajili wakati mwingine ile kitu unaweka ya kwanza unamaanisha ina maana zaidi kushinda ile inakuja baadaye. Mukiangalia hii katiba ya kwanza inaanzia the republic of kenya, number two the executive halafu number three ni parliament. Hii ya sasa tunaanzia sovereignty of the people, halafu parliament halafu kusema kuhusu executive. Kwa ajili tunaamini kwamba uwakilishi wa wanainchi ni ya muhimu kushinda utawala wenyewe. Kwa hivyo kwa ufupi hii inahusu wanaichi. Tulisema kwamba ya kwanza ni ya wazee, wa viongozi wa siasa. Imebadiliswa na wajumbe wa mbunge. Sasa nyinyi mulishiriki kwa kuandika hii.

Kitu kingine ni kwamba ina utangulizi, preamble. Ile ya zamani haikuwa na utangulizi. Je, hiyo utangulizi muliulizwa na Mary, muangalie. Hii ya sasa inasema tu, number one, Kenya is a sovereign republic, haina utangulizi. Tena kuhusu maneno ya uraia. Kwa Katiba hii ya zamani kulikuwa na tafauti kati ya wanaume na Wanawake. Mwanamke mkenya akienda ng'ambo aolewe, akirudi na bwana wake kenya, bwana wake ni mgeni Kenya. Tunahesabu kwamba yeye arudi kwao na bwana wake. Na wale watoto wanaazaa ni watoto wa ng'ambo, wageni. na mkenya mwanaume akienda ng'ambo akioa mwanamke yeyote akifika nyumbani huyo bibi yake anakuwa raia wa kenya halafu watoto automatically hata kama walizaliwa ng'ambo ni wakenya. Lakini kuna jaribio lakuzawazisha wanawazke na wanaume. Wasichana kwa vijana na wazee kwa kina mama. Muchunguze hiyo na muone kama inakubaliaana. kwa mfano imeandikwa kwamba mtoto yeyote aana haaki ya kuwa na jina kama amezaliwa akiwa kwa ndoa ama inje ya ndoa. na mzazi yeyote kama kwa ndoa ama nje ya ndoa ana responsibility ya kuchunga mtoto. Musome nyinyi wenyewe.

Kuhusu haki kuna mambo mengi zaidi yameandikwa kuhusu haki. Kuna sheria za rights mingi sana. Mtu ana haki ya masomo na afya na malazi ama na nyumba na mambo mengi kama hayo. Hayo yote hayakuwa kwa ile katiba ya zamani lakini haisemi tuko na haki lakini serikali inapazwa kuwapatia raia haki zao. Na kama pesa hakuna ni jukumu ya serikalis kusema, kwanza kuonyesha kwamba kweli pesa hakuna, cha pili ni kueleza kwa ajili gani pesa hakuna na kitu cha tatu ni kusema pesa itapatikana lini na kutafuta hizo pesa ndio haki hizi zitekelezwe.

Mbunge itakuwa na vyumba viwili. Kama independence, Kama wakati wa uhuru kulikuwa kuna senate na lower house. Lakini sasa itakuwa inaitwa National council na National assembly. Kuchagua Wambunge ni njia mbili, inaitwa first pass the post. Vile

tuko Sasa. wakiwa watu wanne, yule ana wingi wa kura ana pita number one anachukuwa hiyo kiti. Lakini tutakuwa na Orodha mbili, ile kama hiyo na ingine na ingine unachanguwa kando ya chama, inaitwa mixed member proportional representation ndio vile viti mumesikia ni tisini imeongezwa ndio vitakuwa sasa mia tatu badala ya 210. Mtu anaweza kusimama kuwa rais ama mjumbe ama councillor na kadhalika, bila kuwa mwanachama wa chama chochote, independent candidates, na independent sio kama ya Mwau wakati huu. Ya Mwau inaitwa party of the independent candidates of Kenya, hiyo ni kusema chama cha wale hawana chama lakini wakati huu kutakuwa na wale hawana chama Kabisa. Vyama vya siasa vimeandikwa ndani hapa. Vitakuwa vina registered na Electoral Commission of Kenya sio na registra of societies na lazima zifuate kanuni za kidemocracia ndani na kadhalika, kuna sheria kuhusu kila chama hawawezi kusema tunasheria zetu za chama Kando kama sio za kidemokrasia zitafutuliwa mbali ama kitu Kama hicho. Tena kutakuwa na pesa kiasi fulani ya serikali ambazo zitapatiwa vyama kama hivo zikiwa na kura 5% za kura zote kwa uchaguzi uliopita.

Parliament itakuwa stronger. Wajumbe hawawezi kuamua maswala kuhusu mshahara yao. Kutakuwa na commission inaitwa salaries and remuneration commission. Mjumbe munaweza kurudisha nyumbani akitoroka kutoka constituency na kupotea sana ama hafanyi kazi anaweza kurudisha. Sio automatic kwamba atakaa miaka hiyo mitano. Watasign hiyo leadership codes tulisema. Kuchagua rais kumebadilishwa kidogo. Wakati huu ni 25%, 5 provinces na uwingi simple majority. Tunapendekeza kwamba yule atachaguliwa akuwe rais awe na 50% ya kura zote na apate 20% sio 25% kwa mikoa mitano. Ama sivo, number one na number two wang'ang'ane second round inaitwa run off. Bunge more powers President atakuwa na less powers. Tutakuwa prime minister. Kwa Katiba hii ya sasa hakuna prime minister. Tumependekeza tena kwamba mawaziri, ministers' wasiteuliwe kutoka bunge. Yani MPs hawawezi kuwa minister ama naibu wa minister. Kama America, MPs wanatoka nje ya bunge. Itakuwa professionals kwa hivyo hakuna kusema tunachagua mjumbe wetu ndio atuletee bendera nyumbani. Haakutaonekana tena bendera kwa any constituency.

President anaweza kuwa impeached. Prime minister kunaweza kuwa na vote of no confidence halafu kutakuwa na ule utawala ya kukaaribia kwa raia, lakini mukumbuke niko kwa district sio kwa province kama wakati wa uhuru. Provincial administration tumesema tutafutulia mbali. Kutakuwa na supreme court sasa tuko mpaka high court na court of appeal, kutakuwa na supreme court sasa tuko mpaka high court na court of appeal kutakuwa na supreme court ambao itakuwa ni court tena ya kikatiba. Kutakuwa na nguvu zaidi kwa koti ya waislamu. Inaitwa Kadhi's court. Administration police (APs) kwa ajili they are part of the provincial administration, tumesema they will loose their separate identity. Hatutakuweco na AP tena. Pengine waingie kwa regular police ama kitu Kama hicho. The police, the defence and intelligence etc wanatakiwa kuwa more accountable to parliament etc na kuna maswala mengine which kwa kijitabu tulikuwa tumeita maswala na maswali. Issues and questions. Yani the emerging issues if you remember tulipokuwa tunafanya Mafunzo, we talked about emerging issues ama maneno ya walemaavu iko hapo ndani. The rights of vulnerable groups minorities tumeyataja. *Imanit ab che seretos* things like that which were not there kwa Katiba ya sasa, Emerging issues including the issue of the environment. Kwa ufupi hayo ni tafauti na mutayasoma wenyewe na kuona kama muna kubaliana na mswada kama vile tume pendekeza. Asanteni.

Kenneth cheruiyot: Asante sana. We are now on the discussions debates questions and answers. Tukiwa na chochote tunaweza kuuliza ama kupendekeza kuhusu mswada hii wakujazdiliwa ama Mjaribio tunaweza anza sasa kutoa. Kwa sababu tunarecordy, utakuja hapa mbele halafu useme jina lako halafu chochote unacho uendelee nayo baada ya kusema jina lako. Kama inawezekana we base our issues on the draft Constitution. Utakuja hapa mzee.

Solomon Manyibei: Asante sana bwana commissioner, jina ni Solomon Manyibei. La kwanza hapa linahusu kutoka kwa page four ni laws of Kenya na hii ina tokea kwenye number 5c) hiyo inasema African customary laws. Sasa ikiwa tunakubali ya kwamba tutakuwa na African customary laws sijui kama ingeliwezekana tuwe na marriage certificate ambayo itakuwa ikitolewa na chiefs yani kama mtu akioa katika *Kipgaa*, yeye anafanya kipgaa, non kibaisien *segutiet ko noniton en abakora ko matamkotinye certificate ake tugul kobaten certificates che miten en kasari ko certificaates oeng' kityo neba kanisa ak nombo kap DC*. Yani nimesema kwamba kwa wakati huu certificates ambazo ziko katika marriage, ni ile certificate inayotolewa na kanisa ama ile inayotolewa na DC na kwa hivyo labda ingalikuwa bora kama watu wakioana katika ndoa za kienyeji waweze kupata certificate kutoka kwa chief hiyo ni ya kwanza.

Halafu nyingine inatoka ukurasa wa tisa. Kwenye ukurasa wa tisa utapata ya kwamba kuna labour relations. Kuna mahali inayosemekana ya kwamba watu watakuwa na haki. Every one has a right to a fair remuneration, reasonable working condition, form, join and participate in active and programs of the trade unions and strike. Kwa bahati neno hili strike limekuja kwa wakati mzuri. Wakati huu tukiwa na strike ya walimu tunaona ya kwamba jambo hili la kuenda sstrike inazuia ukweli wa mambo. Kwa vile wakati mmoja tulikuwa na strike ya bankers na tulipokuwa na strike ya bankers, bankers waliwavuta wale Watu wote na wakafukuza mbali. Siku nyingine tena kukatokea strike ya wanaohewa wale wako control landing and flying of the aeroplanes in the international Kenyatta airport. Wao pia walifukuzwa kwa kuwa walienda strike. Sasa ukiona ya kwamba tumekubaliwa katika constitution tuwe na strike na halafu badu tunakubalia wale matajiri kuwafukuza wale wanaokwenda strike. Inaonekana ya kwamba mambo hayo mawili yanatoa contradiction. Huku constitution inakukubalia kustrike, na huku constitution inamkubalia yule mwengine kukufukuza kazini kwa hivyo haiambatani.

Kwa hivyo ningependa hii constitution ijaribu kudefine kidogo jinsi hizi rights mingi zinaweza kutokosa kugongana Kwa kuwa kwa sasa yule tajiri ana haki kukufukuza ukistrike ama ukigoma. Na wakati huo huo Constitution inatoa haaki ya mtu kuenda strike. Sasa si monaona ya kwamba haiambatani kabisa. Hivyo tunatakiwa tuzungumzie ama constitution izungumzie jinsi mambo haya mawili yanaweza kuwa reconciled. Giving somebody the right to strike and denying the employer the right to sack a person who has gone on strike. Kwa hivyo lazima hii ipate definition kidogo ndipo watu wale wawili waweze kukutana katika uwanja kujadiliana kwa ukweli na kwa usawa. Kwa hivyo sasa ministry of Education ingekuwa na haki ya kuwafukuza walimu wote kwa kuwa according to the standing position, employer anaweza kudecide kukufukuza wakati wowote na according to the standing Constitution mfanyikazi ana haki ya kustrike. Kwa hivyo jambo hilo bwana commissioner inataka ufumbuzi na ufafanuzi zaidi.

Mutaniwia radhi, tukiangalia ukurasa wa 14, qualification of MPs and so on. Mutaona (e) qualification moja has at least a form four stand of its standard of education. Nafikiri tulisema ya kwamba mtu kusudi aweze kuwa mjumbe awe na uwezo kiasi ya kupata form four nafikiri tunawalower wale wajumbe. I mean we shall be taking the lowest caliber of the MPs. So straight away this one calls for a higher caliber so in that case nafikiri tuondoe form standard na kuinua hadi iwe a university degree. Minimum should be a university degree jinsi tulimtaka mtu anaye taka kuwa president kuwa a member with a university degree. Hilo ndilo pendekezo langu Bwana commissioner kwamba this one is too low, in any case aform fours siku hizi wako wengi. Wamekuwa wengi kupita kiasi.

Wakati ni kingoja kupata mahali pengine, nitawapeleka mpaka kurasa number 47, kwenye kurasa 47, past human rights abuses. Tukiwa tunaweza kuzungumzia katika Katiba inayo kuja, tunazungumza juu ya mambo ya liyopita itakuwa ni Katiba ambayo ni retrospective badala ya kuwa progressive, kwa hivyo ningalipenda tufikirie sana juu ya jambo hili la kuangalia Mambo yalifanyika miaka kumi iliyopita ikiwa tutakuja kufanya mambo ya kujaribu kupeleleza ni kitu gani kilicho fanyika tutapata wapi ushahidi wa kweli juu ya mambo iliyofanyika miaka kumi iliyopita. Kwa hivyo this is nearly opening the sealed wounds na kufungua vidonda vya zamani kusudi watu wapate kuchukiana. Njia moja iliyo mzuri ni kusema ya kwamba let the past and the bygones be bygones and past. Ndipo tuweze kusema mahali tutaanzia tutasahau yote yaliokwisha pita. Imagine mtu fulani aligrab land na wakati huo huo anapotakikana kufanywa hii mambo, awe amemaliza kujenga nyumba ya gorofa sita. Surely itakuwa unfair and uneconomical kuenda kudemolish nyumba ya gorofa sita in order to satisfy the demand of this particular section kwa hivyo ninaona ya kwamba tusiwe na haja ya kurudi nyuma iwe ni Katiba ya kuangalia mbele, kuendelea kutoka mahali ambapo katiba itatupata tuwache hayo mambo ambayo yatakuwa yamepita kwa wakati ule. So bwana commissioner hii mambo ya kurudisha watu nyuma na kurudisha enmity which is already gone and people have sort of reconciled nafikiri halitakuwa la busara.

Nilikuwa nikitaka kusema juu ya vice president. Vice president kwa wakati huu uchaguliwa na rais mwenyewe. Lakini kwa maoni yangu ningelionelea vyema kama vice president angelichaguliwa na wananchi wenyewe direct, ingelikuwa Kwamba kila mtu ambaye anataka kuwa president asimame na yule mmoja ambaye anitwa running mate jinsi wanavyo fanya kule America. President yeyote anasimama na mwenzake anasema ya kwamba mकिनichagua huyu mwenzangu ndio atakuwa vice president wangu na automatically yeye akifaulu akachaguliwa basi huyu ndio atakaye kuwa vice president lakini unaweza kumpenda president na us impende yule anayemfuata kwa hivyo ikiwa yeye hata vuka it means that that man should nota be qualified to be the vice president kwa kuwa wananchi wata kuwa wamekataa. Kwa hivyo on the basis of the running mate we should choose our vice president not to let it be done by the president himself because he might be biased so that yeyote atakaye kuwa amechaguliwa kwa njia hiyo atakuwa ni mtu wa watu na hivyo ndivyo itakavyo kuwa vizuri ninavyofikiria.

Na la mwisho bwana commissioner ni juu ya hiyo mambo ya death penalty. Wewe unakubaliaje ya kwamba tusiwanyonge wale watu ambao wanawauwa wenzao kwa kuwa ni part of the human rights kusema ya kwamba a person is entitled to life. Sasa je wewe ambaye umenyonga mwenzako you have forgotten that that person is entitled at life. Umenyanganya maisha yake na

unataka yako iwepreserved that is contradictory. If you deprive somebody off his life, you should also be deprived off your own life. Therefore it should not be automatic bwana commissioner kwamba yeyote anayemua mwenzake na kwa vile human rights inakataza asinyongwe tu kubali ya kwamba kweli asinyongwe. Kwa kuwa kuna watu wengine ambao ni insane wao kazi yao tu ni kuwauwa wengine. Imagine hawa Watu wanauwa vijitoto vidogo vidogo, anaenda kufanya mambo mabaya na hatimaye anauwa katoto kadogo. Surely that man does not deserve to live. He does not deserve to be a member of the community. For that reason he should actually be deprived off his own a life so that community is rid of such a menace.

Nafikiri hivyo ndivyo ninavyo ona ya kwamba, kinachofanyika, utaona ya kwamba wale wa America ambao mara wa kwanza walikuwa wamekataa ya kwamba kusiwe na mtu anyongwe Waona ya kwamba matendo ya watu kwa wakati huu, imekuwa matendo machafu mpaka wakarudisha death penalty. Na Je sisi, mbona tusione kutokana na wale wanavyoona ya kwamba death penalty ni muhimu. Tusipopita such evil activities in the society. Ikiwa wale wameona ni muhimu basi na hata na sisi we shall retain our death penalty until such time when our people are civilized enough to actually respect the lives of others. Thankyou Mr. commissioner.

Musa Seronei: Jina langu ni Mr. Musa Seronei Che riro. Mimi ninaongea kuhusu mtu ambaye anaoa bibi wakwanza pengine anaoa kwa DC yma kanisa na wa pili anaoa kwa kinyumbani, sasa yule mtu ambaye anaoa wa pili kwa nyumbani Sasa haiwezekani kusemekana chifu atapea ya kuonekana aliolewa namna gani. Mtu alioa Anaitwa kwa kipsigis *Boiyot ne katunisiechin kobato kwonyotet yani en motiriot anyun kwondap oeng' anyun kiwikinikonye osinye ingemwa inei kabisa kokigamwa pichu kole kisere kwonda newo en certificate ani karon kakoyosit chepnyogaa ande ano nigamingin. Ak ongenkaiset ab bi k en KenYa ko kwanyik ko million taman ak angwan point 2, ko indoe kwanyik nusu million. Akere ane alae en kerenyun ale Kaigai konget baisiek che kagoyosekitun ako tindoi imbarenik ye kakemwa kele pichon tindoi imbarenik che yachinotin ko manyalu itinye imbarete newo, nyalu itunlakwa nebachi kogainamengen okot chon koba retire. Itun lakini matitun ingo metinye imbarete okot kitten, nyogobiregen Kwanyichugan.*

Chito ne konu certificate inigan kele kokitun lak wet ab Mosonik ne ba Kwondo ne mingin ko boiyota matiriot ne ko itunisiechin ma kirwagindet. Ko makomi kirwagindet kepitei tumdo. Ko kit ne abwati anyun ko ng'atutik chu Katiba chu kogegon ko kiatebe ale ngoro Katiba ini kiba Lancaster ko karager ale miyon. Koingap mitten ng'atusiek chotet ko olekagerte ane komekewunye ine. Mache kele isirMosonik en ile makemache chito ne sire ekarisiek artam ako mi imbarete nebase kerbesik. Ingonget chichoton ko siony kwanyik akoBakotorchi kwando olon. Ko kor kobete miondo ne kebare kipchololit. Saisere.

Joseph Ruto: Naitwa Joseph Ruto kutoka Chemelet. Swali ya kwanza ningetaka kuuliza ni walemadelegates ambao munachukua huku tarehe 28, watakuja kuchukua mawazo siku gani ama Wanachukuwa namnagani.

Swali la pili, ni national resources ambao imesemekana kwa hii Katiba, what will be the diversity. How are we going to share

the national resources kwa sababu mahali pengine tunapotoka, kitu kama simu hakuna kule na ni ya Serikali. Saa zingine tunaambiwa tununuwe post na wires halafu hiyo inakuja kwenu. What will be the function of the ministries.

Ningependa kurekebisha mahali page 47-inasemekana kwamba ownership of land. Ningeuliza hii marekebisha ya Katiba kurekebisaha hapo kwanza. Yule ambaye amejiandikisha kuwa the citizen of Kenya who is having identification of Kenya should be given at least some portion of land if it is there kwa sababu yule ambaye amejiandikisha kuwa mwana kenya na yeye hayuko na shamba. Kama mtu hayuko na shamba na ni mtu wa kenya, shamba yake ilienda wapi na pengine hakuwa na shamba kutoka kuzaliwa kwake.

Kitu kingine tena ningependa kuuliza hapo maofisi za uma. All the offices of the government should be audited properly kwa sababu sijaona kwa hii mzuri hakuna mahali imesemekana lazima itafanyiwa uchunguzi ya pesa. There should be accountability of all the government offices na ile lugha ambaye Watumizi wa serikali katika maofisi lazima ichunguzwe tena. Kama mtu anakuwa mtu mbaya kuna watu wengi ambao hawana makazi lazima language should be the best Language.

Moses Mutai: Jina langu ni Moses Mutai. *Ko makase lughaisiechu siwalwan netai koming'alek ab imbarenik. Ko en imbarenik ko mi che ki kileasen serikali che kileasen chumbek olikinye.*

Keneth Cheruiyot: Nitatumia Kipsigis, kuna maneno ya mashamba. Mashamba hayo ya likuwa leased out na wazungu kuwawapatia wazungu wengine.

Moses Mutai: *Ko mangen ale kikapatengei chumbechu ak ng'o asi kobit kosich lease neba 99years kot ko ingunon koamisie chumbek en timin ko maamisie cheba emet.*

Keneth Cheruiyot: Right now, I don't understand how these white men came into agreement such that right now the white men are enjoying the fruits of the land outside this country.

Moses Mutai: Asante sana kumaliza mambo ya mashamba. *Siatar ng'alek ab imbaret ko kamache amwa ale manyalu komiten Nairobi commissioner ne ba imbaret. Nyalu kenam commissioner ne ba imbarenik konyo district level asikobit korikyile mi bik che tinye imbarenik*

Keneth Cheruiyot: If the administration is supposed to be abolished who will be dealing with the petty crimes at the village level.

Moses Mutai: *Ko mi ng'aliot akenge ne ka komwa mwaindet ne katai, kole makimache kinam moyok che kigo sirto ak kinde Katiba, ko mia ng'alek ab ruset ab kei che kibiregei bik en ng'aliot ne kibare clashes. Komakemache ketakegas ng'aliondonon kogeny.*

Keneth Cheruiyot: The first speaker had talked about the opening of the healed wounds in the name clashes. According to me they shouldnot be reopened and such a thing should be a thing of the past

Moses Mutai: *Komwa ole kileweni ministerek koyab timin ne ma parliament ani nda mi bik che ng'amen kabilet akenge en kenya kotar ichegen ministries.*

Keneth Cheruiyot: It has been said that the ministers will come from outside parliament who shall be experts, now if there will be one tribe which has people who are educated, will they all be taken to get ministries alone.

Moses Mutai: *Nagesunen bwana commissioner agen ale kasamin ale sindewech register ne ba boisie. Matinye baisiek ab Bureti register. Toma geregistan ko kagikase to nyalu komia baisiek si kotile ng'alion. Kongoi missing.*

Keneth Cheruiyot: Lastly I ask the commissioner to consider including the council of elders in the Constitution. Thankyou.

Ismael arap Chesimet: Jina langu ni Ismael arap Chesimet kutoka Bureti. Yangu ni kusema kwamba kitu ambao imekuwa ngumu ni translation ya draft ingie kilugha ya mama. Yani kama ni Kalenjin ni Kalenjin halafu tuelewe ni kitu gani. Ili kwamba nyanya kule nyumbani anaelewa ni kitu gani what we are talking about. Because tukiongea hapa tumekuwa wazungu na waswahili lakini mama kule nyumbani haelewi ni kitu gani ambao tunaongea juu yake.

Jambo la pili ulisema tarehe ishirini na nane ndio you will talk about the draft lakini inaonekana kwamba hiyo time haitoshi. Tungependa ipatiwe enough time ili kina mama, wazee na watoto anaelewa ni nini. Hasa mambo ya draft because tujikirukia labda tunaweza kurukia moto sasa mpaka tuelewe sawasawa so mimi na propose tupatiwe enough time so that people in the rural areas and all areas should understand exactly what the draft is. *Maunoton okwek i.*

Keneth Cheruiyot: Bwana Raymond Cheruiyot unaweza kukaribia utoe maoni yako kwa sababu nasikia unaenda mbali.

Raymond Cheruiyot: Naitwa Raymond Cheruiyot. Mimi sioni, kwa wale ambao mulikuwa mumewakilisha maoni yenu hapo mbele nimeomba rusa kidogo kwa sababu tuko na mkutano hapo nje. Mimi ni mwenyekiti wa Wasio ona. Na tumeangalia bwana commissioner, yale ambayo imeandikwa kuhusu disabilities. Wameandika lakini hawajatambuliwa hasa wasiona kwa jumla. Ukiangalia kabisa katika Katiba ya Kenya ya sasa haonekani mahali angewakilishwa na mara kwa mara hua tumepitisha memorandum yetu ya kwanza na saa hii haikutoka vizuri. Ya sign languages peke yake imetoka lakini mambo ya fimbo nyeupe haijaonekana kwa sababu tulikuwa tuandikwa ya kwamba iwekwe kwa traffic rules. Na hawa pia tulikuwa tumeandika ya kwamba people with disabilities wapewe nafasi, maana atika current Constitution, hawaku husisha walemavu kwa kazi yao. Ukiangalia walemavu wataendelea kuwa na shida na umaskini milele ikiwa Katiba ya sasa haitawakiliwa vizuri.

Tuende mambo ya elimu. Mtu asiye ona ama mlemavu haja achiliwa kazi hata ingawa amepita mtihani hajapewa nafasi. Tulikuwa tumeandika hawa walemavu, wasiona na wengine, wapewe free medication na busary ya watoto wao ili siku za usoni waweze kuendelea vizuri.

Pia tulia andika kwamba watu walevu, unapowaona fimbo nyeupe wanaobeba, tunaomba wazungu na hapa Kenya tunauwezo wa kunua lakini hii fimbo ni elfu moja Na mia nane. Ukiende teller machine ni kalamu yake, ni kali mno. Ni shilingi elfu hamsini katika pesa ya kenya. Pamoja na type writer yake ni elfu ishirini. Hiyo ni kalamu ambao munanunua Na shillingi kumi ni elfu themanini. Bada hujatoa makaratasi yake. Lakini Kenya waamelala. Serikali amelala. Ako na rights Yake. He or she is a Kenyan citizen.

Kwa upande ya Wamama, wamelemewa na wamenyanyaswa, waasioona. Tunaomba Katiba hii ya sasa watengewe viti vyao, 5% kuanzia grassroot mpaka juu. Hawa wajiwakilishe. Hata kama current Constitution watafanya kazi, wapewe viti hata kwa municipal council. Tukienda hapa Uganda, utaona viti imetengewa tano kila mahali. Lakini mtu ambaye sio mlemavu sio rahisi sana kupata hiyo uchungu. Tunataka Katiba ya sasa Kwa niaba ya wenzangu waweke mambo ya disabilities iwe sawasawa. Tuna wakilishi vizuri. Tukienda Zimbabwe hizo viti tano unaona katika Katiba yao. Ukienda Portugal utaona allowances walipewa hawa Watu. Sasa mtu asiyeona ataweza kujimundu kiviipi. Unaona streets ya Nairobi iko namna gani, wanaomba Sababu hajaweza kusoma kwa sababu ni ngumu. Haja weza kupata garama chaki. Na wakati wa taxes, hawa watu wapewe bus pass. Wapande gari na ndege free akitaka kusafiri mahali anaenda.

Hizo vitu ambao tulikuwa tumeandika iwekwe halafu hawa watu wanaweza kuendelea kama mambo ya madawa na mengine iendele so bwana commissioner utilie maanani hiyo mambo. Utusaidie kwa sababu sisi ni wanakenya, tumezaliwa Kenya so angalie sheria ya minority rights iwe imewekwa vizuri na iwe imeangaliwa vizuri. Asanteni sana Mungu awabariki.

Joseph Rono: Kwa majina naitwa Joseph Rono.ningependa kushukuru bwana commissioners Kwa kazi nzuri ambao wamefanya hasa kwa kutoa hii Katiba ambacho ni nzuri sana.

Ningesema kuhusu preamble. Ni mzuri Sana lakini kuna ki tu kimoja walisahau ambacho ningetaka kusema. Kuwa wangeweka kwanini tulikumbuka kubadilisha Katiba Kenya. Kulitokea nini ndio tukaaamua kubadilisha Katiba. kwa hivyo lazima Waweke sababu hapo ambayo tunajua sababu ya kwanza ni amendment ambao ilifanywa kwa kila mwaka.

Halafu jambo la pili nitaongea kuhusu national holidays. Wametupewa national holidays mbili tu, tarehe moja na tarehe 12, na pia ningependa kupendekeza kuwa hata vile tunaona preamble inalenga waamini yani Wakristo na waislamu na hata pia kuna maholidays ambao waislamu wanaangalia. Sasa tunataka pia hiyo iwekwe ndio waislamusiku hiyo waende lakini wakristo wafanye kazi. Hiyo pia iangaliwe.

Nyingine ni kuhusu walemavu bungeni. Ha kuna chochote kimeongezwa kuhusu Walemavu vile Watawakilishwa bungeni. Mimi ningependekeza kuwa wagawe hiyo ya wanawake Wamesema one third iwe nusu yake pia tuwe na 15% representatives in the parliament national assembly.

Na tena ninaendelea kuongea kuhusu upande wa central bank ambao iko hapa. Nataka wakati wanapounda pesa hasa noti pia iangalie upande wa watu wasio ona kwa sababu wanapotengeneza za noti hawa lazima watengeze kwa njia ambazao itawaafanya hawa wasioona waweze kujua hii ni shilingi mia moja, hii ni mia tano, hii ni noti ya hamsini. Waweke kwa kiwango ambacho kinaweza kwa kiwango cha ukubwa au iwe kubwa zaidi ama iwe ndogo zaidi.

Kwa upande wa pesa tena, ni ngependa kupendekeza kuwa zile vitu zinaone kana kwa pesa. Kuna kichwa ya president ya hii Kenya, ningependa ibadilishwe iwe kitu kingine ambaoasio mtu. Tuseme tuchukue myama ambao kila mkenya anampenda. Hasa kama ngombe. Halafu tusiwe kila mwaka wakati tunapata president anaweka kichwa chaki pale.

Lingine ni wafungwa wawe na nafasi pia kukutana na familia yao. Kama mzee amefungwa kwa miaka kumi awe na nafasi hasa mara mbili kwa mwaka kukutana na familia yao, kukaa kuanzia asubuhi mpaka jioni.

Tena ningetaka kuongea kuhusu wasipigwe viboko kwa watoto wa shule. Kwangu nilikuwa naona kuwa kila wakati tunatoa watoto wetu hasa kuanzia miaka mitatua kuenda shuleni na sasa wakisema hawatachaspwa viboko na sisi hatuna nafasi na hawa watoto, ni walimu ni wazazi wao, hatuwezi kurekebisha huyo mtoto kwa njia nyingine. Mimi ningepinga hapa kusema mtoto apigwe kiboko lakini wapigwe Kwa njia ambayo inafaa kweli sio kwa ile ya kinyama. Asante sana.

Richard Sang: Kwa majina ninaitwa Richard Sang. Ninaongea kuhusu Nationals days kama vile mwenzangu amesema. Tumepewa tu holidays tatu. Ya 1st June- madaraka day, 12th December- Jamuhuri Day na siku ya Katiba. Tumesahau wale ambao walitupigania uhuru. Siku ya Katiba sio ya maana sana kushinda wale ambao walitupigania uhuru kama Kenyatta day ili tukumbuke wote ambao walijitolea ili Kenya iweze kupata uhuru.

Jambo lingine ni kuhusu National symbols. Nimeona national flag, anthem na court of arms. Tukiangalia court of arms symbols ambazo ziko ni ngao, kuna simba wawili na kuna jogoo. Jogoo ni ishara ya chama kingine katika lakini sasa mukiweka ikuwa national symbol itagongana na hiyo ya Kanu. Kwa hivyo ninaona hiyo inapigana (*clap of hands*).

Ingingine ni kuhusu citizenship. Nimeona imekuwa rahisi kwa mtu kupata citizenship ya Kenya. Hapa umeandika kama mtu ameolewa na mkenya, huyo mtu anahistahili kutupa maombi aawe mkenya. Sasa itakuwa rahisi kwa wageni kuingia Kenya, tuseme kwa mfano wasichana wakienda Kenya kusoma, waolewe pale, watakuja na husbands zao Kenya. Sasa itakuwa rahisi waingie hapa Kenya halafu wajazane hapa kenya, hapo turekebishe hapo kwa sababu tunawaruhusu wengine waja hapa nchini kwetu. Asanteni.

Christopher Chepkwony: Jina langu ni Christopher Chepkwony. Yangu ni kuhusu provincial administration. Ningependekeza chief, DO, DO 1, wasimamishwe lakini assistant chief au naibu wa chief kwa sababu ni karibu na watu na uhalifu umezidi zaidi wasaidiane na yule mzee wa kijiji waondolee hiyo dhambi ya uhalifu. DC atabaki na PC na wale wengine wanao husika, lakini yule naibu chief wasitumiwe na serikali kusanyasanya pesa ovyo ovyo. Kuenda nyumba watu na kusema hii ni pesa ya fulani.

Kama wanasema kuna sherehe fulani kwa kiwanja na munampa pesa. Watu wa kijiji wako na mzunguzo yao Wanakaa pamoja.

Mambo ya pesa, currency ya Kenya tumeona ya kwamba kuna shida nyingi, saa ingine kwa upande wa North Eastern au Maasai, unaona mtu anakunywa maziwa kwa noti. Unaona mtu anatembeza ngamia. Tutafute jinsi ya ku jumlisha watu wa Kenya wote kwa hiyo currency. Hatu taki wengine wanachunga ngombe, wengine wanakunywa maziwa na mwengine anatembeza ng'amia. Asanteni sana.

Francis Kerich: Kwa majina ninaitwa councilor Francis Kerich. Swali langu ama sio swali ni elaboration. It is not very clear. The formation of devolved government kuanzia village council, location council, district and provincial council. I think vile mimi niliona sikuelewa vizuri how they are to be formed. Tena ningependa mudifferentiate between devolved authorities and devolved government. Kwa sababu nikiona devolved government ni ya legislative na hiyo ingine ni executive. Nikiona mimi sielewi vizuri.

Kuhusu mambo ya provincial administrations vile wengine wamesema. Mimi, if you refer to page 26, provincial administration is supposed to be scrapped lakini inaonekana it will come in another form. Vile nikiona article 217 –2, the location administrator is the executive authority of the location. Na vile vile ya district inaongea hivyo. Inaonekana ya kwamba hawa watu will have to come in another way. Ukiona the same article inasema the location administrator will be elected by the registered voters of that area. Inaonekana sasa machiefs watachaguliwa na watu lakini mimi naona labda hawatakuwa na uwezo ya ku discharge their because they are fearing those people those people who gave them the votes. Asante.

Josea Soi: Jina langu ni Josea Soi. Nilitaka kutaja juu ya elimu na services zingine kama ya hospitali. Mimi naona si mzuri sana ikiwa serikali yoyote ambao itateuliwa ikikosa kufanyia watu services hiyo ya ni kama hii ya education kwa sababu tunajua ya kwamba watu wengi Kenya hawawezi kulipa fees. Kwa hivyo education, kutibiwa kwa mahospitali inaweza kuwa yani bills of rights na mtu kukosa hiyo, kama wakati huu kwa Kenya watu wengi wanakufa kwa mahospitalini ama education iko chini saidi. Kwa hivyo inapswa kama wakati ingine serikali kama hiyo iko kwa utawala ijiuzulu. Mimi sikuona mahali inapendekezwa kwamba serikali kama hiyo ikiuzulu.

Tena swali langu la pili ni ownership of land. Ndani ya Kenya sasa watu wengi wako landless na kuna watu wachache wako na thousands of land. Ningependekeza ya kwamba land iwekwe kwa limit. Mtu asichukwe land kubwa kama watu wengi wako bila land. Wakati ingine nilisema hata nimekumbuka kama mtu awe na land kubwa iwe na below 1000, lakini kuwa na thousands au kuwa na more than 1000 atakuwa amenyanganya watu wengine. Asante sana commissioner.

Wycliffe Chepkwony: My names are Wycliffe Chepkwony and may first take this opportunity to congratulate the commissioners for the good that they did in drafting this Constitution, which was written by Kenyans for Kenyans. Mine is only to take you to clause 109, where by it says, and talks of the seats that should be reserved for women. That the women should

be reserved a third of the seats in each of the houses in there.

We are all aware that most of the population of Kenya comprises of youths. I think some seats should be reserved for the youths because those are faced by problems currently unemployment and all whatever are the youths.

Also the issue of one who retires he is appointed elsewhere. Hii mambo ya watu wakienda retire wanapewa kazi ingine ikome. The Constitution should provide for one-man one job. Sio mtu kushikilia Kazi mingi Halafu kuna wengine hawana kazi. Asante sana.

Joseph Tanui: my name is Joseph Tanui. Mine is very short. Mr. Commissioner, I have gone through this Constitutional draft and I am only requesting that this Constitutional draft has no provision on terrorism.

Next is about line up. The effect of line up in political system in Kenya has affected the choice of good leaders and therefore I propose that MPs should be allowed to stand only for two terms of five years each or if he is popular he should stand for the third time in a different constituency.

Lastly Mr. commissioner, ministers should be experts and this should be chosen on profession cases. This is to break the chain causing havoc in Kenya. Thankyou.

David Kurgat: Thankyou bwana commissioner. I have two observations to make. My name is David Kurgat.

On the credentials of village and district councils they have not set up minimum qualifications for those who qualify to be elected. We don't want to experience an area where we shall elect an educated person to head a district. When you see the roles of districts they are many and we need somebody who is qualified.

Another area which many people have touched is the death penalty. If a person has killed somebody that person must be killed. As we are going ahead the country will be populated so if you have a car, a person who is hovering will come for your car and if we excuse that person we shall have many others because we have excused him.

I think you have contradicted this interpretation in page 13, women have the right to equal treatment with men including the rights to equal opportunities in political, economic and social. And in page 15, you are preserving seats for women. Page 15, 109, so you are contradicting yourself. If we are to play a football equally with somebody, we have to fight, hakuna ha ja ya kupreserve seats for women. Lazima tupigane because we have given them chance to be equal with men. Thankyou.

Benjamin Cheruiyot: All right I am speaking in English. The title is the human rights and freedoms, page 73. Benjamin

Cheruiyot Tesot.

The human rights and the freedoms has been well stated by the law of human rights and freedom of expression without hesitation. The human rights and the freedoms of speeches have been in practice due to discrimination, partiality, favouritism, unfairness, bribes and the other complicated acts. All these have been caused by disloyal administrators ranging from assistant chiefs, chiefs, district officers, district commissioners, provincial commissioners and I am seeing superior people. All these factors have led to the chronic continuous corruptions which have been oppressions to the people of Kenya towards the independence of Kenya to the present times and have gone up to the highest points. If this is not abolished the people of Kenya will never prosper economically. The grievances have reached the office of the president but none of the officials in the office of the president have made them known to the president for performance. So no blame of the late president Jomo Kenyatta and Daniel arap Moi. The grabbers of the land and the shops and other things usually say never let the president know about this because he will finish the offender and so they hide.

The grabbers are getting involved in politics and covering with superior people for frightening administrator and the police. Here are the examples of what I mean. First: -

- (a) Schools, both secondary and primary owned by Benjamin cheruiyot Tesot and Kipsoi arap Kilel and his son Kikwai arap Chepkwony. Which have been interrupted by the said officers since 1961 to the present time. No conversations have been given to us due to the said corruptions so we want you to take this problem to the president for the performance because it is already in his office awaiting for the performance. The schools are in Konoin division in Bureti district.
- (b) Alakin firms company limited. P.O. Box 984 Eldoret, which is already in the office of the president and the office of the chairman of anti-corruptions. This also should be submitted to the president for the performance. I have gone through all these practically. I trust that the commission will take these matters seriously as means of curbing the corruption in our country. We are facing the taste of hunger and poverty. Please save us from dying unnecessary death.

160, the protection of the president in respect of legal proceedings during office. The protection of the president in respect of legal proceedings during office is stated well in the constitution but the statement have hesitated to say what would happen to the president after his leaving the office in retirement or whatever may be the case. The retired president should be honored and respected as he was in the office and that will be a great honor to our country of Kenya. if there are bad things going on in the office of the president should be brought forward for the correction rather than to wait until the president is out. Supposing the president dies before leaving the office. What will happen to the things waiting for his retirement? In Mathew chapter seven verse 1 through Jesus said don't judge, because you will be judged in the same way. Every measure you use for others will be used for you. If we judge the president after his retirement, the iniquity, will be on our side. This iniquity will continue harming the future people. I hope you will possibly hide the statements after their retirement of the president.

Page 32, the rights of life. The first statement concerning ones life is well defined, the second statement that says the death penalty to be abolished is not true. Because it will encourage many people to kill the others. There should a tough law to be killed if he or she was doing it purposely. But if he or she killed accidentally will imprisoned and later their people will pay for their forgiveness and loss of life.

The judicial service commission, line 203, the cases are delayed in the courts in kenya beca use secretaries are bribed in order to hide case file and this will take quite a longa time searching for them. The examples of these cases are Alakin firms. Company limited P.O Box 984 which we have been looking for since 2000 to the present time. The secretaries should be warned not to do that next time. I hope you will pass this information to the magistrate of Eldoret P.O. Box 141, Eldoret. Thank you very much.

Bernard Langat: Thankyou, my names are Bernard Langat. I would wish to draw your attention to the bill of rights, freedom of religion, belief and opinion. In 44 we are told that every person has the right to freedom of concerns religion so belief and opinion. But this Constitution does not put a limit to Satanism and devel worship that has been a problem in oura country. And therefore there should be a limit to religion in that it should be said freedom of conventional religion except for Satanism or demonic related kind of religion.

Number two, I would this Constitutiona to make clear whether the village council and the locational council will be paid some allowances for the work that they will do. Because if they will not be given some allowances, I believe some of them will bribed locally so that they will change justice in its course.

Finally, I would like us to go to the appointment of a vice president on page 21. On page 21, 168 clause one if a person elected as president dies before assuming office, the office declared elected and the vice president shall assume the president.

Two, upon assuming the office of the president under clause, the office of the vice president shall fall vacant.

Three if a person declared elected as the vice president dies before assuming office, the office of the VP shall be deemed vacant upon the assumption of the office by the person declared elected as the president so there will be vacant for the vice president that is what has been sealed. How will it be sealed? Because the VP will assume the office of the president and there will be a vacant office of the vice president . The Constitution does not stipulate who will nominate or elect the next VP. Thankyou.

Rotich Kennedy: My names are Rotich Kennedy Alex. Kwanza ninawashukuru kwa kazi yenu ya review ya commission.

Swali langu linaenda kwa upande ya shamba. Tunajua kuna watu wako na mashamba makubwa makubwa na hiyo mashamba makubwa yana tufanyia taxation. Unapata mtu ako na acre mia moja na kuna mkenya mwengine anatembea bila shamba sasa Ana hista hili afanyiwe taxation hizo pesa zitumiwe kwa njia zingine. Sisi tunaitwa wakenya na hatuna mashamba lakini

tunakubali na wale wako na hizo mashamba afanyiwe taxation tuate hizo pesa.

Ya pili kwa sababu kila mkenya inahusu bill of rights. Jukumu la kusema mtoto asomeshe mtoto tuseme unwanted pregnancies, hiyo itafacilitate sana. Mtoto na wazazi wake wanahistahili washughulike na apee adhabu mtoto wake. Sio yule mwenye alizaa naye achukue hiyo jukumu ya kusomesha. Hiyo ni kupromote unwanted pregnancy. Kwa hayo machache nasema asante.

Johnston Langat: Asante sana bwana commissioners. Jina langu ni Johnston Langat kutoka Bureti. Tuseme swali langu sana ni kuhusika na level of power kutoka kijiji, location, hata district na provincial, ingeelezwa kabisa ni nani administrator ya location na district. Anachaguliwa na watu au ni wale provincial administration ambao wali kuwako mbeleni. Kwa hivyo hiyo haikuelezwa vizuri. Ningependa ielezwe vizuri.

Point ingine commissioners ni mambo ya land hasa kulingana na ile lease ambao inasema ya kwamba mtu as iye raia ya Kenya hawezi kuwa na shamba kwa Kenya La kini sasa tunaona wazungu na watu wengine wanachukuwa mashamba kubwa na wanaichi wanataabika sana na wazungu wako na shamba. Kama ni mambo ya lease isiwe 99 years, hiyo ni miaka mingi Sana. Irudishwe mpaka miaka hamsini au arobaini halafu iwachie wengine. Hayo ni maoni yangu macommissioners.

Kwa kumaliza kabisa na kupongeza kwa kudraft hii Constitution na hii Constitution itumike. Asante sana.

Mutai Richard: Commissioners, my names are Mutai Richard. I hail from Kericho na niko hapa kupresent mambo yetu kama wasioona kwa hayo mambo ya Katiba.

Cha kwanza, sisi kama wasioona, tumekuwa tukichukuliwa kama sio watu katika Taifa hili letu. Hivyo basi nataka ni seme we must be considered in the policy making in any organization ambayo ni concerned kwa policy making, e.g. one parliament. Lazima tuwe represented. Lazima tupatikane at least kwa percent at least 5%. Tukikuja kwa council ni hivyo hivyo.

Ya tatu ni DDC, district development committee. Lazima tuwe included kwa sababu an environment can not be a good environment without trees. Yale mambo ambayo ina fanya mazingira yawe mazingira.

Katika Cap number 39 ya Kenya ya traffic law. Hakuna mahalia ina indicate kuhusu kijiti ambayo asieona anatomia. Lazima iwe implemented kwa law ya Taifa letu. Sisi nasi hata tunapotembea tuwe na uhuru wa kutembea. Tusipigwe au tusipatwe na maajali.

Lingine, lazima tupatiwa bus pass kama watu ambao hatuoni. Kwa sababu mwingine tulipe pesa na huli nus una yale mengine yaangaliwe.

Neno lingine ni kwa mambo ya kazi au opportunities. If a dog can be employed kama askari, why not a man like us. Tunaweza kufanya mambo ya uchunguzi. Angalau hatuoni tunaweza kuchunguza na tunaweza kupata kitu vizuri. Lazima tuwe included kwa mambo ya kazi, tuajiriwe.

Ya mwisho, akina dada ambao hawaoni wamekuwa wakitupwa sana. Watu wanawazalia watoto, kesho wanawachwa. Lazima kuwa na sheria ambao inawazua mtu ambao amewazalia watoto ajali maslahi ya watoto wake kwa Sababu wamemzaa.

Ya mwisho ni mambo ya mashamba kwa wakina dada wasioona wengine. Sisi tumekuwa na matatizo kwa mambo ya mashamba. Tukiuliza tunaambiwa hamuna urithi na sisi ni watu kama wengine. Lazima tupewe mashamba kama watu wengine. Hivyo basi kuwa na sheria ambao inaturuhusu hata nasi tuulize haki yetu kama Mashamba.

Nikimalizia, natakakusema, sisi wenye kuvaa viatu ndio tunajua viatu yenye ina finya. Kwa kila kazi ambayo inafanyika sisi lazima tuwe involved asanteni.

Beatrice Chepkoech: Macommissioners, my names are Beatrice Chepkoech and I am among the visually impaired women in Kenya.

So I am just going to talk about education because my fellow Mutai has talked whatever we had. Education among the disabled, disables generally in Kenya according to the current draft, I didn't see anywhere where they included us in education. Generally the disables should be given free education and government should provide them facilities because their studies are quite private and special and they need special tools and materials to use so most of the disables in Kenya are struggling to buy all these things because nobody is providing them so I think the government should provide free facilities for special education for the disables generally in Kenya.

Lastly, any association concerning women should be included; there should be a sector of disables. A woman is a woman in a Kenya and all women should be included in whatever is going on any plan so any association or any organisation organized for the women disabled women should be included. In the last draft they just talk about a third of the women should be a third of the women in the parliament but they didn't include disabled women. So in the current Constitution, a third of women should include the disabled in parliament. Any kind of disability should be there at least a representative should represent the disables generally. All of us we should be represented.

The other thing is poverty. Poverty eradication. Any committee planning should include the disables because poverty is going hand in hand with disability. So there is nowhere where normal people can plan for us disables. I think we are the shoe wearers and we should be included in any plan where poverty is be eradicated or anywhere where there is poverty eradication

committee. We should be included there and we should have a representative who will talk on behalf of our fellow disables.

Lastly, we need identifications. We should be identified as disables generally in Kenya and be given some allowances to bring up our families because most of us we didn't go to school because of lack of education facilities in Kenya so we need some allowances. We should be given some allowances as the disables so that we can bring up our families instead of begging in the streets. So we need that allowance, something small. We should be earning something every month so that we may bring up our families. And with those few remarks, thank you.

Patrick Ngeno: My names are Patrick Ngeno. First I should whole-heartedly congratulate the commission for the work they have done. For their performance which is worth taxpayers money as well as the intelligence of Kenyans which is in this context. I should like to make two points.

First in reference to chapter two concerning the official languages, we should include the sign language to be one of the official languages. And in chapter seven in the qualification of the legislature, others believe that not all intelligent people are wise however my statement sounds simplistic.

Another point is, we should have a section where all able bodied citizens are compelled to do away with idleness and laziness.

Number five in order to promote national unity the Constitution should see to it that 30% of all the admissions in provincial secondary schools are from outside the provincial jurisdictions or boundaries.

Lastly, my fear is the financial power in the implementation of this document and the psychological adaptation. Thanks a lot.

Simeon K. Soi: *Jina langu inaitwa Simion Kipkoech arap Soi. Kamache amwa en Kipsigis amun mache koaman mokwek. Kit Nanamen ko kiabaibaitu ine missing kinkisto kirwagik kong'eten sub chiefs agoi D C.*

Keneth Cheruiyot: To start with, I was so happy when I saw that the draft Constitution has abolished the provincial administration.

Simeon K. Soi: *Ko kigakoik a problem to the people of Kenya.*

Keneth Cheruiyot: They have become a problem to the people of Kenya.

Simeon K. Soi: *Ki collecteni rabinik too much, Kangaroo too much ak ng'alek ab mapenzi kwa wanawake wa watu which means ilikuwa ina spread HIV. It's a problem. Walikuwa wanaspread HIV Na chief na maassistantchiefs mpaka kwa PC. So kit age ki bai boi ng'alek tugul ketile en gaa ng'ot kele mwalimu chii, kongen elders, baisiek ak chepyosok. So kitabatosi inei ak kele wendi anum gaa kowendi. Itinye serikalit en mabugengung' ako tinye freedom of speaking.*

Keneth Cheruiyot: Another thing we are happy that all decisions will now be decided at the local level.

Simeon K. Soi: *Ko kongoi koron. Meigu chito mwalimu, meigu administrator, meigu commissioner without education so kimache ng'alek ab mwalimuekinei kesalvagen according written system.*

Keneth Cheruiyot: No one will hold any position whether as a teacher a commissioner or any position without education.

Simeon K. Soi: *Ko kit ne kamache, ki kabilosiek artam ak oeng' en Kenya, Kemache kosungugan leadership ko sugugan leadership en kabilosiek artam. Makimache kabilosiek oeng' kondoiwech through. Kimache leadership ko circulaten like how the watch circulates.*

Keneth Cheruiyot: We want leadership to circulate amongst the 42 tribes of Kenya.

Simeon K. Soi: *Kit age ko magemache ng'alek ab kirwagik, kimache konai kole makomi harassment, dictatorship or whatever. Takomi che ng'alate bik kolelen makitiny, karanyoru okot akenge subui.*

Keneth Cheruiyot: We don't want the system of the provincial administration.

Simeon K. Soi: *Ko kakimache kele en commissioners, echek kikinestate bik komie, matoarakese kou yon kamwa chesimet kole tomkoit gaa. Kikoit everywhere. Kiasoman kii ago kianet iyo ak baba. Kianet chitab kokwenyun ne masoman.*

Keneth Cheruiyot: Contrary to what has been said here today, it is not true that this thing has not reached the people. I have taught everybody, I have taught my father I have taught even my grand father.

Simeon K. Soi: *Kimache kebaisien ng'alek chu eb Yash pal Ghai fro Tokyo – Japan ako kisibi ng'alekyik. Kimache kebai sien new Constitution in general election otherwise hakuna Kwa uchaguzi. Kimache kebaisien ng'alek ab professor Yash Pal Ghai from Tokyo Japan. Kibakimutwech ako kokimache inei ngalekyik . Kikirichi ako kikaswech.*

Keneth Cheruiyot: We want the new Constitution to be used in the general elections because we want the whatever views that we presented to Yash Pal Ghai's commission to be used in the next general election.

Simeon K. Soi: *Ng'alek ab imbarenik chon kikaibenech chumbek ko kikagile 99 years ko back to the owners. Makele konyokoal tugenek, keiyek. Kiale bik ab yuton.*

Keneth Cheruiyot: About the leased land that had been fixed at 999 years leases, when they revert back, they should revert back to the local communities.

Simeon K. Soi: *Ng'alekyok kora kitinye en yu, ng'alek ab kerichek en yu kagoimech chu eb mission. Ni nyon betusiek oeng' ke taxenin 21,000/= isigen ano ako kime KCC, kime cereals. Kimache sio ker yoton commissioners.*

Keneth Cheruiyot: Another thing is about health. Health services are becoming very expensive. The economy is bad. KCC

has fallen down and we cannot afford.

Simeon K. Soi: *Kimache ng'alek tugul ketile ng'alek tugul en gaa. Makilelen komwa, kiaprocheni chito kouwon kisache kwondo kitun. Kongoi missing.*

Keneth Cheruiyot: Okey Thankyou so much.

William arap Sang: *Kainutikyuk ko William arap sang.*

Keneth Cheruiyot: Iam William arap Sang.

William arap Sang: Asante Sana kabla sija sema lolote ninge shukuru tume ya Katiba kwa kazi yake nzuri. Tume sema asante Sana kwa kazi yenu mumefanya tangu mulipoanzisha hii commission. Walio shatki Yash pal Ghai kumchukua kotini Wajue ya kwamba sio maoni yake, Yash pal Ghai , ni maoni yetu wakenya. Hata huyo judge mwenyewe ni mkenya. Ajue ya kwamba maoni yetu hayawezi kuafungu mtu gerezani ni sisi. Wangetuchukuwa kotini sisi Wakenya wote. Sio Chairman.

Kitu cha pili death penalty ambayo inasemekana imekuwa abolished. Wale waliotoa moni Kama hayo ati aliyewa asiwawe ni muuaji na ahistahili hata yeye kuis hi. Ametoa maisha ya mwengine halafu aishi kwa nini. Akisha toa maisha ya mwengine hata maisha yake yaondolewe. Death penalty irudishwe. Ikae vile ilivyo.

Nilisoma ingine nikasikia kutakuwa na national land commission. Si hiyo ni kuwa nyang'anya watu shamba yao. Tuseme kama shamba liko Bureti halafu lisimamiwe na national land commission, hiyo ni kutu nyanganya nguvu zetu za kulinda hiyo shamba. Isilindwe na local community ya sehemu hiyo. Katika mambo ya administration. Pongezi sana kwa kufikiria, kama ni maoni ya watu wengi na wamesema provincial administration iondolewe, kwa sababu tume shudia. Machief wakifanya kazi kuna watu wake na watu wengine wakuwa nyanyasa kwa hivyo tukichagua, ikifanyika kama ilivyo andikwa katika draft, wapee wanainchi mamlaka ya kuchagua viongozi wao kama vile tulivyo wachagua kabla ya uhuru. Wanainchi walikuwa wakichagua viongozi wao . Siyo kuandikwa katika ofisi. Kuchagua na halafu huyo mtu aaki sha pewa kazi, na wanai nchi atakuwa akichunga kazi kulingana na heshima aliyo nayo kwa watu. Kwa hivyo provincial administration iondolewe na tufanya vile ilivyowekwa katika draft.

Nafaikiri ni hayo machache tu bwana commissioner, niseme tu asante, yale yote yameandikwa katika draft hiyo naunga mkono.

Keneth Cheruiyot: Asanteni sana, nafikiri tume exhaust mambo yetu kwa leo, tumeongea mengi hata wenzetu waliokuwa nasi asubuhi wamesha ondoka tumebaki wachache. Ni mambo mengi tumezunguzia na ninajua kuna mengi hatujaguzia na hii si mwisho. Tuko na forum yetu ya constituency, tutaendelea kufanya kazi, tutazungumzia. Nilisema hapo awali kuna wakilishi wetu wa wilaya wa Bureti, wawili wako hapa mbele yetu.

Tutazungumzia mambo yote tunayo halafu through them tutachukuwa mambo yetu yafike katika national Constitutional conference ambayo itakuwa ikijadili mswada na kupitisha ama kurekebisha mahali wameona warekebishe. Kuna wakati, nasema maneno tuliyonayo kuzidi ya mzee Sang tuiweke kando kidogo halafu tutapata nafasi katika constituency forum. Tutayazungumzia tu kisha kubaliana tutawasilisha kwa wakilishi wetu wa wilaya wapeleke kwa kikao kikuu cha kitaifa cha kubadilisha katiba. kwa hivyo hiyo ni kumaaanisha tomfunga sehemu hii ya program yetu na hiyo inaonekana ni kamati ya mambo tuliyo kuwa nayo siku ya leo.

Kabla hatuja maliza ninaomba may be ka ma district delegates wako na jambo moja wanataka kusema may be waseme. Nasikia councillor Koech ako na neno moja, nafikiri ni tampatia nafasi kabla hatu ja funga kwa maombi.

Clr. Koech. Asante sana bwana coordinator. Ile kitu nilikuwa natakusema kwa watu wa Bureti ni kwamba mukiwa na neno ambayo munataka mupeleke kwa national forum mupitisha ipitie ofisi ya cordinator au mutuletee direct halafu tutapelekea nyinyi. Ni hayo tu. Asante Sana.

Cheruro: Thankyou very much our commissioner and ladies and gentlemen. *Alen abaisien kutit asikobit ko kasak kora komie. Kogekas en akenge en delegates che bendi ko a neba oeng' ko kakimwa kele ng'alion aketugul notindoi okonech asi kobit tun keib kowa national kobun ofisit ab coordinator neba district.* Thank you very much.

Keneth Cheruiyot: Haya mambo ni haya. Ukiwa na kitu chochote tutawazimisha ili tu pate maneno yetu ama mawazo yetu yafike katika kikao kikuu. Kwa hayo machache, nita uliza commissioner kama ako na jambo pia aseme.

Com. Mosonik: May be kwa niaba ya wezangu niwajulisha tena hii, kulikwa Na Zipora Wambua upande ule, Mrs Mary Kanyiha na mimi Mosonik arap Korir tunawashukuru watu wa Bureti constitutency na tumependezwa na vile nyinyi mumejjumlisha kwa harakati za kurekebisha Katiba. tunawatakia vile chairman wetu alikuwa amesema heri katika uundaji wa Katiba, happy Constitution making Thankyou.

Cheriro: *Mosonik, ilenjin Proffesor Ghai, ngalek ab ng'atutik chu ko making'alegei. Mache koron okot nda lelen professor Ghai atare arawet ab somok ko ne ne kirwachina kebare kilewenisie. Nitamkoam pichu mshahara. Notoam mushahara oh commissionerechu. Otar koron. Eh, kamache ale kototar ng'atutik eh. Amache kotkotar professor ghai ng'alek ab ng'atutik c hu eb professor Ghai kemache korun kebiren kura. Ba ne ng'alek che chang' che kelemen keleben. Notar kasit oh Mosonik koron. Ne nerwachin pichu, mache kepbut bunge, kipute bunge ne, mwachi professor Ghai chito ne kiba Japan kotar ng'alek tugul kiribe ng'atutik ab proffesor Ghai kebiren kura so ne chakyani eb sina.*

