

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

Verbatim Report Of

**DISSEMINATION OF REPORT AND DRAFT BILL, LAIKIPIA WEST
CONSTITUENCY, HELD AT NYAHURURU CATHOLIC HALL**

ON

14TH OCTOBER 2002

By Lillian Bango
Final copy

**DISSEMINATION OF REPORT AND DRAFT BILL, LAIKIPIA WEST CONSTITUENCY, HELD AT
NYAHURURU CATHOLIC HALL ON
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Present:

1. Com. Isaack Lenaola.

Secretariat Staff in Attendance

1. Francis Wachira - District Coordinator.
2. Achieng Olende - Assistant Programme Officer.
3. Emmah Kamunga - Verbatim Recorder.

The meeting started at 10.00 a.m.

Prayer: Pesacline Kambaria: Lets pray our Father(?) you have given unto us we would to welcome you in our meeting today and you are going to minister unto us gather(Inaudible) then you give glory for the(?) all the people who have gathered this morning. Thank you king of glory we welcome you to begin together with as we.....(?). Thank you the living God because you are going to(?), I pray those in Jesus name(?). Amen.

A lot of noise from the hall.

Francis Wachira: Asante sasa wananchi tutanza mkutano wetu wa leo, kwa sababu Commissioner amekuja kutoka Nairobi na ningetaka kwanza, kabla hatujaanza, nimjulisha wale committee member wamekuwa wanasaidia Laikipia West kutoka wakati tulianza hii mambo ya Katiba mpaka mahali tumefika, sasa ningetaka Miss. Mary Lokiane asimame. Huyu Madam ndio ametusadia sana upande wa sosiam na Rumruti kuokota maoni ya wananchi. Asante Mary. Na ningetaka huyu aseme jina lake.

Mimi naitwa Peter Waweru, mimi ni mmoja wa kamati ya Laikipia West, constituency ya Laikipia West tunaoshugulikia mambo ya Katiba na pia wakati mwingine mimi ni Mwenyekiti wa kamati ile. Asanteni.

Halafu ningetaka kuwaonesha mdogo wangu, Catherine Kathambi, tafadhali simama wakuone, huyu anakaa Nanyuki she is the deputy coordinator Laikipia district. Halafu ningetaka kumjulisha kuna watu delegates wale watatu walichaguliwa hapa Laikipia. Wataenda National Constitutional Conference, na watarepresent maoni ya watu wa Laikipia na tuko na mama mmoja hapa natangetaka asimame tafadhali. Mrs. Tektarina Rebaria, huyu ndio mama anasimamia Laikipia na ndio ataenda kujadilia kwa mwenzi mmoja kutoka tarehe ishirini na nane.

Sasa upandwa Nairobi, kuna the Programme Officer, Mr. Gitonga, ndio ameandamana na Commissioner. Ningetaka kuwaonesha yule anarecord all these proceedings, mama yule pale Emmah, Emmah ndie anarecord kwa microphone. Halafu ningetaka(Inaudible) enyewe yule atatuendelesha hii mambo ya Katiba tafadhali ajitambue.

Com. Isaac Lenaola: Hamjambo.

Audience: Hatujambo.

Com. Isaac Lenaola: Mimi naitwa Isaac Lenaola, mimi ndio Commissioner.

Speaker: Pardon.

Com. Isaac Lenaola: Isaac Lenaola mimi ndio Commissioner yule amekuja washughulikia leo. Asante.

Francis Wachira: Ndiye ametumwa na Professor Yash Pal Ghai ndio mmoja wa wale ishirini na tisa, wale mawakili walikuwa wanazunguka na amekuja hapa kwa sababu wakati tulikuwa hapa, Commission ilisema ile maoni tutapatiana na iko hapa kwa hiki kitabu. “Dr. Mugo can I have this?” Mambo yote ile watu wa Laikipia West walisema iko kwa hii document, ile tulisema Rimuruti, tukasema Nyahururu hapa, tukasema kinamba imerudi kwenu na Commissioner will go through the draft with you ili muone kwamba it a true proceeding of what we told them. So sasa nafikiri kazi yetu itakuwa rahisi kwa sababu tutamsikiza na ningetaka Chairman wa Laikipia West aongee kidogo halafu amwalike Commissioner atusomeshe siku ya leo.

Peter Waweru: Chairman Laikipia West: Asante sana bwana coordinator wa Laikipia District Constitution Review Commission. Ningependa kuchukua nafasi hii kwa niaba ya wakazi Laikipia Magharibi i.e Laikipia West kumkaribisha Bwana Lenaola ambaye ni mmoja wa wale ma-Commissioner ishirini na saba. Ametoka Nairobi, alifika hapa kabla ya wengi wetu kwa hivyo mnaona kujitolea kwake.

Pia ningependa kumkaribisha bwana Gitonga na bibi Emmah pia kwa sababu ya kuchukua wakati wao ili kufika hapa, nawashukuru nyote hapa, kwa sababu ya kuja ili muweze kuangalia kama kweli yale mambo mliopatia hawa yalitiliwa mkazo ili kutoa draft ya Katiba ambayo wengni wenu mnao.

Mimi kwa niaba ya committee, ningesema nina shukrani sana kwa nyinyi yenu yote kwa sababu tulipoanza ilionekana kama itakuwa ni kazi ngumu lakini nafikiri wamefanya kazi kubwa kuweza kutupatia draft kama hii. Mnajua pia kwamba draft hii ni wengi sana ambao hawako opposed with, wengi ambao wanaingilia, hawapendi kuisikia lakini kwa sababu maoni ambayo yako katika draft hii ni maoni ambayo yalitolewa na nyinyi na sisi wote katika taifa la Kenya. Ni muhimu sana tuweze kuangalia, tujue kweli mambo ambayo yako hapa ni yale tulijadilia.

Nafikiri mkutano wa leo, utakuwa ni wa dissemination, in other words bwana Lenaola hapa atatupeleka through document hii ile atuambia mambo yaliyo hapa na akisha maliza itakuwa ni jukumu letu kuuliza maswali kama kuna mambo ambayo mungependa yawe utapewa nafasi ile. Kwa hivyo, nakumbuka, Commissioner alituambia wakichukua maoni yetu wote mwishowe watakwenda katika kila sehemu ya Bunge ili kuweza kuuliza wananchi ama kutoa. Mnajua, wale mnaofanya mikutano, nao mkisha kutana au mnapokutana tena, mnasoma minutes na kuuliza whether is it a true record of what you transpired, I think that is what you are suppose to do this morning, so that we shall be in a position to ask the Commissioner whether all the things we told him are here and then be in a position to look at this document and ask questions.

So Laikipia West, today we ask the Laikipia East and other Commissioners are missing people in various constituencies so it's a very very important day for all of us. Therefore I welcome all of you to this session and I hope by the end of the day we shall have had a very beautiful discussion. Thank you very much.

Again let take this opportunity to welcome Commissioner Lenaola to tell us or to go through the document so that tuweze kujua kweli mambo tuliongea, bwana Commissioner.

Com. Isaac Lenaola: Asante sana bwana chairman. Jambo la kwanza ningependa kwa niaba ya Mwenyekiti wa Tume na kwa niaba yaTume yenyewe, tuwashukuru sana watu wa Laikipia West, kwa maana maoni yenu interms of number, one quality the highest in the country. Mjipigie makofi.

Com. Isaac Lenaola: Infact in the country, Laikipia West is only second interms of the number of memorandum which the Commission received. You are only beaten by Nyando constituency, kwa hivyo kazi yenu ilikuwa nzuri sana, kama tungekuwa na medal mungepewa ile inaitwa(?) medal kwa sababu kazi yenu ilikuwa nzuri sana.

Jambo la pili ningependa kushukuru kamati, kushukuru coordinator na mdogo wake, maana kazi ya constituency ya Laikipia

ilikuwa nzuri sana sana, kwa hivyo again kwa niaba ya tume, ningependa kuwashukuru sana.

Jambo la tatu, nilipokuwa Laikipia Rumuruti na nilikuja hapa lakini mkutano haukuendelea. Tuliwaambia kwamba, baada ya kuchukua maoni yenu hatuketi Nairobi ama Mombasa kuandika constitution na kuweka Nairobi, tutarudi hapa hapa kwenu Laikipia ili mtuambie kwamba hii draft ni sawa kwa maoni yenu. Maanake, sheria inasema kwamba the Commission must write a draft constitution which(?) truly reflect the wishes of the people of Kenya. Hii ripoti ya Laikipia West must be equal na hii draft constitution. Maanake hii Katiba ni ya tume, President, parliament na wananchi ya Kenya. So nimetimiza ahadi yangu kwamba, tutarudi hapa hapa kwenu na kudiscuss hii draft pamoja na nyinyi.

Jambo la nne, hii ni draft, there is final proposal, hii ni draft pekee yake, kwa hivyo si kama Biblia wala Quoran haijakuwa(?) stone na pengine kuna makosa, pengine kuna mambo mazuri leo, mtaniambia kwamba kuna makosa mahali fulani ama kuna jambo mahali fulani tutachange. Na watu kama Pascalina, wakija kwa National Conference kazi yao pia ni kuchukua hayo maoni yenu na kupeleka katika National Conference kwa hivyo, msione kama hii ni mwisho wa dunia, hapana. Mtakuwa na nafasi baada ya kuzungumzi kuniuliza maswali ya kufafanu ama kujibu maswali ambayo hayako clear. Mtaniruhusu nizingumze kwa Kiswahili na Kiingereza nafikiri ni sawa pia. Maanake Kikuyu yangu ni ile ya kuomba maji si nzuri sana.

Hii ripoti ya Laikipia West itakuwa kwa ofisi ya province na pia council ya Nanyuki mtasoma muone vile mlisema. Kazi yangu ya leo ni kusema hii, mlisema nini Laikipia na je hayo mambo yako kwa hii draft ama hayako? Kama hayako ni kwa sababu gani. Kwa hivyo, wale ambao tuko na draft, tutachukua. It is a very big document with 299 article and almost a hundred pages. Kwa hivyo siwezi kwenda article by article. Nitachukua mambo ambayo ni muhimu kwenu halafu tutazungumzia hayo.

Jambo la kwanza, mlisema kwamba mungependa hii Katiba iseme kwamba watu wa Kenya ndio msingi wa taifa, supremacy and sovereignty of the people of Kenya.

Kwa hivyo at stage number four of that document, chapter one article one page four inasema. All sovereign authorities belongs to the people of Kenya. Nguvu zote za nchi zitakuwa katika watu wa Kenya, ziko rights, parliament, ziko kiti lakini sovereignty belongs to the people of Kenya. Kwa hivyo mlisema hivyo na kisha mlisema kwamba in the memorandum was that the preamble should provide for sovereignty expressing, sovereignty of the people.

Halafu the people of Kenya must be sovereign. We have captured that in article one in the same language that you said it.

Jambo la pili, mlisema kwamba, ijapokuwa watu wa Kenya watukuwa ndio wenye nguvu zaidi kusema. Kila mkenya, kutoka mkubwa mpaka mdogo awe chini ya Katiba. Zamani ni kama wanakenya wako chini ya Katiba Rais yuko juu ya Katiba. Mkatuambia kuwa mkenya kutoka President mpaka chokora awe chini ya Katiba na Kenya iwe nchi ya kuongozwa na Katiba.

Article two page four, the constitution is the supreme law and bind all the authority and persons throughout the republic. Katiba iwe juu ya kila mtu Kenya, na msiwe na mtu ambaye ako juu ya sheria wala juu ya Katiba. Kusema ukweli hivi sasa wakenya wangependa kwamba hii Katiba ipitishwe na wananchi waende kwa election chini ya hii Katiba. Lakini out of 30 milion Kenyans, one person can afford to say that is all nonsense. Maanake sheria sasa vile iko, sheria ya Rais ina nguvu nyingi sana kariba hata kupita Katiba yenyewe, kwa hivyo tumesema kwamba kwa hii draft, Katiba ndio sheria kubwa zaidi katika nchi ya Kenya.

Jambo la tatu Laikipia mlisema kwamba pale Kinamba, nilikuwa Kinamba mnakumbuka Pastor(?) nilikuwa Kinamba na Professor Okoth Ogendo na mwenzetu Alice Yano. Na jambo kubwa katika Kinamba na Rimuruti ilikuwa security, what is it they are saying about the security? Let us turn to article 41 page 7, third column it says everyone has a right to freedom and security of the person. Haki ya ulinzi ya kibinafsi, i.e. right of the security of the person.

Article 43 page seven column number four days, every person has the right to privacy which is the right not to have their persons or home searched, their property searched, their possession(?). Haki ya kutoingiliwa, haki wa kutodhulumiwa, haki ya mali yako na ya nyumba yako kutoingiliwa bila mtu kuwa na.....(?).

Hivi sasa mnajua polisi akija kwangu ama kwako, anabisha, kama hufungui anaingia na mlango. Hakuambii kwamba niko na idhini fulani ya kuingia kwako, anaingia na nguvu na mlango ama kwa dirisha. Tunasema kwamba mtu awe ni polisi or mtu mwingine akitaka kufanya search kwako lazima kishiria awe na wewe.

Haya article 54 page number 8, last column says 54, every person has a right to acquire and own property either individually or in situation of others. Haki ya kuwa na mali yako kivyako, iwe ni wewe binafsi ama mkiwa wawili. Na mlisema kwamba Laikipia mngenda mkenya awe na haki ya kuwa na mali mahali popote nchini Kenya. Manake ukiwa mkenya hujaambiwa uwe mkenya wa Laikipia peke yake, ama Mkenya wa Kiambu uwe peke yako. Umekuwa mkenya katika nchi nzima ya Kenya na lazima mali yako pia iwe imekuwa protected na hii sheria.

Haya article 264, page number 32, mlituambia hivi, kwamba mngenda polisi specifically waambiwe kwamba kazi yao katika nchi ni usalama kwa watu. In article 264 sub article 1C, the primary object of the Kenya police service is to work with and for the people to ensure the security of the people. Kikatiba kazi ya polisi ni kuona kwamba kuna usalama wa watu wa Kenya. Kwa hivyo kwa hii draft, tumewawekea mambo ya security vile mlisema.

Jambo la nne, Laikipia mlikuwa na maoni tele kuhusu vyama vya kisiasa, political parties, mkituambia mngenda kuwa vyama visiwe vingi Kenya. Na funding itoke kwa serikali. Mkasema kwamba hizo fedha za party zitumiwe kikamilifu.

Mambo matatu makubwa, tukashughulika kama kundi tukaona kwamba if we limit the number of parties then we are limiting a principle called right and freedom of association, tukasema hivi article 87 page number 12, last column. In accordance with article 50 any person may form a political party, huwe na haki na uhuru wa kuwa na chama chako cha kisiasa. Lakini katika hiyo article, tumesema kuna masharti fulani mambo ya chama lazima iambatane nayo. Kwa hivyo at page number 13 article 90, tumesema kwamba masharti A, B, C, D ni lazima chama ishikilie na iweke manani, kwa mfano article 90 sub article 2, the Commission shall not register a political party if that party is found purely on the religious, linguistic, racial, ethnic, sex, cooperative or regional business. Kwa mfano, kwa nini tuwe ambacho kinaitwa chama cha akina mama wa Kenya, hiyo ni chama cha kisiasa? Ama chama cha Wasamburu pekee yao, ama chama cha Kinamba peke yenu, haitakuwa chama ambacho kiko na national outlook.

Tusema mimi ni Mwangilikani, tuseme the Anglican party of Kenya, itakuwa kanisa ama chama, ama the Catholic Party of the kinamba Parish Party, haitakuwa chama tena, haitakuwa kanisa tena. Tukasema vyama viwe na kiwango fulani na kiwango ni kwamba they must have a national outlook.

Na je ni kwa nini tunaweka vyama katika Katiba? Kwa sababu hivi leo mambo yanayofanyika Nairobi, je ni ya demokrasia kweli? ni democracy? Manake tunawacha vyama viwe na internal management ya mambo yao, na wakifanya hayo wanafanya.....(Inaudible) haifuati sheria tukasema they must manage party within the frame work of the law. Lazima vyama viwe chini ya sheria pia. Maanake, kila mkenya ako kama (sawa na) kwa hivyo chama iwe chini ya sheria.

Na je kama vyama vitapewa pesa kutoka kwa serikali watazitemia namna gani? Article number, 95 page number 13, money allocated to a party from the political parties fund shall be used only to cover:-

- a) Election expenses of the party i.e., zitumiwe kwa minajili ya elections ya chama.
- b) For the organization of the party of civic education in democracy and the electoral process, you will agree with me kwamba civic education kwa hii Katiba ya Kenya iliwafungua wakenya macho, imewafungua wakenya vichwa wameona kwamba haki zao ni zao. Na tunasema vyama vya kisiasa, somebody's vehicle for civic education. We shall fund them to do civic education. You have got the chance, mlituambia Laikipia kwamba mngenda serikali ya karibu, hamkupenda nyinyi watu wa Laikipia West kwamba Serikali iwe serikali wa mbali. Infact, you said in Laikipia that you would like the provincial administration to destract and two you would like the Government to be brought to local levels.

Artilce 213 page number 26, second paragraph, chapter ten talks of devolution of power, nguvu za uongozi wa inchi uje chini karibu na wananchi. Article 216 last column, powers are devolved to the following levels:-

- a) The village.

- b) The location.
- c) The district.
- d) The province.

But what is the centre of power, the centre of power is this constitution in the district, not the province, the central government but the district i.e. Wilaya.

Article 218 talks of the district government, serikali ya wilaya. Mkatuambia hivi, hamngependa kuwa na DC ambaye hamjui ndugu zake wametoka wapi. Mlisema mngependa mtu wa district awe mtu wa kuchunguliwa na wananchi wenyewe, maanake sasa nimesikia kwamba leo DC anakuja after two weeks yuko transfer.

Audience: Ndio.

Com. Isaac Lenaola: Hata bila kukutana na watu. Mwingine anakuja every Wednesday kwao ni Migori, Wednesday Migori, Monday Nyahururu. Hamuoni for four weeks maanake he is not available to you.(?) not come from you it comes from somebody else. Ama ni rafiki wa PC na(?) kwamba amefanya PC kila wiki anataka mbuzi. Kwa hivyo kama ni Msamburu kila wiki yuko barabara ni akitafuta mbuzi ya PC Samburu, hafanyi kazi wananchi mahali ametumwa.

Tukasema hivi article 218, 4 the district administrator is elected directly by the voters of the district. Mkubwa wa Wilaya apigiwe kura moja kwa moja kila miaka minne na wenye kura katika hiyo district. Tusikuwe na mtu ambaye hatujui mahali ametoka, hamjui kama yeye ni mkora kwao, ama aliiba mbao district fulani, ama alikuwa ni mtu ambaye mambo yake ni kombokombo district fulani, mnaangushiwa tu pa! anakuwa Distric Commissioner, tungenda kwa hii Katiba kwamba awe(Inaudible).

Na je hivi sasa PC akiwa kombokombo wewe unaweza kumchukua wewe?

Audience:(Inaudible).

Com. Isaac Lenaola: Hata kama akija kuwatusi kwa mkutano, kuna jambo utafanya?

Audience:(Inaudible).

Com. Isaac Lenaola: Tukasema hivi, article 218 sub article 6, the district administrator can be dismissed by the vote of an absolute majority of members of the district council, that he is supported by the memorandum by a majority of both bodies in the referendum. Akiwa mkora, akiwa mlaghai district council yaweza kupiga kura kumtoa huyu district administrator. Lakini kwa vile si wao wamempigia kura pia hiyo vote yao ije kwetu kwa wananchi. Tusema kwamba we shall

be.....(Inaudible) or not we shall not be.....(?). Kwa hivyo sasa huyu district administrator atakuwa chini ya amri ya wananchi wa hiyo district. Si amri ya PC, amri ya PS internal security, ama amri ya the ministry of Internal security ama amri ya President bali atakuwa chini ya amri ya wananchi wa sehemu ile ya wilaya amechaguliwa ndani, si hiyo ni safi?

Audience: Hiyo ni safi.

Com. Isaac Lenaola: Jambo lingine ambalo ni muhimu katika mambo ya kiongozi wa Serikali, article 226 page number 27. Inasema hivi district shall be entitled to a substantial share, of natural resources from local revenue and for the location of a 50% to the communities in whose areas the resources are generated. Ndani ya wilaya, usiende Nairobi upigiwe na wale wakora wa Nairobi, ndani ya wilaya ibaki kwa wilaya kiwango, lakini kidogo iende kwa national coffers kusaidia mambo ya nchi, lakini percentage kubwa ibaki hapa.

Na pia katika wilaya some percentage iende mahali hiyo resource imetoka, hakuja haja for example kuwa na forest kama hii ya Nyahururu halafu hii forest wakitaka hiyo miti kuuza hiyo revenue inapelekwa ministry of natural resources Nairobi. Na watu wa Maina why conserve the forest everyday don't get a single shilling from the forest.

So tunasema kwamba a portion must also remain kwa wale wenye kuchunga, ama wanyama wa pori. Tourisms, they say is the highest earner of the foreign exchange in this country. Na kuna watu wanaishi na hao wanyama daily. Kama ulikuwa unanua hiyo nyama na kukula kila siku what(Inaudible)? So we are saying let those who conserve the resource also benefit from that. Lakini kuja kuwa Laikipia for example pesa za wanyama watu wa Laikipia hawakuli ndovu, hawakuli punda milia na Wazungu wakitoka ng'ambo na ndege kuja kuona punda milia Laikipia na hizo pesa hupita Nyahururu, zinapita Naivasha pia to Nairobi.(Inaudible) na mwenye kuchunga hapati ndururu. So we saying let us share remain where the resource is.

Haya, jambo lingine Laikipia mlisema hivi, mambo ya Bunge and I am just going through juu juu siendi ndani ndani maanake you will read the document. Nilisema kama kuna any question I can answer later, but I am saying let me just speak on the important point then have time for debate.

Mambo ya bunge, Laikipia West you had a lot of views on parliament, parliamentarian, what to do with an MP, mishahara ya MPs. Tunasema nini katika hii document, article 101 page number page number 14. Laikipia West you were such(Inaudible), that you don't want the President to be the sole appointee of high Government offices; you were very keen on that, mlisema?

Audience: Yes.

Com. Isaac Lenaola: Any appointment must be vetted by parliament so that one person cannot appoint at 1.00 o'clock and suck the next day at 1.00 o'clock. Maanake sisi tunasikia hao wakubwa wakitembea wakienda na kale ka radia kadogo ile small radio ile inatwa Philips kale kadogo, na ikifika five minutes to one wanafungua kwa sababu you don't know whether you are going to be in the office or not.

Pili am told now ministers kwa ofisi yao all the personal cheques are not from a drawer or from a shelf iko kwa box ndio ukiambiwa hora unahora.....(Inaudible) (*Laughter from the audience*).

So we are saying this let parliament approve all senior appointment.

Article 103, we are saying, second paragraph the national council must approve appointment of all the Commissions, be it(Inaudible) ethics Commission, land Commission environment Commission, teachers service Commission, salary Commission, Attorney General, Judges and Kadhis.

Second line, national assembly will have to approve Prime Minister, deputy minister, ambassador, Commission, controller general and governors of central bank. We are now saying all offices which are constitutional must be approved by the national assembly or the national council, so that one man cannot have the power to hire and to fire.

Two, in Laikipia, you told us you would like two houses in the Parliament, a lower house and upper house. Article 105 paragraphs 3 page 14. There shall be two houses of parliament an upper house called the National Council and a lower house called National Assembly. The reason for this is that mumeona kwamba kuwa na nyumba moja bunge, you also become law unto themselves, they can pass law if they want or reduce that law if they don't want.

So we are putting a house to check the lower house and upper house kuchunga hii lower house na upper house nyumba ya wazee. "I am just going to be 35 years in December and I don't qualify now to be in the upper house." Because sijakoma miaka ya kuingia upper house, sijakuwa Mzee," nikasema kwamba upper house let the members be 35 years and above. The lower house let the members be 21 years and above, so that wazee wachunge vijana kwa lower house maanake tunaweheshimu wazee. Kwa hivyo mlisema hayo na tumeandika.

Na je kuna mambo mingi juu ya election ya Member of Parliament and so on, but let me just pick one point which you raised in Laikipia. Article 111 page number 16, mlisema hampendi mbunge ambaye mnamchague kwa tikiti ya DP akifika bunge anapewa million ngapi, anaambiwa wewe si mtu wa DP tena wewe ni mtu wa KANU, lakini tikiti yako ni ya DP. Niwape mfano mmoja, kuna Mbunge wa Likoni constituency anaitwa Mheshimiwa Suleiman Shakombo. Mheshimiwa Shakombo alichaguliwa na tikiti ya Shirikisho akaingia Bunge na tikiti ya Shirikisho kabla ya miaka mitano, akaenda kwa chama cha KANU akapewa life Membership certificate ya KANU na mjue kwamba contract yake na watu wa Likoni go thee to

Parliament and represent us on the Shirikisho ticket, so mguu moja uko kwa Shirikisho mwingine uko wapi? KANU, tukasema nini article 111 is(Inaudible). If the member leaves the political party for which the member stood as a candidate for election to parliament, he joins another party or to remain in parliament as a member that office shall become vacant. What are you trying to suggest? We are saying there shall be no unclear defection, ukidefect(Inaudible). Go back to article seven, nyinyi mlinichagua kwa Shirikisho lakini mimi Shirikisho mambo yake mimi sioni mimi napenda KANU damu nichagueni kwa tikiti ya KANU, come back here we vote for you again, but don't stay in parliament for five years against our will in the wrong political party.

You are still in the last one year you are not very sure now how many members each party has in Parliament because there prone defections. My friend Shem Ochuodho MP for Rangwe, NDP was killed hakuvingia KANU akaingia SDP hakufurahi huko, akanunua(Inaudible).....(Inaudible). So in six months you transient four or five parties and yet we told you, go(?) to parliament and represent us on this ticket. So we are saying huo mchezo wa kuhamahama ukwame maanake hii draft imekataa.....(Inaudible) ni kama prostitute unajua mimi ni mtu wa heshima na akina mama wako mambo kwa hayo mimi sisemi.

Article 14 page number 16 subject to this article, the electorate of any constituency has the right to be recall their member of parliament before they expiry.....(Inaudible) of the term of parliament, mlituambia hivyo. Hampendi kwamba mbunge akichaguliwa bas! miaka mingapi?

Audience: Mitano.

Com. Isaac Lenaola: Whether he(Inaudible), whether he is sleeping, whether he doesn't sleep miaka mingapi?

Audience: Mitano.

Com. Isaac Lenaola: Let me give you an example, a few years back in Moyale constituency in Marsabit district, mjumbe mmoja alipiga campaign something moja kali, I will bring you schools, sijui barabara amesema ni mbaya nitawatengenezea,(Inaudible) mambo ya cattle rustling itaisha. Watu wakampigia kura(Inaudible) constituency, the day he got elected akawaambia bye bye sitawaona tena, the man never went to the constituency till five years, akahamisha familia yake from Marsabit akawapeleka Mombasa, akafungua clearing and forwarding firm in Mombasa, kazi yake ni Nairobi, Mombasa, na Moyale iko Mombasa kweli? Moyale iko Nairobi? And for five years they never saw him and the man has not gone back to Moyale in the last fifteen years.

Now,(Inaudible) in those five years si at least they would have recalled him?

Audience: Yah.

Com. Isaac Lenaola: But there is no law so we are saying here in article 216 a member can be recalled on any of following ground: -

- a) Physical and mental in the party.
- b) Misconduct.
- c) Persistence desertion of the electorate, siukihama watu wako, si basi uhame kabisa ujitolee. Hauna sababu ya kuchaguliwa na haufiki constituency so you note the issue of recall a member or parliament.

And the reasons for this it that MPs must become responsible to those who elected them.

Pili, if a man is so sick that he cannot perform the duties of an MP why should he stay there for five years. Unakosaje kuwa mgonjwa kweli, lakini kama wafanyikazi maanake ni mgonjwa basi we shall take your post. There are two MPs now in this KANU parliament who have not left their houses or hospitals for two years, they don't go to parliament, they don't go for meetings because they are sick. If you become sick for Gods sake supervise but you must come back personally and work for the people. Haya, mlituambia hivi hampendi Wajumbe wajiwekee mishahara yao because the principle of employee means that if you are an employee you don't check your own salary. Wewe ukiwa mfanyikazi mahali uko sasa huwezi kaa chini ukaambiwa leo kazi ilikuwa mingi bwana nitajiongezea 200%, without consulting anybody. In the last two years the current parliament has given themselves three mishahara rings. Ya kwanza ilikuwa ile cash, right now a minister earns close to a million shillings per month. *(End of tape I Part A.)*

Speaker:(Inaudible).

Com. Isaac Lenaola:(Inaudible). From that day there is no different between opposition and KANU, NDP, KANU, DP, SDP they had for the first time a clear understanding issue. They agreed mishahara ipande na ikapanda, ile mambo ya party differences sijui Rainbow, sijui Project ilikwisha siku hiyo, mishahara ipande 200% ikapanda. The second time, they gave themselves insurance policy each of them insurance of 10 million shillings, they never asked anybody na pia hakuna mambo ya hati wewe wewe ni mtu wa Kibaki, wewe ni mtu wa Moi hapana, mishahara ikifika ifike.

The third one they gave themselves mortgage facilities 10 million kila mmoja, they never asked anybody, so we are saying article 151 a Member of parliament shall be paid(Inaudible) salary allowance and benefits and will be determined by salary and remuneration Commission,(Inaudible) inje ya bunge kupanga mishahara allowances na benefits za wajumbe. Hiyo ni safi?

Audience: Ndio.

Com. Isaac Lenaola: Maanake(Inaudible) other Commissioners decide because I have got gray since I got to the Commission, I must pay myself a 100% rates, that not myself. Kwa hivyo mlisema hivyo na tushaweka.

Haya mambo ya Rais wa nchi: article 156 page 20, second column, one thing Kenyans were very clear about is that the Presidency is too powerful, the sitting President infact in 1999 said in public, my office is too powerful sometimes I say I have too much power, but it is true. Mwenye kiti mwenyewe amekubali kwamba mumenipa nguvu nyingi sana, mkatuambia hivyo.

Next the powers of the President(Inaudible) let those powers be discussed; right now we are teaching what referred called a constitutional dictatorship. We have given one office, Constitutional Dictatorial. Why do you have a Katiba, which says the President may dissolve parliament at anytime.

You are giving one person more powers over elected leaders of the ministry. Parliament is an elected by Parliament but one person has the power to tell those leaders go without consultation. Then you told us rights in the constitution, that the powers of the President must be reduced.

Article 156, we have given to that article all the qualifications for the President, article 151 second column, states functions of the President and article 152 legislative functions of the President, let explain in it in brief. What we have done in this chapter we have made the President less powerful in the following manner, when Presidents appoint somebody parliament must vet.

Two, we are saying let the President be the head of state i.e., Mkuu wa nchi but not the head of parliament, si mkuu wa serikali. The republic iwe na mkubwa wake lakini serikali iwe na President Tumegawa nguvu because right now we have a President who is the chairman of the party, he is the head of state, he is the head of Government, Commander in chief .

Speaker: Councilor.

Com. Isaac Lenaola: Hata hiyo ni yake.

Speaker:(Inaudible).

Com. Isaac Lenaola: Farmer number one, fisher number one, so in one person we have literally the entire country and bought.....(Inaudible). We are saying those powers must be cut, so that each power can take the other. So that mambo ya kuwatch news iishe, na radios ikose market maanake mambo ya kununu radio kilasiku

kungoja news sio yako, we buy other things not just radios.

Precisely we are saying let us have this scattered. Article 150(?) the President shall not hold any other public, including any elected or appointed office within a political party. Let the President be the symbol of the nation, asiingie mambo ya vyama, asiingie mambo ya Agricultural society of Kenya. There is a minister for agriculture afanye mambo ya agriculture. President afanye kazi ya nchi hapana kufungua show. So we are saying let there be clear separation of power.

Haya jambo lingine mlisema kwamba, hamngependa President ambaye(Inaudible) kura zake zihesabu ni 20% ya national votes, let the President be popularly elected.

Article number 157 sub article four paragraph three explains this. Candidate for President who receive more than 50% of all the voters cast in the election and in addition he receives a minimum of 20% of the votes cast in more than half of the provinces shall be elected the President. What are we saying? We are saying let the right President awe popularly elected across the nation, you are telling us let them be elected at 50% of the votes and 20% in five provinces, we amended your proposal to make it more realistic and we are saying 20% to how many provinces?

Audience:

Com. Isaac Lenaola: So yenu ilikuwa 50% and 15% in five provinces, we slightly amended it but basically your proposals imeingia.

Haya Makamu wa Rais: As we speak now, we have no Vice President and yet our present Katiba says there shall be a Vice President of the republic of Kenya. When we say shall, it means what?

Audience: Lazima.

Com. Isaac Lenaola: Lazima kweko, so kama hamna Vice President mumevunja Katiba ya sasa and the person who also appoint the Vice President is therefore frauding the constitution, because it says there shall be, lazima kuweco Makamu wa Rais kwa nchi. And why we are not able push it is because a gain it is the right and role of one person to appoint the vice President, what have we done there? We have said in article 165.

Page 21 paragraph two, each candidate in a provincial election shall nominate a person duly qualified for election as the President and a candidate for a vice President. When you say, "I want to be President" you must nominate somebody else who has the same qualifications as yourself to becomes vice President as your running mate. We vote for the President and the VP together. Let me give you a small example why this is important view and why the Vice President must be qualified as

President. Because if God forbid the President collapses today, who shall become President?

Speaker: The Prime Minister.

Com. Isaac Lenaola: You will have serious crisis of the constitution so we are saying, because we are thinking a head not thinking mahali ya kula peke yake, we must have a vice President who is as qualified as the President. So that if anything to this one, we have a qualified person to hold the government until new election is held. Hiyo ni correct procedures?

Audience: Yes.

Com. Isaac Lenaola: So we are saying the Vice President must not just be an office where you put your friends unawaambia kwamba you are my friend for 13 years so I may give you so I may be your Vice President, so now I am not your friend anymore you cannot become Vice President. This is serious thing, not about friendship. This is a serious constitutional issue.

Haya haki za kibinadamu, article number 29 page 6, mlituambia hivi, kuna haki ambazo mtu ako haki za kibinadamu, hazipewi na mtu Fulani, hupewa na Mungu. Article 29 sub article 15, the right and freedom set out in individual rights belong to each individual and are not granted by mistake. Hatupewi hizi haki na ni nchi za serikali tunapewa na Mungu, manake mimi ni binadamu. Mlisema pia kwamba the state area not going to take away our rights. Serikali, haiwezi kuchukua hizo haki kutoka kwa Mkenya maanake iko katika damu, ni za utu, kama damu.

Article number 32 paragraph three, the same page, everyone has the right to life, haki ya kuishi sasa hiyo utapewa na serikali ama na MP, ama na PC.

Speaker: Hakuna.

Com. Isaac Lenaola: Maisha ni upewa na Mungu.

Speaker:(Inaudible).

Com. Isaac Lenaola: Kwa hivyo serikali haitupatia sasa wewe ishi leo kesho ukufe, ni kama huna.....(Inaudible), kama nakuandika leo nikufute kesho, hapana, serikali haina haki kwa maisha ya mtu. Tumesema article sub(Inaudible) the death penalty is abolished, why are we saying that, because even if umefanya makosa kubwa ama jambo haki ya maisha si haki ya serikali wala mtu mwingine.

Haya article number 35, akina mama furahini tumewakumbuka kwamba akina mama pia wakae na haki zao. Article number

36, wazee mfuarahi tumesema kwamba all the members of the society shall enjoy the right and trying to make constitution. Ni nzuri right to pension and a fair pension. Ni aibu if you work for a government 30 years, when you retire they tell you your pension is 340 shilings and for the next 40 years anakula 340 shillings, pension.....(Inaudible). So we are saying let the wazee have pension which is equitable to somebody living vile maisha inaendelea, wawe na haki yao ata moja.

Article 37 next page, haki za watoto, mumetuambia hampendi chokora, hampendi watoto ambao wanaumia umia, wapewe haki zao. Sub article two na hii ni ya wazee na vijana, mara nyingi mnamangamanga, mnaza halafu mnaambia mama mtoto ni wako, hakuna mtoto wa mama peke yake, sub article two, all children whether born within or outside wedlock are equal before the Lord. Watoto ambao wamezaliwa inje ya ndoa ama ndani ya ndoa wawe na hiki zao.

Sub article four na wazee hampendi hii sana lakini tumeandika katika Katiba yetu, a child mother or father whether married to each other or not, has an equal duty to protect and provide for the child. Kwa hivyo msifikiri kwamba mtazalia Njeri Kiramba, mtazalia Wanjuku Rumuruti, mnazalia Nyambura Nyahururu mtoto si wako ukimuo Njeri ama Wanjiku, ama Nyambura mtoto ni wako(Inaudible) na uko na duty kisheria kumtunza huyo mtoto, mnaelewa kwa hiyo, kama hampendi ni Katiba. *(Laughter from the audience).*

Haya article 38 haki ya jamii, tuwe na haki ya jamii. Article 39 haki za watu walemavu, maranyingu tumewaka hao nyuma tukasema kwamba katika hii Katiba wapewe haki zao.

Article 55 page 9, na kama kuna walimu mtafurahi kusikia hii kwamba sub article two every worker has the right to a fair remuneration, haki ya kuwa mshahara mzuri, sub article two, the right to reasonable working condition, sub article three, to join trade union, halafu walimu watafurahi the right to strike, kwa hivyo kama hii Katiba ingekuwa saa hizi inatumika walimu mngekuwa within the law when you go on strike, because the law says the right to strike is a fundamental human right, because you only way you can tell your employer unless you negotiate with me I will not perform my work well. It is interesting here, how can any person, any employer enter into an agreement with an employee and then without consulting the employee, throws the argument through the window? It is immoral unjustified and illegal(Inaudible).

Haya article number 57 the right to health, haki ya kuwa na Afya njema, article 58 the right to education, haki ya elimu, 59 haki ya kuwa na nyumba, 60 haki ya chakula, 61 haki ya maji.

Article 3A language and culture, haki ya kuwa na lugha yako na mila yako. Article number 68 section page 9, the right of arrested person. Tunasema hivi, mara nyingi watu hushikwa unatupwa ndini hupelekwi kortini, hufunguliwi unakaa ukila tu unga na maharagwe. Tunasema hivi, every arrested person sharti aachiliwe within 48 hours ama apelekwa kortini. Na hizo Article zote huzungumzia mambo kama hayo.

Katiba ya sasa chapter five, iko na haki nyingi, lakini hakuna njia ya ku enforce hizi rights, but there is no mechanism for enforcement of your right, in the present constitution. What are we saying here, article 23 page 11, a person listed in this article has the right to complain to the Commission on human rights or approach a code of persons decision alleging that a right has been denied, violated, impeached, oppressed. There is no Commission that iko katika hii Katiba i.e. the Commission of human right. Page 35 column two article 288, there shall be a Commission on human right we shall a Commissioner on human right and the people protector na huyu ataitwa ombudsman, mlituambia tuwe na ofisi ya kupeleka malalamishi yenu. Manake sasa polisi akikunyanya hati kwa DCS na OCS na pia ni polisi ama OCS akikataa uende kwa OCPD ni polisi.

Audience: Ni polisi.

Com. Isaac Lenaola: So we are saying let pass an independent office in every district ambayo malalamishi yako. Jambo la pili, nimesema kwamba kuwe na korti ya kupeleka malalamishi juu ya thulma, kuhusu haki za kibinadamu. Lakini sasa hayo tumesema. Mimi ni Wakili na mnasemanga hapa Nyahururu mna mahali pengine oh mawakili ni mkora, oh wanakula pesa ya watu wao hawaendi kortini na anakula pesa, tungependa kuwe na Wakili, ambaye hatulipi kwa kupeleka mambo yetu kortini. Article 210 page 26, there will be the office of the public defender, mtetezi wa watu, sub article four, the defender shall provide legal advice and representation to person when unable to afford legal services. Kwa hivyo tulisema kwamba watu kama mimi biashara, hakuna kwa sababu sasa kuna Wakili wa Serikali Wakili wa wananchi.

They cannot say. "I cannot go to court because I have no money" there is someone to take you to court and advice you for free kama haki zako zimefinywa kwa njia fulani, hiyo ni tamu sama?

Audience: Ndio.

Com. Isaac Lenaola: Kwa hivyo Mawakili sasa tuwache ukora, kwa maana kuna competition kwa kazi, eh.

Audience: Mumekula sana.

Com. Isaac Lenaola: Tumekula zaidi, haya. Hii Katiba iko na mambo mengi let me just pick on one point which you raised in Laikipia a list that came out from Rimuruti and Kinamba. Page 28, article 235 the last column, we are saying this, mambo ya ardhi, kuna watu amboa walikuwa sasa na clashes Molo, clashes Njoro, clashes(Inaudible) clashes mahali pengine.

Kuna pia claim kwamba mashamba ziko na tenants katika Laikipia, tumesema hivi, within two years parliament shall enact law and article sub E2 to provide for the review and assessment of all claims transact, extra creation in the Coast, North Eastern and Rift Valley provinces or elsewhere whether arranging from Eastern province or other provinces in order to establish the

validity and how fresh they can be justly, peacefully and equitably resolved. Mambo ya mashamba iwe juu ya clashes, hata Wazungu wamesema kwamba tuwe na mechanism ya kuresolve hizo matters peacefully and physically ndio kila mtu awe na haki kwa ardhi yake.

Kuna mashamba yalichuliwa, maploti zimechukuliwa na land grabbing, what are we saying here above that article the review of all land or dissolution of government and other public land to establish a society and legalism and to establish whether or not such land should be resolved. If somebody has grabbed land there is no sheria tumesema kwamba, you must investigate and see kama itakuwa revoked ama(?). We have addressed those concerned in this draft constitution.

Nikiendelea kumalizia je and I have just told you that hii draft iko na article 299 I have just picked out some that I think are very important kwenu watu wa Laikipia na kuna zingine nyingi mtazisoma na mtume maoni. Hii Katiba ni ya nani? Page number two, article inasema hivi, we the people of Kenya, sisi watu wa Kenya, hii Katiba si ya tume ya President, na parliament. Ni ya watu wa Kenya.

Last paragraph we adopt and act and give to ourselves and our future generation this constitution. Tunajipa sisi hii Katiba na vizazi vinavyokuja. Hii Katiba si kura ya 2002, si ya kura 2008, ni Katiba ya miaka na miaka, kwa hivyo sisi wenye tuko hapa tutajiundia hii Katiba na pia tutawaundia wale ambao hawajafika bado.

Na jambo la mwisho God bless Kenyans, Mungu utubariki Kenyans. Kwa hivyo ni Katiba ya sisi tutampatia Mungu pia nafasi na tutawaomba wale wanakuja nafasi kwa hii Katiba. It is a(Inaudible) document; I like calling it an all time document. Ni ya sasa ni ya kesho, ni ya milele.

Nimekumbushwa kama kuna mambo mawili ya kuzungumuzia na ni ya maana. Jambo la kwanza, na hii ni addition sasa nafanya. Article 213 page number 26, let us first go to article 216, Serikali ya village, what is a village in this constitution? Mlituambia hivi hamngenda kuwa na D.O. kwa sababu hamuoni maana ya D.O. mkasema tungenda kuwa na wazee, or you change that the chief should be elected.

Article 216 inasema the village decides whether the council is made up of village elders on election, mkaamua hivyo.....(?) mngependa kuwa na wale Wazee ama mtachagua watu kati council Article 217, location council shall consist of two persons from each village and one of whom shall be a woman.

218, the city council consist of members elected directly by the voters from the district and shall no be more than 30 or less than 20. Serikali ya wilaya is elected directly, the councilors are elected moja kwa moja to the council, mnaelewa hiyo? Moja kwa moja although the district administrator equivalent to the D.C. mnapigia kura na pia councilors, anapigiwa nini?

Audience: Kura.

Com. Isaac Lenaola: For how many years?

Audience: Five.

Com. Isaac Lenaola: And the same principles applies they have the right to be recalled wakimissbehave wana..

Audience:(Inaudible).

Com. Isaac Lenaola: Basi mambo ya wilaya, you told us that Laikipia district is not the same as Kiambu district. Laikipia haina barabara nzuri, Laikipia haina maendeleo mazuri. Je how do you make this district equal to others? Let us start from Article number 213A, the principle and object of devolution has ensured equitable sharing of national and local resources throughout Kenya, we stated provision of marginal areas, we must put funds where there is no development. Hakuna maana kwamba Laikipia haina lami halafu Baringo inaongezewa lami. That every year instead of putting tarmacs in Laikipia you put a new layer in Baring or in Muranga, or in Nyando. We must have equality of development.

In page five sub article 11, the republic shall ensure a fullest participation of women, the disabled and marginal community in the political social and economic life of the country that is very clear.

Article 86 page number 12 is very interesting I like telling you stories because it has a fair view to what Laikipia is now. Tuliambiwa kwamba maeneo kama Laikipia if we were to go by speculation, Laikipia would have one and a half constituencies, now we have two. You told us you want more constituencies in Laikipia, si mlisema hivyo? Kwamba katika West is too big for one member of parliament.

Laikipia East is too large Mheshimiwa Kiangili told us that despite the(Inaudible) cover this constituency kutoka Isiolo mpaka Samburu, from Baringo to Mt. Elgon(?) so we say in this article don't just look at the population kugawa constituency, look at means of communication, geographical features, the communities ambao wako pale and boundary za hapo. So that Laikipia West really should have another constituency.

Haya just as a wind up mambo ya fedha za serikali, you told us you would like money to come to the people, what happens, fedha inakuja Nairobi 10% inaingia hapa, inafika Nakuru, 10% inafika Nyahururu, 10% kufikia Kinamba iko 5%. We are saying let money come directly to the district.

Article number 225 a Commission on local government finance shall be appointed every four years and shall advice the

government on the constitutional grants to the devolved councils. Tume ya kuchunguza fedha, right now the problem is this kila ministry iko na budget yake, na treasury haina list how the money is used. Ikisha approve inakuliwa katikati ya Nairobi na Kinamba, what come to the ground is different from what is in the paper. Let me give you a small example, if you go to Government map now, barabara ya Mara na Nyahururu iko na lami. In Government papers, it is a tarmacked road to Mara, who has been tarmacking Mara? Hiyo barabara iko na lami?

Audience: Hakuna.

Com. Isaac Lenaola: And yet three hundred and thirty million was budgeted for that road, because they don't leave between the central government and the district ndio hiyo fedha. Ikatumiwa na wengine during election, na kwa map inasema tarmacked road Mara.....(Inaudible) hakuna mtu ambaye anatoka(?). So we are saying let those funds be managed by an independent body called the local government finance Commission.

Halafu kuna wilaya ambazo si sawa na zingine and we are saying in article 225 there shall be equalization grant saying marginalization, wilaya kama hizi ziwe zina some grant ya usawa, kwa nini Laikipia haina zile za gorafa, zile nyekundu nyekundu na wilaya zingine ziko nayo. We want some equitable sharing of resources and equality kwa maendeleo.

Nikimalizia where do you we go from here kwa hii Katiba? Mliambiwa kwamba 28th mwezi huu tutakuwa na National Constitutional Conference na mko na wale wenu watatu ambao watakuja pale. Wata-discuss hii draft for a whole month daily for 30 days, nakusema kwamba ni sawa ama si sawa. Watachange ama hawatachange. Baadaye twende bunge tupitishwe kuwa Katiba mpya ya Kenya. Lakini siasa imeingilia.

Speaker: Tell us.

Com. Isaac Lenaola: Kwamba this draft constitution is not acceptable to a section of society, yet we are saying this hii ni mwisho wa kazi ukiwa hupendi jambo fulani utuambie. Ukiwa upendi any article utueleze, we can change there is provision for change this is a proposal, a draft. Lakini kusema ni mbaya bila kutuambia ni hii mbaya basi kuna makosa. Na je leo kuna mambo yanafanyika Nairobi, tumeambiwa kwamba baada ya leo bunge itavunjwa, what happens to this draft, if parliament is dissolved? We shall go back to point zero, we have spent 2 billion shillings kwa hii kazi, we have spent time za wakenya, we have used the brains of Kenyans, we have used enormous resources i.e. time, fedha na kila kitu, itakuwa ni aibu kazi kuwa white elephant.

Kwa hivyo sisi tume tumeomba kwamba bunge isivunjwe mpaka hii Katiba ipitishwe, tunaomba pia kwamba ingekuwa vizuri kwamba Wakenya wapewe muda na nafasi ya kutoa maoni yao kuhusu hii kazi bila kunyamazishwa. We have called our report the people's choice, ni choice yetu kama Kenya, choice ya watu wa Kenya. Na je tu-suspend hii kazi manake bunge

imevunjwa? How can we restart the process again?

Next year, if that happens then the new parliament must come and pass a new law again restarting the process from draft. Why are we saying that we must have this parliament to pass through draft. Let me give you an example, in Zambia a President called Chiluba nawambia wewe Chiluba(Inaudible) wewe ulikata kwenda(?) akasukumwa na nguvu, yule mfupi yule eh, huyo. Alipokuwa aki-campaign kuwa President alisema Kaunda has been in power for too long an agenda he is bringing Katiba katika Zambia. Alichaguliwa akato Kaunda pia akaingia state house aka set up tume kama hii.....(Inaudible) go to the council and collect views muandikeni draft. Alipokuwa kwa kiti ya President ikakuwa taabu sana under the old constitution, akasahau kwamba alisema my agenda is a new constitution. Akaprotect Commission, akaua.

Yash Pal Ghai our chairman, akamuliza I thought you said kwamba your agenda is the constitution, akasema ah Professor you know wakati huo nilikuwa opposition sasa niko government kwa hivyo.....

Laughter from the audience.

Com. Isaac Lenaola: So we cannot trust another parliament to pass this draft constitution let us leave it a completely thorough drop for district clanism. Kwa hivyo I will ask mtuombe, mjiombe ili kwamba reasons to prevail and this draft document ipitishwe vile mngependa kama wa Kenya. Niwashukuru kunisikiza asante sana.

Clapping of hands from the audience.

Peter Waweru: Ah kwa niaba ya (*end tape 1*)(Inaudible), they listened to us(Inaudible) sited with us here to tell us all the things we told him and for him to tell us whether those things we gave you are in the draft. And you agree with me that he has done a good job isn't it?

Audience: Ndio.

Peter Waweru: A gentlemen, I think you have.....(Inaudible) oh yah yah ladies and gentlemen. (*Laughter from the audience*). I am(?) the discussion for me was very good. We pray for them, we pray for ourselves because this country does not belong to and individual, to the community, it belong to all of us isn't?

Audience: Ndio.

Peter Waweru: Now the thing is bwana Commissioner I would want to say this as the chairman of the constitutions committee that we have a lot of things in that Commission in our views and infact to will show that,(Inaudible) kuambia

kila mmoja katika taifa hili kwamba hili ni letu tukiwa wote na sio watu wawili ama watatu. It says that if you see the country is going to the(?) and the people who are playing around with this ideas.

Nafikiri vile tutafanya sasa nikuwauliza wananchi hao wote watukufu ambao wamefika hapa pia kusanyiko hili waweze kutoa maoni yao, wawezu kuuliza maswali kwa sababu mambo haya si mimi nilitoa ama bwana Apolo, ni nyinyi ambao mlitoa. Na ingefaa kwamba pengine bwana Lenaola you will see the people have been praised. Yes, haitakuwa mimi nikuite, itakuwa yeye atuite na utoe maoni yako nafikiri ndio tumewekewa microphone hapa kwa hivyo kama kuna mtu ambaye ana jambo la kusema, swali la kuuliza, kuongeza itakuwa vizuri tuwapatie nafasi ile.

Com. Isaac Lenaola: Ningependa ili kila mtu apate nafasi ya kuzungumza. Please, come ask two short questions or make two brief comments kila mtu maswali mawili ama comments mbili hii sasa ni nyakati ya kusikiliza kila mtu. Wacha tuanze na huyu Mzee, yule mama, huyo kijana na huyo Mzee. Hao ndio wanne wakwanza.

Com. Isaac Lenaola: Na kabla ya kutoa maoni yenu tafadhali ningewauliza mkuje muandike majina hapa, yah ukimaliza unakuja unaandika.

Com. Isaac Lenaola:(Inaudible) number two, na ndugu yangu namba three, Mzee wangu namba fou halafu huyu(Inaudible). Swali lako(Inaudible).

Kinyanjui Wa Thuo: Jina langu ni Kinyanjui Wa Thuo.

Com. Isaac Lenaola: Kinyanjui wa Thuo.

Kinyanjui Wa Thuo: Eh,

Com. Isaac Lenaola: Endelea.

Kinyanjui Wa Thuo:(Inaudible). Commissioner Sir wakati ulikuwa unasoma bills of rights nimesikiliza kwa makini sana lakini sijasikia bills of rights of institution(Inaudible) and one and now.....(Inaudible) of those who have been in prison in one way or another they have been entitled to their rights.

They have been titled to rights of health, rights of information and(Inaudible) and even rights of voting. Bwana Commissioner sijasikia kama yule mfungwa ambaye ako jela amepatiwa haki ya kuchagua akiwa jela. Asante sana.

Com. Isaac Lenaola: Asante sana.....(Inaudible) Mama.....(Inaudible).

Alice Njoki: Bwana Commissioner nilikuwa nasikiliza sana kwa makini hayo yote umesema na nimefurahia sana habari ya land, land issue kwa hivyo inatueleza kwamba ikiwa enacted sisi watu waliokuwa displaced tutapata mashamba yetu.

Jambo lingine ningetaka kuuliza ni la kwamba, ni mbinu gani mnachukua ili kuakikisha ya kwamba Bunge haijavunjwa kabla hii draft imepitishwa? What steps are taking to ensure that the parliament is not dissolved before this constitution is passed? Thank you.

Com. Isaac Lenaola: Your name again, Mama.

Alice Njoki: I am Alice Njoki.

Com. Isaac Lenaola: Alice.....(Inaudible).

Alice Njoki: Alice.....(Inaudible).

Com. Isaac Lenaola:(Inaudible).

Jashon Njagi: Bwana Commissioner ni asante sana mimi jina langu naitwa Jashon Njagi kutoka hapa Nyahururu mimi nitazungumza kwa Kiswahili lugha ya mama.

Com. Isaac Lenaola: Sawa.

Jashon Njagi: Mimi ningetaka kuuliza kwa mana nimeingia saa hi na hata ingawa huyo mama aguza hilo swali. Kama bunge itavunjwa na Rais Moi mpendwa wetu kwa maana ataivunja na ako na haki ya kuivunja, kama nyinyi mtachukua hatua gani? Ndio muone ya kwamba hati hii Katiba imezungumziwa, kwa maana sisi wananchi tunaumiwa kabisa, kabisa kabisa na kama hamjui ningezungumza juu yangu. Mimi niliwacha kazi nikiwa na miezi nane serikali ikasema haina pesa na watoto wangu wakafukuzwa nimeuza kuku yangu, ng'ombe yangu nini na tena wakafukuzwa shule walimu hawasomeshi ni kitu gani mtachukua mtusaidie? (*Noise from the audience*).

Doctor Karitu: Asante sana bwana Commissioner, jina langu naitwa Doctor Karitu, mimi ndio(Inaudible) la kwanza kabla sijasema mawaidha yangu hapa nataka kukuambia bwana Commissioner sisi watu wa Laikipia tuko na hii, tunangoja tu mpige filimbi tufunge biashara, tufunge kazi tu-support bunge isivunjwe ni kweli, mko na sisi.

Com. Isaac Lenaola:(Inaudible).

Doctor Kavitu: Tu-support bunge isivunjwe hata mkitaka tufunge biashara, tuwache kukamua ng'ombe, tuwache kulima mashamba, mahindi ndio serikali ijue tuko-serious tuone Katiba imeendelea kwa hivyo hiyo ni kuongeza kwa maoni.

Haya ndio maoni yangu, nimeandika hapa mambo kidogo juu ya vile nimeona. Ya kwanza ni juu ya citizenship ya Kenya on marriage.....(Inaudible) kwa sababu mumesema hapa mimi naona mda kidogo sana, "it is a very short time."

Com. Isaac Lenaola: Three years.

Doctor Kavitu: Three years is a very short time na wakora wengine kutoka nchi za jirani wanaweza kuja kuoia malaya wa hapa kwetu wanaume au wanawake ndio wapate citizen wa Kenya. Kwa hivyo na-propose hii muda uongeze kwa miaka kumi, ten years na iwe after happy marriage, where we lived together in the same house kwa hayo miaka kumi.

Clause number 23 inaongea juu ya dual citizenship na mimi I differ with section two because kuna watu wakati wa independence wali-denounce Kenyans citizenship wakabeba wale walikuwa wa Kenya wanataka kuwa Waingereza. I think I believe that should not be accepted back as Kenyans citizens, that is chapter 22 clause number two.

Chapter five clause number 35, I also differ here with your proposals because Kenya is composed of many ethnic groups who have different inheritance roles or regulations. Kuna wengine wanasema wababa wanaweza kurithi, wengine hawawezi kurithi mama, watoto wanaweza kutorithi kama akitukana baba yao.(Inaudible) the tribal rules or regulations or inheritance need to be cooperated in a constitution.

On five in the same chapter five(Inaudible) is again(?)clause number 34.

Com. Isaac Lenaola:(Inaudible).

Doctor Kavitu: Clause 34 says they should not be any discrimination on sex.

Com. Isaac Lenaola: Yes.

Doctor Kavitu: Clause number five on chapter 8 number five inaongea juu wanawake wapatiwe rights zaidi ya wanaume, lakini hiyo si kweli kwa sababu kama wanawake hawataki kupatiwa right kidogo pia wanaume wanataka kupatiwa rights sawa sawa.

Com. Isaac Lenaola:(Inaudible).

Doctor Kavitu: Hiyo ingine, wacha nimalize tu bwana Commissioner. Hiyo ingine ni clause 5 on clause 44 ni mambo ya madini. Siku hizi kuna madini mingi sana imetokea, I think the constitution they have to define what they are. In addition to this, I think that we need Kenyatta day it will always remind us of the struggle that we underwent before the republic was born. We do not need Katiba day, Katiba is an independent assimilar, and we better do a way with Madaraka day and have Kenyatta day.

Chapter six again is talking about the(Inaudible) I think we should not have deserve any electoral(Inaudible).

Clause 77 is on the(Inaudible) voters and voting, me I say the constitution make it mandatory it should be a must for everybody over the age of 21 years to register as a voter and forced to vote.

Clause number 86,(?) qualification given in the clause number 86 so it is unnecessary to have someone be a judge so as to chair the Electoral Commission. We feel that, any Kenya can be a chairman of Electoral Commission without necessarily being a lawyer. So let us agree with persons in the parliament to do that.

Clause number 129, please let add the fact that the President terms expires immediately a new President have been declared to have been elected.

Clause 98, 184 it is also unfair to assume that the most senior judge by(?) to the needs of appointment is the one who is most competent to take over chief justice. The chief justice to me is an administrator of justice. The best administrator are not necessarily the oldest and I think that we better leave this one to the President and the judicial service Commission to determine who amongst the judges is the best to be the chief justice.

Chapter ten, this is on the village administration, I think that we need to define the village, location and even district. Currently bwana Commissioner, there are some political districts which consist of one constituency and are for certain tribe or sub tribes. These districts I feel encourage rather than encourage tribalism, it should be fitted in our nation constitution that tribalism should be discourage with an eventual aim of eradicating it all together, therefore anything like giving district to one tribe or sub tribe it will encourage tribalism and it should be removed.

On locational Government, I think that I had said earlier we should not estimate on election.

Interjection Com. Isaac Lenaola: Pardon.

Doctor Kavitu: We should not estimate on electoral area for women or men? And then there(Inaudible) for the district and this should be separated from elected chairman.

Com. Isaac Lenaola:(Inaudible).

Doctor Kavitu: I had administration should be the one to run the day to day work of the location or the district and should be separated from the other one.

Com. Isaac Lenaola: Okay.

Doctor Kavitu: I was saying something about judge because I had gone out of list,.....(Inaudible) in judiciary me I don't feel that actually judges should be vetted, not even to be(Inaudible) and any special judge who has shown any good service may be re-appointed for another five years by the President on recommendation of the individual candidate, but I think they should retire at 65 everybody else retire at 75 so I think it should be different from judges five years to(Inaudible) not even want to(?). Thank you very much.

Com. Isaac Lenaola: Can you please put off your mobile phones please ile tusiwe tunasumbuka. Halafu mkimaliza Dr. Kavitu mtu akiongea unaenda kwa ile bench unaandika jina lako.

Asante sana nimeona watu wamesoma Katiba kabisa ngoja nijibu hizi halafu nitachukua zingine tano.

Kinyanjui Wa Thuo, let me refer you to article 70, article page namba ten. Persons who are held in custody under the law whether sentenced or not retain all the fundamental rights under the constitution. Kwa hivyo, wafungwa wako na haki sawa na mtu ambaye ako inje, tunaielewana bwana Thuo, kwa hivyo the right to vote is a fundamental right na hiyo iko hapo kwa hivyo ukiangalia article namba 79 it says who can register as a voter? People who are sentenced can actually vote now. Kwa hivyo wafungwa pia wako na haja ya kupiga kura.

Madam Njoki, what can we do if Parliament is dissolved? Kama Wakili, nothing, because Katiba ya sasa imesema nini, the President may dissolve parliament at any time. So kisheria he is right. So if(?) has a lawyer nothing he can do but as are Kenyans we have other rules and means and those I cannot discuss here. *Laughter from the audience.*

Bwana Njagi haki zako zimelindwa na hii Katiba tukasema kwamba kuna za kuenforce hii Katiba, kwa hivyo please kama chakula, kazi, ikichukuliwa ikadhofishwa mko na njia ya kuenforce kwa hii Katiba.

Daktari Kavitu, mambo ya ten years or three years that is a view I am going to take. Article 68 again that is a good view, mambo ya akina mama, that is a serious debate, na unajua kusema ukweli, are women equal to men today?

Speaker: No, no.

Com. Isaac Lenaola: No they are not, kusema ukweli tumefinya akina mama na ni true, hata huyu amesema kwali hata yeye ndio amesikia uchungu kuliko mimi infact wamefinywa, tukasema kwamba if we say a woman can stand with the same vote in Laikipia West like a man and expect the same vote that is a lie, ni uongo. If you say I am from Samburu, hukuna siku Msamburu atampigia mwanamke kura, it's a fact.

Kwa Wajaluo let me give you an example Wajaluo mambo ya inheritance wakatuambia, mzee mmoja akasema hakuna siku msichana yangu ata-inherit mali yangu. Kwa sababu akiolewa anakuwa relative si mtoto wangu tena, wakatuambia mkishapatia wanawake mashamba kuna national park ya wanyama, wasichana patieni hiyo mashamba huko pana hapa kwetu.

(Laughter from audience) That is a total right, so we are trying to say here, let us give them kiwango kidogo ya viti pia washike baadaye kama mila inachange tunaweza kuheshimu wanawake basi(Inaudible) sawa ni sawa. Lakini kwa kusema ukweli leo, there is no way wanawake watakuwa sawa na nyinyi si it is right, lakini hiyo pia ni(Inaudible) tufunguliwe sasa hivi.

Haya mambo ya worship that particular clause article 44 ilituchukua from 7.00 o'clock usiku mpaka saa sita ku-debate kama Commission. They usual draft ilikuwa kwamba we shall worship God but parliament ilikuwa na sheria how God can be worshipped, but then we said again how can you force somebody kuworship Mungu wake njia Fulani. Wahindi wako na ng'ombe yao ya kuabudu, watu wengine Wasamburu wako na mlima yao wa kuwabudu. Wakristo wako na Mungu yao, Waislamu wako na Mungu yao, Akina Leakey hawana Mungu wanaabudu ile eh, it was a very very difficult clause.

So what we said the registration of churches, registration of sects ndio ikuwe strict, so that mimi siwezi kuamka leo na kusema my church is called the church of God and money, na ilikuwa Katiba. One of friends a very good friend of mine alikuwa broke akaona wa kwamba kazi Wakili(Inaudible) akaenda kanisa, kanisa inatwa the church of God and conspiracy akatafuta ikawa briefcase tatu akapelekea mtu ya kumuuzia, Mzungu mmoja akaja akanunua kanisa akapewa ya Nairobi. So we should make registration churches more strict so that not everybody can have a church na siku hizi amekuwa Bishop. When we were in Mount Elgon one man came to give his views akasema, mimi ni Arch Bishop Jesus Christ na kanisa langu sijui ni kanisa gani, so anybody can call himself Arch Bishop.

So Daktari the best thing to do is I think is to limit registration kuona kwamba si kila mtu anakuwa registered.

National day, why do you think Katiba day is important? Katiba ya kwanza ilikuwa Madaraka day, Katiba ya pili when you got Jamhuri day, Katiba ya tatu ndio hii hapa, tukafikiri kwamba ni vizuri kwetu kwamba tucelebrate siku ya hii Katiba maanake hii ndio Katiba yetu peke yake ambayo imundwa katika Kenya. Ile ingine ilikuwa ya Wazungu sio?

Audience: Ni ya Wazungu.

Com. Isaac Lenaola: So atleast this one has what you said and it is yours, you must celebrate that day lakini I will take your view.

Kenyatta day umetuambia kwamba tuiite heros day, tuiite siku ya wazalendo, tumesikia pia hayo.

Duty ya Mkenya kupiga kura, that is very clear article namba 15, article 15 Daktari sub article 3, a citizen has the duty to exercise their prorogative rights by voting. Kwa hivyo duty ya kupiga kura iko, mambo ya chairman wa ECK kuwa judge.

Interjection Dr. Kavitu:(Inaudible).

Com. Isaac Lenaola: Okay, it has been compulsory here but here again it is difficult I mean to say let it be compulsory how do you enforce it you see law ukiwa na sheria lazima kuwe na njia ya kuenforce utapiga mtu kiboko aende kupiga kura? It is very impossible make it a duty then the citizens will have the consent to go and vote, but you cannot huwezi leta chief kwangu nyumbani hati niende tupigie fulani kura, ni mgumu kidogo.

Mambo ya President kutoka ofisini, our draft here is very clear, the President shall live office as soon as the other one has been sworn in and, we are saying elections zifanywe 45 days kabla ya five years kuisha, did you get the point. 45 day kabla hii five years kuisha you hold election so that on the last days of the fifth year off, so hakuna kuongeza siku moja au siku mbili. Ikifika five years zako unahandover, so your rights so we are saying if the fifth year come to an end, hora Baringo.

Haya article 184 mambo ya Judges I will take it, define village I think I said in article page number 28, village means the area of a sublocation, council means the village, location district and provincial council. What are districts? This ilikuwa one of the most difficult issue sisi ku-andress kama Commission, page 41 tumeeke a list ya districts zile ambazo ziko sasa they are seventy. Thus it was very difficult for us kuaddress zile districts we call them political district conditions. What the daktari is saying those one man districts ninaserve district ili nipate(Inaudible).

Kwa mfano there is a district called Ijara district, Ijara wa passed out for a particular individual one, wanted a district akapewa kama zawadi, Buret District pia ilikuwa ya mtu mmoja akapewa zawadi, so we had a problem trying to reconcile that question and we are addressing, so I take the point quite serious to address the issee.

And the chairman of the district council is separate from the District Administrator, it is very clear here the DA is elected as the head of district executive, the council is dedicated na chairman wake anakuwa elected. Councilors mwenyewe kwa hivyo kuna separate force kati ya DA na chairman of council they have very separate force, one is legislature the other one is executive.

Nyahururu is a municipality isn't it? What we are saying municipality is article number, urban government, article 222 page number 27, in definition Nairobi has the status of the capital territory and can be managed in accordance with the act of parliament. Hatujasema Nairobi iwe kama Nyahuru municipality. It is the state capital kwa hivyo mambo yake ni different na zingine, lakini siku hizi tuko na Kisumu city, tuko na Mombasa city, sasa ziko two. A city or municipality has the status of a district kwa hivyo Nyahururu municipality haitakuwa tena vile iko na shida sasa hamjui kama mko Laikipia ama mko Nyandarua mna hang, tukaweza kupatia nyinyi mkuwa na Nyahururu kama district hata yeye ikuwe na function hata yeye, so mambo ya kuwekwa mahali sijui mko sasa sijui, lakini mko wapi mko Laikipia ama mko Nyandarua?

Audience:(Inaudible).

Speaker: Laikipia.

Com. Isaac Lenaola: Hata mimi sijui mahali mko. Halafu kuna zile towns na urban centres sasa ziko three. Towns and urbans centres are the status of a location so a place like Rumuruti it has a whole iko na ardhi kubwa na watu wengi we make it a location. Asante, zingine tano(Inaudible) halafu one, we have two, three, four, five. Please short questions.

Michael Mugo: Asante sana Commissioner jina langu ni Michael Mugo mimi ni daktari wa(?) hapa Nyahururu na Egerton University ndiko nafanya sasa. Sasa niko na maswali mawili hivi.

Ya kwanza hii structure the devolved government kutoka kwa village mpaka ifike top, it is not very clear because kwanza unasema the district is the head that is where the power is. Sasa article 219 sioni purpose yeyote ya provincial council. Manake, hizi provinces mnajua pia Samburu is a province na mkiangalia the duties of the district government mkiangalia kwa several schedule hakuna hata kazi yeyote ya provincial, mumetoa. Kwa hivyo naulizi article 219 ina kazi gani. Kwa maoni yangu iondolewe haina bali nikupatia watu kazi na kuaribu pesa uma.

Number two, mimi ni mmoja wa wale watu wanapenda sana MPs wenye hawafanyi kazi warudi nyumbani lakini article 112, 2 na 4 the method ya kurecall MPs is very cumbersome, kwanza, mnasema hapa, draft inasema 30% some constituency have 120 thousand plus voters, kwa hivyo wakikosa signatures elfu arubaine inakuwa ni kazi nyingi sana tena tumesema kisha wataeleza Electoral Commission ifanye enquiry. Baada ya enquiry imweleza speaker, hiyo process haina(Inaudible)

hatujui Electoral Commission itafanya hiyo kazi ya kurecall MP kwa muda gani.

Kwa hii draft, Commission imesema that parliament article 112 inasema parliament ina-enact laws on how an MP can be recalled. Mnafikiria hao Wabunge wataenda waketi chini halafu wasikize vile watapelekwa nyumbani. (*Laughter from the audience*).

I think the draft must be very clear and should not be left to parliament. Constitution iandike kabisa word for word vile MP ataenda nyumbani. (*Laughter from the audience*).

Haya mumesema appointment of Ministers hii ni kitu mmoja inaleta shida sana. Tuna-support cabinet iwe ikitoka nje, hiyo sitaki kuongezea watu wa Laikipia West sikui kama mlisema hapa hivi, hiyo tunaendelea kuunga mikono.

Ya mwisho ni kutoka kwa bwana Commissioner, tuongee juu ya article 264, about the Kenya police service. Since, it has been established Kenya Police Service, we are not sure what is(Inaudible) currently we have Kenya police and very many other police force under various direction and some have various authority. Tunataka Katiba should propose hapa kuwa tunataka police service moja. Katiba iseme polisi ni moja under one command hatutaki polisi wa kutoka hapa na pale.

Com. Isaac Lenaola:(Inaudible).

Julius Gikonyo: Majina yangu ni Julias Gikonyo kutoka hapa Mau Manet. Bwana Commissioner tumeongea juu ya wanyama na katika Laikipia kuna wanyama wengi zaidi. Sikusikia vile Commissioner hii bageti vile inasema juu ya malipo ya vyakula vya waakaji wa sehemu hizo, vile watakuwa wakilipwa kama vyakula vyao vimeharibiwa na wanyama hapo sikusikia.

Pia sikusikia, jinsi watu watakavyolipwa kama wakiuwawa na wanyama hao. Wakati wa leo hakuna malipo ya wanyama wakishaharibu vyakula, tunataka hayo tujue.

Katika Laikipia kuna mashamba ambayo yanagawiwa wananchi na kulingana na vile wanagawa haigawiwi watu ambao wanastahili. Mimi ningependa mashamba yawe yakigawanya kwa njia ya halali kwa Wazee wa vijiji, Wazee wa kanisa, na hata wale wa council wawe wakihusishwa ili wawe wakijua ya kwamba hili shamba linagawiwa watu kutoka kwa sehemu gani na gani wawe wakichanganyika au to be mixed together, all tribes to be mixed. Not one tribe to be given a particular area or Laikipia, because we shall never be given elsewhere, the ones that live in Laikipia.

Hali ya...

(Interjection) **Com. Isaac Lenaola:** Last point now.

My last point is hali ya retirement, ku-retire sio kufa. Na hakuna mtu ambaye anaretire na anyimwi haki zake sisi ambao tumefanyia serikali kazi na tulikuwa tunalipa pesa za hospitali hatulipi. Ni lakini tunasikia ya kwamba President akiretire awe na free house, awe na malipo ya uzeeni, awe akipatiwa hospital, na sisi tuko tofauti gani na President na yeye ni binadamu kama mimi asante. *(Clapping of hands from the audience)*

Com. Isaac Lenaola: Number three uko na swali? Wewe kijana is wewe utusaidie, utusaidie utusaidie.

Murithi Kamana: Asante bwana Commissioner mimi naitwa Murithi Kamanja na yangu ni maoni na ni moja tu. Naona kwamba tunadiscuss Katiba nzuri sana lakini vile naona ni kama watu wameitiwa nyama pahali na unaambiwa kutakuwa na nyama watu wajiandikishe. Watu wamejiandikisha halafu siku ya mwisho yule alikuwa analeta nyama anasema hakuna nyama, sasa unawachwa hivyo.

Sasa vile tunataka kujua kwa sababu tunataka hii Katiba mpya na Moi lazima atavunja Bunge na unajua wakati wa uchaguzi our politicians are going to be very excited. Kutakuwa na hali ya taheruki kila mtu atakimbia kwa constituency yake na watu hawa watapewa pesa waende kufanya campaign na wataambiwa hii maneno tutatengeneza baadaye na kwa hivyo hii Katiba itakuwa kama other Commission. Akiwumi Commission, Ouko Commission itakuja, kwa hivyo kile hao watu wangetaka kujua ya kwanza hao sasa.....(Inaudible) ambao wataenda wale watu ambao wanapiga kura huko kwa villages, tumefanya nini na haya sasa yalikuwa ni recommendation. Watu wa Kenya ni religious sana na wanasikiliza watu wa dini iwe ni Muslim, iwe ni(Inaudible). Sasa tunataka muwe bodies(Inaudible) badala ya sisi kuja kudiscuss hii kitu na sijui kama itakuwa in the dustbin.

Ile kazi yote mlikuwa mkifanya, kwa sababu bunge itavunjwa anytime after Kasarani, ni kufanya lobbying muite all district organizations and other NGOs na politicians. Sasa hata muko na bahati Raila ndiye chairman wa parliamentary Commission eh Kalonzo mwenyewe alikuwa(Inaudible) supporting ako kwa upande huu mwingine. Sasa muweze ku lobby muone kama tutapata the two third ya hii constitution iwe entrenched in the current constitution, iwe ni kipengele kimoja katika ile constitution, hata uchaguzi ikiendelea hii constitution itaendelea.

Na la mwisho sasa ni kusema hii wawa provincial organization and NGOs na watu wote sasa hao ndio wataketi chini na kuwe na press conference waseme kinagaubaga kwamba sisi kama watu wa dini wakilifu wa Islamu tunasema “hakuna uchaguzi utafanywa bila Katiba mpya”.....(Inaudible) huko chini. Asante sana. *(Claping of hands from the audience).*

Com. Isaac Lenaola:(Inaudible). Asante sana bwana Murithi.

Daktari Njogu: Hallow thank you bwana Commissioner

Com. Isaac Lenaola: Your name?

Daktari Njogu: Jina langu naitwa daktari Njogu kutoka Nyahururu lakini kwangu ni Marumani Kathero. Kwanza ningetaka ku-congratulate the Commission kwa sababu ya kitu moja nimeona katika basic right you have removed the hanging that is a very important thing because you cannot subject life za hiyo ni kitu kimoja kimeendelea mbele.

Mimi kama mwenyeji wa Nyahururu kwa miaka kutoka 1960 tangu utotoni, nimeangalia hali sana boundaries, boundaries niliuliza wazee people discuss the boundaries of kenya the way we are today, mimi ningepropose kitu kimoja, ningetaka boundaries yaani kutengeneza districts itengenezwe kulingana na their capability, their economic(?) and that is state very important. Pili tukitengeneza devolution of power tukijua kama district ya Nyahururu kulingana na vile quantity ya district itakuwa thirty years from now. Kuna wataalamu kwa hivyo ningetaka district to remove the tribal factor or individual iwe ni kulingana na economic activity yake. That is the thing I would like to comment on. Thank you.

Com. Isaac Lenaola:(Inaudible).

Lungui Mukarie: Jina langu ni Lungui Mukarie kutoka Supiri location na mimi ni mzalendo katika nchi hii ya Kenya. Siku ya leo inanikumbusha mwaka wa 1960 ijapokuwa meza hii ilikuwa upande ule. Wakati wale wazalendo wa siku hizo tulikutana Kiambu kutengeneza Katiba kama hii na ni sisi tulitengeneza hiyo Katiba ya KANU 1960 lakini kwa wakati huo mimi nilikuwa kichwa nyeusi.

Vile ningesema kwa wale Commissioner wa Ghai ni kuwapatia baraka kwa kazi yao yote na wasiogope kitu chochote kwa maana hata wakati huo tulikuwa chini ya Mbeberu wakati tulikuwa tukitengeneza Katiba hiyo. Mimi nikuwa nimeajiriwa na serikali. Na nilikuwa kwa sababu nilikuwa hospitali nikifanya kazi ya hospitali nilikuwa nikiomba off ili niende mkutano kama huu. Kwa hivyo, muwe na moyo mkunjufu na Mungu awabariki ninawapatia baraka zote na washukuru kwa maana hata ukiangalia wakati niliona gazetti ya Nation imeandikwa Government structure nilinunua hiyo gazeti nikaweka sanduku la nguo zangu kule chini kwa sababu ni mimi Kinamba nilisema ninataka provincial administration to be abolished in Kenya.

Com. Isaac Lenaola: Wewe fanya hivi..

Lungui Makarie: Kwa hivyo nilifurahi sana na nikaweka hiyo.

Com. Isaac Lenaola:(Inaudible).

Lungui Makarie: Swali langu nataka kuuliza hivi, mimi namjua huyo mtu sana na anajulikana, kwa sababu tarehe kumi na

nane sisi watu wa NARC nilikuwa huko ufungamano tukachagua watu wetu kukiwashinda ni kweli watatoka ofisi, akikata kutoka ofisi tutafanya nini? (*Laughter from the audience*).

Com. Isaac Lenaola: Asante bwana Mukarie. Hata mimi nililingia kwa Commission nikiwa na nywele nyeupe imeingia kwa hivyo hii kazi hapana raisi. Wacha nianze na hiyo they say in English some bridges are crossed when you get there. Akishindwa, asiposhindwa lets cross the bridge when you get there manake hatujui litalokuja baadaye.

Mambo ya boundary bwana Daktari Njogu, wengi wenu mko na hii inaitwa report the people's choice ilikuja mbele ya draft. At page 74 ya draft, the Commission is recommending a national boundaries. A Commission to be set up, to recommend the provincial district and constituency boundaries kwa hivyo we have proposed what exactly Daktari is saying to withdraw the boundaries at the province. Kwa sababu, Rift Valley it is ridiculous to have a province in Rift Valley. Ya kwamba D.O. wa Loitokitok has to come to Loitokitok, Emali, Sultan Hamud, Kajiado, Nairobi, Naivasha, Gilgil na pia Nakuru.

Ama mtu wa Moyale atoke huko Moyale, Marsabit, Isiolo and Embu aende Meru, the provinces are totally ridiculous. So we are saying as a Commission tuwe na tume ya kuwithdraw hizi boundaries, ili shida kama hii ya Nyahururu sasa kuwa katikati ya nowhere ikuwe similar so that Daktari has been addressed by the Commission.

And death penalty, dunia ya sasa hakuna Katiba mpya ambayo inakubali death penalty, na pia morally na kidini si sawa kuchukua maisha ya mtu, so that is the principle behind hii proposal yetu.

Bwana Karanja asante kwa maoni yako. Mimi kama Commissioner nilitoka Ufungamano mnakumbuka Commissioner anaitwa Dr. Ombaka, mimi nilitoka ufungamano kwa hivyo mimi najua sana maana na njia ya lobbying kupitia watu wa makanisa na madini. Historia yangu ilitoka hapo kama naelewa hii kazi sana na sina mengi ya kuongeza mumezungumuza vyema.

Bwana Gikonyo, hatungeweza kuweka mambo ya compensation of wildlife kwa Katiba lakini principle kwa Katiba ni kwamba mtu aliporidhaa, tumerecommend kwa hii ripoti kwamba, the wildlife act ilikuwa amended ili kwamba hii Kshs. 30,000/= mtu hulipwa kwa kuuliwa na ndovu ama na simba, it is ridiculous. Maisha ya mtu haiwezi kuwa 30,000/= hiyo ni ng'ombe moja hapa Laikipia.

Speaker: Hata wewe unajua.

Com. Isaac Lenaola: Eh.

Speaker:(Inaudible).

Com. Isaac Lenaola: So tumerecomend kwamba let the compensation be adequate and reasonable. In South Africa ukiuliwa na mnyama kama ndovu, the government must pay you equivalent of 2 Million Kenyan shilling minimum.

Ikiaribu mali yako, again minimum half a million, what is 30,000/= kwa? So we have left it kwa recommendation wetu.

Mambo ya retirement, in article 36, older members of societies are entitled to continually enjoy all the rights and freedoms stated in the bill of right including a right to live with dignity and respect. Tumesema kwamba sio ukizeeka unawacha kuwa, mtu huwezi kuwa mnyama kwa sababu ukoretirement, na akuna tofauti Mzee akiretire na ule ni mkubwa zaidi Mzee ni Mzee, so there must be adequate and fair retirement benefit kwa kila mtu. So tumeaddress hiyo bwana Gikonyo.

Mambo ya land distribution, that is a view I have taken, Bwana Thuo Dr. Githuo mambo ya devolution hayajui hivi, mimi ni mmoja ya wale ambao katika Commission nilikata mambo ya province. Sioni na bado sijaona maana ya kuwa na province kama mambo iko kwa district so I agree with you, entirely but kuna resources Fulani sasa hivi, katika province ambayo hatuwezi kukubali iende kwa district Fulani. Kwa mfano Eldoret, Uasii Gishu district iko na Moi University, iko na Moi Referral hospital, iko na international airport, iko na bullet factory, iko na Baraton, can they all go to the same district. Iko na central bank, if you say that those resource iingie kwa Uasii Gishu the province those are asset of province. Kwa hivyo kuwe na bodies ya kumange hizo resources.

Nakuru iko na general hospital, iko na Barrack, iko na Lake, iko na Menengai, iko na Egerton do you all go to school in Nakuru district. So again kuna resource ambazo haviwezi kuwa managed by district, ienzi kwenda iende kwa national manake national itakuliwa, so we want the body which has people from the district to manage hizo resources, that is why we have provincial council, only for that reason ndio mimi nakubaliana na hiyo proposal kama ikuwe na provincial council otherwise, I see no other reason for it.

But in due course when we see what to do we can scrap the provincial council so it is not an important issues as from now.

Mambo ya kurecall the Member of Parliament article 112. Sababu ya kufanya hii process cumbersome ni hii, hatutaki kwamba kila constituency baada ya election wana recall ya MP, so we are making it difficult to remove the MP and yet again if it is a serious issue you can remove, wanasisa imagine sasa mimi nikishinda kwa kura, do I like the fellow mwenye amenishinda nitafanya juu chini kumtoa yeye kesho, hata(Inaudible). So we are making the process strict, yet able to be done, ili kwamba tusikue na tukichoka na MP kwa sababu ni grudge. Jana Mzee mmoja Msamburu aliniuliza mimi nasimama kwa kura sasa mnaweka kuwa huyu Mjumbe wa sasa ni kweli lazima yeye atolewe lakini mimi nikiingia kwa nini mnitoe, na hajaingia bado. *(laughter from the audience)*. Kwa hivyo we must make it strict yet flexible, that is the reason behind the *(End of part B Tape II)* and especially mlipropose tuwe na cabinet 18 sio 15 mumekata yenu na tatu and the reason for this is this let us be realistic in the last one month which cabinet minister has worked?

Audience:(Inaudible).

Com. Isaac Lenaola: Walipokuwa kuwa cabinet ministers kazi yao ni kumangamanga au kuka kwa ofisi.

Audience:(Inaudible).

Com. Isaac Lenaola: Kwa ofisi hapana mangamangaring, na sababu ni kwamba hawako bunge, hawako kwa ofisi, so we are saying if you are a cabinet minister you must do your work safely.

Mfano moja nilikuwa napatia watu juzi Nanyuki Mheshimiwa Masden Madoka MP for Mwateta Minister of foreign affairs I can say because I am his Lawyer so he will not sue me because he cannot sue(Inaudible). Alisema kwamba when we went to his constituency akatuambia tafadhalini ondoeni ministers kuwa MP kwa sababu huyu wetu huyu tangu awe minister for foreign affairs hatumuoni nyumbani sisi, hatumuoni bunge, hatumuoni Nairobi, tunasikia yuko Paris, yuko London, yuko Viena kazi yetu hafanyi, kazi ya mama hafanyi manake hayuko nyumbani. (*Laughter from the audience*). Manake sasa hayuko yuko tu, ndio tunasema kwamba ministers wawe separate na MP. So MP akuwe full time na Minister akuwe full time.

Mambo ya polisi article, 266 hatupendi kuwa na vikosi ya polisi ambavyo hazina one command, na sababu ni kwamba Commissioner wa police ni mtu wa one o'clock news, anaandikwa kesho one o'clock, anafutwa kesho one o'clock. So what have we done, article 266 page number 32, there shall be a Commissioner of the Kenya police service. The Commissioner shall be appointed by the President with approved of parliament for one term of tenure, mumeona hiyo? Akuwe appointed na President lakini nani approve parliament, so he becomes independent.

Right now the Commissioner of the police is not independent and he cannot do anything because he owes his loyalty to one individual. So what we are saying we are(Inaudible) Commissioner of the police here in the constitution.

Article 265, there shall be established in Kenya a service known as the Kenya police service, all the police ministry will fall under the police service, iwe ni AP, GSU and the(Inaudible) traffic ama regular police wakuwe under one command. Right now we don't see reason why there should be a commander of the AP and in the Commissioner of the police. Tofauti ya AP na Polisi ni nini? So kesho unakuta AP wako kwa barabara wanakula rushwa ya traffic kesho kutwa, wanakuja traffic na koti ya nyeupe, here we should streamline the service kwamba kila mtu ako ndani ya one service. What is the use of the GSU?

Audience: Kuchapa watu.

Com. Isaac Lenaola: Kuchapa watu, how can you be trained kuchapa watu, upate diploma ya kuchapa watu hiyo hauwezi, *(Laughter from the audience)* so we are saying all the process must be under the same commander,(Inaudible) that is what we have done in the draft.

Last point mambo ya majaji(Inaudible) why did we say that judges are to retire at 65, tumeona wengi mimi ni Wakili kuna majaji wanaretire sasa at 78, jamaa akifika 70 he is senile na ni vizuri kwa siku zote kuambia mtu akizeeka aende akae na grandchildren wake. So 70 ni reasonable kwa mtu aende nyumbani na mumeona kwa hii Katiba. By the way the age limit ya kila mtu ni 70, kwa sababu hata kwa graph ya biology ukifika 45 inaenda kurudi chini, ikifika 80 iko chini kabisa i.e. you are senile, you are as bad as a baby, so tunasema ukule miaka kumi kabla ya kuwa mtoto tena, na ukae nyumbani kama umekomaa. Starting 70 and 65 are reasonable ages kwa mtu kutoka kazi, and especially now people are leaving University wakiwa 21 years ama 22 years then you want to work for 55 years hapana, 55 years kufanya kazi. I think 70 is a reasonable age kwa mtu kuenda nyumbani na kunywa maziwa ya ng'ombe yake.

.....(Inaudible) nafikiri ni ile yako, karibu na hapo. Halafu jambo lingine, sikusema mambo ya mahakama kwa hii draft but if you look at the article in the Judiciary tumeweka very strict rules juu ya Majaji. They have to ensure they are qualified, they are competent na si kuwa appointed kwa sababu unajulikana mahali fulani. We want competent judges, hapana sema staki, mtu ana.....(Inaudible) ile proposal yetu ya kwamba majaji wafutwe it is serious. Kuna jaji sasa Nairobi ako na complaint 46 from the public, once if you are judge who has 46 complains from the public.(Inaudible) be wrong, there must be a problem with him. How can you sit because you are injustice na wewe file yako mwenyewe ni chafu hapa nyuma. That is why we said her, those who have corruption cases pending waende nyumbani. Those who think they are clean we shall subject them to the code of conduct. The code of conduct says every person must declare their wealth before you go to the public office.

You must tell us why you have 3 Mercedes Benz five lorries and ten houses, ulipata pesa wapi na mshahara yako ni 40,000/=, you must try to reason, so we are putting very strict regulations here kukwamisha corruption and if this draft go through, it would be best check for any corrupt person in this country.

Haya zingine tano.

Kiarie: Tafadhali.....(Inaudible).

Com. Isaac Lenaola:(?) Macharia, Oh yes yes.

Kiarie: Samahani(Inaudible) corrections.

Com. Isaac Lenaola: Ngoja kwanza, ngoja kwanza utitwa wakati wako.

Kiarie:(Inaudible).

Com. Isaac Lenaola: Mambo ya bwana Kiarie, bwana Kiarie alisema hivi, tutafanya nini mambo ya hii Katiba kama haitikwi?

I think I said Kenyans know and I know that you know the means of knowing what you know you then must prove it. (*Laughter from the audience*). Haya mmoja, mama mbili, I will call you later.....

Interjection Kiarie:.....(Inaudible) corrections from there kwa sababu kuna mtu aliniuliza swali...

Com. Isaac Lenaola: Bwana Kiarie I this is my meeting I will conduct the best way I know how, hapana kaa kama Dictator tumewachi dictatorship kwa Katiba hii. Number one, mama namba two, mama yule mwingine, please come forward, mama kuja forward, macho nne kama mimi namba three, Mzee namba four halafu number five. So please come forward.(Inaudible).

Speaker: Two.....(Inaudible).

Com. Isaac Lenaola:(Inaudible) baada ya hii.

Kiarie: Ndio nifanye hiyo correction.

Com. Isaac Lenaola:(Inaudible) unajua mtu wa Kinamba husiendi.

Charles Mathenge: Commissioner, mimi naitwa Charles Mathenge kutoka Kinamba Rwahe, maoni yangu ni juu ya hii kitu inaitwa environment. Wakati uliopita ulikuwa vita kali sana, kati ya viongozi wa environment, raia na serikali kwa sababu serikali iliondoa kusimamia misitu na ikawa kila mtu anaweza kufaidaka na hiyo misitu. Na kwa njia hiyo wakubwa wa environment walitumbia iko hatari ya kumaliza misitu maana mazingira yetu itaharibika.

Na kwa njia hiyo tunauliza sasa katika hii Commission hatujasikia ulinzi wa mazingira utatoka wapi?

Jambo la pili, ni kuuliza habari ya ile wabunge wanadefect kutoka kwa vyama vyao hatujasikia wakisema unajua mbunge anaona ni mshujaa sana akitoka chama hii anaenda kile anatoka hii anaenda kingine na huku hakuna mtu anaongea juu yake. Anaona yeye ni mfuasi wake nauliza ile nikasema, na-recommend huyu mjumbe kulingana na vile alipewa contract ya miaka mitano aendeshe wafuasi wake kwa chama fulani akivunja agreement hizo, haki zote zake za kusimama ubunge kwa kipindi kile

hakuna kusimama by-election. Asante.

Com. Isaac Lenaola: Asante sana.....(Inaudible) mama.....(Inaudible).

Ruth Wanjiru: Asante sana Commissioner majina yangu ni Ruth Wanjiru na mimi na mkaaji wa Nyahururu, swali langu ni moja, umetuambia kama mngapatiwa nafasi mngataka mkae chini day and night 30 days from October that means the whole of November mtakuwa mkiketi chini, na mnataka after that, Wabunge wapitishie hiyo constitution ikiwa ni hiyo na itatumiwa after that. Sasa mnataka kutuambia elections mnataka zifanywe wakati gani?

Mwangi Wa Wamai: Mimi naitwa Mwangi Wa Wamai. Kwanza, ningetoa shukrani zangu kwa Commission vile wamefanya kazi kwa speedy hata wakatoa hii draft kwa muda iliotakikana. Yangu ni habari ya constituency, bwana Commissioner ulisema uliongea kama habari Laikipia West, Laikipia East ni vile vilivyo kubwa, mimi ningeuliza Commission wakati mnashughulikia habari ya constituency iangalia habari ya population, kwa sababu mnaona kuna constituency ina watu ishirini na unasikia MP alipita na 100%, 100% ya watu kumi.

Na tungependa Commission iangalie hiyo habari ya constituency hata zingine ziondolewe kabisa kwa maana watu ni wachache.

Kule kuna watu wengi kuwe na constituency nyingi kwa hivyo constituency ziwe built na population.

Com. Isaac Lenaola: Asante.

Mwangi Wa Wamai: Naja kwa jambo la pili, habari ya disability, disability ya development za kama ni district kama ni constituency hiyo wakati huu itakuwa vigumu kidogo kwa sababu kama sisi wa Laikipia, ni wakuzaji wa maindi na ngano, ukienda kama ni Nyeri hawa watu wana kahawa, wana majinai chia, kwa hivo hatuwezi kuwa sawa. Tunataka development, kama ni Nyeri development kwao wasaidiwe ili wakuze kahawa nyingi, wakuze majani nyingi. Sisi watu wa ngano na maindi na sisi tusaidiwe kulingana na vile tunakuza, hatutaki ile jambo imekuwa ikifanyika kama ukienda Baringo kuna barabara za lami na hakuna kiti kinatoka haku, mbuzi wanalala huko. Kwa hivyo tunataka kuwe na distribution ambayo imejalishwa na economic centre vile ziko kwa hiyo district. Asante sana.

Com. Isaac Lenaola: Asante bwana Wamai. Mzee(?).

Gichuru Gathuo: Asante sana bwana Commissioner na wale walitayarisha mkutano huu. My names are Gichuru Gatomio Gathuo. Yangu nina-address street children, ukiona unaona watoto hawa wamekuwa wengi sana na wamekuwa a menace to the street, ningefikiria zile zilikuwa approved schools za zamani zirudishwe. Watoto wote serikali iweke kiwango cha pesa ili washughulikiwe wote, wachapwe sana na waingizwe katika hizo shule kulingana na vile wanaweza kuwa wanasoma wawe talented kuliko kukaa huko bure.

La pili ningelza habari ya marriage right.

Inteterjection Com. Isaac Lenaola: Marriage rights?

Gichuru Gathuo: Tunaona ya kwamba sasa imekuwa mtindo wa akina mama na waniwie radhi, anaolewa siku ya kwanza anapata certificate ya marriage, baadaye anajua atafanya ile kosa mbaya sana iliafukuzwe na bwana. Akifukuzwa, anashtaki bwana ili anapatiwa half of what the husband halafu anaende kwa bwana mwingine, atafanya hivyo hivyo tu ili apate mali. Sasa baada ya kuolewa mara inne, atakuwa very rich naye bwana akioa mara mbili atakuwa sasa atakuwa with nothing. Kwa hivyo, sasa ishughulikiwe kidogo. Asante sana.

Clapping of hands from the audience.

Erustus Getahi: My names are Erustus Getahi..

Com. Isaac Lenaola: Eh.

Erustus Getahi: Getahi.

Com. Isaac Lenaola: Getahi.

Erustus Getahi: Nimejaribu kwenda through article 257 Bwana Commissioner page 31, nikiangalia vile mume-protect cooperative movement kwa sababu nimeona kuna kitu to do with economic rights. Lakini sioni, mahali cooperative movement kama financial cooperative movement, agricultural cooperative movement mume-protect kwa sababu kama tujuavyo, Kenya hii, in the agriculture in North Eastern wameumizwa, wamekuwa ruined by our fellow Kenyans. Wanamisuse, wanaiba halafu wanakuwa voted out tu na wanaenda. So imekuwa habbit kwamba ukichaguliwa tuna upate nafasi ya kuiba sababu ni kuondolewa tu then you are free to do anything.

Ya pili, President tumempa terms mbili nauliza ni kwa nini hata MPs na councilors wasipewe terms mbili tu vile vile ndio wengine wapate nafasi? Kwa sababu, kama hapa Laikipia unakuta mtu alikuwa hapa 1963 na wa sasa bado ako, kweli tutapata nafasi hii? Ni hiyo tu asante.

Com. Isaac Lenaola: Asante sana mambo ni matamu sana. Mambo ya environment bwana Mathenge, tukiangalia article 239 page number 29 there is a whole chapter called chapter twelve juu ya environment and natural resources. Tumesema kwamba jukumu la kuchunga environment itakuwa kwa serikali na wananchi pia so article 239, two talks about the communities that

watu wenyewe watu wa manage environment peke yao

Article 239 three inasema state officials so we are giving duty kwa government na pia kwa wananchi mambo ya environment.

Mambo ya parliament na defectors nafikiri mumeongea sana juu ya defectors, sindio? Mlisema kwamba article 111 page number 15 sub article G if the member leaves the party for which he contested as the candidate and joins another party then anafukuzwa kutoka Bunge, so is very clear it is there, so bwana Mathenge iko hapa.

Madam Wanjiro, ungetaka kwetu sisi tungependa elections ifanywe lini. Tungependa elections zifanywe mwezi wa tatu, kwa sababu gani? Kwa sababu, if the conference take place in a month mwisho wa November, bunge ingepitisha hii Katiba within two weeks that is what the law says now.

Baada ya conference Attorney General anachukua for one week anapublish na bunge ipitishwe within one week, so within 14 days of the national conference hii draft imepitishwa na bunge. Lakini kuna ile implementation phase. Kuna zile chapters' ambazo lazima ziwekwe katika sheria si zote. This implementation, constitution take about 10 years all the structures in this constitution, but there are others kama za parliament, Prime Minister, na za elections those can be done within how many months, three months, and yet if we do elections in March we shall still be within the present constitution. You will never understand that anybody can, because parliament is suppose to be dissolved on the third of February so even if it is dissolved on the third of February, they can campaign the whole of February, then elections are held in March.

Katiba ya sasa inasema kwamba, the outgoing President shall hold the office until the new one is sworn in, so although the President's terms ends on 12 of January he can hold the office for two months until a new one elected in March. So we shall be within the present constitution yet we have passed this constitution without extending parliament. So in our professional view as experts and as the Commission, we can have elections in March, under the current constitution without extension and yet we pass this draft constitution, so kwetu tumeomba kwamba elections to be held in March and in this People's Choice we have recommended elections March, lakini Mzee mwenyewe, amekata.

Haya bwana Wamai article 59 inazungumzia juu ya constituency na inasema hivi state in demarcating constituency it should take into account population density. Number four, the latest census of the population in accordance with the law so we are saying although you must look at other factors like geography and so on, pia under hii population karibu zote ziko katika article 89.

Mambo ya development na distribution I agree kwamba si vizuri area Fulani ya nchi ziko mbele sana na zingine ziko nyuma. Although, we can never have equality in districts, let us have some centres of equality. And we are saying let the resource from districts ibaki kwa district, kama mna majani chai ibaki hapa hapa kama ni kahawa ibaki hapa hapa, kama ni ngano yenu ibaki

kwenu, then develop at your own pace lakini si ati Turkana iko nyuma wanakula relief na Kiambu wanakula mchele na chapati we must have some(Inaudible), Mkenya ni Mkenya awe ako Turkana ama ako Kiambu so some same(Inaudible) of equality a different kind of life for everybody, not that others are starving na wengine wako na excess that is what we are trying to say in this draft.

Mambo ya street children Bwana Gichuru Gathuo article 37 na mambo ya hizo approved schools inasema hivi, children with special needs including girls, ophans, with disabilities, refugees and homeless children are entitled to special protection of the state and the society, so that is covered by article 37, kwamba street children wapewe mahali pa kuishi vyema na kufunzwa warudi maishani katika nchi, so that is covered again.

Mambo ya arusi, mnajua ni vigumu kuweka sheria vile nitaishi na bibi yangu, ni vigumu. Ama kuambia watu kwamba mkishaona ni sharti mkae miaka thirty kabla ya kudivorce ni vigumu kuwaambia ati mkae for example kisheria na mtanisamehe kwa hii lakini ni sheria if ukiolewa na ukute kama mwanaume hawezi kazi hiyo ni ground ya divorce on the surface, automatic na sasa mkiambia mama akae na mzee na mzee hafanyi kazi miaka mitatu, how do you force her to stay with the man. *(laughter from the audience)*. Kwa hivyo ni vigumu kwa Katiba kuandika kwamba ni lazima mukae miaka tatu kabla ya ku-divorce ni vigumu sana. Hata kama hampendani mkae tu pamoja mpaka two years ishe, si ni vigumu?

So what we have done in article 38 page number seven, every person has the right to marry based upon the three consent of the party. Muoane kwa nia yenu wenyewe lakini kusukumwa na serikali ama sheria ya kuwaambia mtaishi namna gani kwa nyumba yenu, haiwezekani kisheria. Kwa hivyo(Inaudible) mke(?) alikuwa anaambia mwenzangu pengine huki Nanyuki juzi(Inaudible) alisema kwamba mama alikuja akakaa naye akaona hanakazi akam-divorce kwa sababu jamaa hana kazi, nikamwambia pole kwa divorce, lakini bwana, hiyo ni hali ya maisha.

Kuna mambo ambayo ni ya maisha hatuwezi kuandika katika sheria kama hii kwa hivyo hiyo ni hali ya maisha poleni wazee. I will come back let me finish.

Bwana Getahi, one or two terms of MPs(Inaudible) we are going to say ati councilors two terms, President two terms, Prime Minister two terms, it is bridge for two terms for everybody, I think it make sense kwamba kila mtu Kenya(Inaudible) hapana kaa agree na mimi.

Baraza Getahi:(Inaudible).

Com. Isaac Lenaola: I mean you see it is red iandous to have a member of parliament for one seat for 55 years, kwani akina hao wazee ndio wanaweza kuwa MPs. Halah.

Article 257, mambo ya agriculture na hizo cooperative what we are saying is that the economic and social council itachukua jukumu la kuadvice serikali, cooperative, na ya agriculture, mambo ya livestock that is their work, kuona kwamba kila sector ya economy inatiliwaa maanani, na hapo sasa you cannot understand why tuko ina ng'ombe elfu na elfu na hakuna livestock marketing, tuko na ng'ombe elfu na elfu na hakuna bei nzuri pahali pa kuchinjia ng'ombe ama kila industry agriculture iwe ni ngano iwe ni kahawa, iwe ni sukari zote ziko chini.

Tumesema kwamba zote ziwe streamlined ili wakenya wabenefit kutoka province yao. That is the work of council na pia ni council itareport kwa parliament kwamba kuna mambo fulani fulani imefanyika juu ya economy. Kwa hivyo, we are not going to put everything here, but the structure is clearly there for addressing those issues.

Haya sasa ningependa bwana Kiarie na bwana baada ya kusikiliza the last five I will give you a chance now to clarify those issues(Inaudible) tunasikia na kesho niko Kabarnet, Baringo Central wacha nisave sauti pia nipeleke huko. Haya nitachukua five, one man, one woman, one young man kwanza. Mzee wewe umekuwa tangu asubuhi asante sana wewe ndio wakwanza kuja, halafu ule Mzee wa miwani tatu, halafu nyuma katikati kijana huko, is that one two, three mwenye yellow, huyu Mzee four, halafu kijana mmoja tena five, let's have those first, you should be brief.

George Koinange: Commissioner my name is George Koinange.

Com. Isaac Lenaola: George Koinange.

George Koinange: Swali langu bwana Commissioner kama tukiangalia juu ya arthi, land I will definately put it in this manner that when you look at the National Parks, they are too large, they have been given to animals while we have got the high population in Kenya living without any land. I don't know how we address this one in the Constitution. People should be given land atleast upande mmoja kutoka kwa wanyama, ipatiwe watu.

Wakati mwingine bwana Commission napenda sana kuona kuna watu mwingine wako na parts and parts of land where us wengine hata kaburi hawana. Mimi nauliza hamna limitations kuwe(Inaudible) atleast the land, land ownership be limited not too much(Inaudible) somebody else in Laikipia doesn't have anything I mean.

Interjection Com. Isaac Lenaola:(Inaudible).

George Koinange: So....ile ingine bwana Commissioner, na hali ya environment kuna hii makaratasi hapa sijui ni nani aliweka,(Inaudible) all of us, I don't have the Katiba(Inaudible) makaratasi hapa imechafua kila mahali ukiona Nyahururu sasa imechafuka kabisa (Inaudible) kwa hivyo kama mimi nilisema hii makaratasi ikuame kuletwa hapa. Asante

Com. Isaac Lenaola: Number two.

Joseph Lokitano: Thank you very much for this particular opportunity I would like to

Com. Isaac Lenaola: Jina.

Joseph Lokitano: Joseph E. A. Lokitano.

Com. Isaac Lenaola: Lokitano.

Joseph Lokitano: Eh.

Com. Isaac Lenaola:(Inaudible).

Joseph Lokitano: The first point that I would like to observe is on article 76, it appears that social of course is trying to defend or rather to protect those who are weak in the society, but I feel that the representation of the

Com. Isaac Lenaola:(Inaudible).

Joseph Lokitano: 76 yah part six.

Com. Isaac Lenaola:(Inaudible).

Joseph Lokitano: Part six of that. So I would want to observe that probably, the prisoners also should also be part of that especially when we come to the representation because we have over forty thousand prisoners and usually this we are saying that there is that probability of them voting I think there is also need for them to be involved in that particular area, because we have women, and minority and so on.

Then on the (Inaudible) passed that is article 77 that is part 1A, ukiangalia we have the provincial, council then district, divisional..

Com. Isaac Lenaola: It is not appearing.

Joseph Lokitano: I don't know the division is not appearing then you have moved to council and so on, so probably Division

could be there. And also the(Inaudible) that is article 198, we would like to say that(?) establish some kind of division, as you know which can regulate of course complaints which are raised against judges and magistrates, because in most cases you find that the magistrate tend to lock in people just anyhowly without exactly following the legal procedure or may be attend to laws of the lawyers.

Com. Isaac Lenaola: So and also land point now, there are(Inaudible).

Joseph Lokitano: Okay there is also the issue of state, the constitution should also state the limitation of the land.

Com. Isaac Lenaola:(Inaudible).

Joseph Lokitano: Yah.

Com. Isaac Lenaola: Land.....(Inaudible).

Joseph Lokitano: Yah because there is so much grabbing of land,(Inaudible) but also settlement of squatters.

Com. Isaac Lenaola: Now.....(Inaudible).

Joseph Lokitano: There is very important here please about the justice.....(?) that is chapter 23 article 124, yah you see right now somebody can just be in prison to stay for long without your case being heard and that section 184 three part B state that justice should not be delayed this is quite okay.....(Inaudible) so it is necessary to state and in certain period when the appeal should be read for example if it is three months, two months so that people, there are some people who stay in prison for even 5 years without their case being heard, and then later own they are being released that there is no nobody who oppose that compensate them. So that one

Com. Isaac Lenaola:(Inaudible).

Joseph Lokitano: And the(inaudible) of the

Com. Isaac Lenaola:(Inaudible).

Stanley Ngewa: Asante sana, bwana Commissioner kwa yangu majina naitwa Stanley Ngewa na yenye nataka kuuliza I want to talk about the family. In the family we have dad, mum and children, If among them there is a grudge then the dad divorces the mum. After the divorce, may be the children do not have any mistake they have done to their dad, yet you want to inherit

their dad, but if you go to follow these when you are mature the dad, rejects you and in fact he does not care for you, he doesn't mind what you eat, he doesn't mind about your education and he does not mind about your welfare as children, and yet he is the one who brought you to this world. He contributed to you survival to this world.

Swali hiyo ingine, na kama kuna mzee ameguzwa pole.

(Laughter from the audience).

Haya the next question is about the public universities.

Com. Isaac Lenaola:(Inaudible).

Stanley Ngewa: I want to know about the public university because you see may be I am from a divorced family yet I am surviving then it comes a time when I have nini, out of(Inaudible) struggle from one parent who has brought me up. I have cleared form four I have passed and qualified to enter in a university but because of the family background I am unable to enter the university. Where do these vacancies go? Or who desire these vacancies? My vacancy that I acquired in May be is in Nairobi University yet I did not managed to go there. Who replaces me there?

Com. Isaac Lenaola:(Inaudible).

Stanley Ngewa: Thank you.

Abednego Mwangi: Asante Abednego Mwangi, Ndugu Mwangi.....(Inaudible) I will be very busy. Yangu ni kuhusu qualifications of a Presidential candidates. Kulikuwa na maoni kwamba asiwe na umri wa zaidi ya miaka sabini na mahala fulani pamesema kwamba sehemu hiyo ama kufungu hicho, hautahusisha uchaguzi huu na in the draft now that section is not there.

Com. Isaac Lenaola:(Inaudible).

Stanley Ngewa: The age limit, 35-70 years but that one should not apply as per this election. Ah sawa sawa.

In academic qualifications, tukasema kwamba awe na msaada wa degree. We know that there are some who are awarded, some honorary degree. Siku hizi kuna majaji mashuhuri, case ikifika mahakamani a judge who is mischievous can rule that a degree is a degree, kwa hivyo maoni yangu ni kwamba, tuongeze neno academic, iwe academic degree.

(Clapping of hands)

Com. Isaac Lenaola:(Inaudible).

Stanley Ngewa: Ee ndio, sehemu nyingine tafadhali, sehemu nyingine ni hii, huyu anayesimama tuseme hivi, asiwe amewahi kuhudumu kama Rais kwa sababu hakiko sikuona, asiwe amehudumu kama Rais kwa kipindi chochote hapo awali.

Hii ni sehemu nyingine, ya Ministers, I don't mind whether we are elected or may be nominated but the question is qualifications, pia waziri atakaye teuliwa akihudumu pale should be qualified and have the relevant and sufficient qualifications, you can borrow a leaf from Uganda where by you cannot be a minister of transport and communication if you don't have a degree in maybe engineering. Thank you.

(Clapping of hands).

Paul Mushiri: Kwa majina naitwa Paul Muchiri I have two issues to raise the first one is concerned nomination of members to parliament.

Com. Isaac Lenaola: Nomination.

Paul Mushiri: Nomination, wale watakaokuwa nominated asiwe ni mtu ambaye alijaribu uchaguzi na akatupwa na watu wa kwao then awe nominated. In Kenya we have two who have been nominated and even promoted to Ministers. Tusiwe na mtu anominatiwe then awe Rais au Minister.

The other issue concerns currency.

Com. Isaac Lenaola: Currency?

Paul Muchiri: Central Bank ndio iko na ruhusa ya kutoa notes and coins. Kenya tumekuwa na pesa za Kenyatta na za Moi may be after five years we shall have another portrait, kwa hivyo if it is not necessary to have Moi or Kenyatta. We have our map of Kenya instead of these posters. Thank you.

Com. Isaac Lenaola: Thank you, endelea.

John Ndirangu: Thank you Mr. Commissioner in fact, I have come from very far from Rumuruti region..

Com. Isaac Lenaola:(Inaudible).

John Ndirangu Yes, so the first point is on human right where you said that...

Interjection Com. Isaac Lenaola: Your name.

John Ndirangu: I am John Ndirangu from Rimuruti. You said that there is a right for security and when you go back to. Our district, Laikipia District especially Rimuruti you will see that most of the people are being killed watu wanauwawa hivyo hivyo, kama juzi watoto waliuwawa, so probably, I would like the nini to have the death penalty ati they should be abolished, it should not be abolished. Ukiandikwa pale(Inaudible) if(?) kama ni Moses law, kama ya kwamba Laikipia district utarape mama wa huyu watu waende warape mama wa huyu the same person, it think this should be done in Laikipia District now, kwa sababu sisi tunaumia kama ni mtoto atapigwa na bastola hapa tunaenda kwako tunakuu na bastola I think that is what will punish Laikipia.

(Laughter from the audience).

On the other hand, is the wildlife and human relationship. We agree in addition to the issue kuna mashamba mengi ambayo unaona kwamba hawana watu, mimi nashangaa wakati baba ananiambia alipigani uhuru na unaona mashamba ya Wazungu yamejaa huko, wanyama wanatoka Aberdare, wanatoka Mt. Kenya wanaende kwa hizi ranches. Na sisi tunaumia mimi nimesoma na sina kazi, mkikuzi maindi jua ndio hiyo inaharibu, instead of compensation why should be those people wapelekwa kama Zimbabwe na tuishi kwa amani.

I think that is the next point.

The third point is that on women rights and equality unaweza fanya jambo ambalo pengine sisi tutapitisha tukiwa usawa huu, na usawa ambao utakuja pengine itatumiza. Kwa mfano unasema mama atakuwa mkubwa kwa kijana ati watakuwa sawa, maisha ya nyuma itakuwa aje, this is against the nature, so what we are doing probably today itatufinya masiku za nyuma.

The last point, Mr. Commissioner is on a religion, there is a freedom of religion kuna religion ingine nasikia hapa juzi juzi mimi kwetu hakuna, kuna kama Mungiki na whatever sasa hawa naye ati there is freedom of religion Mr. Lenaola what are these hii sect inatokea hizi you should give us guidance ati mtu asifanye mambo.

The last one, Mr. Lenaola is on discrimination. You said that any disable person should not be discriminated. Mimi nilikwenda kutafuta kazi niliambiwa ati mimi sura mbaya kwa mfano mfanyikazi wa ndege na wafanyi kazi wa media, media(?) hao naye tunawapeleka wapi, we should add that one na useme even few people vile wanaonekana hivi should not nini, angaliwe eh

(Laughter from the audience).

The last Mr. Speaker is that kuna viongozi wengine Kenya sasa wakati tumesikia tumekuwa na wanasisia wengi kuliko viongozi kwa naona kuna wasiasa wengine wanatoka Kiambu, Muranga, huko juu ya Othaya baada ya kula na kushiba wanatoka hapo wanajua Laikipia wanawezana kuongoza watu huko this should be ill agreement na ifungwe kabisa. Kama ni MP, kama ni councilor atoke kwa eneo hilo ambalo ataliwakilisha katika Bunge lakini mtu mwingine anatoka huko anaenda kuwakilisha nini huko, it is not problem tunaumia huko, tunakula gatheka, tunakufa tunauwawa tunazikwa kila siku kwa radio what is the government doing to these people. Asante sana.

Com. Isaac Lenaola: I am very happy you have talked, umezungumza sana na pia mta.....ameniita bwana speaker pengine anatakuwa nikuwe speaker kwa hii constitution kwa hivyo si mbaya sana. **(Laughter from the audience).** Are you ready, are you set? Okay thank you very much.

Okay, bwana Kionange, mambo ya land filling, we got that point kwa sababu kuna Njonjo Commission on land, si alikuja hapa? Lakini walianza kazi kabla ya sisi tumemaliza kazi hao bado wako tu kwa barabara. So we are waiting for their report to tell us what Kenyans are saying on land filling. But our own proposal here is that tukuwe na sheria kwamba kuwe na land filling katika Kenya, so that proposal we have made.

Jambo la pili, mambo ya environment, mambo ambayo bwana Koinange alisema ni mambo ambayo ni ya politics na Katiba haiandiki mambo ya politics, lakini imeandika mambo ya structure ya Sheria. Kwa hivyo and the issue raised mambo ya makaratasi ya Nyahururu hiyo ni mambo ya internal and the council should take it. So we cannot put in the constitution but it is a good point I think it should be followed up.

Joseph anasema kwamba wafungwa pia wawe na representation not just to vote but to have representation that is a bit tricky, because you would like somebody to be represented by one of his own, hutaki mfungwa awe na MP ambaye ako inje manake hajui maana ya kufungwa and yet mtu akiwa mfungwa na akuwe MP atakuwa mfungwa ama atakuwa MP? Kwa hivyo ni vigumu kusema kwamba let the prisoners also elect their man, kwa sababu, we shall cartel sentence yake akuje akuwe MP akimaliza kurushwa ndani ama tuwache yeye? So it is a bit tricky but I must look at the point as they must vote. The right to vote is entrenched but not the right to be represented. The whole idea about being locked up is because you are no longer fit to sit in society you need to be rehabilitated, na kama yeye mwenyewe hajakuwa rehabilitated how do you come and lead others. So it is an interesting philosophical point.

Katika hii Katiba hakuna division, tumefuta division kwa hivyo mambo ya division usitafute hapa hakuna.

Complaint against judges nafikiri ulikuwa umechelewa, nilizungumza juu ya ombudsman sindio? Peoples protector, tulizungumza juu ya hii right ya Commission, mambo ya public defender, so katika hii draft there are three offices ya kupeleka ku-complain kuhusu majaji, polisi, President na Commissioner. Iko maafisi katika hii draft.

Land filling nimezungumzia.

Mambo ya(Inaudible) article 69 ukiangalia article ya the right to a fair trial which is article number... article number 69, the right to affair trial has all matters to do with mambo ya appeal, mambo ya kusikizwa on time, mambo ya kuarakishiwa kesi. Article 69 hall all those questions, concerning the right to a fair trial so we have covered it.

Stanley, mambo ya watoto nafikiri I don't want to go back to article 37, article 37 inampatia mtoto haki kila haki nzuri haki ya kuinherite kwa wazazi wake, kwa hivyo article 37, mambo ambayo uko nayo.

Mambo ya University who takes vacancies. Mimi sijui, lakini ile jambo ilikuwa kwa university wakati mtu haji kuchukua nafasi yake, the Senate ya University inaketi halafu kuna watu ambao wangetaka kuchange from one University to another University, so wanachukua mtu kutoka Moi na wanam-replace na course hapa Nairobi ama mtu anaenda anapelekwa Moi University. Lakini kuna watu ambao hawaja-qualify except for technicality, so when they are put in the Senate, the Senate say although they have missed with one point they actually qualify to take a course. So unachukua nafasi ya mtu ambaye hajaenda. So that is what I know from my own understanding of the University but I don't really know what exactly happens know, I left the university twelve years ago I have no ideas how it happens today.

Mambo ya President qualification, article 156 is very clear kwamba the President to qualify, he must be atleast 35 years of age but below 70 years of age. So what was exactly said in Laikipia West, tumeweka. You exactly said 35-70 years tumeweka hivyo hivyo, word-by-word, vile mlituambia Kinamba.

Mambo ya academic qualification tumesema kwamba he holds a degree from a recognized University, a degree from?

Audience: A recognized University.

Com. Isaac Lenaola: Mnajua there is a difference between holding a degree from a recognized University and being conferred a degree from a recognized University, holding means you qualify for it, hapana kupewa halafu mnashika mnasema nimepewa so that some people I know have about twenty degrees na hawajui imetoka wapi, lakini hapo we are actually covered it is a recognized sio ile ya honorary. So you cannot come and say because I have Bachelor of Law, Bachelor of Arts, Masters in this, Doctor of this, I qualify to be a President under this constitution you must have a proper degree.

Be taking point kwa sababu(Inaudible) point sana, kwamba tuweke kwa Katiba kwamba anybody who stepped office as President should not again stand for Presidency, then we said how many Kenyans are alive now have previously held the office of the President?

Audience: Ni mmoja.

Com. Isaac Lenaola: So the fear which bwana Mwangi expressed is the fear we had in the Commission, at page number 46 the third document inasema hivi mnuone kwamba hata sisi tumefikiria kama nyinyi. A person who before the entry into forth of this constitution has held the office for two or more terms as President is not eligible to stand for election or serve as President, Vice President or Prime Minister or debated to serve as deputy Prime Minister, mimister, deputy minister or Member of Parliament. What we did tulijua kwamba somebody can come and say I have served two terms at the old constitution. Kwa vile imeisha, mambo ni fresh. Kwa hivyo I want to have how many more terms? Tukafunga hiyo milango vizuri sana hapa.

Ama somebody comes and say the law say I can now stand as President, it does not say I can not stand as Prime Minister. Therefore a former President comes in as Prime Minister, tumefunga hiyo loophole hapa. Ama ukuje useme kwamba mlisema kwamba I can be anybody but I cannot be a President, I can be a minister. So a former President can become a minister tumefunga hiyo. Ama aseme anataka kuwa assistant minister tumefunga hiyo, ama aseme kwamba anataka kuwa Member of parliament tumefunga hiyo. Kwa hivyo we have closed any loopholes for anybody to come and say I served two terms in the old constitution I can serve any other office and as a President. So we have covered it quite clearly here.

Mambo ya Muchiri, mambo ya nomination of MPs haiko hapa, what we have is a system called mix member proportional representation. Kwa national assembly ile lower house we have 210 constituency, 210 MPs but each party will nominate persons who are qualified to be MPs wakuwe 90 and 45 are women. That is a very controversial provision. So if you want to do nomination but the party is illegally in this constitution it is clear how parties should have the list, it will have a list one man, one woman, one man one woman. When it comes to nominate you nominate one man, one woman, so again it is not the same concept kama ya tatu.

Mambo ya currency tumesema kwamba kwa Katiba central bank itatengeneza coins and notes. In the report we have addressed Central Bank of Kenya kwamba the portrait of a living or dead Kenyans should not be the portrait. The portraits should be composed of national symbol not individual for case, so we have addressed central bank on that issue.

Ndirangu, nasikia uko na uchungu juu ya death penalty wengi wanasema kwamba tusitoe, wengine wanasema tuweke I stand and I propose kwamba in this century it is totally immoral, it's unrealistic, and it is wrong to have death sentence, it shall(Inaudible) in any event watu wengi wameuliwa kwa makosa hawakufanya, kuna watu wako Kamiti sasa who have been sentenced to death for something they never did. Knowing that our legal system has not been very good to us, so that

sometimes judge haangali ushahidi wa watu. Amelipwa kufungwa kunyongwa yet the man is very innocent so again it doesn't make sense kwamba tusinyonge watu ambao hawana hatia, so in this century it makes a lot sense to say let us not have death penalty in the constitution so I stand by this proposal myself.

Mambo ya wildlife and human I think I spoke about it. Kwamba there should be in the compensation report. Kwamba we should act on the compensation so that people can feel they have been paid for what hurt them.

Mambo ya wanawake na equality; I think I played my position and that of the Commission. I was one of the most difficult Commissioners to agree to have women entrenched in the constitution. I was convinced and in fact, unless you do that, women will continue lagging behind yet women are 52% of the population. Kama ni equality basi wanawake wangukuwa na viti vingi kuliko wanaume because they are more, but they don't. So sometimes, I think it make sense tuwapatie nafasi one day it will mature as a country and as a people, to respect our women as people then we can say one man one vote, one woman one vote, but as it is now tuwache uongo tuseme ukweli wanawake are not because of their.....(Inaudible).

(Laughter from the audience).

Haya mambo ya religion and freedom tumesema ya kwamba hatuwezi kuandika hapa mambo ya religion, mambo ya kuabudu but what we can do is we must have a strict registration system for church, maanake sasa churches political parties,(Inaudible) society, ballot society, drinking clubs are all registered under a certain act and churches. So we have recommended here that there must be a separate system for registering churches and religions. I had said this earlier "sitaki niamke kesho niseme kwamba my church is called the church of God and money". We want a system of streamlining education, churches and sects and I think that what we have proposed to be a second issue.

Mambo ya discrimination article 39, sub article 2F mambo ya lugha chafu, sura mbaya, sura kombo kama baiskeli, mguu kombo kama bakora, macho kombo kama nini? Tunasema hivi, the state shall by law remove communication usage in any language words that are demeaning when applies to persons with disability and to require the same in(Inaudible) of language.

Matusi kwa watu ambao ni walemavu, tumesema kwa hii Katiba kwamba maneno ambao hutumika kama hayo yatolewe, kwa hivyo you are clear bwana Ndirangu kwamba watu wanatusiwa vibaya tumecapture kwa hii constitution, hii constitution iko na kila kitu, iko na kila kitu.

Jambo la mwisho, Mjumbe awe ni mtu anatoka katika area. In Article 108, tumesema kwamba hatutaki political dwarfs watu ambao because of freedom of movement kazi yao ni kuhama constituency by constituency kuomba kura, ama wanaoa bibi mmoja wa Laikipia West, mwingine Molo, na mwingine Naivasha ili kwamba every election unahama kwa ile constituency

mahali uko na nini?

Audience: Uko na bibi.

Com. Isaac Lenaola: “Uko na bibi”. We want leaders who are responsible to the people and actually live with the people. The principle here is that all leaders must come from the grassroots not from the tops. So that is a very a serious principle we have entrenched here, you must be resident and you must come from there, hapana hamisha hamisha, vile ukaona kwamba unahamisha hamisha hapana vizuri.

Basi nikimalizia, ningependa kuwashukuru sana sana kwa kuja kusikiza, ningependa kusema kwamba ilikuwa mkutano nzuri zaidi, si imekuwa mkutano mtamu?

Audience: Ndio.

Com. Isaac Lenaola: Si numeona maneno ni matamu.

Audience: Ndio.

Com. Isaac Lenaola: Manake ni maneno yenu si yetu haya, maneno ni yenu na ni matamu. Nimewashukuru nimesema mtuombe, tutawaombea, tuombeane na Mungu azidi kuwajalia ili kwamba nchi hii ya Kenya(Inaudible) kuishi milele na milele, asanteni sana.

(Clapping from the audience).

Francis Wachira: Thank you very much Commissioner Lenaola, Commissioner Lenaola alikuwa anatembea kutoka Nyanyuki Laikipia East, akaenda Wamba in Maralal sasa anaenda Baringo Central, Baringo North, Baringo East then he will go to West Pokot, anaandamana na Emma na Gitonga, hawaendi manyumbani wanafanya kazi vyetu.

Hapo mbeleni alituambia wale walikuwa wamefika walituambia Laikipia district ndio ili-present the best memorandum in Kenya.

(Clapping of hands). Kwa hivyo mimi ningetaka kushukuru all the civic education for guidance, makanisa, walimu, the committee members na wale tulifanya juu chini kufundisha watu ilituandike memorandum ili yetu iwe the best in the country, halafu akatuambia tena kuja kwetu mikutano, Kenya nzima tulishidwa na Nyando, Nyando district sijui Nyando iko wapi. Hiyo ndio tu ilishinda Laikipia ndio tulikuwa namba mbili kwa Kenya, namba tatu nafikiri ilikuwa Turkana district.

Sasa mimi ningetaka kushukuru watu wa Laikipia sana kabisa kwa sababu unaonekana sisi tunataka hii Katiba imalizike ili tuwe

na Kenya mpya. Tena tuko na bahati Laikipia, kwa sababu wakati tutaendaDistrict Councils, Nyahururu municipal council itakuwa district nasi tuna administrator mmoja atakuwa hapa labda kwa Mr. Nyanjui ama kwa municipality.

Tutakuwa na district ingine inaitwa Nanyuki huko municipality, tutakuwa na Laikipia rural kwa hivyo tutakuwa na DC watatu, Laikipia. (*Clapping of hands from the audience*). Hiyo ni bahati kweli bwana Commissioner na hiyo ni vizuri na tunafurahi na ningetaka kabla sijamaliza.....(?) nimeona committee mmoja wangu Mr. Dickson Oseko, Secretary wa KNUT tunakupatia heko. Walimu tuendelea kuwaombea kama walimu na watoto wetu. Sisi kama wazazi tungetaka na tunaomba hii mambo yenu ya shule imalizike tuwe na Kenya nzuri. Thank you very much Oseko umetusaidia sana kwa hii mambo ya Katiba.

Halafu, Laikipia tumeletewa wale watu hawajui, the blind people. Hizi ziko kwetu kwa maofisi ili watu disabled wasisema hati wameachwa nyuma.

St. Martins wametusaidia sana na walikuwa wanataka kuongea tu kidogo juu ya human rights lakini Commissioner Lenaola is going to Kabarnet so tafadhali may be another time mtaongea.

CCC wametusaidia,(Inaudible) na sasa imefika wakati Commission imemaliza kazi yao Laikipia labda hawatarudi tena kwa sababu walisema watarudi na wamerudi na mumona hiki kitabu, wale wanataka kusoma yote tulisema Rumuruti, Kilamba na Nyahururu iko hapa na iko ofisi yangu. Hii nitaiweka ofisi mtu yeyote wa Laikipia akitaka kuona unakuja it is an open document in the documentation centre in my office in Nanyuki. So hii nikuonyesha ya kwamba wamefulfil the mandate. Sasa ile imebaki ni kutuma wale watu watatu wale wataenda Nairobi kukaa na Commissioners for 30 days, ni mmoja tu nafikiri ako hapa na ni mama anaitwa Mrs. Kerina Rebarenye amekaa hapa ni msichana mdogo Msamburu huyo mama (*Clapping of hands*).

Halafu kuna mwingine anaitwa councilor Kiniti Mutahi ako pahali, kuna mwingine anaitwa Shwel Jari hao walichaguliwe na akina J.B walichaguliwa na Laikipia county council wakaakilishe wananchi.

Sasa mimi sina la kusema bora niwarudishie wananchi wa hapa kwetu asante sana tumefanya kazi pamoja tutaendelea na hata wakati wa siasa, tuendeleo na tufanye siasa ya amani. Ninaona Gathuo, sijui nimeona Gathure na wengi. Tufanye siasa ya amani na tuendeleo kuchangia Katiba as we do our own politics. Sasa nitarudisha kiti kwa mwenyekiti wa Laikipia West constituency.

Peter Waweru: Thank you very much, I think my job is very very simple to simply dissolved Laikipia people(Inaudible) which is here. So kile naturaliza ni kama kuna Mzee mmoja wa kanisa aweze kuombea baraza hili. Akifanya hivyo basi, hapo tutakuwa mkutano huu wetu umekuwa dissolved. Tumuumbe bwana Lenaola na wale wafanyikazi wake waende kwingineko. Yetu tumemwambia tunashukuru ameyachukua kwa moyo mzuri na amesema hata yale tumeyatoa

leo yatakuwa yajumuishwe katika Katiba mpya. Asanteni.

Wapi Mzee mmoja yule wa kanisa ama mama wa kanisa ambaye anaweza kuombea kikao hiki ili tuweze kufunga. Kuna Mzee hapa kwetu. Tukiomba tutakuwa tumesimama.

Prayer. Pastor: Tuombe, Mungu Baba wetu wa mbinguni, sisi wanao tunakushukuru sana siku mchana wa leo kwa vile umetupa uhuai umetuwezesha kukusanyika hapa siku ya leo. Lengo la kukutana hapa leo, ni kujadiliana na kuona mambo mengi mazuri na kufanya nchi yetu iweze kuendelea. Mungu, ulisema bila wewe, hatuwezi kuenda mbele, na hatuwezi kufanya lolote. Tunakuuliza uwe nasi, fikirani mwetu na utupe mwangaza wa roho wako sisi tulioko hapa na wengineo walioko mbali na sana sana wale viongozi umeshatuwezesha kuwachagua wawe na mwangaza wa roho wako ili waweze kutatua matatizo na shida kwa watu wako. Tunakuomba wewe Mwenyezi Mungu ni wewe unajua shida zetu na mahitaji wetu na wewe tumekufanya kuwa tegemeo letu na mwelekeo wetu, kwa hivyo tunakuita kwa unyenyekevu utusaidie, utuongoze, utulinde na usaidie mambo yetu yote yale tunayofikiria na yale yote tunayopanga uwezeshe kuwa ya maana. Na kwa hivyo Mungu, nchi yetu ikiendelea mbele na ikiwa na mwangaza wa roho wako ikiongozwa na wewe, Mungu tutaendelea mbele na tutafurahi na tutakushukuru kwa hivyo tunakuliza utewezeshe kuungana sisi wenyewe tuwe na umoja na tuweze kuwa na fikiri moja ya kufanya mambo yetu na kusaidia nchi yetu na watoto wetu na sisi viongozi na wale wote wanaongozwa utuwezeshe kuwa na umoja na upendo

na mambo hayo yote ikiendelea yakuwe mazuri kulingana na matarajio yetu Mungu tutafurahi na tutakushukuru tunakuomba hayo yote na mengi unayojua tunahitaji mazuri utufanyie na mabaya utuondolee na tunakuomba haya kwa jina la Yesu Kristo aliye Bwana na Mwokozi wetu. Amen.

Meeting ended at 3.30 p.m.

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