

CONSTITUTION OF KENYA COMMISSION

(CKRC)

Verbatim Report Of

DISSEMINATION OF REPORT & DRAFT BILL,

KONOIN CONSTITUENCY AT MOGOGOSIEK LIBERTY CHURCH.

ON

14TH OCTOBER 2002

DISSEMINATION OF REPORT & DRAFT BILL OF KONOIN CONST. HELD AT MOGOGOSIEK LIBERTY CHURCH ON 14.10.02

Present:

Com. Mosonik arap Korir

Secretarial in Attendance

- | | |
|---------------------|------------------------|
| 1. Mary Kanyiha | - Program Officer |
| 2. Zipporah Wambua | - Verbatim Recorder |
| 3. Keneth cheruiyot | - District Coordinator |

The meeting started at 11.30 a.m. with the Commissioner mosonik on the chair.

Keneth Cheruiyot: Karibuni Kwa mkutano yetu ya leo, dissemination ya reporti ya commission. Kwanza ni waulize kama tuta ongea muongee na sauti ya kutosha ili hii kitu inase kilakitu yenye tunaongea hapa. Natunawaomba pia mkuje mbele ili maoni ama chochote unachotaka kuongea irecordewe. Karibuni kwa mkutano wetu, kabla hatujaendelea mbele tunaomba pastor wa hii kanisa akuje hapa atuombee. Karibu Pastor.

Pastor David koech: *En kainutikyuk ko pastor David Koech ak achame Jeisu. Kiptayat ko yetindet. Amache atachak ale otagatin en ngatutichu en che kichabe Ana che kimwae ra kele une olekibendita si kotaretech kora Jehova. Kemi Kanisa kora ko kisibi kit ne mwae serikali amun kiityindosi ak serikalit ab Kenya. Ng'atutik cheba Kenya keityindosi amache si kesaa kotaretech Jehova. Onginuch.*

Kamuktaindet jehova ne nyon, en kainet ab Jeisu, kongoi Jehova ne nyon amun betut ab raini. Kongoi amun kandoikyok che kagobwa kiptayat, tetutik che mi Jehova che kirichob kora en kasarta ne kigo sirto. Kongoi Jehova amun kabwaichek si kobit kotestai komwachi bik ng'atutik chu amun kikoitoi ichek kora ak betut ab raini ko nyalu jemwachi olekikichopto. Kongoi Jehova amun iberuri ichek, kandoichu, chepyosok che mi kwenet, iberur boisiek che mi kwenet, ak kandoik che kanget en Nairobi Jehova, ib erur en kainet ab Jeisu. Kongoi jehova amun kimache ke tachin iigu neba ngecheret en tuiyoni, si mabit bolet agetugul, simabit toiyet ogo ingo bit kaset ab it en oret age tugul amun tetutik konyalu komi en oldo tugul en ngwend uni kimi Jehova konyalu komi ng'atu tik che kisibi en oret age tugul en ng'alek alak tuguk en offisiek ala k tuguk Jehova itagu iyai ne mie amun I kamuktaindenyon. Kisain ak

Keneth Cheruiyot: Asante Sana pastor. Nafikiri kila mtu ako sawasawa an kiswahili. Nitaomba niendeleo na hiyo lugha. Nafikiri kila mtu ako huru ama anasikia vizuri tukiendelea na hii lugha. Leo tuko kwa kikao hii tukizugumzia ama tukijulishana reporti ya commission ama draft bill ya Constitution ambao imetolewa ili tujue ni nini imependekezwa an commission ama hili tume la kubadilisha Katiba ili tujue ni nini tuta pendekeza kwa kikao kikuu cha taifa cha kurekebisha Katiba kupitia kwa offisi yetu ya wilaya ambao wamesha chaguliwa watatu ambao naona wawili wako hapa ili wakienda huku wajue maoni yetu ama tunaweza pendekeza moja kwa moja kwa hicho kikao ili maoni pia yaweze kusikizwa. Sitaki kupoteza wakati mwingi, bila kupoteza wakati nataka kuuliza offisa wa kutoka Nairobi atuelezee ni nini iko kwa hiyo muswada ya majadilio ya Katiba. Karibu Mary. Pole pole pole, poleni sana sikuwaambia program yetu iko namnagani. Kwa program yetu, nimewaeleza tutafanya nini leo, halafu ya pili, tutaongelezwa commissioner Dr. Mosonik arap Korir kuhusu vile reporti na hii mswada ilivyoandikwa.

Cha pili, hakuna shida, hiyo ni ya kwanza,. Hiyo ndio itakuwa ya program, ya pili tutaongelezwa na Mary. Atatuambia ni nini iko kwa hii mswada mjadilio ama draft bill. Ya tatu pia tutaita commissioner Mosonik arap Korir afanye kuhighlight na kutueleza tofauti ilioko kati ya ile Katiba ya zamani na Katiba iliyopendekezwa. Nafikiri tulifanya na civic education hapa tunajua Katiba ya yule mzee iko namna gani. Halafu baadaye tutaauliza maswali ama kutoa maoni yetu tuliouwa nayo hapa inayohusu hiyo draft Constitution tuliyokuwa nayo. Mapendekezo yote ama maswali. Halafu mwisho tutaomba halafu tutaenda nyumbani. Sasa kwa sasa nitaita Commissioner Mosonik atuzunguzie.

Com. Mosonik: Asante sana bwana cheruiyot amba ye ni District coordinator ya bureti,. Kwanza kabisa ningependa kuwajulisha kwa wenzangu ambao wamekuja hapa kufanya hii kazi. Wa kwanza kabisa mkono wangu wakulia ni bi Zipora Wambua ambaye ni verbatim recorder wetu. Yeye Ana record yale yote tutayasema kwa cassette recorder hii ambayo iko hapa na kwa kuandika an sisi wengine tutafanya hivo hivo kuwa tukiandika mara kwa mara. Lakini yeye ndio official verbatim recorder. Wa pili ambaye yuko an mi kwa meza hii ni Mrs. Mary Kanyiha. Yeye ni assistant program officer na tutakuwa tukisaidiana an yeye tukifanya hii kazi. Ningependa kuanza kwa kuwaeleza kwamba tukiwa hapa sisi watu watatu wenzetu kwa group kama hii, watu watatu wako sehemu zingine za Kenya wakifanya hii kazi saa hii tukiwa hapa.

Niwajulishe kwa ufupi tu kwamba leo jummatatu tarehe kumi na nne mwezi wa kumi, wenzetu wako central province wakiwa kieni, kandara, Lari na Kerugoya. Kwa mkoa wa pwani, wako leo Magarini, Lamu west Mtambeni. Mkoa wa Mashariki, Eastern province wako Tharaka, Tigania East an Tetu. Tetu iko ukambani, Kibwezi, Isiolo south. Mkoa wa kaskazini Mashariki North Eastern province wako Labera, Moyale, Mandera East. Nyanza province wako Ugenya, Kasipul Kabondo, Mbita, South Mugirango an Machoge. Riftvalley province wako Eldoret South, Laikipia West , konoin hapa sisi tuko hapa Mogogosiek leo, Marakwet east, Narok north, Ronghai, Turkana south an Aldai, Kobuchoi Nandi. Western province wako Machungu Kimilili, Omuhaya, budalangi. Nairobi province wako Kamukuji na Embakasi. Sisi kwa hivyo tukiwa hapa wenzetu

wao sehemu zingine musijiulize wapi Maccommissioner wengine. Tulipanga hivi ndio tumalize hii kazi. Tulianza Jumatatu tarehe saba, tuna nia ya kumaliza kazi ya dissemination ijumaa wiki hii tarehe kumi na nane. Nyinyi munajua kwamba kazi ya leo inaitwa dissemination of the draft bill to alter the Constitution and the National report of the commission. Hiyo ni kusema tunaanzisha rasmi kazi ya Kutawanya na kuwajulisha wananchi kuhusu mswada wa Katiba ya Jamuhuri ya Kenya elfu mbili na mbili. Jana Kwa Gazetti ya Kiswahili taifa jumapili, mswada ulichapishwa wengine kati yenu waliona an wanaye kwa lugha ya Kiswahili.

Tarehe mbili mwezi wa October kwa magazetti mengi ya kingereza hata hapa tunayo ya Kiswahili “the draft of the constitution of the republic of Kenya 2002 ili chapishwa. Kwa hivyo tuna wajulisha kuhusu draft ya Constitution ama vile tuna sema kirasmi ni Draft bill to alter the Constitution ama Mswada na tena tunawajulisha mujue reporti ya tume, reporti ya kitaifa. Reporti ya kitaifa ilichapishwa tarehe kumi na nane mwezi wa September mwaka huu. Kwa kingereza inaitwa the peoples choice, the report of the Constitutional of KenYa review Commission. Tulichapisha kwa ufupi, short version ndio hii. Ilikuwa tena kwa gazeti. Lakini hiyo reporti ya kitaifa iko kubwa kabisa. Kuna volumes kama nne ama tano. Lakini kwa ufupi reporti hiyo ndio hii. Reporti tena hii, iko kwa lugha ya Kiswahili. Pengine munajua kwamba tulitakiwa tena kuwajulisha ama kuwatumia reporti ya Constituency yenu. tulipokuja kukusanya maoni nilisema mengi, an tulikuwa tuna andika kama macommissioner, ilikuwa inanaswa an watu an hata Zipora alisema alikuwa hapa akinasa kwa kanda ya tape an tukaenda Nairobi an tukaandika reporti ya Constituency yenu . Hiyo reporti ndio hii nimeisxhika hapa. Inaitwa constituency Constitutional forum report, Konoin Constituency, Riftvalley Province, constituency number 150. Na hiyo ni kusema kwamba kuna reporti zingine kwa ajili constituencies za jamuhuri yetu ni mia mbili na kumi, 210 constituencies. Ingetakiwa nyinyi kwanza muwe mumeangalia hii reporti ya constituency yenu ndio kuangalia na kusema je tulirecordi kweli yale mlioyasema.

Halafu kitu cha pili muangalie mswada, the draft bill of the Constitution an kulinganisha yale yameandikwa hapa na maoni yenu vile yame rekodiwa hapa na kusema, ‘je, tume ya marekebisho ya Katiba, ili fuata mapendekezo yetu au la? Pengine mutaona kwamba sehemu zingine hatukuyafuata yale nyinyi kwa constituency yenu muliyasema na kwanini? Kwa ajili constituency yenu ni moja tu kati ya constituencies mia mbili na kumi na penigine kulikuwa na maoni tafauti sehemu zingine za Kenya. Kwa hivyo munatakiwa musome reporti kwa kiswahili inaitwa chaguo la wananchi. Repoti ya tume ya marekebisho ya Katiba, muktasari. Musome hii na mulinganisha an yenu kwa ajili tuki andika mswada tulikuwa tuna angalia maoni yote ambayo yalitolewa na Wakenya na nyinyi mutakumbuka kwamba tulikuja hapa kuyasanya maoni lakini kusanya Maoni tulianza kwanza mwanzo wa mwezi wa tatu, mwanzo wa mwezi wa March. Tulianza kwanza tukiwa tunafanya experiment ama test nakusema “Je, itatosha siku ngapi kuenda constituency na kusanya maoni?”. Tulianza Nairobi na sehemu karibu karibu Nairobi. Rift valley kidogo, sehemu ya Naivasha, Eastern Province a bit of it. Hata kajiado, Rift valley na sehemu za Central province. Kwanza tulikuwa tumefikiri kwamba pengine siku moja itatosha kuwasikiza maoni ya wananchi ya Kenya, lakini tulipofa nya hiyo experement mwanzo wa mwezi tukafahamu kwamba siku moja haitoshi ndio tukaongeza iwesiku mbili ama two venues per constituency. In this constituency it was Mogogosiek and Kimulot. Ingawa tulifanya hivo hatukuwa na hakika kama hiyo ilitosha ama haikutosha kwa ajili tena tulikuwa problem of time. Hatungeweza kusikia maoni forever because of the time constraint.

Hiyo kazi ya kusanya maoni kwa siku mbili kila sehemu ya wakilishi mbugeni tulifanya kuanzia tarehe kumi na saba mwezi wa nne, April 17th na tulianza tukifuata mikoa kulingana na herufi ya alfabhet. Tulianza Central province, tukaenda Coast, Eastern province, Nairobi, North Eastern halafu Nyanza, halafu tukaja Riftvalley na kumaliza Western province. Hiyo kazi ilichukua muda kuanzia tarehe kumi na saba mwezi wa nne na tukamaliza Western province tarehe nane mwezi wa Agosti. Wakati huo huo tukiwa tuna tukisanya maoni ya wananchi kulikuwa na watu wameakiriwa wanaitwa research staff na other experts ambao tukiwa tuna kusanya maoni walikuwa wanajaribu kuchambua yale tulikuwa tume kusanya na kuandika reporti kuhusu maoni mengine. Inaitwa background research papers. Kwa mfano mkiangalia hii reporti yenu ya constituency ina anzia na mambo kadha wa kadha. District content, democratic characteristics, socio-economic profile halafu constituency profile, demographic characteristics, socio- economic profile, electioneering and political information, main problems, 1992 election results, 1997 election results na vitu kama hiyo. Halafu badaye tutaandika yale mulioyasema tukiwa hapa.

Hiyo kazi ya kuandika ile ya kwanza ilikuwa ina fanywa tukiwa tunatembelea wananchi ama sehemu za kenya kukusanya maoni. Hiyo kazi ya kuchambua, to collect views, analyse the views ikaendelea mpaka wakati tulikuwa tunamaliza kukusanya maoni na baada ya hapo tukaondoka Nairobi kuelekea sehemu za pwani, south Coast kumaliza hiyo kazi na kuandika taarifa, reporti ya tume na kuandika mswada wa Katiba ya Kenya. hiyo kazi tulianza tarehe ishirini na tano mwezi ya nane 25th of August na tukamaliza mwezi wa tisa, 15th of September. Kuc hambua, kuandika haikuwa ni kazi rahisi, lakini mwishowe tukawaletea these two documents, more than two documents and that is what we expect you to read today. Nimefikia kikomo kidogo na sasa nitamuliza mwenzangu Mrs Mary kanyiha aendelee.

Mary Kanyiha: Thankyou commissioner, mine is an easy one, I would like us to go through the draft the copies that you Have. I will use English language because I see the drafts you have are written in English. I hope there is nobody who has a problem with English because the drafts we have are English.

Interjection and inaudible.

Com Mosonik: The copy imeletwa ni mmoja, inaitwa by the way interim copy. It has not been finalised. Hiyo ni copy ya co-ordinator. Lakini itakuwa kwa District education. Kuna muda kuanzia leo mpaka mwanzo wa mkutano kuu wa taifa. Nitasema mengi kuhusu hiyo baadaye. Kuenda an kumsoma kwa hivyo leo afadhali tuse me kuhusu draft bill halafu tuingie kutafuta copies kama hii. Nafikiri coordinator anaweza kusema kwa kingereza, tuaweza kukutafsiria kwa Kiswahili ama kilugha.

Mary Kanyiha: If you open the copy draft,

Keneth Cheruiyot: *ngot o ng'any bechitt ne tai en draft.*

Mary Kanyiha: We shall look at that portion in the middle which is called preamble.

Keneth Cheruiyot:*Ak kegeger yon kagisir ke le preamble. Kigakinetkei kele kiguren neindounen. Yon kokagisal kotuit.*

Mary Kanyiha: The preamble is the introduction to the draft bill which was suggested by Kenyans from all over the country.

Keneth Cheruiyot: *Preamble ko kagile che indounen en Katiba ne nyone ako ki kateb bik kole mache.*

Mary Kanyiha: It has very Nationalistic views, please read it for your self so that you get to understand what the people requested as an introduction to the draft Constitution.

Keneth Cheruiyot: *Tindoi Ng'alek he ba emet tugul ogo nyalu kesoman si kenai kele mwae ne ak kikuyechi kei kele kamwa nei oko katuyech yugul anan acha.*

Mary Kanyiha: We shall go straight to chapter one, which deals with sovereignty of the people and the supremacy of the Constitution.

Keneth Cheruiyot:*Ye kitar kebendi chapter one, ko noton komi konait ireu komwae akoba torornatet ab Katiba, torornatet ab bik ak torornatet ab Katiba.*

Mary Kanyiha: That chapter covers on the supremacy of the Constitution the enforcement of the Constitution, the defense of the Constitution and the laws of Kenya.

Keneth Cheruiyot: *chapter inoton komwae akoba torornatet ab bik, toronateet ab Katiba ak ole kimuche kenamda ng'atutik ab katiba si kotaret chito ako mwae kora ole kimuche keribto Katiba ako mwae kora sheria che ba Kenya.*

Mary Kanyiha: Chapter two deals with the republic, as you know Kenya has been declared a republic and chapter two covers the issues under a republic.

Keneth Cheruiyot:*chapter neba oeng ko ng'alalen Jamuhuri.*

Mary Kanyiha: It defines the territory, the physical territory, the Capital of the republic, the languages to be used in the country, the National symbols such as the flag, the oath and the National holiday.

Keneth Cheruiyot:*Chapter initon komwae akoba jamuhuri neba Kenya kole Jamuhurdi neba Kenya konee, ako mwae kora kobaru kole ng'eten ano jamuhuri neba Kenya. Inge ngany let olon komiten leibaru kakichoran melit, kakingaLalen melisiek kele ng'eten konait ni agoi ano, agoi ano en ng'alek ab survey. Kakimwa kele si kibar kele ng'eten ano Kenya. Mwae kora agoba makao makuu, capital city neba kenya. Ako mwae kora akoba lughaisiek che mi Kenya, mwae kora agoba Taifa neba Kenya ak dinisiek che mitten ako mwae kora akoba alama chebo taifa nebo Kenya, ako mwae che tinye gei akPreamble che Taifa chebo Kenya ak matamko chebo Kasi Ana too kikuren kiapo.Ngalalen kora ng'alek ab siku za kitaifa, betusiek cho kitegisi gei ak taifa.*

Mary Kanyiha: Chapter 3 covers the National goals, values, and principles. And the duties of a citizen, what exactly are you expected to do as a citizen.

Keneth Cheruiyot: *Chapter neba somok ko ng'alalen ng'alek che mwae ole lite emet ab Kenya.*

Mary Kanyiha: Chapter 4 goes to individuals to talk about citizenship. The general principles concerning citizenship, the recession of existing citizenship.

Keneth Cheruiyot: *Ng'alalen chapter neba angwan ng'alek ab raia neba Kenya. ng'alalen ole kimuche keripto uraia netindoi chito en inguni.*

Mary Kanyiha: It explains how one can acquire citizenship.

Keneth Cheruiyot: *Mwae kora ole imuche konyor chito uraia neba Kenya.*

Mary Kanyiha: Whether one can acquire citizenship through marriage or through naturalization.

Keneth Cheruiyot: *Mwae ngotkomuche chito konyor uraia neba Kenya koyop katunisiet Ana koyab kokatebunen Kenya.*

Mary Kanyiha: It also talks about dual citizenship, what happens when somebody, when he or she becomes a citizen of that country and still remains a citizen of Kenya.

Keneth Cheruiyot: *Ng'alalen kora ngot komugagse koik chito raia neba Kenya ak raia neba emet age.*

Mary Kanyiha: The recession of citizenship, whether you can be to cease to be a citizen of Kenya.

Keneth Cheruiyot: *Mwae kora chapter it noton agobo oleimugase komatagoik chito raia neba Kenya.*

Mary Kanyiha: The powers of parliament that concerns citizenship and the citizenship registration board.

Keneth Cheruiyot: *Mwae kora chaptait niton agoba inguvusiek che tindo pa rliament agoba ng'alek ab uraia ako mwae kora agoba board nependekzani msada ini, nekikuren citizen registration board.*

Mary Kanyiha: Chapter 5, covers the bill of rights as you will notice it is the biggest chapter with the most items, as you know you notice even at a glance. This is a very important chapter.

Keneth Cheruiyot: *Chapter 5 ko chaptait neba kamanut kabisa. Ng'alalen akoba iManit ab chito.*

Mary Kanyiha: It covers such issues as the right to life, equality, freedom from discrimination.

Keneth Cheruiyot: *Ng'alalen ng'alek che u imanit ab chito komagireben sobondanyin, imanit ab chito komaki wai anan kitaban.*

Mary Kanyiha: As far as right to life is concerned it is interesting to note that the death sentence has been abolished in the draft bill.

Keneth Cheruiyot:*En ng'alek che tinye gei ak imanit ab chito komakireben sobandanyin ko ba kamanut kikuyen ke le en Katiba initon Kakipendekezan commission ko mwae kole kebar chito yon kagirat anan yon kalel anan yon kagi nyor ak makosa komakebare en Katiba ini.*

Mary Kanyiha: It also covers issues under women. The older members of society, how society is supposed to take care of the elder members.

Keneth Cheruiyot:*Ng'alalen kora ng'alek imanit ab bik che seretos kobato chepyosok.*

Mary Kanyiha: It should run the people with disabilities. Their issues are also covered under the bill of rights,

Keneth Cheruiyot: *En bik alak che seretos ko bik chon materem borwek kwak.*

Mary Kanyiha: Freedom of expression, political rights, health, education,

Keneth Cheruiyot:*Ng'alalen kora agoba haki che ba siasa anan bolatet kobato haki cheba chito komwa kit ne kamach komakiyeten.*

Mary Kanyiha: Please note that under education, the draft bill recommends that primary education becomes free and compulsory.

Keneth Cheruiyot:*En ng'alek ab somanet konyalu kikuyen kele kamwa mswada inoton kele somanet en primary koba lazima ako ba buch. It is page 9 under education.*

Mary Kanyiha: The other issues covered under bills of rights are issues like housing, food, water and environment

Keneth Cheruiyot:*Ng'alek alak che katiny Katiba initon ko ng'alek ab mengatet, amitwagik ak bek ak tililindo.*

Mary Kanyiha: Access to courts fair trial and all those other issues upto block 75. please read this particular chapter for yourself so that you get to understand what rights you are entitled to.

Keneth Cheruiyot:*Mi ng'alek alak che tinye kora chaptait niton ba mut kou imanit ab chito konyor kirwakchi en oret ne ba imanit ago ba kamanut kabisa ke soman si kiguyen chaptait niton ba kamanut. Chang immanisiek che kagon.*

Mary Kanyiha: chapter 6 covers representation of the people.

Keneth Cheruiyot:*chapter 6 koba wakilishi neba bik.*

Mary Kanyiha: This talks about the electoral process, the general principles, elections, the right to vote.

Keneth Cheruiyot: *Chaptait niton ko ng'alalen agoba elekilewenisiotoi. Ngalalen kora agoba*

Mary Kanyiha: It talks about the general principles, elections and the right to vote.

Keneth Cheruiyot: *Chaptait niton ko ng'alalen ole ilewenisiotoi, ngalale kotai kong'alaln kanini che kisibi en lewenisiet. Lewenisiet inenet ak imanit ab chito kobir kura.*

Mary Kanyiha: Other issues covered under this chapter are the qualifications for registration, voting and unopposed candidates.

Keneth Cheruiyot: *Ng'alek alak che tinye Chaptainiton kosomanet ak salanik che nyalu ko tindo chito si ke rigistan kobir kura,*

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

Keneth Cheruiyot: *Kebebrtab oeng ko ng'alalen tume ne ba lewenisiet*

Mary Kanyiha: It details the fuctions of The Electoral commission, the staff of ECK and the limitation of constituency.

Keneth Cheruiyot: *Ng'alalen kasit ne nyalu koyae tume neba lewenisiet, ng'alalen ako ba kibaitinik ab tume neba lewenisiet ak ko ng'alalen ole kichieto keheberwek che ba Bunge and constituency .*

Mary Kanyiha: Part 3 of the same chapter talks about the political parties

Keneth Cheruiyot: *kebertab somok ko ng'alalen chamaisiek ab bolatet.*

Mary Kanyiha: It covers such issues as the right to form a political party. The laws and fuctions of political parties. The registration of political parties.

Keneth Cheruiyot: *Ng'alalen agobo imanit ab chito kotoo chamaitab bolatet. Ng'alalen kora agoba kasit ne nyalu yae chamaisiechuton ba bolatet ako ng'alalen agobo ole kiregisterendoi chamaisiek.*

Mary Kanyiha: It also indicates the qualifications for registration for a political party, the corporate status for a political parties and the cancellation of Regis tra tion. What can lead to a political party being cancelled .

Keneth Cheruiyot: *Ng'alalen kora agobo tuguk che nyalu kotindo chamait sike rigistan, ng'alale kora agoba olekiibto chamait. Oko ngalalen kora agoba ole kimuche ke cancellladon anan ke yeten kotago testai chamait*

Mary Kanyiha: it also explains the sources of funds for political parties, where the political parties are supposed to get their funds from. The party discipline or how the parties are supposed to behave and the restrition on use of public resources by the political parties.

Keneth Cheruiyot: *Ng'alalen kora agobo ole nyorunen rabinik anan tuguk che baisien chamaisiek ako ng'alalen kora agobo olekikoytoi adhabu membaek ab chamait ab bolatet. Ako ng'alalen kora agoba ng'atutik che kiki ngat si korib*

ole bai siotoi tuguk che tindoï chamait.

Mary Kanyiha: chapter 7, talks about the legislature or what is commonly referred to as parliament.

Keneth Cheruiyot: *Chaptait neba tisap ko ngalalen kot ne kingate nng 'atutik.*

Mary Kanyiha: it explains the establishment of parliament, the rule of parliament, what exactly parliament is supposed to do and the approval of appointment by parliament and the approval of expenditure by parliament.

Keneth Cheruiyot: *Mwae akoba parliament ak komwa kasisiek che nyalu koyae parliament ak komwa kasisiek ab serikali che nyalu ko cheken parliament si kokachin chito. Ako ng'alalen kora boisiet ab rabinik che nyalu ko cheken parliament ak ko approven Ana ak koyan sike boisien rabisiek choton.*

Mary Kanyiha: Part two of that chapter talks about the composition and qualifications of MPs, the structure of parliament, how many houses are recommended to be in parliament.

Keneth Cheruiyot: *Ng'alalen kebebertab oeng en chaptait ni ton akoba bik anan nu mbait ab bik che nyalu komi parliament ako ng'alalen somanet ak salanik alak che nya lu ko tindoï membaek ab parliament. Ng'alalen kora ngalek ab chobet kole nyalu komi korik oeng cheba kot neking'aten ng'atutik.*

Mary Kanyiha: The members of the National council, the members of the National assembly,

Keneth Cheruiyot: *Ng'alalen agoba membaek ab National council ak membaek ab National assembly.*

Mary Kanyiha: The representation of women in this particular draft recommends that a third of MPs should be women.

Keneth Cheruiyot: *Ng'alalen kora agoba chepyosok en bunge ako pendekesani kole nyalu komi keberberta akenge en somok en MPs ko chepyosok.*

Mary Kanyiha: It also details the procedure and election of MPs, the tenure or for how long the MP should serve and the peoples rights to recall an MP. If your MP doesn't do anything for you, you have the right to recall him and conduct a by-election.

Keneth Cheruiyot: *Ng'alalen kora agoba lewenisiet ab MPs, kenyisiek che nyalu kobur en ofisit MP oko ng'alazlen kora akoba power ne kogikachi bik kowek MP yon maimuch kobaisiechi bik.*

Mary Kanyiha: part 3 covers the presiding officers and other functionaries, as you might know that besides the MPs, in parliament there are other personalities like the speaker, the deputy speaker, the clerk to the National assembly, so this portion brings about the laws and functions of those other offices in parliament.

Keneth Cheruiyot: *Kebebertab somok kong'alalen ofisaek che tononjin korik chuton ak offisaek alak amun kotabala komi che kekuren speaka en parliament komi ofisaek alak che yae kasit ak kotononen ng'alek ab kot ne ki ng'aten ng'atutik.*

Mary Kanyiha:Part 4 talks about legislation and procedure in parliament. This is the day today function of the parliament how parliament conducts its functions, the issues of quorum, what official language should be used in Parliament, the voting in parliament.

Keneth Cheruiyot:*Kebertab angwan ko ng'alalen agobo ng'alek ab ng'atutik ak oleibtoo kasit ab bunge yon tesetai bunge. Ng'alalen akoba*

Mary Kanyiha:Part 5, talks about the seat and calendar of parliament. It indicates that parliament should seat the procedure on dissolution of parliament and how parliament can pass a no confidence motion.

Keneth Cheruiyot:*Kebebertab mut kong'alalen akoba ole imuche koyai kasinywan bunge ako mwae kora kole iname betut ainon parliament ak kotar betut ainon kasinywan ak oleyaita kait bunge. Ako mwae kora kitononsie kasit ab bunge betut ainon komuny anan kotar ako mwae kora agoba ole kimuche kegon motion of no confidence anan motion ne Matakikochi chito imani en bunge.*

Mary Kanyiha: Part 6 deals with miscellaneous issues such as the freedom of speech and debate, the powers and privileges and immunities of MPs as they debate in parliament. The public access and participation in parliament and the parliamentary service commission.

Keneth Cheruiyot: *Kebebertab 6 ko ng'alalen ng'alek alak che u oletindo uhuru bik en parliament ko ng'alal ako ngalalen ng'alek. Ng'alalen kora ng'alek che inguvusiek ak uhuru ne kikikachi bik ab parliament. Ng'alalen kora akoba tume nebo mtumishi neba parliament.*

Mary Kanyiha: Chapter 8, covers the issue of the executive, and part one talks about the principles and structure of the National executive.

Keneth Cheruiyot:*Chapter 8, ko ng'alalen bounatet ab emet, part ko ngalalen agoba kanuni ak ole kikitesta bounatet ab emet che ba taifa.*

Mary Kanyiha:Part two covers presidents and vice president. It has issues regarding authority of president, the state function of president, the decisions that the president can make,

Keneth Cheruiyot: *Kebebertab oeng ko ng'alalen agoba president ak nerubu president. Ng'alalen agoba nguvusiek che ba president, kasisiek che nyalu koyae president, kasit ab president en ng'alek ab ng'atutik ak uamuzi che nyalu kotile rais.*

Mary Kanyiha: It also details the qualifications, financials for president, the procedure, the assumption of office and the terms of office by a president.

Keneth Cheruiyot:*Mwae kora akoba somanet ak salanik alak che nyalu kotindo chito si ke electen koik president,*

mwae agoba ole kiipto lewenisiet ab president ago Mwae kora ole namdo ngecheret president yon kagelewen.

Mary Kanyiha: Other issues under that chapter are removal of president on terms of incapacity, impeachment of the president, and what happens if there is a vacancy in the office of president.

Keneth Cheruiyot: *Ng'alek alak che tinye keheberatan ko ole kimuche kicher president yon matakomuch koyai kasit en sababu chechang anan sababu che kikikon en yoton, ole kimuche kora kesto president yon matakomuch koyai kasit en saba che chan anan sababu che kikigon en yoton, ole kimuche kora ke yesio president wanainchi cheba emet ak kiisto anan kora neba somok komwae yon Kabit nafasi en offisit ab rais yon Ma mi rais, yon kakisto.*

Mary Kanyiha: also included in this office is the office of the vice president, the functions of the vice president defined under this section, and the salary and allowances of president and vice president.

Keneth Cheruiyot: *Ng'alalen kora keheberiton offisit ab vice president, mwae kasisiek che nyalu koyae vice president anan naibu ne ba rais, oko ng'alalen kora agoba mushahara che ba president ak che ba vice president.*

Mary Kanyiha: The other part, part 3, talks about the prime minister and cabinet. As you will notice, this is a new recommendation under this draft bill because Kenyans all over the country requested for the office of the prime minister.

Keneth Cheruiyot: *Kebebertab somok ko ng'alalen offisit ab prime minister anan waziri mkuu ak cabinet. Keheberiton ko ole kokitau en Katiba ne lel. Kimamiten en Katiba ne koyos.*

Mary Kanyiha: You will notice that it covers the issues of a appointment.

Keneth Cheruiyot: *Ng'alalen agoba ye kilewendo waziri mkuu, akole kasarta ne imuche kobois en offisit waziri mkuu*

Mary Kanyiha: the signation of the prime minister, dismissal, the cabinet. It will be good to notice that the draft recommends that, the cabinet or those are the ministers are appointed from outside parliament.

Keneth Cheruiyot: *ngalalen kora agoba ole imuche kobutandaita gei kasit waziri mkuu Ana ole imuche kebutandai. Ngaalalen kora agoba cabinet ogo mwae kora kole en cabinet anan mawaziri konyalu kelewen koyab inje en parliament.makileweni koyab parliament.*

Mary Kanyiha: Other issues covered are salaries and allowances for prime ministers, ministers and deputies. what happens when we don't have a vice president.

Keneth Cheruiyot: *ngalalen kora keheberinon akoba musyara chebo prime minister, deputy ne nyin, ministeek kobato rubeywek ab ministerek. Akong'alalen kora agoba yon mamiten vice president, waziri mkuu, naibu wa waziri mkuuna naibu ya waziri na waziri.*

Mary Kanyiha: Chapter 9 covers the judicial and legal system, with part one talking about the judicial system.

Keneth Cheruiyot: *Chapter 9 ko ng'alalen agoba kotini ak ole kiibto ng'alek en kotini.*

Mary Kanyiha: The issues covered here are the independences of the judiciary, the Kenyans requested that we have a supreme court in the judicial system.

Keneth Cheruiyot: *ng'alek che king'alalen koba yaet ab kasit ab kapkirwok koma chut chi konyobarchi ole kiyaito kasit i. Kisom kora bik kole nyalu ketoo kapkirwak ne woo nekikuren supreme court.*

Mary Kanyiha: The court of appeal, the high court, the appointment of judges.

Keneth Cheruiyot: *Mi kora kot kap kirwak nebo kiptainik, kap kirwak newo ak komwae kora keberberiton akoba ole kisirta kasit judges.*

Mary Kanyiha: Other issues covered are the tenure of office of judges, the functions of the judicial service commission and the salaries and retirement benefit for judges and other judicial officers.

Keneth Cheruiyot: *Ngalalen kora kamasiton akoba kasarta ne imuche kobais judges oko ng'alalen kora akoba kasit neyae tume neba kibaitinik che ba kapkirwok.*

Mary Kanyiha: Part two covers the legal system, that is the attorney general, the director of public representation, public defender and the prerogative of mercy.

Keneth Cheruiyot: *kebebertab oeng' ko ng'alalen ng'alek alak chebo kap kirwok. Ng'alalen kora akoba offisayat neo neba ng'atutik ne kikuren attorney general. Ng'alalen kora agoba procecutor neba serkalini, director of public prosecution. Oko nga'lalen kora akoba offisit ne koketoo ne kikuren public defendor noton ko ne tareti bik ko yachin kesit ne makilibani. Tareti raia yon mamuch koliban advocate.*

Mary Kanyiha: Part 3 talks about the legal profession that is the profession of law. This basically leads to the lawyers. It is good to read this for yourself so that you understand how the lawyers are expected to conduct themselves.

Keneth Cheruiyot: *Kebebertab somok kong'alalen akoba kasit ab mawakili ako mwae kole nyalu koyaiota ano kasinywan ogilyek.*

Mary Kanyiha: chapter 10, talks about devolution of powers and part one covers the principles and objectives of devolution

Keneth Cheruiyot: *chapter neba taman kong'alalen agoba chorunet ab nguvusiek ab serikali.*

Mary Kanyiha: It details the principles under devolution of powers, the organization of the devolution.

Keneth Cheruiyot: *mwae kebeberta ne tai, kokonu kanunu che ba chorunet ab bounatet ab emet, ako mwae kora ole kikibanganda chorunet, ole kikichorundo nguvusiek ab serikali.*

Mary Kanyiha: It details the records of government because most Kenyans felt that the powers of the government were too far removed from the people and they requested for the powers of the government to be brought closer to the people, so the recommendation is the various of government.

Keneth Cheruiyot: *Mwae agoba levelisiek che ba serikalit amun kisom bik kole nyalu kechor serikalit koitchin ak bik. Keberiton kora kobaru levelisiek kong'eten ngweny akoi barak.*

Mary Kanyiha: Under this draft bill we shall have village government, locational government, District government and provincial government.

Keneth Cheruiyot: *Tun ingunon komiten serikalit ab kokwet, saerikalit ab location, serikalit ab District ak serikalit ab province.*

Mary Kanyiha: It is good to note that the focus of development in the spirit of the government will be the District level.

Keneth Cheruiyot: *Nyalu kiguyen kele olengeten maendeleo ak ole mitten en ole kikibanganda nguni en Katiba initon.*

Mary Kanyiha: Number 3 talks about the powers of devolved government and inter-governmental relations.

Keneth Cheruiyot: *kebebertab somok ko ng'alalen akoba nguvusiek che tindo Serikalisiechu che mi ngweng ak ole imuche kobois tugul kipakenge.*

Mary Kanyiha: It details the powers of the District government, the functions of the provincial government and the urban government.

Keneth Cheruiyot: *Mwae akoba nguvusiek ad District government ak komwae akoba kasisiek che nyalu koyae government neba province.*

Mary Kanyiha: It also covers the issue on sharing of natural resources and the intergovernmental relations and the corporation between District councils.

Keneth Cheruiyot: *Ng'alalen akoba bcheet ab malik ab emet, ngalalen agoba yu kakemwa imuche kobois kipakenge serikalisiek chu kamengech. Ngalalen kora kole imuche kobois Districtisiek oengu anan ko somok.*

Mary Kanyiha: We would urge you to read this particular question carefully so that if you have any issues relating to this devolved government or system of government at least you are ready to give your views so that they can be incorporated.

Keneth Cheruiyot: *Nyalu kabisa osoman keberiton si nda mi tebutyo oteb si kewalwok che tinye gei ak keberiton mpya.*

Mary Kanyiha: Chapter 11, covers the issue on land and property.

Keneth Cheruiyot: *chapter nebo 11, ko ng'alalen imbarenik ak malik alak.*

Mary Kanyiha: The draft has come up with a land policy framework which details the ownership of land, the transfiguration of land.

Keneth Cheruiyot: *Mswada initon ko kokogon kanunu cheba ole kinamdo imbarenik, ole kikipyieta imBarenik ak ole kiribto imbarenik.*

Mary Kanyiha: Land has been classified into serious categories whether it is public land, private land, community land. It is so detailed under that chapter 11. please read it for yourself.

Keneth Cheruiyot: *Ko kepcheie imbarenik konyil somok, Mi neba chito binafsi, mi kora cheba emet kotugul, si komi kora cheba pororiet.*

Mary Kanyiha: Chapter 12, covers environment and natural resources.

Keneth Cheruiyot: *Chapter neba 12, ko ng'alalen agoba forosteisiek ak tiongik ab timin.*

Mary Kanyiha: This are issues under environmental protection, National and environmental management commission and enforcement of environmental rights.

Keneth Cheruiyot: *Kebeberiton ko tinye kei akoba ole kiribtoi oleu emet ak malik ab indet. Oko mwae kora akoba ole kitekto ng'atutik che ribe ole uu emet ak malik ab emet.*

Mary Kanyiha: Chapter 13 covers, public finance and revenue management. The principles and object of public finance and revenue management.

Keneth Cheruiyot: *Chapter neba taman ak somok kong'alalen akoba rabinik ab emet ak olekiboisiotoi malik.*

Mary Kanyiha: Mary Kanyiha: Imposition of tax. Tax authority has the power to impose tax on the Kenyans.

Keneth Cheruiyot: *Ng'alalen agoba ng'o ne imuche koteben kodi ak kotilen bik kodi.*

Mary Kanyiha: Other issues covered under that chapter are public debts, the functions of the central council of Kenya, the auditor general.

Keneth Cheruiyot: *Ngalek alak che tinye ko deni cheba emet, nguvut ab serikali ko som msaada anan kogaita rabiniki. Ngalalen kora agoba benki kuu ya Kenya.*

Mary Kanyiha: please read that chapter carefully so that you get to understand how the new government is supposed to handle the funds that are collected from the citizens.

Keneth Cheruiyot: *ongesoman kabisa kamasaton si kiguyen ole nyalu koribto rabinik ak koboisioito rabinik serikalit*

Ne nyone.

Mary Kanyiha: Chapter 14 talks about the public service with part one covering public administration.

Keneth Cheruiyot: *chapter neba taman ak angwan ko ng'alalen agoba kiboitunik ab emet. Kebeberta ne taa ko ng'alalen akoba kiboitunik anan ole boisiotoi ribe ab emet.*

Mary Kanyiha: It covers the values and principles in administration generally, the public service commission. That is the body that employs public servants. Establishment of offices,

Keneth Cheruiyot: *Konu ng'atuik che mwae ole lite bounatet ab emet. Mwae kora agoba tume neba kiboitunik che ba emet.*

Mary Kanyiha: The appointment of public officers and the protection of such public officers.

Keneth Cheruiyot: *Mwae kora agoba ale kisirtoi kiboitunik ab emet ak ole kiribto kiboitunik ab emet.*

Mary Kanyiha: Part two of that chapter talks about the Kenya police services

Keneth Cheruiyot: *Kebebertab oeng kong'alalen polisie anan utumishi neba polis.*

Mary Kanyiha: The establishment of the Kenya police service and the appointment of the commissioner of the Kenya Police service

Keneth Cheruiyot: *Utumishi ne polise ak ole kisirto kasit commissioners neba police.*

Mary Kanyiha: Part three talks about the Kenya correctional services or what are generally referred to as jails. The principles on the establishment of the Kenya correctional services.

Keneth Cheruiyot: *kebebertab somok kong'alalen akoba ne ko ketoo ne kikuren utumishi Neba kerekebishanen bik ne ba Kenya. Ng'alalen kora akoba kanunu ak ole nyalu kosipto kainyawn mtumishi initon ba correctional services anan ke korectenen mwenendo cheba bik.*

Man from crowd: *Nile kap jela.*

Keneth Cheruiyot: can you say jail? Yes it is prisons. *Kapjela.*

Mary Kanyiha: Chapter 15, covers defense and National security.

Keneth Cheruiyot: *Chapter neba taman ak mut ko ngalale akoba ribet ab emet ak usalama ne ba emet.*

Mary Kanyiha: It details the principles and objects defense and National security. The establishment of the National security

council. The functions of that National security council.

Keneth Cheruiyot: *Ngalalen akoba kanunu che ba ribet ab emet, ak usalama neba emet. Mwae kora anan kotau council ne kikuren National security council ak kasit ne yae National security council.*

Mary Kanyiha: The defense force and the commanding officers.

Keneth Cheruiyot: *Ngalalen kora agoba asikarik ab luket ak offisaek che amrishani asikairk ab luget.*

Mary Kanyiha: Chapter 16, covers leadership and integrity and the commissioner you will take us through that chapter on application of the chapter and responsibility of office so we shall just leave it that way, the commissioner will take us through that.

Keneth Cheruiyot: *Miten chapter 16 ko ng'alalen agoba kandoinatet ogo tor ko ng'alawech commissioners agoba yoton.*

Mary Kanyiha: Chapter 17, covers the Constitutional commission these are the commission and offices that will be established under the constitution.

Keneth Cheruiyot: *Chapter neba 17, ko ng'alalen agoba tume che kikitoo en Katiba.*

Mary Kanyiha: If you go through the chapter you will notice the details like the composition of the commission, the general functions, the proceedings, removal from office.

Keneth Cheruiyot: *Ngot I soman ko ng'alalen agoba numbait ab commissionaek. Ng'alalen kora akoba kasisiek ab tume, ng'alalen kora ole ibta kasit tume ichuton oko ngalalen kora ole kimuche kisto en kasisiek wanatume.*

Mary Kanyiha: The Kenyans requested that we should have a special commission under the Constitution such as the commission on human rights and administrative justice, ethics and integrity commission

Keneth Cheruiyot: *Kiteb bik kole nyalu ketaa tume maalum ne tinye ngalek ab officers in thinking ak che kikuren ethics and integrity.*

Mary Kanyiha: The other special commissions recommended as salaries and emuneration commission, TSC, Constitution commission and other Constitutional offices.

Keneth Cheruiyot: *commissions alak che kikitoo ko che ng'alalen ng'alek ab current salaries ak malipo che nyalu kelibanji bik, tume ne ba ualimu TSC ak tume neba Katiba ak offisisiek che ba Katiba.*

Mary Kanyiha: Chapter 18, covers the amendment of the Constitution.

Keneth Cheruiyot: *Chapter neba 18 ko ng'alalen akoba welelet ab Katiba.*

Mary Kanyiha: It explains the procedure of amending the Constitution as you have been involved in the Constitution making, this chapter details who should amend that Constitution.

Keneth Cheruiyot: *Chapter initon kong'alalen ole kiipto si keweel Katiba*

Mary Kanyiha: Should parliament on its own amend the Constitution or should some parts of the Constitution be amended only after the people have been requested to give their opinion.

Keneth Cheruiyot: *Imuche parliament kowal Katiba inegen anan mi kebeberwek alak che nyalu kewekeyi bik koron si koweeli parliament en Katiba.*

Mary Kanyiha: Chapter 19, is on interpretation, it is important to read the interpretation because it gives the details on how to read the draft.

Keneth Cheruiyot: *Chapter neba 19, ko ng'alalen akoba interpretation ole kiwaldo ng'alek che ko mwa Katiba. Kararan ke soman keberiton sikuye ile kamwa ne kebeberwek alak, amun mwae maana neba ng'alek che cne ko kiboisien en Katiba.*

Mary Kanyiha: And finally chapter 20 talks about the transitional and consequential provisions. Exactly what is going to happen should the country adopt this new Constitution during that transition period. It is covered under chapter 20.

Keneth Cheruiyot: *Chapter neba 20 ko ng'alalen ole kiipto ng'alek ye kakiyan Katiba initon kongeten koboisie Katiba nemi inguni agoi ko bois niton ne impya.*

Mary Kanyiha: The commissioner will take us through the schedule and we also outline the differences between the existing Constitution and proposed draft Constitution. Thank you very much.

Keneth Cheruiyot: *Kimache ko ng'alalwech commissioner agoba tafauti che mitten en Katiba nikinye ni kiyos ak niton ne impya.*

Com. Mosonik: *Alen amuchi akane ang'alal kutit eh. Let me speak in the language, he can translate it. Kit ne kamache ne tai kogabarwok Mrs. Kanyiha, ngalek en nuakindo che mitten ng'atutie niton newo ne kiguren Katiba. amache keger Chapter 20 anan nekatakinamen 20, ogebe schedule, ongebe Pagit 37 ne kiguren en Kiswahili Nyongeza anan che kakites. Ko pagit 37 che kakisir kele schedule en ngweny yon kele, first schedule ne kakitesyi Katiba ko ne choton. Ko ne tai ko ne kamwae chepyosani kole kakimwa emet ab Kenya, kele emet ab Kenya ko ainon.*

En Katiba ne mitten en kasari neta ogere inoni kokikimwa kityo kele Kenya ko Jamuhuri ne bouke. Nda ki tebe kele Jamuhuri ini nyonet ko ite anokiwatosiek chik alen ko noton asigai ko kicham koimech ematinwek alak chebo oli kou chu kiba en kenyit ab 86, ng'alek ab Somali kotebe koret komache koib North eastern province anan let kotun ko ng'alal chito neu Id Amin ak kole Uganda ko kong'eten mpakait ne mi kasari ko koit olon ba Naivasha.abwati kou noton. Komiten en kasari kemwae kele asikarik ab Museveni en Uganda ko anan koim bik kyok che mitten barit ab Lake

Victoria komiten kochenge Injirenik ak tuguk che uchon kobendi ng'atiek emet ab Uganda.

Ko kounoton ko the first schedule, page 38 kot koit 41 kobaru mpakaisiek ab Kenya peacons, ak kobaru bakotesta ng'alek ab survey. Kainamen kiwatet ab Kenya ak Uganda en pagit 37ko kiwatet ab kenya ak Sudan en pagit 39, Kenya ak Ethiopia, Kenya ak Somalia ak komwa bek anan nyanjok kole che ba Kenya koite ano amun ingemiten araraita kou neba Lake Victoria anan ingemi nyanjet newo ne ba Indian Ocean kemache kele ibach anon bek kyok ole kimuche keyaen mungaret kou kecheng injirenik ak ne ko kit akenge nemiten Katiba ini ne komakomi. Ago kot imache inai ine ile ibach ano Kenya isomani yoniton.

Neba oeng' en pagit 41, second schedule ko mwae kole provinces cheba Kenya ko acho. Kingen kele kit ab oeng ko en provinces ichon 8, komiten Districts achon. Kou ikere kakimwa Nairobi kele Province. Ko province Nairobi ako District. Tinye District akenge Nairobi ako province noton kora. Kebwa Rift valley ko kakisir en yon number 10 kele Bureti. Ko District kot koit pagit ab 42 ko Districtisiek 70, ngot kiit tugul en Kenya.

Kit neba somok en page 42, third schedule ko kakile kabarunet ab emani nyonet ko ne. ke bwa ne tai ko menderet ab Kenya. neba oeng ko tiendo ne ba emet, neba somok ko kion kiguren court of arms. Ak ingele muhuri neba emet. Kimakitiye kioniton, amakile ke wal. Ko kakimwa puch kele mitten chonoton kou kit ne kou en kasari.

Neba angwan en pagit non noton 42, fourth schedule ko che kamwae kole kiapo che ba emet yani kongeten kine iyastos komwae president anan ko ne yae boisiet ab president yon mami president, rubeiwandenyin, prime minister, che rubu prime minister, permanent secretary ak bik alak tuguk che yechen okot ba koit speaker ak rubeiwandenyin en mbunge.

Now page 44, fifth schedule, kemache osoman inei komie amun kiguren leadership and integrity code of conduct. Kagile en ng'atutioni ne woo kemache kandoik ko bik che iyanotin, bik cheba imanit ago makimache kityo ketakyi. Tun indo sahihi palaliat komwa kole asibi ng'atutichu. Ko en nyagindo, komwae kole maimuche chito akenge ne baisie en serikali koam rabisiek konyil oeng che ba serikali. Koyae boisiedt en yu ak koyae boisiet ake ak koame rabisiek salaries oeng. Kit age ko kagile kandoinedet ake tugul,president ne rube, prime minister, ministaek , permanent secretary, pichon ba parastatals chon yechen ak alak kobata wabunge ko maimuche kotinye bank account en bitonin. Makichomchin ko konor rabisiek en bankisiek ab ematinwek alak.

Kit ake ko kagile kandoik tugul kobata speaker ak rubeiwandenyin ko ingo name boisiet ko lazima komwa Mali yao. Kutangaza mali yao.kiguren assets and liabilities. Ko kit ne u chito ne keguren president kotoma konam boisiet president anan ko rubeiwandenyin.ko lazima kotangazan malikyik kole atinye che teno kole ak komwa kole kisigen ano. Ak en kenyit aketugul ko nyalu komwa report kogeny kole en kenyini ko kokotesak anan kokochugukak, komwa

kole ata. Oko mitten kitabut ne kesirchin tuguk choton ne ibaru kolekotinye ata kenyonikonye anan kotesak keniyini koit ata ako nda ng'alu komwa kochuchu che tinye kole machang, kong'alaso, kolelutiet ne kimuche ke rat icheket kirwakyi ak kerat. Mwae ng'alek chechang alak ak kotesta kei kele ingomiten chito offis ko nyalu ko yaita ano boisiet. Makimache kandoik che mi offis saitage koime raiah ingobwa offis pakotestagei chepyosok yon kanyoko som boisiet a serikali komuche koim bik en offis. Ak kelekandoik ko ndai wendi tuyot asi kowakekonin kele koninotiot inoni amu kokeyai boisiet ne kararan. Kemache ikuye ile koninutiondoni koba offis makikonin inyendet amun kebaIsiechini emet. Ko ngot ingunon ke koni artet iketet artanoton ak ibebagach en offis mekete kowa gaa ak tuguk che uchoniton.

Ko kagile kit ne takyige kiiton, ng'atutioniton ko kiisto tuguk chon okase keguren ufisadi. Haya osoman ak oger ngo koyan ng'atutik chuton anan mitten kandoik alak akichek che to nyalu akichek kosir kou noton. En ng'alek alak kemache kityo kandoik che yechen icheken anan kandooik tugul ba koit gaa.

En page 45, sixth schedule kagile ng'atutik chuton ngot ko walak ak kenam Katiba initon ke baisien kemache keyai au implementation, nyalu koyayak au koik ngatutiet ne baisie en emet, kagile alak 6 monts kagile one year kagile alak 2 years. ko non kagisir kele no time limit ko kagile kenysisiek somok yei wendi through each ng'atutiet ake tugul ak isoman ile kagile iname kobaisie au ng'atutiet noton kongeten betut ne kagiyan Katiba ini kele kakiyan.

Page 46, komiten ng'alek en kagile second schedule. Ko kakigile bounatet neba emet tugul, powers of the National government ak powers cheba District government. Kagomwawok Mary kole bounatet ko kagile kichoru koyab Oli eb gaa, oko kagile kichoru, kogas kemwa province, ak kemwa location ak kemwa kokwet – village. Village ko kagile sub-location. Ko bounatet newo ko ne mitten National government ak ne mi District ak ko amache obwat yon niton ak okuye komie amu ki bik che chang en kebeberi nyonet ko ki kale mache bounatoni ne kikuren Majimbo. Kit ne kigamwa bik chok che chang oko ma en Riftvalley ineken. Kimwa alak en Coast, North - eastern, western ak Nyanza. Ko kit ne ko kiyanjinechi kele District.

Ko kakimwa kinde listisiek yon niton somok, kagile list number one ko ne che tun yae National government ko kakiyanjin Katiba ini. Kimnatosiek che ba serikali en Nairobi. List number 2 ko ne che yae District government. List number three ko kagile District government ak National government. Kemache osoman. Kagile National government koname jelaisiek chu kagimwae, ng'alek ab raia, ng'alek ab immigration. Ng'alek kechob rabisiek ab emet, Ng'alek ab lewenisiet ne ba eme t and so on. Ani District kokagile yae ne. Mwae ng'alek ab kopi, medical and so on. Kooyan kounoniton pieanan kakipyee boisiosiek kounon anan achicha. Soman koron kot oguye amun imuche kegonok disatrick boisiet ne momuche tu let ole ibak kigibakakwech echetet keranen prisons oko makitinye kamuket. Anan une? Anan kenam kit ake keib kowa Nairobi ne katanyalu komi gaa. Ani ingunon kingebwan District ko kiwaono province kou kit ne kikakimwa. Kikale bik che choket kimache bounatet kou nikibo keniyit ab tamanwogik lo ak angwan ne ba province. Ko province en yhu ko matinye power. Makoger okwek ole makilisten en yu ko sio swee kot oger ole karo

yan kou noniton. Ngo komach District kou non kokimwaete.

Man from crowd: Ngot ko mami tuguk che yae ko kagai kesib kele mitten kit ne kebare Rift valley province. Ko en ne ngot ko makipchechin boisionik..

Com. Mosonik: Miten bik che lelen Rift valley province ko kikoyet missing. Mache kemurmur koyab somoku. Osach okwek tuguchon tugul kosio sach okweget ak oker ngo ko yai anan acha amu takemwae nguni kit neyayase ye ibataita kasari ke mitten. Kasir kimiten ko kinetke kit ne mwae Katiba ini impya ak kengalalen kot kiyanjinechi asi ki yoten bik che bendi tuiyet kelenji oib ng'alekyok, kit ne kakiger eche k ko inoni. You shall give instructions to the delegates. Ko kit age, ongebe number 8, ko nikamache kebe noniton. 8th schedule en page 46, ne kagile transition en kasari kotatun kenget en katiba ni komi ak kebe katiba ne lel, konyalu keyaita ano boisiet. Ko nyalu osoman niton ine ak oger ole ngwany ko cham noniton anan mocham.

Amache oger kit akenge en page 46, en palaliandani yun kagisir kele number 4 en konait ne ba barak eut ab tai. The top right hand corner. Ko kagile chito nan amwa en kutit ne kigoik ne wo neba emet anan ne kigoik president konyil oeng anan kosir yoton kotomo kenam, ko ngot iyan Katiba ini ko maimuche inendet ko telel ko mache koik president anan ko rubeiwot ab p resident anan ko prime minister ak makimuche kelewen koik ne rubu prime minister anan koik minister anan ko chon kilelen waziri mdogo anan ko MP. Chi ne kikoik rais Mara mbili au zaidi ko makoi ko bwat ko telel anan ko bois ko rais anan ko rubeiwandenyin anan ko prime minister anan ko deputy prime minister anan ko minister anan ko ne rubu minister anan ko MP. Ng'atutiet akenge noton inge bendi en katiba ni komi kebendi ne lel. Ngot isib programm ini kanyonet ko kakile ki ng'alale echeket asi keteb tebutik.

Neba oeng ko kakile, subject to clause number 4, any person who would otherwise have been qualified to stand for election, but for the provision of this Constitution he is eligible to stand as a candidate to the first election held under this Constitution. Ko neba oeng ko kakimwaa kele chitu gul ne ko taimuche koik rais kosibkei ak ng'atutiet ne wo ne komiten, kotomo koit ng'atutieni koimuchio kotelel ak kelewen. Ko si oguye yoniton komache osoman chapter nekiguren chapter 8 nikoba executive. Ogele clone number 156 sio soman baadaye, ko kagile qualifications che ba chito koik rais en Katiba mpya ko kakile kit akenge kemache inendet kotinye degree. A university graduate. Ko kit age kele kemache ko kenyisiek 35, mami ngweny en sosom ak mut amasire tamanwokik tisap chito ne mache ko telel koik rais koik en ng'atutieni Kagile ko ngatutienon ko makiboisien ra. Ngot ko mi chi ne mi ngweng en sosom ak mut kitikin anan ne kosir kitikin tamanwogik tisap anan ne mat inye degree ke chamchin ko telel en lewenisioni nyone angot kebaisien Katiba initon. Karokuye?

Ko kit age ko kakisir en yoniton kora kele, provincial administration ak kele on the coming use of force of this Constitution, the system of administration comprising sub-chiefs, chiefs, DOs, DCs and PCs commonly known as the

provincial administration shall stand dissolved and all public officers *che kobaisie en provincial administration kelenjin koba public service commission koyom boisiet a ge. Kagile kibunjani, kipute pou notet neba provincial administration kongeten sub-chie f ak kowa bakoit PC ak kelenji kocheng boisiet en oldage ak kele komwa ne Katiba ini. Kaikai ocheng obur okwegen ak ole kogiyani nono anan makiyan. Kagicham non anan achichi amun oyaktai bik koba tuyet neba taifa. Kemache delegates che bendi kou chu kabaraini Kasarini ba komwae kole yes kokiyan yono ko yono komakiyan. Karokuye. Ko ne kimache o soman ak onai ine ole komwa ne upside down. Sait age oyan kit ne nda kikong'alalen komie ko to saitage komwae. Maunoton i.*

Kit age en page 47, kot oger kwenet yono ko kasir kele death penalty and other outlawed penalties. Ko en nywakindo ko kamwa yon kele mitten imanit ab chito kosab. Amakireben sobenyin. Ko kit ne komwa Katiba ini ko kale kisto hukumu ya kifo ana hukumiwa kunyogwa, keisto. Ko kagile kityo makisto konamen kasari be Katiba, kakile chi ne ngunon ko mi ko kigerwakyi ak kemwa kele mache kenyogan chichoton ko immediately kebare Katiba initon ko mage nyonganio chi. Chon kanye inguni ke nyongan keibu sentence ya kifo koik kifungu cha maisha ak kimuche kora kenyochi kat amun chu kakiguren prerogative of murder ko cham ko chito ne wo kou neba emet kou presi dent komuche kora konyochi kat ak kobosyi kenyisiek che kakile maisha kobwa ngweny anan kityach. Lakini mami chi ne kenyongani.

Kit age ko number 3, every sentence of corporal punishment passed before the coming into force of this Constitution, is remitted and shall not be carried out. Ko ng'alek chon cham kelemen mtu ame andikiwa kupigwa viboko 24, sijui mbili ko beku. Mekeyae kounoniton kongeten ko kakinam Katiba ini. Ak kit age chom ba corporal punishment kou chombo lagok ab sukul en another chapter chu kakiguren basic rights and bill of rights ko kakile en page 7, children- mkono wa kushoto hapo, children. Kakile number 5, every child has a right to ak iwe kot it (g) en laini noniton en ngweny has a right to be free of corporal punishment or rather forms of violence or cruel and eumentric made in schools and other institutions responsible for the care of children. Okot lagok akichek en sukul komekomi kiboket hata siku moja kelemen kitache Katiba initon.

Okey on that page, let me just *Oger kitage ne kakisir en yonton, makamwa number 5, oger number 4. Ma ng'atutiet inoni, Kagile a child's mother and father whether married to each other or not have an equal duty to protect and provide for the child. Karogasi ii. Bas kag ile ngo kiitu kamet ab lakwanoton anan ko metun itinye responsibility irib lakwet ak tugul alak che u choniton. Haya ongewekyingei page 47, en eut ab tai kogeny ne kagiguren human rights. Kagile the commission on human rights and administrative justice shall within 6 months of the coming into force of this Constitution on the petition of any person or on front motion a,b,c, ko kagile ketau commission neba human rights cheba imanit ab chito, ak arawek 6 nebare kagiyan kele kagiyan ng'atutitioni newo komuche chito akenge anan group ab bik anan ko komisson mwenyewe ko nam kokin ng'alek tugul che ba boriot che kikiname en em et anan ne kikoyayak ak keteb kele sigai kenget boryoni ko ne, kilyan. Kingo che kiindochin poryet ne u noton anan che kingete boryet ak kenam pichoton ak*

kirwagyi ak kegere en ngo ngot ko nyalu ak kewekyi mogornatenywan bik che kikireben magornatenywan en kasaraton.

Interjection.

Asi a tuche, ng'alek ab land ko kagile mutawachiwa bunge kuunda an kutekeleza sheria kuhusu ardhi kwa ufupi. Komaton awa details. Osoman development chapter 11. osoman okweget sioguye ole kamwa ne. en nwagindo ko kakitebenan kele, ' Je tafauti kati ya ile Katiba ya zamani an hii ya sasa ni nini?

Kwanza tunaimani kwamba nyinyi mulifanya civic education ya kutosha, mpaka mukafahamu Katiba ya sasa ina sema nini. Katiba ya kwanza ni hii. Ko kionetke kot oguyeinei kit ne kimwa, Lakini hata tunasema hata kama hamukuelewa vizuri ko kigile "the wearer knows where the shoe pinches. Okot ko mesoma ko mesoman inei missing ikasen gei puch en borto ile kounei Katiba initon. Lakini kimache keger koron kele Katiba ini kou ne. Katiba ile tuna badiloisha, tuna unda upya, ko Katiba initon, ko 98 pages. Kotoma ke printen inoniton, Lakini ikiwa printed tuta anza, Inge saitage kit ne tena niton ko barun kole ngwany ainon ne tinye ng'alek kosir ingo. Ko amache obwat ole kimiten Katiba ne utien bik abagora ne kiba "independence Constitution" ne ki ba Lancaster house ne kibaru boisiek ko kingesiche uhuru en 1963 yon tam ogere Kenyatta ingechuru benderet tab waugereza ak koname instrument of power. Ko inoni, ki pagisiek 298. kinegit pagisiek 300. ko inoni ko tamanwokik sogal ak sisit. Ne git 100. kikiwal ng'atutioni en kenyisiek 38 cheba independence, ko kikiwal konyi sosom ak sisit. This one is 38 pages, in 38 years of independence, it was amended 38 times kotatun kikomwa temik kole kiguren mararyat ngot I comparen inoni ak inoni. anan kiguren palaliat. Anan keguren kitala. You remember the story. We talked about it during civic education. Kinget kityo ne yame ketalen tuguk nibuch ko kikicancellen tuguk che chang che kimiten inoni. Angot oteben boisiek che mi yu kolenjok kimi kot ne woo ne kikiguren senate, netabanu barrak kikuren upper house, kimi lower house. Ki District che kimiten en kasaraton ko kikakisir kainaik en Katiba. ak kibar District peacon. Kou kericho kasaraton kelejin ngeten Kelekele asi kowa Manga asi kowa ano ak kowakoalak Kipsonoi River ak kolyan kolyan. Kikakisir kou nikakisirte mpakaisiek ab Kenya en ireu. Kikisto tuguk choton tugul ak kiisto baunatet ne kimiten emet ne kiba region. Kikiguren province Region. Keguren Majimbo, Chang tuguk che kikisto. Ndaga barwak age ne kiatinye ko kimi chi ne kika choran kingisto kit akenge ko choran kolenji ak konde tarikit. Ko kikisto kotatun konget palaliat inoni. Ko inoyae conmparison kemache kora maton koutwak en boisiek che mitten obwat nikiba 1963. ak ole kiu ne noton.

Ko ne ba 1963, ko ki kisir en Lancaster house boisiek. Boisiek 33, ki 14 boisiek choton koron, kotun koik 33. kimi arap Moi, arap Towet, Ronald Ngala, Masinde muliro, Jeremaih Nyaga, kiano bik che ki 14. kotatun kdotesak alak let koteskei akot Seronei etc. Ko bik che kiwale Katiba inoton kotatun ko tenit inoni ko wajumbe en parliament ichegen. Tafauti sasa ni kwamba inoni ko kokiteben maoni raia che chwaket. Kiguren People driven Constitution Inoni, ko inoni ko it was parliament driven. Ko kosir en inoni kagile the sovereignty of the people and the supremacy of the Constitution. Kagimwa kele raia cheba Kenya che bauge. Secondly ko en procedure, inge mache kewal chu kakimwae that chapter ne kiwalen Kat iba, komi sehemu che makimuche kewal en bunge lazima kebwa ole mitten raia. The

procedure for amendment.

Thirdly ko tinye Preamble ni kagimwae. The present Constitution haina preamble hiyo ingine iko an ppreamble. Lakini munatosheka an hiyo utangulizi au la. Kit age ko kagile kwa maneno ya ci izenship, uraia. Ko inonino ko kimwae kityo kole lakwet ne ba chito ne ba Kenya ngot kowa muren pitonin ak kowa kogesa ko lakwet ak kwondo kobwane Kenya ak koigu raia wa Kenya automatic. Ko inoni ko kamwa kole okot akine chepto ingowa pitoni ak kowa kitun kobwane ak chitonin ako chitonyin konyokoigu raia ne ba Kenya kobato lakwet. Kokiyom kele kogerkeitun chepyosok ak boisiek, kwanyik ak murenik, ribik ak ng'etik. In general en ng'alechoniton ak en ng'alek alak okot ng'alek ab imbarenik. Kemache kotosoman boisiek komie, makole okwek mpya Katiba ini lakini tinye ng'alek en orit. Yon ko gas kele angot ke sikyi lakwet chepto, koik cheptaurisiot ko chito ne kisiche ak kamet ko gerkei twan en ribe ab lakwanaton. There shall be equality between the sexes, okay.

Kitage ko kakimwa ng'alek che chang', hake za binadam. Haki ya masomo ile plot, haki ya afya ole kimenye ak kemwa tuguk che chang kele kila mtu ana haki, hizo haki zote, mwenzangu ame sema kwamba it is a very long chapter. Lakini musome kwa makini an ina sema ni jukumu la serikali itekeleze hizo haki siyo tu kusema na mdomo. Na kama serikali haina pesa, haina pesa ni jukumu la serikali kusema kwa ajili gani hakuna pesa an tena itapata pesa siku gani na kufanya ratiba, program ya utekelezaji. Lazima koyan serifikali ak kokonech program kole itatekelezwa lini ile haki ya kupata elimu ya bure na kathalika and so on and so forth. All that haiko kwa Katiba ya sasa.

Kitu ingine ni kwamba bunge sasa itakuwa an vyumba viwili. Kama zamani. Sasa tuna bunge moja tu an hao wajumbe 210, lakini tutakuwa an two chambers. Two houses lakini sio kama 1964. itakuwa ni National assembly an National council an hiyo National council itakuwa An hiyo National council watakuwa wakilishi wa District., na wakilishi kina mama wanatoka provinces. So can you examine the two chambers an kama muna kubaliana au la. Kuhusu uchaguzi Ko en kasari en Kenya ongen ole ingeleweni bik waju mbe anan ko councillors ko ngot ko mi bik mut ko chito ne kaindo, number one koibe ngecheret. Ko inoni ko kakile Yes ibe ngecheret chito ne kaindo koik mitten ng'echeok che kakinde taban 90 extra seats in bunge ndio ziwe mia tatu. Che kakile inileweni ileweni chito ak ilewesn en kando, ilewen chamait, itinye cardisaiek oeng che kibiren kura. Si koyesta bik ne ba chamait ak neba MP ne direct. Kimuche si ketake ng'alalen noton what does it mean lakini kokiwal kit ne kilewenisiotoi. Kit age ne kokiwal agoba lewenisiet ko kagile ko cham kelelen 25% five provinces si ni ukweli ko kakile kongeten ra kongeten Katiba ini kelelen kityo iku chito rais ne kasich 50% ak kotinye provinces mut 20% not 25%. Kokile ingeli kibwat 25% kowui kesich, kele ongeib kic huchu ch kitikin kobwa 20% ko ingo bet chito ne kana 50% like 20% kename number one ak number two ak kobarge ko ne kaindo kityo koibe rais wa Kenya. Kwa hivyo 25% tena hakuna. Chito nemaba chamait (inaudible) yani ii 25% mi provinces osinye lakini kagile kityo matinye bounatet ne kim provinces lakini tu kite bik en lewenisiet kemwae 5 provinces kora. Lakini bounatet serikali ne kitau ko neba district mamiten provincial level. Chita nematinye chamait cho kikuren independent candidate keyan jin kotelel en rais anan koik MP anan koik councillor. En kasari ko onge chamait noba

Mwau keguren party of the independent Candidate of kenya ko chamait kora. Chamait neba bik che matinye chamait. Lakini en inoni konyone chito ne matinye chamait hata moja ako imuche ko telel koik rais koik MP, koik councillor etc. Ingene ko chamaisiek ab siasa ko kokisir en iyeu en iyeu ko makisir chamaisiek ab siasa. Hakuna clause utapata political parties. Ako en kasari ko registra of societies ne sire ne registereni chamaisiek ab siasa. Ko en katiba ini mpya ko electoral commission ne teleljin chamaisiek ako registereni lakini mitten ng'atutik che ilazimishani chamait koyai lewenisiet en kasarwek alak kosib ng'alek ab democracy en chamait orit. Malenjin bik kit an tam keitai en chaminyon ko inoni kisibi principle en chamait ak kit age kobitu rabisiek che kikachin chamaisiek ab siasa. Chamait ne tynye 5% or over of the total votes ko mi rabisiek cheyabu treasury che kikachin koyai boisiosiek alak.

Parliament ko kimit en katiba ini kosir kit neu en kasari ak president kotinye less power. Parliament is stronger, president is weaker. Let me leave it at that. MPs komekong'alealen ng'alek mushahara yao kwa bunge. Mi commission ne keguren salaries and remuneration commission ne ng'alalen msharaisiek che ba MPs ak cheba bik alak lakini hawawezi sema wao wenyewe kupitisha an kujiongezea mshahara. Yon kakimwa kele mitten hake kerecallen MP ngot kowa ak kowa ko betyi Nairobi ko mi kit ne keito si keweche konyo gaa ak kebutan en gaa ako isibi leadership c ourt ne kagi mwae komwa rabisiek che tynye ak komwa kole Aba sibi ng'atutik ne ngo maisib kemuche kebutan kora. Haya kit age ko kagile ministaek ko meko Wajumbe. En katiba ini mitten ko ministaek ko wabunge ko en Katiba ini mpya ministers will be appointed outside of parliament ko kergeit ak America. Secretary of state en America koma chito ne an MP. MPs en America keguren congress men ko kokimwa kele MPs kemache si kobendi constituencies ak koba kobais ak raia mat koimgei ak benderet amun bendarani koyain isungugani Kenya iyae other things ak iutdien gaa. So non of the MPs can be a minister. President komi kit nekeguren impeachment. Kagile tuguchu tamgebare impeach president komiten. Prime minister akine kemuche kisto by vote of no confidence. Ko prime minister ko ongen ole appointeni president, komakomi nitan. Appointeni president from the majority party in parliament. Now mi bounatani kagilelen mitten inoni bounatet non kilelen ongeib bounatet korikta tai. Kimi inoni, mamiinoni koik kakiwek konyo District ak ketesta location ak village sub-location. Makiwek kou nikiba 63 nikimiten ak ni.

Provincial administration hakuna. Ko en inoni by the way ko kimakomi provincial administration ingelen kecheng ko mami ole mwae kole mi kit nekekuren provincial administration. Ki inoni ko article number 23 page 15 kokit page 17 ko kigale the executive authority of the government of Kenya shall rest in the president and subject to this Constitution may be exercised by him either directly or through officers subordinate to him. Ng'atutiet noniton ne kikibaisien ko tatun ketoo provincial administration. Lakini en nwakindo ko mamiten en Katiba ne mpya. mitten kit ne ke tau ne ke kuren supreme court,. en kasari komiten up to high court and court of appeal lakini kitau ne kikuren supreme court ne yae kasit kora ne ba Katiba. Mi bik che chang che kikale kimache Constitutional court ko kokinam supreme court koyai koik final court akoik a Constitutional court.

Power neba Kadhi ne ba dini ya kiislam ko kotes en yu, dini ya islam an court system yao. Mitten kakile administration

police are to do their separate identity. Ko APs kooneni part of the provincial administration. Kele kemache kenam APs akinde kochut regular polis. The police, the defense intelligence forces will be more accountable to parliament ak kotinye ng'alek alak che chang kou cho kilelen in ng'alek ab environment and so on. En nywagindo ko tafauti ndio hizo. Mitten alak che chang che kemacheKagai osoman.

Nikimaliza ninataka kusema kwamba muda ya kujadiliana ya dissemination discussion ya hii reporti ni mpaka tarehe 28. two weeks from now. Mkutano mkuu wa kitaifa itanza an wale watahudhuria kikao hicho ni watu 628 delegates. Tulikuwa tume fikiria tukutane kasarani halafu baadaye tukasema Bomas of Kenya kuanzia tarehe ishirini an nane. Hawa watu 628, je hawa ni akiNa an ni? Wa kwanza ni wabunge wote. Na wabune ni watu 210, elected and nominated. Hiyo ni group ya kwanza. Wa pili ni wakilishi wa kila wilaya, Watu wa tatu. So cheba Bureti ko bik somok. There are supposed to be three District representatives. Moja lazima awe ni mama, mwengine anaweza kuwa councillor na mtu watu. Hawa waliteuliwa na county council kufuata kanuni za tume. Returning officer alikuwa ni District coordinator, watu watatu. Kwa hivyo kama ni watu watatu kila wilaya an wilaya tume sema ni 70 ni watu 210. Halafu kila chama kitakuwa na mwakilishi mmoja. Kila chama cha siasa ambacho kikuwa kimeregistiwa October 2000, wakati ule vyama vili kuwa 42, halafu baada ya NDP an Kanu ikawa 41, so 41 political parties with one representative each. Halafu civic society; Mekanisa, vikundi vya kina mama , NGOs, Trade unions etc. watakuwa watu 126. Halafu macommissioner 29 watakuwepo lakini as ex-offio location hawapiga kura kwa ajili mkutano mkuu tutakuwa tukijadiliana mswada wetu situ tulioandika kwa hivyo hatutapiga kura. Tuko hapo kama secretariat. Sasa kwa hiyo mkutano inatakiwa kwamba Wakenya wakubaliana kwa pamoja kuhusu hii Katiba. *Yani kegasyin.* Kama ingethibitiswa bila hata kutoa koma moja bila iko tungejivunia kabisa sisi kama tume kwa ajili tunafikiri this is the best Constitution.

Na kama hiyo kukubaliana haiwezekani kwa pamoja tutapiga kura. Na kuhusu mambo yasiyo ya kikatiba tuseme ile chapter ya kuhusu bill of rights iwe chapter 10 ama iwe chapter 2. najua tayari iko ndani lakini iwekwe pahali yake. Hiyo ni simple majority, 300 per, kati ya wale 628, 29 hawa pigi kura kwa hivyo tuseme watu 599, ndio watapiga kura. Sasa kama mambo yasio ya Katiba ni simple majority, 301 out of 599 watapitishwa. Lakini maswala ya kikatiba inatakiwa two third Majority of delegates. Two third ni watu mia nne. Sasa watu wa Bureti ama konoin, mukiwa mumesoma kWa makini an mumesema tunakubali Katiba karibu kila kitu lakini hiyo maneno ya kusema president awe 50% na 20% hatukubali hiyo tuna, prefer ile ya zamani. Ama hii maneno ya kusema mama an baba ni poa kabisa hata kama ndoa hakuna. Hatukubali hiyo sasa tutatakiwa kupiga by two third Majority. Je itawezekana namna gani kama watu wa Bureti target will be District ni ya three constituencies each one with one MP so those are 3 MPs an tunataraji wanashirikiana.

Kitu cha pili ina wakilishi watatu. Those are six votes of Bureti an inatakiwa minimum of 400 on Constitutional issues. Sasa wajibu wenu ni kudebate very quickly kukubaliana na wale delegates an MP plus the 3 District reps lakini also to lobby na tuseme Kericho wamesema Namnagani, wa Bomet wamesema namna gani. Tukitaka hiyo maneno ya ardhi yarekebishwe, tutapata wapi kura mia nne. We must multiply the bureti votes by almost 100 timeas. Now we are supposed to lobby, ndio tukienda kwa mkutano mkuu wa taifa maoni yetu, mapendekezo yetu ndio yata shinda kwa ajili mwishowe kamahatuta

kubaliana Lazima tupige kura. Na wengine watalaziika kukubali mapendekezo ya wale wako na majority. Huo mkutano ni tarehe ishirini na nane itachukua muda gani. Kwa maoni yetu itachukua muda wa mwezi moja. Maoni ya tume ndio munasikia kwamba pengine tutamaliza kabla ya jamuhuri day tukiuliza mini ninapenda kusema kati ya masaa tisa na miezi tisa. Somewhere in between six hours and six months.

Kama watu watakuwa kama new Kanu, mwezi wa tatu tarehe 18. wazlipitisha kila kitu kwa kauli moja, six hours an wakatoka wakaenda nyumbani an kufurahia. Lakini mkutano wa kikatiba wa Uganda ili chukua miezi sita kujadiliana. Hawakuweza kukubaliana kwa urahisi because those documents are expected to Last for may another 200 years. Ile ya America sasa ime kaa miaka 215, hii ya Lancaster ya wazee 33, imekaa 40 years, Sasa ya 31 million Kenyans pengine itaenda 200 years or more. So we are supposed to be very serious no wonder they were serious for six months. Ndio tunasema kati ya six hours, six months sisi tunafikiri one month to six weeks lakini whatever time it takes, lazima tufanye kwa makini kusikilizana because at the end of the day, hii review ilitakikana ilete amani na masikilizano kati ya Wakenya na kuleta ili culture of Constitution. Tuwe tuki place matatizo yetu kikatiba. Kwa hivyo ikiwa una fikiria hii maneno ufikirie leo na kesho na 200 years from now so that you take it seriously. Let me stop at that because I have spoke too long. Thankyou. Now to take over the program.

Mary kanyiha: we can take your opinion if you have gone through the draft, we can take it down. If later on you feel you have something that you didn't about right you can give your list to your representative. But right now we can take your views. We shall request you to come in front so that we are able to tape your comment.

Josiah Kirui: Before you take my opinion, I would like to ask for a little of elaboration on the appointment of ministers outside parliament, you did not give us the modalities of how it will be done. To express my ignorance I will have to go back and come out with the required material for ministerial appointment. That is one...

Another point which I also wanted to inquire was the matter of the shairing of responsibilities amongst the parents, the father and the mother. The Constitution should rightly put it, stipulate that they will have equal responsibility for the care of the child. If it will be Constitutional that even the unmarried parent will have the responsibilities of the children of their production, will that be under the Constitution or will it be an additional act that will be discussed after outlining it because I was thinking it was going to be a little bit tricky that the unmarried couple will be forced into the responsibility in that particular area. Because there was a time when we had an affiliations act which purported at one stage. Right now if we included it in the Constitution how will it fair. May be I will need help there. My name is Josiah Kirui I come from Bureti.

James Leitich: My name is James Leitich. My first point is nothing in this draft is mentioned about the retiring president. The kind of immunity he will be given and the pension has not been provided in this draft and I think he should be well taken care of. On page four, number 13, there are 3 National holidays. In kenya we have possible up to 12, I think the constitution should stick to 3 or four no more because we are still poor.

On page 5, number 23, dual citizenship is permitted under the clause of Kenya. my daughter who is in America and is married there can bring back her husband. Her husband when in Kenya can contest a presidential seat. I think that is abit unacceptable. That clause should be revised. And on 6, number 36, older members of the society. As at present there are very old people, men and women who don't have proper support for shelter, food or anything. The state should provide a kind of pension for such old members of the community, society and Education. I suggest that every child should have a right to education up to minimum of form four freely without school fees without any encumbrances.

In page 13 number 93. Funding of political parties. I object entirely to funding of political parties through public taxes because I think political parties are voluntary organizations and they should be able to fund themselves without public funds.

Clause number 220, I can not find a list of functions allocated to the provincial administration in the provinces if they don't have functions why provide for them at all. Thank you very much.

Peter Maritim: My name is Peter Maritim and my problems are as follows; one, In the constitution no where is given for the creation of amnest. We found that, when we were seeing this draft Constitution in the end pages we see somewhere where we have the first human rights abuses. So my suggestion is we create an office of amnest.

My second point is the currency. The reason why our currency is going down is because the trading in Mombasa, they are using dollars, so may be we change to the Kenya currency.

My second point the degree qualification of the president, when we say, that the coming president should have a degree, I think it is more immoral because we may have a president who is Having a degree in sociology or a degree in secretarial. So may be we should define the type of degree we want in the president, because secretarial; and the president me I don't see it as it can fit.

My other point is on the basic human rights, the abolition of death penalty, but there is no where they say somebody who kills one another what is the sentence given. So my point was on abortion side. Anybody who tries to abort or who aborts should be given a life imprisonment for the abortion.

My other point is in the idea of sale and lease back of land. Kuuza na kuruadishwa kwa shamba. You see the politicians those who are retiring wanauzia mwengine shamba halafu baadaye wanarudishiwa because Sale and lease Back. They sell for six years that land becomes theirs after six years so I think it should be abolished. The sale and lease backa idea should be abolished.

My other point is on the prerogative of mercy. The president has powers to pardon the offenders. I think this one is being abused. It was abused for the first time in 1975 by the late president. So when somebody kills one another and I have my friend, may be I kill somebody, nikiua mwengine an pengine mimi ni rafiki ya pengine rais , nitaenda after two weeks and jail for given an nina ambiwa enda nymbani. So you see that one should be abolished completely.

My other point is in the District and provinces. Districts were given powers by the new Constitution but we are not told which Districts. At the back of this paper they lifted all the District here. Some were formed for political modification. Some of the Districts were not gazetted so it should only be the gazetted Districts.

The National holiday stated in the New Constitution are only three. There should be another one called heroes day, we have those people who were fighting for independence, so it should be remembered in this day. Also on that point there are those who were fighting for independence some are still in other countries like general Mathenge so they should be brought back home and they should be treated as former army men. Another point is the defense. We have the chief of general staff. So my point is the chief of general staff should retire after 70 years so that his mind may be used up so when he comes home he will just go and retire immediately.

My other point is education system. In the new Constitution, there is no where where they state the education system. We should adopt the former education system, the 7-4-2-3 type of education. Also the chancellor of every university should be appointed by the minister not the president and this chancellor to serve for 2 terms of 5 years.

We go to the election. I have only one point in the election, the insane people should not vote as stated in the new Constitution so I think also the drunk people should not vote because I think that time he is voting when he is drunk he or she can not make the appropriate thing so tunataka walevi wasiwe wakipiga kura. Asanteni.

Walter Chamdany: My Name is Walter Chamdany, I want to comment on the Land policy. This one is very crucial in our republic. You get many people are fighting to own land because some believe that without owning a land they are very poor, they don't have anything so they struggle. I have not gone through thoroughly but I see that there is no limit as far as land ownership is concerned and when you look at our country you find that so many people, or few people own land a lot of pieces of land and most of the land are not fully utilised because they own almost every where and some of these people may be permanent secretaries, may be ministers, they have no time to go and farm. So what actually our land is producing is not even half of it but it should be a quarter of it because they are not properly used. I would suggest that there should be land policy if somebody is owning a such minimum of certain acreage should own that one and farm it as a complete entity, rather than owning a piece here, may be 50 hectares, another one 20, another one 100 hectares all over. Then you find that not all this Land is properly used.

Now you get at the moment the government is saying that there is the gazettement of forest and you find that when they gazette the forest they remove certain hectares of land with the pretence that it is being issued to the poor people or to the landless people and when you go to that place you find that those people who have been issued with that land are these people who are owning some in Kitale, Eldoret, Olengurone, Nakuru and many others. Those landless people remain suffering so I would suggest that there should be land policy and there should be a limitation of the acreage and somebody owning a certain number if one has over 1000 hectares should be a full time farmer to produce enough food for the country rather than having a business in Mombasa and the land is in Kitale. So we always had problems with farming.

Another one is about issuing of the title deeds. You find that this one is centralized it is in Nairobi, may be plots and some of the free hold land. Somebody from Garissa, somebody from Mombasa, goes to Nairobi Ardhi house and he can go there and he will be visiting there almost for a year without getting the documents he wants and the land is in Mombasa. It should be decentralized. The land in Mombasa should be dealt by people in Mombasa, the land in Rift valley should be dealt by the people in Rift valley even if it is very possible it should be taken to the District as it has been said in this Constitution. And that one will minimize the cost used by the council or the farmer or owner who wants to get the title deed from Nairobi. Now when you go to Nairobi like a market place there are many people moving up and down and that is what encourages corruption because one will say I will not stay here for long so I better give some thing to somebody, so that he can do this job for me so that encourages corruption. The government is taken to the people the land should also go to the District because the land is just within that District and whoever is there the committee, the land officer will know that more land now compared with wasting time where somebody can go to Nairobi, he starts talking of the land somewhere, the person in Nairobi doesn't know where the land is, so he can do anything or he can manipulate to give somebody else's title deed. Thankyou.

David Rono: My names David Rono, and I see the draft is not so bad, it is a good draft. I wanted to mention about the village council. The village council we need about 6 people who are elected not less than 6 and not more than 10. But you didn't give out the duties of this people. What are their duties. On the same council also, you don't indicate whether people who are going to be elected, what standard of education. Also the locational council, what are their duties and the District council also. And those who are going to be elected their minimum education standard is what qualification. On the side of the National council and the National assembly, we have got MPs and we have got people of National council. I didn't see what are their duties also. Is it necessary to have the two houses, the National councils as well as the parliament.

When I went through also, it seems you have created employment in this Constitution. We have a lot people. National councils, the MPs and the 90 people also. May be in Kenya also from the village council, we shall be having a lot of people because the sub-locations we have in Kenya are very many and we are going to have 6 people in every sub-location we shall be having a lot people who are going to be employ and in this Constitution I didn't see how they are going to be paid. Will the government be able to pay them from the village council up to the National council. I would also like to compare the present budget of the present Constitution those who are employed and this new draft Constitution because our economy is abit down. Is the

government able to pay all this people. Thankyou very much.

Josiah Kirui: I was asking a question last time, I am Josiah Kirui and I come from Bureti. I was asking questions last time. I would like to give a few comments one of them is the dropping of provincial administration. I think with the removal of provincial administration, it would be prudent to increase services which that particular component has been providing in a way in government. This has been through dealing with security in kokwet of the assistant chief and the chief in that they have been arbitrator of certain small disputes between families which have not been able to get to court. With the dropping of provincial administration, we increase two services one of them is the increase in the police establishment so that they assist in approaching areas where they are conflicts and disputes so that they ferry them to judicial services which should be taken further down from the District to the division and perhaps down to the location. This would be in the form of either family court or a small tribunal which can clear small disputes which may not necessitate going to big courts and finding huge criminal offenses. I think that vacuum would assist if we bring down the judicial system to the division and down to the location almost in the nature of the colonial locational tribunal which they had.

I would like to go further and propose in education and health services, the stalemate we have at the moment can be bridged by dropping at the centralized system of managing education. Why don't we bring down education to the District level where it was and enable the committees in the schools to employ teachers best suited to them. This committees together with the church institution, I think will bring morality among both the teachers and the pupils for the right citizens that we are moulding for tomorrow. An example in this case is the catholic school system which I think is the best in Kenya they did not stop the idea of running schools themselves. They did run their schools whereas the protestant section dropped there in favour of them being public schools including what they call the DED schools. I would like this to be brought down to the grass root so that area councils or locational councils can manage their own activities in a devolution of powers provided by the current constitution.

I would also like to request that health services need to be brought down. There has been some so expensive and I think this government is almost commercializing the health unit of the service and to make them cheaper, the insurance scheme should be brought down so that it is within reach by even the smallest family and it should be the states responsibility as it was itemized earlier to provide health for all because it is a prerequisite for good education. When children are not healthy they will not attend to classes properly. So I would suggest that committees in rural areas take over local and health institution and government just provide auxiliary services to enable the committees at the lowest level to run these institutions.

It was mentioned that a commission of human rights would put a bicameral view to the past misdeeds and the criminal activities of the past. I think this would be a very dangerous precedence because it might meet with a lot of concern from those who have lotted the economy to the extent they have done. I was going to propose that this is applied selectively more so than putting it into the Constitution that perhaps a law derived from the Constitution could be introduced in order to take care of this aspect because the law can easily be spelt and be invalid after sometime but if you put it into the Constitution it becomes perpetual for

about 200 years or so. In this case a period also can be included also if it is going to be a transitional arrangement it is put for correcting the misdeeds of the immediate past and leaving the other formalities which have been introduced to take on because I understand there will be a register of assets, filed by every one who will be given a position of authority. That should be able to be a good check and balance for us for the future.

There are a few things which should not be left outside parliament. I should think if parliament is for the welfare of the people it should take care of public assets which should not be changed by two thirds majority, first forests should be the property of parliament and there should be no acre of land enquired from the forestry department without parliament resolving it in full by two thirds majority. Secondly National parks should be included in this area because they take well care of the welfare of the state and also take care of animals for the future of our offsprings so National parks excluding game reserves which belong to local authority should be included in parliamentary control. Another matter which may require parliamentary control would be the area of minerals which I think upto now, government is still responsible for.

I will like to add a new dimension which perhaps hitherto we haven't addressed ourselves to. From the time we got independence, I think we got a misconception of party government and no institutions in Kenya today, not even one party has been able to teach to have any education on parties. So our don't know what a manifesto is and they will be voting for individuals instead of voting for manifestos. I would propose that we teach party education and that if we are going to finance parties through public funds as it has been proposed in this Constitution, such funds should be used in educating Wananchi on the party, and do we need Parties alone, how about corporate democracy because party democracy is one. We also have corporate democracy and this constitution considers corporate democracy to be inculcated in our deliberation. But if we are going party in the country, schools must also pick party education so that people will understand what they are doing when they come out to say they support a given party. With those few remarks, I tend to withdraw. Thank you.

James Leitich: My name is Leitich James. On the issue of leases, land leases for 99 years when they expire they should revert to the district councils further for reallocation or consideration. The other thing is on judiciary. Looters of public property must be investigated to whatever the station one is and prosecuted. Take for example those who looted bodies like KFA, KCC, Cereals and other public utilities must be prosecuted and they should be made to refund all that they grabbed.

Gerald Sogomo: My name is Gerald Sogomo. I addressed this forum sometimes back and mostly it was about a Rwandese who came here in the 1940s they have their children and some of them are about 3rd and 4th generation but they have no status as such. So I was asking whether as you review you can incorporate them in the Constitutions. Because they are neither Kenyans, they are neither Rwandes.

Cheruiyot arap Ruto: Honourable commissioner, kwa jina mimi ni cheruiyot arap Ruto na nitaanzia kwa kupendekeza kwamba mtu wia mimi radhi kwa sababu nitatumia kiswahili. Lugha ambayo nitaelewa vizuri na yale ambayo nitakayoyaema

ndio ninaelewa mwenyewe.

Kwanza ningependeza ndio ninaona ya kwamba haikuonyeswa ya kwamba lugha itakayo wekwa kwa hiyo Katiba ndio iwe kwa lugha ambayo ina eleweka kwa mtu aliyo an elimu an yu le mtu amabayo hakuelimika iandikwe kwa lugha ambayo the local man can understand. Nikienda tena kwa kitu kikingine ni kwa kuraka arobaini an saba pale ambapo wanaandikwa human rights abuses, hapo ni ikiwekwa kwa katiba maneno ambayo ilifanyika kwa hapo awali an iwekwe kwa Katiba, itakuwa vile kwa maoni yangu itakuwa vile kwa maoni yangu itakuwa ni hatari kwa sababu itatumika hiyo kifungo ili watu wengine wainde watu wengine. Na hiyo itakuwa hatari kwa sababu hii ni katiba an ninikitu ambac ho itachukuwa miaka mingi kwa hivyo hainge faa iwekwe kwa Katiba kwa sababu itapea fursa watvu weng ine kuwinda watu wengine kwa hivyo hiyo ni hatari.

Kitu kingine ni tukienda kwa laini ya punishment kwa watoto Ikiwekwa kwa Katiba kwamba mtoto haita pikwa inafaa tujue ya kwamba tayari tume haribu kila kitu, kwa sababu hata Bibilia inasema ya kwamba inafaa ikiwa fimbo iko karibu kidogo ndio hiyo mtoto iwe ionyeshwe ili mambo aende sawasawa, hatanyongwa lakini ikitolewa isemekane mtu afanye anayotaka an awe tu anafungwa kifungo cha maisha sidhani kama tumesuluhisha matatizo ambayo tu lio nayo hasa kwa wakati huu ambayo uhalifu imezidi zaidi kwa hivyo inafaa hukumu ya kifo iwe kwa waleofenders ambayo wanafanya makosa ya mauaji pekeyao.

Kitu kingine kwa corruption, mambo ya corruption an kadhalika, rushwa an mengineo, mambo hii ya corruption vile ingawaje hatuja soma vizuri kuona ili waheshimiwa macommissioners wetu waliandika namnagani ndio ninapendekeza ya kwamba kwa hii laini ya corruption kwa sababu imeonekana ya kwamba corruption iko kila pahali na imekuwa ni shida kwa wanaichi ingefaa itive Maanani zaidi hiyo laini ya corruption an iwekwe adhabu kali kwa wale ambao wanafanya hiyo corruption. Na tena nikimalizia wale ambaye waporaji ya uchumi kwa sababu uchumi na tunalia uchumi imezorota na kadhalika na ninatia maanani kwamba wale waporaji wa uchumi ikiwa kubwa kama mlima ama mdogo iwe imeletwa kwa kikapu ijulikane ni nani alifanya namnagani na ifuatwe vile nilisikia mtu moja aliye nitangulia akisema ya kwamba ifanywe huyu mtu alipe akipenda, asipopenda alipe; kwa sababu tu kisema ya kwamba uchumi inabomoka na watu wanaboa itakuwa ni kazi bure. Asante.

Keneth Cheruiyot: Nafikiri we will suspend from there, whoever ako nafikiri commissioner karibu.

Com Mosonik: Nafikiri pengine turespond kidogo ndio tunaweza kuendelea. Appointment of ministers, is on page 22, tuangalie pamoja number 175, the presidents shall not appoint a member of parliament to the office of minister or deputy minister.

So minister an deputy ministers come from outside parliament.

Secondly, Mr leitich wants to allow the presidents benefit. Nawezasema kwamba hakuna kifungo.kwa Katiba yenye ile iko, chini ya ofisi ya rais, inasemekana about pensions gratuities and so on for the president an ikasema kwamba haiwezi

kupunguzwa baada ya yeye kuwacha kazi ama kujiuzulu lakini under the transitional clauses, yani wakati ule tulikuwa tunachuguzwa na tunatembea kufanya activities kulikuwa an ile kitabu iliitwa issues and prosecutions. Do you have a copy. Kijitabu hiki nyekundu kwa kiswahili an kiingereza an swala la mwisho kwa kurasa, ilikuwa ni kurasa 25 ilikuwa inaitwa succession and transfer of power. Na kulikuwa an maswali kuhusu retirement ya taifa kwa kiswahili na kiingereza. Pengine tukubaliane kwamba kwa hizi transitional inaitwa transitional and consequential provisions na ungetaja kitu kuhusu president wa sasa, the incumbent. May be we needed to have something like that and I think mr leitich you have reminded us. We need to address that particular issue.

The issue of National holidays. Mmoja amesema ni tatu sasa. tunasema moja iwe ni Madaraka day, ingine ni Jamuhuri day halafu Katiba day. Najua kwamba hero day imekuwa ikiitwa Kenyatta day na pengine hiyo iitwe Heroe's day ndio to cover more people than were covered under Kenyatta day kwa ajili tukisema Kenyatta day watu wanafikiria maneno ya 1952 wale watu sita walifungwa ndani an pengine watu wachache wa wakati huo. Lakini kuanzia mwanzo wa ukoloni watu walipigana kuanzia Koitale arap samoe, Kipchomber arap koilege, kaboror, the resitance so pengine that idea of a Heroe's day. I will take that to the commission but tutauliza tena representative kuileta kwa conference kutukumbusha hiyo. Labour day, Christmas Day, new year day, madaraka day, heroes day and Jamuhuri day.

Somebody alisema kwamba vyama vya siasa visipewe fedha za serikali. Tumesema hapa wasipewe pesa na wageni, na tulikuwa tuna fikiria kwamba vyama vya siasa vina umuhimu kwa maisha ya jamii hata kuhusu maswala ya kisiasa an maneno ya demokracia. Ndio tukafikiri tutakuwa an clause ya funding of this political parties but it is subject to debate.

Then somebody akasema functions of provincial government an tukilinganisha an kurasa ya 27, tuangalie, tukaona kwamba under 221, the left side of the page functions of Provincial government. The principle functions of the provincial government are two;

- 1) enhance the capacity of District council and to promote cooperation within the District council
- 2) Assist the District to develop their capacities to discharge their function.
- 3) Formulate plans and policies for the exploitation of provincial resources and development of provincial infrastructure and manage provincial institutions.

However page 46, under powers of National and District government tumesema kuna list number one ya National government, list number two ya District government, list number three is concurrent list hiyo ya both National government and District government. Lakini kwa Katiba ile ya 1963, kulikuwa an list ya provincial ama regional government. Sasa vile imeandikwa hapa ni kwamba inasaidia District to enhance their capacity to promote cooperation, assist the District to develop their capacity. Actua lly it has no powers. Hakuna powers kwa provincial government. Sasa the query is kama ingeta kiwa iwe na powers and uhuru yao sema mnapendekeza.

About the degree for the president. Mtu mmoja akasema degree aina gani an ukasema hata pengine wengine watakuwa an

secretarial degree. Lakini tulipendekeza degree. Na je, hiyo ni lazima au la. Fikiria hiyo. Halafu kuna swala kuhusu human rights abuses. Tuseme kuhusu problems gani, you debate amongst yourself. Mapendekezo yetu tumeyafanya kama tume. Na nyinyi wenyewe mufikirie hiyo.

Swala ingine ni kuhusu, “ which are the Districts we are talking about?”. Kwa Katib ya 1963, Districts zilikuwa zimetajwa na Katiba yenyewe na mpaka hata peacon zao. Mr Maritim alisema there are some Districts which are political lakini kulikuwa kuna kesi kotini ilikwisha hivi majuzi. Kesi ya mweshimiwa chuki, akasema there are some political Districts na akasema tuwe na Districts zile za 1963, 41 original Districts, lakini hiyo kesi ikashindwa kotini. Ikasemekana kama mengine hazikuundwa Kikatiba ama kufuata sheria, lakini kwa ajili ziko tayari, tutakubali tuwe an District na wakati huu ni 70 Districts including Bureti. Sasa kama mnaona pengine hamupendi District yenu munaweza kuvolunteer ivunjwe. *Laughter*. Lakini from now on tutakuwa an procedure ya kucreate District lakini vili ziko zikae tu vile ziko, vile tumependekeza ndio tutaweka list kwaajili hiyo list tulipokea kutoka offisi ya Rais.

Education system – No hatujasema anything concrete about it. Hii maneno ya land, mumesema kwamba it should be decentralized to the District, mukiangalia hiyo schedule ya page 46, mutaona kwamba under list number 2 ile ya District government, article number ‘e’ and ‘f’ inasema land administration, land survey na ukiangalia National government list number one, you don’t see anything about land except number 5 which says Nationall resources an niwajulishe kwamba legislation kuhusu devolved government, the detailed are expected to be worked out through legislation by parliament na hii land policy frame work we have not gone into the details, we are saying it will be worked out by parliament ndio nimuhimu kuchunguza kwa makini, lakini mukiangalia page 28, angalia 235, where it says tenure of land. uende chini pata number 4. it says “ within two years of the coming into force of this Constitution, parliament shall; establish mechanisms for :-

(i) Review of all grand or disposition of government or other public land to establish their propriety and legality and to determine whether or not such grands or disposition should be revoked.

Hiyo nikusema kama there has been grabbing of public land. It is expected kwamba miaka miwili baada ya hii Katiba kukubaliwa mechanisms will be worked out. Pengine watu watapoteza ardhi yao

(ii) The review and accessment of all claims and exprocreation of land in the Coast, North Eastern and Riftvalley provinces or elsewhere whether arising from historical or other causes inorder to establish their validity and how best they can be justly, peacefully and equitably dissolved.

So tulipokuwa Kama Mount Elgon watu walisema tulipoteza inchi yetu hata sehemu ya coast na kadhalika and within two years there has got to be something to be done. Lakini the detained lazima muchunguze vizuri.

On the same page. The left side at the bottom, ownership of Land, hiyo ni number 233:-

(ii). inasema subject to this Constitution, no person other than the citizen of Kenya will have the right to acquire any interest or right in land in Kenya.

(iii). Non citizens of Kenya may hold or use land on the basis of this hold or use land on the basis of this whole tenure. Only

legal tenure only can have interest however granted shall not exceed 99 years. Mtu alisema kuhusu 99 years. Akasema they should reverse to the local authority. Na kama kulikuwa na nane city have acquire land for 999, itakuwa reduced to 99, an hiyo itekelezwe mara moja.

Halafu hii maneno ya village council, locational council, duties, qualification are subject to legislation. The duties have not been defined. National councils, je hii National councils unapendekeza, nikama ile senate ya 1963/64 ama la. Lakini watu walipendekeza kuwa na second chamber. Which is supposed to be an upper chamber to check in Cases of lower chamber but also to protect the interest of the District and province. Under this one, the Members will be from the District and there will women appointed from the province, whether it is adequate or not, it is a good question.

Secondly, what is the budget, is it going to be expensive, we have agreed that we shall do something called Cost benefit analysis of this new Constitution. But somebody has said no matter how it is spent, if it is going to serve us right it is better to incur the expenses. About the provincial administration, that is an issue we have suggested to increase the police punishment, location of tribunal and so on.

Civic education. Yes. The Rwandese, I think there is something about the citizens. There is the issue of the dual citizenship, then there is the issue about refugees in Kenya, I think it is taken care of, I can't go into the details at this point. Finally about the language of the Constitution, mtu a Kasema iwe ni rahisi kuelewa and I can read to you about the language of the Constitution, let me read to you so that you can see how we talked about it. On page 17 ya hii reporti, inasema the drafting type. The existing Constitution is drafted in a way which is virtually impossible for anyone who is not a lawyer to understand without a great deal of time and patience, indeed some parts are difficult even for a lawyer, in addition it is available only in English. It is perhaps more important that a Constitution be comprehensible by an ordinarily educated leader and in the case of most laws.

Then it says the tradition of drafting in most laws in kenya are adopted from England has been that the word man is used to include woman and so on. The point is it was decided to use a simpler drafting style and drafting team set out to do so and the draft are in short sentences and lets cross to referencing to other parts of the Constitution, straight forward language such as must rather than shall. Avoiding unnatural English such as where by, provided that such and notwithstanding and so on and it is intended to translate into Kiswahili and other Languages.

Keneth Cheruiyot: If there are other question, I will invite a few questions then we can close. You can tell your friend at the back seat so we have only two.

David Rufai: My names are David Rufai, from Kimari factory. I have tried to go through the draft but there are some few things which I wanted to put across, (i) may be when we check chapter 5 under the bill of rights, I have seen they have exhausted those issues, but I have not seen any clause which is protecting men against women who are denied their freedom. I

have not seen. So I wanted to know whether men can not be protected because they have emphasized that women should be protected and they are given the say to protect women. But you know there are those women who are also violent so men should be protected from those women.

Also there is this issue to acquire citizenship. There is a place they have mentioned that once somebody has stayed for around three years and he has married from outside Kenya, that person qualifies to be a citizen. I think those three years they are too close for one to qualify to be a citizen because people may take advantage of being married to Kenya. because even right now there are those are still in Kenya and they realize upto may be five years or six years. so we have to reject that.

Also the issue of refugees and those who seek refuge in our country. They are saying that we have to protect them but they are not specifying which kind of refugees because there are those who are connected to terrorism. We can not allow those, they can even reside to our country to be also attacked so I did not see them specify the kind of people to be citizens in our country.

Also in chapter six, there is the issue of elections, that one I support it because there is this issue of registration of voters cards. There is a problem because people do change with where you stay, residents and may be transfer of employment, for example normally we take our elections in December so during that time may be around Christmas people normally travel to other places may be to reserve so most likely those people they are not likely to vote because of the voters card they have May be from Nairobi or Mombasa. So I think we have to look efor ways of assisting those people instead of traveling again back to where you took the voters card.

There is another issue of recalling your MP, if he is not assisting the members of his constituency. I think the process the way I saw, I don't know whether I went through hurriedly, but the process is so long, you have to write to a speaker he takes type some signatures, some over 30% of the total number of voters, I think the process is too long for the eletorate. There is also the issue in chapter 8 of the President and the prime minister and according to me, I see that as much we intend to spread the functions and the powers as we are delegating the duties to other areas, I see the president is appointing the prime minister, but again the prime minister seems to be more powerful than the person who has appointed him who is the president now but I am seeing that the president who is now appointing the prime minister in time the prime minister becomes more powerful than the president according to the functions I have seen which are being indicated here.

Also in chapter 17, there is the commission on human rights and ad ministrative justice. They have said that they have to go and investigate all issues matters affecting our state and then they let us know before this constituency turns into force, I mean when we have this commission on human rights and administration of justice, there are other commissions of inquiries which are dumped somewhere, I think they could have also brought those ones we see first of all what is inside before we start spending another money to investigate afresh. I think we have set so many commissions of inquiries, but those reports we are not being told. So before this commission, starts afresh to investigate such issues we should first know those ones which already were

investigated. I will stop there, thank you.

David Rotich: Thank you sir, my name is David Rotich. I just want to give views on legislature. MPs absent in 8 sittings is not enough and I see that there should be live broadcasting after 7.30pm just like our brothers in Tanzania, so that electorate can access their MPs contribution in parliament, if he is not contributing anything, he will be called back. MPs should avail once a month in his constituency so that he solves problems of his electorates. It should also include Failing to honor what she or he had promised during his campaign period. If he fails to honor he will be called back once again.

Councillors and MPs who are taking on people in barazas instead of issues is also supposed to be called back. Traveling allowances by MPs should be reduced in the next government because they are too many. 300,000/= is too much. An MP living in upper hill and traveling to parliament building down there, 300,000/= is too much. It should be reduced.

Judiciary:- there should be village court comprising of woman magistrate to deal with rape cases, because in some cases in some communities, rape cases can not be heard by a man magistrate. So there should be somebody who is going down the villages.

Health:- person infecting a healthy person with AIDS knowingly should be imprisoned for life. Hand outs by MPs or councillors, have refused our people to better and especially the electioneering period. Those monitoring electioneering should also monitor MPs and councillors dishing out money. It should be made an election offense he should be put in so that other people can come out again and contest.

Those contesting for civic election, 50,000/= is too much. So they reduce upto 5,000/=. Appointing of people to head various parastatals or high offices in the government should be by papers. Somebody who has the highest of the grade should be given that seat. In county council, somebody who was once a teacher should head a section of county council section of education. Somebody who was a clerk or who knows something about the government should head certain department. Somebody who has a degree in environment should head..

Other appointments in the constituency should be done through papers not political correct individuals. Thank you sir.

Peter Maritim: So mine is only one question or two. And the question is in the new Constitution, my name is Peter Maritim. In the new Constitution, we are not told who is a child. I have another question the last one, there is one, changing of sexes, we recognize now days that there is what we call neuro-surgery or physical operation to change a sex of person. So it should be made an offence. Also what you call gene development in the lab ama kuumba mtu katika lab should be made an offense in our country. Thank you.

Keneth Cheruiyot: Mr maritim has closed it with a dramatic note. I would like to give this chance to the commissioner to wind

up.one minute.

Anthony Rotich: My name is Anthony Rotich. I am a civic education provider. I just wanted to say something about the judicial system. I want to support my friend who said there should be local courts. There are many offenses in the villages, including witchcraft, including many other dirty things which don't go to higher court. I think the traditional courts headed by a village elder should be put in place.

Another one is about the senior citizens of this Land who have done. I saw it mentioned in one article in the draft Constitution that they should be given their freedom, they should be as if they in jail. I think senior citizens should be honored properly for the job they have done, first for bearing children, doing the job either in the civil or other service and having done the job of building this nation they should in fact receive honorary citizenship including even lessening of certain necessary commodities which help them to live a better life. So senior citizens should be treated more friendly than they are being treated now and for those who are absolutely unable like widows, whose children have gone overseas and they are left alone, they should be given consideration even absolutely disabled people who are almost like vegetables, the government and the Constitution should mention it somewhere about their social welfare and finally there are certain senior citizen who after retirement are just damped so that they make money. I think the greatest resource in any nation is the human resource so they should be able to identify the best human resource utilise them for the development of the country.

Finally the question of human rights abuses. I think opening up old wounds would not help this country very much like compensation for past human rights abuses. First of all in terms of monetary value, this country may not be able to pay the human rights abuses. And from the look of things it appears it has a different agenda all together, Not for consultation or operation but for vengeance.

Keneth Cheruiyot: Thank you so much bwana Rotich, I will now give this opportunity to commissioner to give a comment on the issues.

Com. Mosonik: we are initiating the discussion of the draft bill to alter the concentration in a constituency forum and we expect you people will be discussing those questions among yourself and arriving at a consensus as the recommendation to be made at conference by your delegates. I can only respond a bit. One, the age of the child, Mr Maritim says the draft doesn't address, on page seven it is number 37 (9) in the middle of the page, in this article child means a person under the age of 18 years. so anybody under 18, is a child. Secondly, I don't know about..

Mr. Anthony Rotich, you have spoken about the senior citizen on page six, 36 (1) says older members of society are entitled to continue to enjoy all the rights and freedoms set out in this bill of rights and then in addition including a right to continue to participate fully in the access of society and so on but all the rights and freedoms in the bill of rights and their entitlement.

Secondly, under number 2, it says older members of society are entitled to the reasonable and assistance of family and state. May be we need to be a bit more specific on that particular point.

On the issue of local courts, if you looked at page 23, 185 (1) says the judiciary consists of the courts, judges, magistrates and other judicial officers of superior courts of record and subordinate courts and other 185 (3) says the subordinate court are:-

- (a) The magistrate court and the Kadhi's court.
- (b) Any other court established by an act of parliament subordinate to the high court.
- (c) (This is the critical one,) Any traditional or local tribunal with limited jurisdiction in issues of local significance that may be established by an act of parliament and also under devolution we should be able to recommend under devolution that tribunal be to sensitive matters like press and so on should be considered.

Man from crowd: But parliament may not enact.

Com. Mosonik: And that is why when you go to the conference we have to say can we put a clause to make sure that parliament enacts this particular thing. I have just remembered the friend who asked the question about the Rwandese. In this report, on page 23, you may note. "It says who is a Kenyan citizen?" someone born in Kenya, either of both parents is a citizen and then the last part one says people who are stated by reason of history, but who were born in Kenya, whether before or after independence are Kenyans. And the question of the Banyarwanda who was brought here, I thought the story of they are being brought here, first time around 1945, to come and pick tea. I think they can be considered under this corporate and we can look for right article within the steps of the draft.

Parliament has the right to regulate its own procedures. The question of the president verses the prime minister. I think that is an important issue. It was written and when honourable Ole Sunkuli raised that issue and people Said how can you testify it without, I don't know what he was suppose not to have done but they should. The president who is elected directly and then the prime minister who is appointed by the president from the majority party or a coalition of parties, forming the majority in parliament and their relative powers. That is an important question to consider but I think you will have to remember that generally the powers of the president have been reduced.

The recall of an MP is not really a long process on tenure of an MP on page 15 recall of an MP. A member of parliament, says the electorates of any constituency have the right to recall their MP before the expiry of the term of parliament. A member referred clause one, can be recalled from that office on the any of the following:-

1. Physical or mentally incapacity.
2. misconduct likely to bring hatred, contempt, ridicule or disrepute to the office.
3. persistent desertion of the electorate without reasonable course, disappearing from the constituency.

Then it says the recall of an MP shall be initiated by a petition in writing, setting out the grounds relied and signed by atleast

30% of the registered voters of the Constituency and the it will be delivered to the speaker, the relevant one whether it is on National council or of the National assembly. And on refute of the petition the speaker shall within seven days act the electoral commission to conduct a public inquiry into the matters alleged and the commission shall expeditiously conduct the necessary inquiry and report its findings to the speaker.

We realize also if we don't put checks and Balances a lot of people may just try to be recalling the MP including the opponents of the MP. So that procedure I think is meant carefully followed and then the voters card on pages 11 to 12, the right to vote because a citizen who is 18 years and above has the right to vote so hii maneno ya kuregister comes automatically as soon as you are 18.

Secondly, administrative arrangement for the registration of workers and the conduct of election shall not deny a citizens right to vote and stand for election and shall include a system of continuous registration. Whatever parliamentary arrangements are made shall not deny a citizen the right to vote.so you need to go into that interms of feeling out the details.

Protection of men against women, actually, there has been some writing in the newspaper, people are saying may be we should say gender instead of saying women. May be we want to consider that. Say no genwder should be less than one third of the member of a house instead of saying women must be one third. May be we should put it the other way round, because somebody was saying women are increasing in number and very soon, they will be the minority. But I think the women were mentioned because of the reality at stake but the principle is that of the two sections should be unduly disadvantaged.

The refugees status, that is a good question. But also may be under citizenship I don't know whether you people have read one point which Says on page 5, can you look under 23, where it says dual citizenship, the number one is permitted under the laws of Kenya, a person who as a result of acquiring the citizenship of another country lost the citizenship of Kenya at any time before the coming into operation of this Constitution, is entitled on application to registered as a citizen of Kenya. I think that is the one that you need to look at very carefully even much more than the one about terrorists because there is a procedure for clearing people who applied to be registering citizens. The ones who are to be naturalized are to be in the country for so long and they are to be checked but the ones to be registered, there is a procedure for checking with the immigration authourities, but this other one I think may be you need to look at it again. That number 23, (2).

About penalties for the looters death penalties, corporal punishment and so on. But in general what the commissioner was trying to was to adhere to what may be called interNational universal standards, generally is dealing with all this issues including whether there should a death penalty or not. Many countries in the world have abolished death penalty. A few remain and they are notorious when they apply their job penalty. So whatever we have written here also, did not come from the blue. It was based on a comparison between the parties in many other countries of parts of the world. Some may be premature.

Keneth Cheruiyot: Thank you very much, I wonder whether there are three District representatives. I will begin with lady who will be representing Bureti District. Secondly we have councillor Langat. He is the area councillor here. I hope you have seen him, the third District representative hope may be he has gone to Kasarani I don't know, Mr Joseph soi. That is our district representative the third one. I don't think there is anything much. We can end there. We are going to have other forums like this one through out division before the end of this week and the other divisions of the Districts for the same same purpose. Then from there we intend next week to go down to the villages and the sublocations so that every body knows and the people can come up from there and through various persons we can get this District delegates to channel our issues and our comments to the National Constitutional conference. Do you have any burning issue.

David Bett: My names are David Beth. There are issues to do with sedition in this country, so I don't know in the new Constitution what provisions have you made for that because initially, we had allegations, people were being sued, being taken to court just out of allegations. So whether the new Constitution has such issue. For a case like Tanzania economic Sabbotage is in chapter 33 of the Constitution of Tanzania, if some one actually, engages in economic Sabbotage like corruption, that issue is treated as a sedition for that country, so I don't know what you can decide for our country for sure so that we are out of corruption and any other evils.

Keneth Cheruiyot: Thank you very much now that we are ending, I can address that issue also Now that I have not had anything to address today. You have talked about economic sabotage and corruption and looking at the draft I have seen, so many provisions that provide for corruption but I am not saying that you should not channel that to the National Constitutional conference, we are still free to channel that if we have any issue you can channel that through the National constitution. But any way , we have issues addressing corruption and as we say economic sabotage is a form of corruption and it is just one of those

And you have also talked about the failure of the draft to provide for sedition. Sedition as you know is a crime. It is a matter for a legislation. There is what we call tribunal court that addresses crimes. What the Constitution has as you have seen it is addressing penalties for certain crimes, particularly those crimes that are normally carrying the death penalty and it has said that it is going to abolish the death penalty. Otherwise for crimes for sedition are matters for legis lation. There so many things that the Constitution has left out because the Constitution as you know is a framework, a general guideline. The other things will be handled through legislation. For your case sedition is handled through legislation. On that note, we will end and any issues that you may have you will chanel through our District representatives. If you don't know their address, I think you know councillor Koech. The address will remain in my office in Litein the District documentation center. If you can get any issue to the District documentation center it will reach them. So you are very welcome to raise any issues we will take to them and hopefully they will take to the National Constitution conference. Nikimalizia, the area chief was here and probably since he is not here, I will invite councillor Koech before we can end Iwith word of prayer.

David Koech: thankyou very much commissioner and othe members. Yangu tu ni kurudishia asante wale wamehudhuria hii

