

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

Verbatim Report of



**DISSEMINATION OF REPORT & DRAFT BILL, SAMBURU
WEST CONSTITUENCY, HELD AT MARALAL MULTIPUROSE
HALL**



ON

11TH OCTOBER 2002

DISSEMINATION OF REPORT & DRAFT BILL – SAMBURU WEST CONSTITUENCY HELD AT MULTI PURPOSE COMMUNITY HALL, CATHOLIC CHURCH ON 11TH OCTOBER 2002.

Commissioner

1. Com. Isaac Lenaola

Secretariat in Attendance

1. Robert Gitonga - Assistant Programme Officer
2. Emma Kamung'a - Verbatim Recorder

The meeting started at 10.15 am.

Bernard Saidimu: Mimi ni District Coordinator wa mambo ya Katiba hapa wilaya ya Samburu. Sasa nataka tuanze na mzee mmoja abaye anaweza kutuombea. Naona kuna Sheikh, kama unaweza kutuombea.

Sheikh: Prayer in Arabic.....

Bernard Saidimu: Asante sana Bwana Sheikh. Vile nimesema mimi naitwa Saidimu Lenaronokito na mimi ndiye coordinator wa mambo ya Katiba hapa wilaya ya Samburu na kabla ya kuanza nataka ku-introduce wenzangu hapa. Tuna Bwana Isaac Lenaola ambaye ni mmoja wa Commissioner 27, pamoja na Attorney General na Secretary wanakuwa 29 na yeye ndiye anatoka hapa nafikiri munamjua na tuna mkaribisha. Pamoja naye tuna Wilfred Marti na yeye ni mmoja wa Committee ya Samburu Constituency. Kuna mzee mmoja ambaye ameingia na yeye ni mmoja wa Committee kwa hivyo...

Kwanza nataka kuwakaribisha hapa naona mumefika nafikiri wengine bado wako njiani, nashukuru sana.

Ya pili nashukuru sana watu wa hapa kwa sababu wakati wa kutoa maoni mulikuja kwa wingi. Mambo ya leo tuko hapa tunataka kuwajulisha mambo ya Draft Constitution, kuna report waliotengeneza, na mambo ya Constituency report. Mbele yetu tunashukuru tuna Bwana Isaac Lenaola ambaye atakuja kutueleza ni kitu gani mlisema na kimewekwa kama mtu ana maswali nyumaye anaweza kuuliza. Kwa hivyo Bwana Isaac tunakuita tafadhali uambie wananchi ujumbe asante.

Com. Isaac Lenaola: (inaudible)... Jambo la pili, tulikuwa hapa mwanzo wa mwaka na pia mwezi wa saba tulisema ya kwamba baada ya kuchukua maoni yenu hapa Samburu West tutarudi na kuwaeleza kama yale mambo mulisema yaliingia katika Katiba ama hayajaingia na pia tukawaambia kwamba ni jukumu letu kuona kwamba yale mambo mulisema neno kwa neno yatakuja kwenu muone kama tulishika kabisa tukaandika ama hatukuandika. Na leo tuna furaha kuwaletea report ya Samburu West Constituency na hii report itaenda kwa ile centre yetu ya documents library yetu, ukitaka kujua kama ulisema nini na wapi, yote yako hapa. Kama wewe ni mtu kipofu huwezi kusoma maandishi vile yako tumekutayarishia hiyo report ya Samburu West constituency kwa braille kwa lugha ya Vipofu na hiyo report pia iko hapa na wenzetu ambao ni blind wako na nafasi ya kusoma kwa lugha yao.

Jambo la tatu, mko na hiki kitabu cha Green, the National Report. The National Report yenyewe ni 36 thousand pages, kwa hivyo kama ningekuwa nayo hapa ingekuwa imejaa hapa tukai-summarise hiyo National report kwa hiyo short version inayoitwa People's Choice Kwa hivyo yale mambo yote tulipata kutoka kwa Wakenya tuli-summarise kwa hiyo report fupi aMbayo mko nayo. Kisha tuko na hii Draft Constitution aMbayo mko, na hiyo supplement ya Nation report mbele yenu. Kutoka kwa hii report ya constituency tuka-compile report kubwa ya nation. National report hiyo ya 36 thousand pages, kutoka hiyo National Report tukachambua na kutoa mambo ambayo yakoo katika hii Draft ya Katiba yetu mpya. Kwa hivyo tumeenda na system kutoka constituency mpaka national, mpaka Draft Constitution.

Jambo la tano, nafikiri mungetaka kujua je kutoka hii report yenu ya Constituency nini, imengia katika Draft Constitution? Kwa hivyo kazi yangu leo ni kuwachakua kwa ufupi kupitia hii Draft Constitution na kusema mulisema nini kuhusu jambo gani na Tume iliandika namna gani katika hii Draft Constitution. Kwa hivyo mtaanza moja kwa moja na kuwachukua article by article na kuwaambia vile tumechambua mambo yenu na kuweka katika hii Katiba yetu. Na katika hii report yenu ya Samburu West Constituency jambo kubwa ambalo mulisema tulipokuwa hapa Stadium ni kwamba wilaya ya Samburu na constituency yenu

ziko marginalized. Imewekwa nyuma sana ki-maendeleo na Serikali ya siku zilizo-pita na mungetaka kwamba wilaya kama hii ya Samburu ikuwe recognized katika Katiba yetu. Kwa maana Katiba ya sasa, jambo la kwanza haituelezi wilaya zetu ni gani. Kwa hivyo nitaanza kuwaambia je wilaya ya Samburu iko ndani ya Katiba ama haiko? Kwa hivyo fungueni hii Draft Constitution page No. 41.

Utaona second schedule kwa corner ya page 41, inasema Provinces and Districts; Mikoa na Wilaya. No. 8 Ya Rift Valley Province ni wilaya ya Samburu kwa hivyo jambo la kwanza katika hii Draft Constitution Samburu District na boundaries zake zote zimekuwa recognized kisheria sasa.

Jambo la pili, tufungue page No. 5. Page 5 iko na article 14 nitawa-refer to sub-article No. 11 kwa corner ya page 5, corner ya kushoto, angalia No.11 hapo chini nitawasomea kwa kingereza. The Republic shall ensure the fullest participation of women, the disabled and the marginalized communities and some sectors of societies in the political, social and economic life of the country. Ni jukumu la Serikali ya Kenya kuona kwamba wanawake, walemevu na hizi communities marginalized kama Wa-samburu wapate nafasi katika mambo ya kisiasa, kijamii, na mambo ya kiuchumi. Kwa hivyo Serikali iko na jukumu kuona kwamba marginalized communities wataingia katika mambo ya kisiasa, kijamii na uchumi.

Jambo la pili, Article No. 14 hapo chini. Sub-article 14,11,12, 13, to 15. The republic shall promote equitable development recognise and enhance the role of science and technology, eliminate disparities in development between regions of the country and the sectors of society. Ni jukumu la Serikali kuona kwamba kuna usawa kwa maendeleo katika nchi nzima ya Kenya. Maanake sasa maendeleo si sawa kati ya Samburu na pia Murang'a, ama Turkana na Bomet, ama Marsabit na Embu. Kwa hivyo katika hii Katiba Serikali imepewa jukumu kuona kwamba kuna usawa kwa maendeleo kati ya districts zote za Kenya hivi kwamba District zile za chini zinaletwa juu ziwe sawa na zingine.

Sub-article No. 18 page 25. Column ya pili sub-article No. 18 nitwasomea. At least once every year the President shall report to Parliament and the Nation all the measures taken and the progress achieved in the realization of the National goals, values and principles set out in this chapter. Kila mwaka ni jukumu la Rais wa nchi kwenda Bunge na kutangaza kwamba kwa mwaka huu haya mambo nimeyasema sasa, mambo kuhusu maendeleo, kuhusu district ambazo ni za nyuma nimefanya nini kama President wa nchi hii kuona kwamba haya mambo yamefanyika maanake sasa munajua hakuna siku President wa nchi anatuambia kwa nini Samburu haina lami ama kwa nini Samburu haina mahospitali ama kwa nini Samburu haina shule za gorofa na ni kwa nini wilaya zingine ziko na hayo mambo yote ya maendeleo maanake hakuna sheria inamwambia fanya hivyo. Lakini sasa tunasema hivi, ni jukumu lake kutuambia sisi Wakenya na kuambia Bunge kwamba maendeleo Samburu ni hivi, Kiambu ni hivi, maendeleo Mwatate Taita ni hivi. Tuone kwamba kila wilaya iko na maendeleo sawa na wilaya nyingine. Kwa hivyo kulingana na vile mulituambia kwamba mungetaka Samburu na wilaya zingine kama hizi ziwe na msimamo wa mbele katika maendeleo, tusha-andika na tukapatia Raisi jukumu la ku-report kwetu kama wananchi wa Kenya na Bunge pia. Je, maendeleo ya hizi wilaya na zingine iko namna gani? Tuende mbele.

Article 77. Iko page No. 11. Kwa corner inasema election, tuende chini sub-article 2C. Nitaanza mbele kidogo; A political party shall ensure C, that the remaining 50% of the seats are distributed among persons with disabilities, youth, ethnic minorities and other interest groups. Katika hii structure, kuna zile viti 90 special seats katika Bunge na tunasema kwamba wakisha patiana hizo seats maanake zinapatiwa vyama vya kisiasa tunawaambia muone kwamba hivyo 50% zinapewa vijana. Kwa hivyo vijana leo munapewa nafasi katika Katiba. Wale watu ambayo ni walemavu na pia makabila ndogo ndogo na group zingine ambazo hazina nafasi ya kupata wa Wajumbe katika Bunge.

Kwa mfano munawajua wenzetu ambayo wanaitwa El-Molo, si munawajua? Kwa census ya juzi walikuwa watu 2,000 about 1,900 and something. El-Molo hata wakifanya nini, ata wakizaana mara ngapi ata wakipiga kura na samaki wao wa L. Turkana hawatapata mjumbe maishani maanake katika Laisamus constituency mahali wako kuna wa Samburu, wa Rendile, wa Somali, wa Borana na kuna pia wao. Na hicho kiti cha Laisamis hata wakifanya nini kitakuwa tu cha wa-Samburu ama wa-Rendile. Hakuna siku in the next many many years El-Molo watapata kura. Tukasema nini? El-molo pia wapewe nafasi wawe na Mbunge katika Bunge kulingana na hii sheria inasema kwamba minorities kama hao wapewe nafasi katika Bunge. Ama kabila lingine ambalo munalijua pia. Wanaitwa Njemps wako Baringo Central, kura yao ya juzi ni elfu kumi, kura ya Tugen ni 50,000. Hata wakiuza samaki wao, Samaki wapige kura, hakuna siku watapata Mbunge Baringo Central. Kwa hivyo tukasema makabila kama hayo yapewe nafasi ya kupata Mjumbe katika area fulani. Kwa hivyo kuna viti fulani katika Bunge za makabila ndogo ndogo. Mumeshika hiyo? Wengine ni kama wa-ndorobo. Jana tukiwa Wamba, Ndorobo walisema, sisi Ndorobo kwa ile hierachy ya wa-Samburu na wa-Maasai Ndorobo wako wapi? Si wako nyuma. (Samburu dialect...) si wako nyuma, pia wao wako na nafasi hapa ya kupata Mjumbe katika Bunge.

Article 86. Page No. 12. Inasema Article 86 sub-articles 2. In demarcating the boundaries of constituencies, the Electoral Commission shall (a.) Consult with all interested parties, and then (b). Take account of population density and the needs to ensure adequate representation for urban and sparsely populated areas. 2. Population trends, means of communication, Geographical features and community of interest. Kwa nini nasema hivi? Kwa sababu kulikuwa na mipango miaka iliyopita kwamba ma-constituency kama hii ya Samburu West ikatwe tu kulingana na idadi ya watu. Tukasema kila constituency iwe na minimum of 50,000 people who are voters. fifty thousand registered voters ndio ikuwe constituency.

Samburu East constituency iko na registered voters 11,000. Samburu West constituency iko na registered voters karibu 40,000. Kwa hivyo kama tungefuata huo mfumo kwamba 50,000 kila constituency, Samburu District mzima ingekuwa constituency ngapi? Kutoka Al-simi mpaka ile boundary ya (not clear). Kutoka Amaya mpaka Turori, one constituency and yet hivi sasa Samburu district inasemekana it covers the second largest area in Kenya. An MP in Samburu, Leshore na Lengesi, kila mmoja ana-cover 10,564 sq kilometers times 2, one MP. will cover 20,100 flat Sq kilometers. Inawezekana kufanya kazi kama hiyo? Ndiyo tukasema katika Katiba mpya mukikata constituency musiangalea idadi ya watu pekee yake, angaliene pia means of communication. Hamuna lami Samburu, hamuna magari Samburu, na Samburu si mahali tambarare, flat

kwamba mtu anapita, kuna milima na mabonde. Kwa hivyo mukikata constituency angalieni si idadi ya watu pekee yake, angaliene pia mambo ambayo yako article 86 sub-article 2.

Article 213. Iko pg. No 26. Tuangalie article 213. 1(f). Column ya pili (f). inasema hivi, principle and object of devolution are to ensure equitable sharing of National and Local Resources throughout Kenya with special provisions for marginalized areas. Tukigawa rasilimali za nchi lazima tuangalie kwamba kuna wilaya zingine ambazo maendeleo yao ni ya nyuma kwa hivyo tukigawa hiyo mali, what we call the National Cake hii cake, ya kiutaifa tukigawa tujue kwamba kuna area ambazo ni za nyuma wapate nafasi kubwa kidogo kuliko zile ziko mbele. Special Provisions for marginalized areas, mupewe chance kubwa kuwaleta mbele na usawa na wale wengine. Hapo chini No. I. HI. Protect and promote the interest and rights of minorities and disadvantaged group. Kuona kwamba makabila ndogo ndogo, watu wachache na wale ambao wameadhirika miaka iliyopita wanapata maendeleo especially katika utumizi wa rasilimali za nchi ya Kenya.

No. 4 hapo chini kidogo sub-article 4. The National and devolved Government shall ensure the participation of communities in decisions relating to the exploitation of their natural resources in their areas and the preservation of the environment. Tulipokuwa Samburu mulisema kwamba- and this is in this report mulisema kwamba mungependa kama watu ambao wanaishi katika area hii kwamba rasilimali za wilaya ya Samburu mutaulizwa vile zitatumwiwa. Kwa mfano Serikali ikitaka kufungua conservative ya wildlife ni sharti waulize watu wa hapo je, mungependa hii Conservative iwe ya aina gani? You must be consulted and you must participate kwa mambo kama haya. Si kama zamani kwamba nasikia warden na DO,DC, na Chief wanaingia kwa location wana-demarcate area fulani wanasema hii itakuwa ni wildlife conservative, ama mambo ya forest wanasikia forest inawekwa fence na hamujaulizwa matumizi yenu ya hii forest ni ya aina gani? Tuna sema sasa kama kukiwa na mipango ya ku-exploit mambo kama ya forest, watu wenye kuishi hapo hapo waulizwe na wazungumziwe kuhusu vile hiyo forest itatumwiwa na Serikali. Mali yenu ya asili mujulishwe matumizi yake. Haya, tuende mbele.

Article No.225, pg. 27. 225/3. Kuna kitu kinaitwa grants, zile fedha kutoka kwa Serikali kwa wilaya. Grants include, tuende chini C, equalization grants paid to marginalized districts. Fedha kutolea kwa serikali, munajua kwamba kila mwaka kila department inasema kwamba Ministry of Water 10, millions shillings; Ministry of Health, 20 million. Ministry of this.... Tunasema hivi, kuwe na grants za equalization, za kusawazisha maendeleo. Kwa mfano wilaya hii haina tarmac road hata ile kidogo ya huko bara bara ya kwenda Wamba, we shall declare it a non-tarmac road kwa sababu hakuna lami wapi? Nilipitia huko juzi ni-kashangaa kwa sababu kuna section kidogo kwa-corner lakini hatuwezi kuandika 7 kilometres of tarmac. Kwa hivyo pesa za barabara zikija there must be some extra funding kwa wilaya kama hizi. You cannot give wilaya iko na tarmac 40 millions ku-rehabilitate, kupiga ile lami ya juu na ile haina tarmac munangojea 5 million ya kupiga plast. There must be some grants paid equally kusawazisha maendeleo na tunasema kwamba ni lazima Serikali iwe na hizo funds kwa wilaya kama hii.

Article 226. Hapo chini kidogo. Districts shall be entitled to a substantial share of the national revenue from the local resources and for the allocation of 50% to the communities in which areas the resources are generated.

Tunasema kama kuna fedha kutoka revenue katika wilaya, lazima percent kubwa iende katika wilaya, isiende Nairobi kutumika huko bila wenyeji kupata maendeleo. Kwa mfano Samburu National Park, kila mwaka... I am not sure you get about how many millions per year? Two hundred million shillings. Wanapata kila mwaka kutoka Samburu National Park two hundred million shillings. Tunasema kwamba per cent kubwa ya hiyo two hundred million shillings isiingia Ministry of Local Government, ibake wapi? Hapa. Na pia kuna watu ambao wanaishi na hao wanyama huko Wamba, so we are saying 50 percent revenue to the communities in whose areas the resources are generated. Wale watu wanaoishi karibu na hiyo Park maanake mnyama hajui kwamba leo ako Park ama kwa group ranch. Mnyama anaingia Park leo kesho ako wapi? Kwa Group Ranch. Na kama hawa watu wa Group Ranch hiyo hawamuui huyo mnyama, they must get a share of the benefits from those animals. So a certain percentage must go to the area where the resource is coming from.

Mfano mwingine mto Nyiro, kuna minerals, madini ya aina nyingi sana lakini sheria ya leo ni kwamba any mineral mandini kutoka shamba lako hata kama ni shamba langu si yangu ni ya nani? Ni ya Serikali. Na tunasema hivi, kukiwa na madini mto Nyiro, Percent kubwa ya hiyo pesa ya kuaza hayo madini ibaki wilaya na watu wa Nyiro pia wapate percentage yao maanake rasilmali iko kwao. Tume-sema hivi, kwa sababu si vizuri kwamba muaishi katika nchi na rasilmali zake zinaenda pahali pengine, itumeke huko Local Government na Treasury na hamupati mapato kutoka kwa mali yenu. Kwa hivo tunasema ya kwamba a large percent ibake hapa na wenyeji wapate percentage yao.

Article 243. Sorry kabla ya hapo, 239 page 29. Environment and natural resources, sub-article (e), the cultural and social principle for the management of the environment or natural resources traditionally applied by any community within Kenya shall be applied. Kila kabila Kenya hii liko na mila yake kuhusu vile watu hutumia environment yao. Wa-Samburu zamani hata na leo wakati wa ukame munahama wapi kwa highlands. Wakati wa mvua munaacha hiyo forest mpaka nyasi mnakuja kwa nani? Kwa Low lands Kwa hivo hamuwezi kumaliza forest and then you finish lowlands maanake mtakufa. So muna-manage munaacha, you close off some areas for a season then when it is a dry season you go back there. Ndio tunasema ya kwamba hayo masharti ya kimila yaheshimiwe pia kwa management ya environment. Mambo kama ya wanyama wa-Sumburu, kwa kimila kuna wanyama hawakuliwi kwa hivo hao wanyama hawatakufa kwa sababu hakuna mtu mwenye anawauwa na kwa njia hiyo wanakuwa preserved. Wa-Samburu wakianza kula Punda Milia ama ndovu... Mila kama hizo tumesema kuwa ziheshimiwe kwa sababu ya environment ya nchi hii.

Article 243. Pg No. 29 sub-article C. The primary object of the Public Finance and Revenue Management System is to ensure equitable sharing of National and local resources throughout the republic taking into account the special provisions for the marginalized areas. Nafikiri hilo jambo sitarudia tena, ni-lisema vizuri sana mbeleni kwamba fedha zikitolewa lazima kuwe na provision kwa wilaya kama hii.

Mambo ya ardhi. Wacha kabla sijafikia mambo ya ardhi, nimezungumzia mambo ya maendeleo, mambo ya mali ya asili,

mambo ya environment na mambo ya fedha na utumizi wa fedha katika nchi kwa sababu hayo yote muliyasema hapa nimeona kwamba yote yamengia katika Draft.

Jambo la pili mulizungumzia sana wilaya hii ya Samburu ilikuwa mambo ya land, yaani ardhi. Na jambo kubwa ambalo mulisema hapa ni kwamba kuna ardhi fulani ambayo ilichukuliwa na wazungu zamani na hii ardhi ingekuwa ya wenyenji na wakazi wa wilaya hii. Mkasema hamutaki kusikia kwamba mzungu ako na lease ya ardhi ya 999, 1000 years na walipo-chukua hiyo ardhi walikuwa wanalipa one pound per month, shilingi mbili na thamanini one pound ile ilikuwa na shimo kati kati mukasema ya kwamba hayo mashamba wenyeji na wakazi wa wilaya hizi wapewe. Tukasema nini katika Katiba hii? Page No. 28. Article 235, sub-article 4B mwisho ya page 28 kwa corner kabisa; Within 2 years of the coming into force of this Constitution. Parliament shall review and asses all claims to unjust expropriation of land in the Coast, North Eastern, and Rift Valley Provinces or elsewhere whether arising from historical or other causes in order to establish their validity and how best they can justly, peacefully and equitably resolved. Baada ya miaka miwili, kabla ya miaka miwili kupita, Bunge ni sharti itoe sheria ili kila mtu abaye ako na claim kuhusu hayo mashamba tutapeleka kwa hiyo Bungi na hizo claim ziangaliwe na zikuwe resolved.

Kwa hivo wa-Masaai, Wakikuyu wenye walifukuzwa Molo wale wa land clashes, wale walifukuzwa Mt. Elgon wako na nafasi sasa ya kuuliza mambo ya ardhi yao. Na hapo chini tumesema nini? Below that, No. 3, Parliament shall determine the cut-off dates with reference to which the review is required. Na nikiwambia ya kwamba katika hii report tumesema kwamba you must go back to 1895. All the claims kuhusu ardhi from 1895 mpaka sasa ziangaliwe na zikuwe resolved peacefully and equitably. ziangaliwe kwa amani na usawa wa kila mtu. Si kwa fujo, vita, risasi au mkuki kisheria na kwa amani.

Article No. 232 hapo, page 28, Sub-article 3. Non-citizens of Kenya may hold or use land on the base of lease of tenure only when such leases shall not exceed 99 years. Kama wewe si Mkenya hautakuwa na tenure ya lease hold ya 1000 years ama 666 years ama 333 years only for a maximum of 99 years maanake kuna wageni ambao hutumia ardhi kwa minajili ya kusaidia sisi wenyewe, si wote ambao si wa maana kwetu lakini hawatapewa Title Deed you will have land kama yule "Gachogi" There is a man called "Edmond Gachogi". Yeye alikuwa na shamba hapa "Ole Pojita" na yeye kazi yake tu ni kuingia ndege kutoka Libya ana-land Ole Pojita weekend na kurudi hajui Nairobi inakaa namna gani? Hajui neighbors wake ni kina nani? Ndiyo tumesema kwamba leasehold for only 99 years.

Na je tumesema nini kuhusu land generally? Kutakuwa na aina tatu ya land. Article 234, tumeeleza hapo kutakuwa na classes ya ina gani ya land ownership in Kenya. Katika Samburu mulisema ya kwamba kwa report yenu mungependa kuwe na Community Land; Ardhi ya ma-group, community. Article 235/ 2A. Community Land shall vested in and be held by community identified on the basis of ethnicity, culture or community of interest. Kutakuwa na land ya community, iwe ni community ya clan, kabila au watu wako na interest fulani yao yenyewe. Ukiangalia Community Land, Article 234/(c), the same page the following distribution of land is community land.

- A. All land currently held as Trust Land.
- B. All land registered in the name of groups in terms of land group Act cap. 287.
- C. All land held, managed and used by the community as forest, water sources, grazing areas or shrines.

Tunasema kwamba land ya Community, Trustee Land siku hizi iko under County Council. Tumetoa kutoka kwa County Council tumewapa wenyewe maanake hakuna land ambayo haina wenyewe na tunajua ya kwamba ile trust tulipatia County Council imekuwa misused, abused, tukasema ya kwamba wacha hiyo ardhi irudi kwa wenyewe. Hao wenyewe wajue vile wataitumia ni kuifurahia lakini je tukiwapa wenyewe watapeana ovyo ovyo? Article 235 , 2/B. Community Land shall not be disposed off or otherwise used except in terms of legislation specifying the nature and extend of the rights of members of each community individually and collectively. Ardhi ya Community haitapeanwa ama kuzwa bila kupitia sheria fulani itakayo sema hii ardhi itapeanwa kwa njia fulani. Sababu gani? Maanake ardhi ya hii generation na zingine na ikepeanwa sasa wale watakuja kesho wataishi wapi? Juu ya mti, kwa hewa? Sababu kubwa ya hii ni kwamba land must be sustained and used properly kwa wale watoto ambao wanakuja baada ya sisi. Mulisema pia ya kwamba mungependa mambo ya ma-plot ambazo zilikuwa zimepeanwa, land which has been grabbed mukasema kuwa mnataka that issue is to be resolved and addressed.

Article 235/B, Corner ya page 28, there shall be a review of all grants or disposition of Government Land or other Public Land to ensure that their propriety, legality and determine whether or not such grants or disposition should be revoked within two years. Kama kuna land ilikuwa grabbed na kuna complain juu ya hiyo grabbing, there shall be a mechanism kuona kwamba inangliwa kama itakuwa revoked ama isikuwe revoked na hiyo mulisema katika report yenu tumeandika hapa. Mambo ya land na mengine mengi yako hapa mtayasoma, yako hapa.

Kutakuwa na Serikali ya aina gani katika hii Draft? Mulisema ya kwamba mungependa Serikali ya karibu, mulisema hamupendi Serikali iliyo mbali na nyinyi. Kwa mfano kwamba kila kitu kifanyike Nakuru and yet tuna Serikali Samburu District na Wakenya wengi walisema kwamba ni kitu ngumu kuelewa ya kwamba DO wa Moyale akitaka kwenda kumuona PC wake mpaka atoke Moyale apite Marsabit, Isiolo, Meru aende mpaka Embu. Ama DO wa Loitokitok huko Kajiado apite huko E-Mali, Sultan Hamud, Kajiado, Nairobi, Naivasha, Gilgil mpaka Nakuru, ama DO wa Lokichogio akuje Lodwar, Kitale, Eldoret, Timboroa, Kapsabet Rongai, mpaka Nakuru. Serikali iwe karibu na wananchi. Kwa hivo article 213...

Interjection: Tafadhali kwa vile tuko na hizi draft chache we can share two/two ndio tupate kuelewana. Just share. Asante sana.

Com. Isaac Lenaola: Article 215. Hebu gawa gawa tuko na chache sana, mtagawiwa tu. Article 215. Page number No. 26 are we together? Powers are devolved to the following levels.

- A. Village

- B. The Location
- C. The District
- D. The Province.

Na tumesema ya kwamba kutakuwa na village Government, Article 215, 217, Locational Government 218 District Government. Lakini centre ya maendeleo, centre ya uongozi itakuwa District hapana Province tena kwa sababu hakuna haja kwamba vitu vya Samburu, vote ya health ipitie Nakuru. Why can't it come directly to Samburu? Ama vote ya education ipitie Ministry of Education Nakuru ndio ifikie Ministry of Education Samburu. Mbona isije direct kutoka Nairobi mpaka Samburu? Ama mambo ya health kuna hospitali ya District Maralal na X-ray machine ikikuja hapa inapitia Nakuru ndio Nakuru wa-release to Samburu. Hiyo ni Serikali ya mbali so the level of devolution, the centre ya uongozi na maendeleo kwa hii Draft ni District.

Na katika page number 45 chini, there is something called powers of National and District Government, tumegawa shughuli za National Government, page 45, karibu na mwisho utapata, at the tip, corner kabisa, 7 schedule, National Government list. Umeona pahali tumeweka National Government, International relations, defense, elections, currency, courts, prisons,... List no. 2 pale chini District Government list, page 46, mko nayo? Page 46 at the corner mambo ya education, ya health, maji, barabara, market, planning, ID, survey, planning, licenses, probations, culture limits, zote ziko hapa, tumegawa kazi ya Serikali kuu na Serikali ya wilaya.

Schedule No. 7, List 2, bottom of page 45, top of page 46 tumegawa kazi ya Serikali ya National na Wilaya. We go back to page... Article 213 are we together?

Interjection:

Com. Isaac Lenaola: No, no, nitawapeleka, lets go back to article 213. Page no. 26 munajua mimi naelewa ya kwaamba naruka but if you get lost tell me nakimbia sana. I was just refering you to page 46 kuwambia ya kwamba Serikali ya Wilaya iko na kazi fulani na Serikali ya Nation iko na kazi fulani lakini structure iko page 26. Are you back to page 26? We are together, haya tuangalie article 218 sub-article 3 page 26, kwa corner kidogo. 218 are we there? It reads the District Administrator is the Executive of the District. Kutakuwa na mtu ambaye anaitwa District Administrator. Katika hapa Samburu West mulisema ya kwamba hamutaki mtu ambaye ni DC, au DO, chief ama Sub-chief ambaye hachaguliwi. Mungetaka Mkuu wa Wilaya awe anafanya nini? Anachaguliwa.

Article 218/4. The District Administrator is elected directly by the voters of the district.

Interjection: Clapping

Com. Isaac Lenaola: Kwa sababu mungependa kuwa huyo DC, ama sasa tutamuita DA. Mambo ya 'C' ni nyuma kidogo sasa tutamuweka 'A' maanake amekuwa elected na watu wote anapata A maanake anaitwa DA. District Administrator akikuwa elected anakuwa responsible to his voters lakini akipata barua ya transfar kutoka pahali pengine then he is responsible to the owner of the letter pahali barua inatoka hapana wenye kumpigia kura na matumizi yake yatakuwa kwa mwingine si kwa wananchi.

Article 218 sub-article 5. The District Administrator with the approval of the District Council appoint Chief Officers from the persons who are not members of the District Council. Huyo DA akitaka kuwa na mkubwa wa education he brings his list anasema ya kwamba I want so and so to be the next DEO Samburu. He takes that name to the District Council ikuwe approved. Kama district councilor ni mkora hawezi kuwa DO. DA anaambiwa go back bring us another name.

Interjection: Laughter.

Com. Isaac Lenaola: Ama OCPD anaambiwa huyo hatumutakio, go back and bring another name. So that pia huyo DA hawezi kukaa chini kwa nyumba yake na ku-appoint marafiki wake. Ati mtu wa education ni rafiki yangu, mtu wa forest ni ndugu yangu, mtu wa planning ni mtoto wa dada yangu. The Council will approve waone kwamba wako na qualifications na hawana ukora ndani yao. Na je, huyo DA, can he be transferred or fired bila mpango wowote?

Article 218 number 6. The DA can be dismissed by the votes of majority of members of the District Council that he supported the referendum by a majority of those voting in the referendum. Tunasema nini? Pia hii Council isiamuwe tu kwamba leo tufute huyo DA. Wataketi wamusikilize and then 50% wa vote kwamba aende. Na hata wao kufanya hivo si wao walimpigia kura ni kina nani? Kwa hivo hiyo mambo ya kufuta DA iende kwa wananchi tena kwamba huyo mtu ni mkora na twataka kumtoa, je, mungetaka tumtoe? Na nyinyi pia mpige kura kwamba aondolewe ama asiondolewe. Na kura itakuwa "Yes he must go" or "No he must not go". Simple hakuna mambo ati kuna nini, you are the decision makers. There is time for questions.

Therefore, tumesema ya kwamba pia huyo DA akuwe checked na Council na wananchi. Je, hii village council ni nini? Tumesema ya kwamba village council ikuwe pahali Sub-location ziko sasa. Each sub-location shall be called a village and they elect their own government there. Na article 216 mtaamua kama hii sub-location yenu ni wazee wa vijiji watakuwa Council ama mta-elect wengine wapya wakuwe Council? Mtaamua. Kuna sub-location zingine ambazo tayari tunajua kuna wazee wanaongoza hiyo sub-location. Hata sasa si wako kwa kibaluya wanaitwa "Ligulu" Maligulu huko kwa wabaluya wanajulikana kama wazee wa vijiji. Wa kikuyu wanaitwa sabu-er'ia wazee wa sabu-er'ia na hapa kuna Committee ya Chief wale wazee wanakaa na Chief wakitatua maneno tunasema kuwa mtaamua wawe ni ... Sawa.

Interjection: Inaudible.

Com. Isaac Lenaola: Kama kuna maswali-I did not tell you-kama kuna maswali nitamaliza, you have 2 hours to ask me all the questions you want to ask. You wait for me to finish then you can ask questions.

Na je wilaya ya Samburu na Isiolo zikitaka kuwa na mipango yao sawa sawa, iko makosa? Article 229 page No. 27. District Councils may co-operate in the performance of their functions and may set up joint committee or joint authorities. Kwa mfano, Samburu National Park iko wilaya ngapi? Isiolo na Samburu wakitaka kufanya mipango yao pekee ya kuona ya kwamba hiyo imekuwa exploited maximumly they can set up joint Committee kuhusu mambo kama hayo because ukiangalia Samburu National Park ukiwa ile side ya Isiolo the roads are terrible ikifika mahali border ya Samburu imeanza bara bara ni nzuri yet it is the same Park. Upane ya Samburu bara-bara na nzuri, upande wa Isiolo bara-bara ni mbaya but they can agree jointly to make the roads in the Park. Wako na haki kufanya Hivo. Je, kati ya District na province, kuna uhusiano gani? Maanake hatujafuta Province, they still exist lakini power imekuja mpaka wapi? District.

Article 219 page 26, 219/2. The Provincial Councils consist of two representatives, one of whom shall be a woman chosen by each District Council from among its members. Kila wilaya itachagua Councillors wawili waende kwa Provincial Council. Kwa sababu gani? Kuna rasimili fulani katika Province ambayo haiwezi kuwa ya district moja. Kwa mfano, Rift Valley Provincial General Hospital, ni ya Nakuru? Si ni ya Province? Egerton University, ni ya Nakuru? Eldoret International Airport ni ya Uasin Gishu? Ile bullet factory ya ile iko Eldoret, ni ya Eldoret? Those resources must be managed by a Provincial Council elected from each district. Hapana kama vile iko kwamba ukiangalia Head of Departments wa Rift Valley, Medical Officer comes from Bomet, Road Engineer comes from Kericho. Wale wengine wote ... lakini PD anatoka wapi? Samburu district. Kwa hivo we want this Provincial Council ikuwe na kila wilaya. Si wilaya tatu ama mbili ama nne, ikuwe na kila wilaya, each district iwe na nafasi katika Provincial Council.

Mambo ya devolution yoko katika article 213 mpaka mwisho. Let me stop there on that Act. Haya Serikali kuu, the Executive.

Article number? Page number 19 article No. 148. Are we there? Page 19, the Executive umeona hiyo? Katika hii Draft Constitution tume-propose kuwe na President na article 151 inawaambia functions za state President. He is the State President. Kisha article number 170 page number 21, The Prime Minister is the leader of the cabinet. Kwa hivo kutakuwa na wakubwa wawili, The President and the Prime Minister. Kwa sababu gani? Mulitaambia hapa kwa report yenu Samburu West ndio hii hapa, hatukutunga hiyo maneno mulisema kwamba let the President akuwe Head of State. Let the Prime Minister akuwe Head of the Government, there is a difference. The State of the republic of Kenya ni Kenya nzima. Kuwe na Head of State na pia kuwe na mtu ambaye kazi yake ni Serikali, Government, utawala wa ki-ndani. Huyo mtu ni Prime Minister lakini hatukukataza President power zake kama Head of State. Watu wanasema "oh the President katika hii Draft Constitution ni ceremonial". Not ceremonial, tuangalie kwa sababu gani? Article Number. 150 page 19

same page, the President is the Head of State, Commander In Chief of the Defense Forces, and Chairperson of the National Security Council, Chair person Defense Council, okay. Article 151 hapo chini kidogo, President ana-address Parliament ikifunguliwa. Sub-article 2, the President shall appoint and dismiss:

- A. The Cabinet
- B. Judicial Officers
- C. Appoint Commissions of enquiry
- D. Sign issue of consents by Kenyans
- E. Declare state of emergency and war.
- F. The President may appoint persons as High Commissioners.

All those things, is that Ceremonial? Commander in Chief, he appoints the Cabinet, Prime Minister, he declares war, on judiciary he appoints judges. What we have done here is only to limit his powers by saying he will appoint but the Parliament ina-approve. So the powers he has remain but not the situation like today where unakuwa appointed saa saba mchana one, o'clock news Leo unafutwa kesho one o'clock news again. We want there be accountability na transparency kwa hizi appointments. Kwa hivo President analeta list anasema ya kwamba tungependa ya kwamba fulani awe Prime Minister lakini Parliament inasema ya kwamba it is a good point ama No. So we have brought a check kwa nguvu za President hata President mwenyewe yule ako kwa office three years ago he said I have so many powers as the President sometime nasikia kupeana zingine because the present Constitution gives him a lot of powers.

So what we have done here tume-balance hiyo nguvu kati ya Prime Minister na President. Je, mambo ya Cabinet, article Number 151 sub article 2 inasema ya kwamba the President shall appoint the Cabinet consisting of:

- A. The Prime Minister who shall be the leader of the party that enjoys majority support in Parliament. Prime Minister atakuwa mtu ambaye ni kiongozi wa chama ambacho kiko na watu wengi katika Bunge. Hiyo ni sawa?
- B. Two Deputy Prime Ministers nominated by the Prime Minister in accordance with article 175 hapo chini.
- C. Not more than 15 Ministers and not more than 15 Deputy Ministers. Kutakuwa na Cabinet ya watu wangapi? Kumi na tano.

Na actually it surprises me kwa sababu sikujua ya kwamba tumefika 15 in number. That proposal came from Samburu West Constituency not elsewhere in Kenya I do not know how they got to put it in the computer. The proposal to have a cabinet of 15 members came from the Samburu West Constituency and no where else in the country.

Intejction: Clapping and laughter.

Com. Isaac Lenaola: Na sisi pia infact when we were doing this number tuliangalia ministry za maana tukafika 15. Na asubuhi leo nimeona ya kwamba multi-propose 15 Members . 15 Cabinet Minsters kwa Constituency yenu. Na je, why are we saying a small cabinet? Maana sasa we have 27 Ministers and some Ministries frankly hazina maana. Kwa mfano Ministry of Vocational Training, that Ministry is in charge of Village Polytechnics ingeingia ndani ya education, si ndiyo? Education na training go together we do not educate without training. Ama Ministry of Rural Development. Hiyo Ministry iko in charge of big Authorities Ewaso Nyiro, Kerio Valley, but those authorities kuna za maji, kuna za agriculture. They can go to the Ministry of Water or Energy or Agriculture, not the whole Ministry. Ndio tumesema ya kwamba tuwe na Cabinet ya 15 all the issues katika nchi zitakuwa - addressed kwa hizi 15 ministries. This Cabinet is it from Parliament or outside Parliament? Kwetu sisi our proposals was hao Ministers watoke nje ya Bunge. Kwa sababu gani? Kwa sababu kuna shida mbili leo Kenya, shinda mbili juu ya Cabinet moja ni the Ministers who are appointed are not qualified in those Ministries. Kwa mfano rafiki mkubwa International Lawyer Dr. Bonaya Godana yeye kwao ni North Horr. North Horr hakuna majani chai, hakuna kahawa halafu his own training, he is an International Lawyer hata si wakili kama mimi wa Maralal. He is a lawyer of an International standard then you make him Minister for Agriculture. He cannot perform in that office. So we are saying let people be Ministers in their areas of speciality. Ama umekaa jeshi miaka 40 unakuwa Minister of Health. Major (Inaudible.....). Is here now halafu baada ya ku-retire kwa jeshi tunamfanya Minister of Health Major hajafanya kazi ya health, We are saying every person akuwe Minister kwa area yake ya specialization.

Jambo la pili, Ministers hawafanyi kazi yao hata kidogo. Kama sasa wakati wa election, which Minister ako kwa office yake? Wako mulolongo si ndio? And we are saying let the Minister work in his office. Kwa mfano tuna mheshimiwa Marsden Madoka, Major, retire), I am his lawyer so I can state this with his authority. Mr. Madoka is the Minister for Foreign Affairs, watu wa Mwatate pale kwake Taita wakasema tangu huyu akuwe Minister for Foreign Affairs hatumuoni hapa, hatumuoni Nairobi tunamusikia tu Geneva, New York, Vienna, Paris, London. Kwa hivyo wakatuambia Mjumbe wetu awe mjumbe wetu ama basi si mjumbe maanake hayuko Bunge, hayuko nyumbani kwake, hayuko Karen, hayuko ofisini. Kwa hivo yeye akiwa ng'ambo watu wa Mwatate hawana Mjumbe wa kuwatetea mambo yao. Kwa hivo kazi igawanwe kama ni MP. MP full time. Kama Minister awe Minister full-time, tumeamua hivo kwa hii draft.

Haya mambo ya Parliament, Bunge. Article 101 page No. 14. Tuende moja kwa moja article 105. There shall be two Houses of Parliament:

- A. An Upper House called the National Council.
- B. A Lower House called the National Assembly.

How many houses? Upper House called the National Council, Lower House called the National Assembly. Article 106, the National Council shall consist of 70 members on the basis of single member constituency.

30 seats for women representing provinces and Nairobi. National Council ni nyumba ya wazee, is the House of the elders na kila wilaya itakuwa na wazee wangapi? And there are 70 districts now. We shall have 70 members but we are also saying wakina mama pia wanafinyiliwa and we know that Kenya hii ya leo we cannot elect a woman to represent a District, ni vigumu kusema ukweli. So wanawake wapewe nafasi kwa kila Province wanawake wangapi? How many? Nairobi wanawake wangapi? Wanakuwa 8x7 +2. 30 women kwa National Council.

Lakini National Assembly, article 107, National Assembly itabaki vile iko sasa 210 constituencies kama sasa, so they will not change except kutakuwa na 90 seats. 90 seats 45 of which women shall be given. I will take you back we see how they can be shared. Anyway, 45 zingine are the ones I said ni za vijana na walemavu na ma-kabila ndogo ndogo. Those 45 seats zitapewa El-molo, Ndorobo, maanake ni kama kwamba they will never get seats. Watu wengi wako na shida hiyo ya kwamba wanawake wako na too many seats. You will ask those questions when we get there.

Haya mambo ya defections, hawa wajumbe ambao muna wa-elect wakiingia Bunge mguu moja uko kando.

Interjection:

Com. Isaac Lenaola; Which one? I will come back to you. What happens to the MPs who defect? Article No. 111 sub-article IG pager 15. The office of the Member of Parliament becomes vacant if the member leaves the party which he stood as a candidate for election to join another party or to remain in the Parliament as an independent member. The day an MP anawacha chama chake automatically kiti chake kinaenda. Kwa mfano Mheshimwe Suleiman Shakombo MP for Likoni. Yeye ni mtu wa Shirikisho party na akaenda publicly to say I have defected to KANU akapewa certificate ya life membership ya KANU. Huyu MP ni wa Shirikisho ama ni wa KANU? We are saying any MP who does that automatically loses his seat. Okay. Haya.

Mambo ya Mjumbe mkora ambaye anaenda, ana-hepa watu haonekani. Article 112 page 15, 112 are we together? Subject to this article, the electorate in a constituency have the right to re-call their MP before the expiry of the term of Parliament. Watu wa kila constituency wako na haki ki-Katiba, Ki-sheria kumrudisha Mjumbe kabla ya miaka mitano kuisha. Na je ,sababu ya kumuita ni gani? Article 11/12.2. A Member may be re-called from the office on any of the following grounds:

A. Physical or mental incapacity. Mtu ambaye ni mgonjwa ambaye hafanyi kazi tena. Kuna Wajumbe wawili katika Bunge hili they have been in bed for the last two years. Hao wenyewe ni wagonjwa sana they cannot come out of the house. Hawako Bunge, hawako kwa constituency. Ikiwa Mjumbe ni mgonjwa sana mpaka hafanyi kazi ama amekuwa kama wazimu basi munaweza kumuita.

B Mis-conduct likely to bring hatred,contempt or disrepute the office, Mjumbe ambaye huleta

haibu hadharani ambaye conduct yake ni ile ya haibu, haonekani kama Mjumbe.

- B. Persistence dissertations of the electorate without reasonable cause. Ukiwa huonekani katika constituency, huonekane msikiti. Hebu niwape mfano mmoja, wakati mmoja watu wa kutoka Marsabit wanajua ya kwamba kulikuwa na Mjumbe mmoja alichaguliwa MP for Moyale a few years back. Huyu Mjumbe ali-campaign akapata kura, the same day akaambia watu wa Moyale bye, bye see you again. Hajaonekana Moyale kutoka siku hiyo mpaka akang'oliwa. His five years he never passed beyond Nairobi. Family yake yote ikaenda Mombasa. Mpaka wa leo huyu mtu ako Mombasa and within those five years there was no mechanism, hakuna njia ki-sheria ya kumtoa huyu Mjumbe maana wamehepa watu kabisa na hakuna njia ya kumuuliza. Kuna wengine wengi wa aina hiyo lakini nasema hayo sasa.

Kwa hivyo Mjumbe kama huyu mko na haki ya kumuita. Mambo mengi ya Bunge yako hapa. Mshahara wa Wajumbe, Article 121 page 15, A Member of Parliament shall be paid salary allowance as may be determined by the Salary and Remuneration Commission. Unakumbuka ya kwamba tuliambiwa mara nyingi ya kwamba Wajumbe wanaongeza mshahara wao bila kuuliza mtu yeyote na ni-nakumbuka ya kwamba tuliwauliza mungependa Wajumbe walipwe namna gani? In the last two years, Wajumbe wameongeza mishahara yao mara ngapi? Ya mwisho ilikuwa walipo approve Housing Loan yao kila mtu 10 million shillings, kabla ya hapo wakajipatea Insurance Policy kila mtu 10 million shillings. Ya kwanza, kila mtu mshahara wake ni Kshs. 800,000/=, na sasa mshahara wa Minister ni one million na hakuna wakati aliuliza mtu yeyote. Hakuuliza Serikali kama iko na pesa ya kuwalipa kama walimu ama hawana. Walikaa chini na siku hiyo hakukuwa na division kati ya KANU na DP, ama NDP wote wali-vote unanimously. Siku hiyo ilikuwa 100% yes. Hakuna mambo ya kuwa mimi ni mtu wa DP mimi ni wa KANU hatuikilizani kila siku, wote wakasema one million sawa, sawa ndiyo na hiyo ikapitishwa. Ndiyo tukasema ya kwamba sasa mshahara wao ukuwe controlled na hii Commission ya mishahara. A body outside Parliament maanake Wajumbe ni waajiriwa wa wananchi na mimi sijajua katika maisha yangu yote ya kwamba ni-kiandikwa kazi mimi na- amua mshahara wangu mwenyewe. Tukasema wacha hii Commission ambayo ni special iangalie mishahara ya watu wote including the members of Parliament.

If there is any question baadaye juu ya haya mambo nita-jibu lakini nataka kwenda mbele kidogo ndio nipate nafasi. Mambo ya corruption, Kenya leo tukiongea ni Number.3 in the world in corruption. The only country ahead of us is our good friend Nigeria na unajua Nigeria ni international sasa wacha Kenya. Lakini Kenya pia numba ngapi? Iko top five kwa ufisadi hakuna kitu kibaya kama hicho. Nchi ambayo ni namba 3. kwa ufisadi katika dunia nzima ni aibu na ni lazima kwa sheria kama hii tuwe na mechanism ya kufuta ufisadi. Page 5... (end of tape 1).

Emma Kamung'a ndiye anafanya recording ya hii proceeding neno kwa neno. Emma salimia watu. Na huyu anaitwa Robert Gitonga, kazi yake ni kuandika report kwa mkono. Kwa hivyo vile mimi na-sema yeye anaandika kwa mkono na huyu pia ana-record hapa, tukifika Nairobi tena ana-transcribe na ku-type neno kwa neno. Pia vile mtasema itakuwa hapa na atakuwa akiandika. Samahani nilisahau kuwa-introduce.

Page 5 article number 6 hapa kwa corner ya left. The republic shall take effective measures to eradicate all forms of corruption.

Serikali ya Kenya ni sharti iweke katika mipango yake njia za kumaliza ufidadi, jambo la kwanza hilo. Jambo la pili article 289 page 35, there shall be an Ethics and Integrity Commission. Hii Commission ni kama ile Kenya Anti-Corruption Authority lakini jina lake lile nzuri zaidi ni ethics. Ethics, what is it in Kiswahili? Commission ya utu na heshima na kazi yake. Page 36 sub-article I kwa corner, put in place measures aimed at the prevention of corruption. Hiyo ni clear hapo chini, investigate instances of corruption. Kwa hivyo kuna body special, kazi yake ni ku-investigate corruption.

Jambo la tatu Page 45 the fifth schedule, leadership and integrity code of conduct. Hii code of conduct tunasema ya kwamba ukiwa President, Prime Minister, MP, Judge, PS, kila mtu ambaye ako na cheo kubwa katika Serikali ni lazima u-sign hii code of conduct na inasema, jambo la kwanza.

A. Uko na mali ya aina gani? Na hii mali ulitoa wapi? Uko na Mercedes 3, lorry 10, nyumba 5, ulitoa pesa wapi? Account yako ya Maralal iko na million 10, Nyahururu million 10, Nakuru million 20, Nairobi million 40 Ng'ambo million 200, ulitoa wapi? Ili tujue ya kwamba kila mtu ambaye ako katika uongozi ni mtu clean of corruption. Pia ya kwamba hakuna mtu katika hii draft ambaye angependa kuwa kiongozi na ako na pesa zake Ng'ambo maanake mahali corruption huanza ni hizo accounts za ng'ambo. Unalipwa deal hapa una-sign deal ya contract ya bara-bara na unalipwa hapa ziko wapi? Na ku-trace hizo pesa ni ngumu na ndivyo tukasema ya kwamba kufuta ufidadi accounts za kila Mkenya wa cheo cha juu ziwe wapi? Hapa.

Nasikia sauti ikinipotea kwa hivyo ni kimalizia, haki za kibinadamu. Tuanze na article number 29 page 6. Article 29 kuenda mbele ni haki za mwananchi wa Kenya, kwa mfano article 32 page 6. Everyone has a right to live, haki ya kuishi. Death penalty is abolished, Kenya nzima tuliambiwa ya kwamba si kazi ya Serikali au sheria kuchukua maisha ya mtu yeyote lakini ukiulinza hawa wenzangu Waislamu watasema hiyo si sawa. Kwa hivyo article number. 31/4, the provisions of this chapter shall be qualified to the extent necessary for application of Islamic law to the persons who confess the Muslim faith. Hii ni mambo ya kitambo maanake ijapokuwa Wakristo pia wako na desturi yao, desturi ya Korani iko ya mila fulani kuhusu mambo ya marriage, divorce na inheritance.

Haya Mama Loise, mama Peter watafurahi kusikia hii article 35. Women have the right to equal treatment with men, women shall have the same dignity as the men. Kwa hivyo kina mama wamekuwa recognized, katika hii Katiba mambo ya wanawake iko ndani.

Article 36, wazee pia wafurahi kwamba wako na haki kwa Katiba yetu. Maanake by the way hakuna mtu ambaye hatakuwa mzee na kama uko na haki ukiwa kijana, ama mtoto, ama mama halafu ukiwa mzee unasahaulika, tumekataa hayo.

Article 37, haki za watoto na vijana ambao wanazaa ovyo ovyo bila kuo wasichana hao tumewakamata leo article 37,

sub-article 2. All children whether born within or outside wedlock are equal before the law. Sub-article 4 vijana tena mumekamatwa na hiyo. A child's mother and father whether married to each other or not have an equal duty to protect and provide for the child. Kwa hivyo ukiwa utakuwa uki-zaa ovyo ovyo na kutupa watoto kwa wasichana umekamatwa na hii sheria. Kwa Waislamu pia haiwezi ku apply maanake kuna sheria fulani kuhusu haya mambo. Kwa hivyo wale abayo si Waislamu mumekamatwa.

Article 38, the rights to a family. Haki za kijamii pia hiyo iko halafu ndugu zangu ambao ni walemavu, Article 39, haki za watu ambao ni walemavu.

Article 43, Police wamekamatwa. Every person has a right to privacy which includes the right not to have their person or homes searched, their properties searched, their possession seized. Kwamba mambo ya Police kuingia kwangu na kunikoroga kuchukua mali yangu bila warrant tumekataa. (Samburu dialect). Sawa.

Article 44. Haki ya kuabudu, tuende next page, na walimu watafurahi kusikia hii. Article 49, every person has the right peacefully and un-armed without the required permission to assemble, to demonstrate, to speak and present petitions to public authority. Haki ya kuadamana bila license.

Tuende page 9, article 55. Hii pia ni ya walimu, watafurahi kusikia hii. Kama hii Katiba ingekuwa mambo yao ingekuwa, direct sasa hakuna mambo ya kusumbuliwa. Article 55 sub-article 2, every worker has the right to a fare remuneration Kila mfanya-kazi ako na haki ya mshahara wake. Article No.3, 2/D. Every worker has the right to strike kwa hivyo walimu haki yenu ya ku-strike iko hapa sasa.

Article 58 on the same page article 57, every person has the right to health. Kila mtu ako na haki ya afya. B. No person may be refused emergency medical treatment. Article 58, Haki ya masomo 58/2. Haki ya masomo ya bure katika shule za msingi. Hizo zote ...

Article 69. Haki za wafungwa na hapa tunasema ukikamatwa you must be taken to court within 48 hours ama si hivyo unawachiliwa. Na je, hizi haki zote ikwa mtu ananyanyaswa na mtu mwingine ama mtu fulani kuna njia gani ya kuona ya kwamba hizi haki zimekua enforced? Njia ya kwanza page 26 article 210. Munajua munasema ya kwamba mawakili wamekuwa wakora wanakula pesa za watu, hawaendi kortini, kuwe na mtu anaitwa Public Defender. Mtetezi wa wananchi na kazi yake ni gani? Article 210 sub-article 4. The Public Defender shall provide legal advise to persons who are unable to afford legal services. Kwa hivyo hii article inasema ya kwamba watu kama mimi ambao ni mawakili ambao ni wkutegemea pesa za kulipwa kulingana na hii Katiba, kazi imeenda. Maanake sasa if you cannot afford kunilipa mimi kuna wakili wa nini? Wa Serikali? Kwa hivyo si lazima uende kwa wakili wa kulipa kwa vile haki yangu imechukuliwa na mtu fulani, unaenda kwa Public Defender.

Njia ya pili ya kuona hizi haki zinafuatiliwa, page 35 article 288. The Commission on Human Rights. Tume ya haki za kibinadamu na hapo chini kuna mtu anaitwa the People's Protector, Ombudsman. Ombudsman kazi yake ni hii, ukiona haki zako zimedhulumiwa ama zimechukuliwa na mtu fulani ako na ofisi kwa kila Wilaya si Nairobi, kila Wilaya. Kwa mfano kama Police wanakusumbua kila siku wanaingia kwako wanavuruga mali yako, unaenda kwa huyu Ombudsman, hayo malalamiko yako anayachukua na hatua inachukuliwa mara moja. Kwa hivyo ukiwa na haki sasa under hii Katiba kuna njia ya kuona kwamba hakuna mtu atakudhulumu ama kukusumbua kwa haki yako.

Nikimalizia kuna vitu... hii Katiba iko na 299/300 articles. Nimechukua tu bits kuwaongoza, mengi mutayasoma. Mumeona hivyo halafu hii Katiba ni ya leo, kesho ama ni ya elections? Ni ya kila mtu, ni ya milele. Page 2. The preamble, utangulizi wa hii Katiba unanza na " We the people of Kenya..." "Sisi watu wa Kenya..." aware of our ethnic, cultural and religious diversity, tukijua ya kwamba hatuko watu wa moja tuko kabila, dini lakini pale chini do adopt and enact and give to ourselves and our future generation this Constitution. Tujipatie Katiba sisi wenyewe na vizazi vinavyo-kuja. Hii Katiba si ya kura ya 2002 ama next year ama Lenaola ni Katiba ya sasa na milele. Na jambo la mwisho, God bless Kenya. Mungu ibariki Kenya. Kwa hivyo tujeweke chini ya Mungu kututimizia mambo yetu wenyewe sisi tuko hapa na pia tukajifanyia Katiba kwa vizazi vinavyo kuja. Ni Katiba ambayo ni complete na Mungu kuwa nasi milele.

Kutoka hapa what is the next step? Tutaenda wapi ki-katiba? Munajua ya kwamba tayari kuna delegates watatu katika Wilaya ya Samburu wangapi wako hapa? Delegats wenyu ambao walichaguliwa na Council, mmoja wao ni Yule Julius Lalampa. Mwingine ni Chairman wa Council. Watatu ambaye ni mwanamke Sofi Lepnshire 28th of this month hawa na wengine wako kila wilaya tutakuwa na Wabunge, na makanisa, na Waisilamu , na wahindi, watu 625 watakutana daily, kila siku from 28th for a month kwa mwezi mzima watachambua hii document kutoka hii picha kama ni sawa ama si sawa mpaka page ya mwisho, watai-discuss paragraph by paragraph, coma by coma, page by page mpaka waagane na wakubaliane kwamba iwe Katiba ya Kenya.

Kwa hivyo baada ya kusoma hii document ukiwa na maoni kuhusu jambo fulani

Interjection: Inaudible

Com. Isaac Lenaola: Mwalimu bado. I will give you a chance. Utampa either co-ordinator ama hawa delegate ama hawa Committee members ama utumie mimi ama utume kwa Commission any comment you have maanake hii document si ati ni perfect si kama Bibilia wala Koran. Kukiwa kuna jambo ambalo tumelewacha utueleze. Lakini munajua kwamba kuna mambo ya kisiasa. Kukiwa mzee baba wa taifa atavunja Bunge basi hii kazi yote itasimama maanake bila Bunge National Conference haitafanyika maanake hawa ni 1/3 wa National Conference. Na kuna risk kwamba ile fedha tulitumia muda huu/wote itakuwa ni kazi ya bure, itakuwa ni aibu kwa Kenya hii tutumie shilingi billion 2. 2 billion shillings halafu kazi ipotee. Kwa hivyo

mtuombee na mjiombee kwamba hii kazi isikuwe kama kazi zingine katika nchi hii maanake tumetumia muda mwingi na fedha nyingi sana.

Jambo la mwisho kabla sijafungua mkutano kwa maswali ni ngepende kuwashukuru sana watu wa sehemu hii, watu wa Samburu generally kwa sababu tangu tuanze hii kazi mumejitolea maoni yenu nimewaambia ukweli kwamba ni mazuri zaidi na ukiona file yenu ni kubwa hivi maneno yenu yametiliwa maanani sana. Na nikimalizia tukitoka hapa tutaenda Laikipia, Nyahururu, Baringo Central, Kapenguria, Kabartonjo, Chemolingoti tumalize kazi hii week ijao. Wenzangu wako nchi nzima, sasa tukiwa hapa wengine wako Marsabit, N.Eastern, Ujaluoni, wako Kikuyuni, Nandi tuko nchi nzima kila mmoja wetu ako pahali hata Coast. Kwa hivo ningependa kuwashukuru, nitafungua mkutano sasa nichukue maswali tano tano kwanza halafu niyajibu. Asante sana.

Bernard Saidimu: Asante sana Commissioner Lenaola kwa hayo mambo umesema, watu walikuwa wanakutarajia sana sababu kuna vitu vingi wangetaka kujua ni kama vile wamesema imewekwa katika Katiba. Kwa hivo kabla sijaita watu waulize maswali, kwanza ningetaka ku-shukuru wenye hii Social Hall, Catholic kukubali tuitumie. Tena kuna wazee ambao hawakuwa hapa tukianza kama Chairman wetu Bwana Osiyo na Bwana Lalampa ni mmoja wa wale wazee wa Kamati ya watu watatu ambao wataenda kutuwakilisha kwa National Conference. Kuna mzee mwingine wa Constitutional Committee, hata naona kuna Simeon mzee wa committee na kuna... na kuna nani mwingine? Wacha nifike hapo, kwa hayo machache sasa tutawapa nafasi ya kuuliza maswali, watu tano halafu tukimalinza tuchukue wengine tano. Naona Losili, Moses, Sheikh.

Interjection: (Inaudible)

Gregory Loikirik: Kwa sababu wewe mwenyewe umejitahindi tumeshukuru kwa ile kazi ambayo mumeifanya kwa hii Constitution, ni ambayo hatujawahi kuona. Ile Constitution ya mbele ilikuwa un-Constitutional sababu nasikia Lancaster House watu walienda ku-copy from the British Constitution. This is the real Constitution kwa hivo tupigie kwanza Commissioner Bwana Ghai na Bwana Lenaola makofi, Moja...

Interjection: Clapping.

Gregory Loikirik: Tumeshukuru sana Bwana Chairman kwa sababu ametuma the right person who can even translate this Constitution into vernacular kwa wale watu ambao hawajui. Kwa hivo tumeshukuru, peleka shukurani zetu kwake. Mwambie yeye tumeshukuru sana na umwambie watu wa Samburu wana-back yeye. Wale sijui ni ma-judge au ma-lawyer sijui ni nani hawa wanasema... You know Kenya is a sovereign country and sovereign means that everybody with authority regardless of whether you are Judge, you are a Legislator, you are our President, you are our property now as far as the Constitution is concerned. Kwa hivo sasa mimi ningependa kusema ya kwamba mimi nilitoa maoni kwa wakati ule ulio-pita Bwana Commissioner kwa bahati nzuri auo mbaya mengi nimeona yamekuwa adopted kama hapo umesema 15 Ministries, asante.

Preamble hii ndiyo nilikwa nasema. Kama if you look at the last sentence/paragraph. “Do adopt, enact and give to ourselves and to our future generations, this Constitution either in written or orally, this Constitution”. That is my personal feeling Mr. Commissioner that, I would also like it to look like this. Preamble... We do disqualify the old un-Constitutional Constitution and adopt, enact and give to ourselves and to our future generations this Constitution either in written or orally. When I say in written most of our people are illiterate and some of them cannot be able to read what you have written in the Constitution. So as far as you have talked about, I do not know, we are supposed to educate our people about this Constitution. It is very important that we have this Constitution in our schools- I proposed it the other time but I do not see it anywhere here-in all Institutions. And also the Constitutional office should continue being based in the district until everybody is conversant with the Constitution.

Jambo lingine Bwana Commissioner is that reference to chapter 3 article 16 clause I A, the duties of a citizen. I am saying in reference to this preamble, also when I look at the written Constitution I was saying let this copies reach all the individuals and I was only requesting because in the Draft Constitution it is also saying in Chapter 3 article 16 clause 1A, “Each citizen has to acquaint himself/themselves with the provisions of the Constitution and propagate its interests and objectives. So for the citizens to acquaint themselves, may I appeal through you that the Government and the Constitution should accomodate this issue of the Government providing copies to each citizen in Kenya. (not very clear).

Again in the recognizing... Sorry I am still in the preamble, recognising, there is a section called recognizing on the second page.

The last paragraph, paragraph 4. I think the aspirations of our men and women including the disadvantaged for the Government based on... Sorry I have come up with the word disadvantaged/, including the disadvantaged either physically or historically in the former Government of colonialism and what have you that is why I have come up with the word disadvantaged for the Government based on the essential values of freedom.

Chapter one again, defense of the Constitution article 4 clause 4. Any attempt of.... I was trying to justify the defense of the Constitution but I saw again if I look at it I was putting any attempt of alteration of this Constitution by the..... That is an additional one, I am adding my own paragraph there if it is going to be acceptable. Any attempt of alteration of this Constitution by the Parliament Act should have the Kenyan people’s consent directly or in-directly. Then I saw again in chapter 18 article 294/295 where you have the amendment of the Constitution. That is when the Parliament wants to amend the Constitution there is first reading, second reading and then there is a Committee which is supposed to investigate and scrutinize, that is the public participation.

Chapter 5 Bills of rights article 3 clause 3. I think this one, I thought it could be a little bit deliberated and especially to address itself to the marginalized groups. We call them the minorities historically, as you said you will talk to us about land tenure and land tenure kwa sababu when you look at the... under our Constitution of 1963 which was under Majimbosim the land used as you said was under the region where the land was situated and when the lease land ends the land goes back to the Government

and then all the land reserves became Trustee Land under the County Council and when the Constitution relating to devolution was repealed Trustee Land remained and when Trustee Land remained the other land went back to the Central Government and that is why most of these dis-placed people like Maasai, we have to talk much about the land. I can see the Constitution has really, I am not saying it has seriously looked into the land issue but it is better than the former Constitution. Otherwise somebody wrote in this green book that while the Maasai were complaining that they were actually moved out forcefully by the Europeans, the Pokots on the other hand were also complaining they were also dis-placed by the Maasaia, are their rights justified?

So in this case Bwana Commissioner I am happy that we have This issue is supposed to be reviewed you said after the enactment of this Constitution in 2 years. So I think the ball is on our court now it is we the Maasai and Samburu's to get the people who can represent us fully in those forums like in Parliament and the National Council. Asante sana Bwana.

Sorry chapter 7 article 106 clause 1. Number of members in the National Assembly. I have seen that you have distributed each constituency in the National Council is a district, is that so? So in this case the Constituency, we have 18 constituencies in Rift Valley and we have 12 constituencies in North Eastern. When I talk of constituencies these are districts and fortunately or unfortunately we shall have 4 members each. Bwana Commissioner, ladies and gentleman, can you imagine the proportion of 4 and 18? So in this case I would suggest that if it is possible the Commission to split Rift Valley into 2. West or East, South or North so at least we shall be a little bit proportional. When it comes to ladies representation we shall have 12 ladies per province let also the same happen that far districts and at least let Samburu, Laikipia, Kajiado and Turkana be categorized because you know very well we are not at the standard of these other districts and particularly when they are 18, we are only 4. Imagine if you go to the Provincial elections to elect you will come empty handed the way you went.

So Mr. Chairman I thought Rift Valley could be given more and also when we look at the representation I would suggest that we give the minorities if it is possible one lady in a place like Samburu now it is very hard for us to get a lady coming up. So I do not know how you can at least put in the Constitution that one must be a lady.

Now chapter 11, Protection of rights, article 226 clause 2B and C. You have told us about that Public Protector I think we are very much happy about that one because this is the only District without a lawyer. You have talked about chapter 18 article 295 clause 2. Public Participation Committee. I remember in the last memorandum there was participation of governance and when we talked about it, in Samburu district I think that is now been taken care of. I saw somebody did not put my views, sijui nani aliruka kama karani because nilisema at least Samburu should be given human resources in accordance to the population proportion in Kenya and now that this other Government, the Village Government, the District Government, the Village Administrator, District Administrator is now catered for. So we thank you very much, it is as if you knew the exact problems we had in Samburu district. We thank you very much because we are now closer to the Government na nimesema asante sana kwa haya machache and surely this is mild Majimbosim. Asante sana Bwana Commissioner.

Interjection: clapping, long silence.

Moses Lenairoshi: Jina naitwa Moses Lenairoshi, mfanyi biashara hapa. Kitu cha kwanza ningependa kuchukua nafasi hii kushukuru Yash Pal Ghai na Commission kwa kazi ambayo wamefanya, ni kazi ya maana na ni ya muhimu sana. Sisi Wakenya hasa kutoka Samburu tumeshukuru, tumeunga mkono ntunasema ya kwamba elections za Kenya zisifanyike bila kuwa na hii Constitution mpya.

Interjection: Clapping.

Moses Lenoairoshi: Itakuwa tutafanyiwa vibaya sana kama Serikali yetu tukufu inakubali kuunda au kutengeneza Commission hii ambayo imetuharibia shilingi billion 2 tax payers' money kufanya kazi hii halafu mara ya mwisho munaambiwa hii kazi haina maana. Mambo mengi ambayo tume elezwa hapa ni mambo ambayo yaaendelea kurekebisha Kenya hii iwe katika njia nzuri ya democracy na kufanya hivi si kusema ya kwamba ati mtu mmoja amenyang'anywa uwezo ama powers zinaenda kulingana na vile sheria zimetengenezwa na kusaidia watu. Hiyo ndio ile kitu muhimu katika nchi hii yetu ya Kenya. Tulikuwa tumefuata sheria ya ukoloni kwa muda mrefu sana. Ukoloni tu hata wale wamekuja kutawala sisi bado ni wa-koloni tu kama wale wa mwanzo. Basi nafikiri mkianza maswali juu ya Constitution ningetaka kusema ya kwamba au nikuuliza ya kwamba kuna kitu kinaitwa National Council katika clause 106. National Council tunaambiwa kuna mtu moja kwa kila district. Basi kama kuna mtu mmoja katika kila District na huyu mtu moja anachaguliwa na watu kama yule mjumbe ama vipi? Ama anachaguliwa na nani?

Jambo la pili tumeambiwa ya kwamba Ministers wa Serikali watatoka nje ya elected Members of Parliament na hilo ni jambo nzuri sana kwa sababu kawaida wale wajumbe ambao ni Ministers hawana nafasi ya kufanyia sisi kazi, na vile vile wanasumbua wafanyi kazi wa Serikali wanatumia yale mamlaka yao ku-harass PSS, na wengine inakuwa ni swali ingine. Kwa hivo wakiachilia Civil Servants wawe Ministers itakuwa kazi nzuri sana. Lakini naulinza hivi, hawa Ministers, they are not Parliamentarians. Kama maswali yatakuwa yanaulizwa Bunge wataenda Bunge kujibu hayo maswali vile Ministers wanafanya sasa katika Bunge? Nani atajibu hayo maswali yanayohusika na idara fulani kama sasa wale Wabunge si Ministers? Hilo ni swali langu.

Jambo lingine nimesikia na hili ni jambo nzuri sana-kwamba kama hutaki Mjumbe wako...

Interjection: Inaudible discussion.

Moses Lenairoshi: Lile jambo najaribu kusema ni kwamba mnasema Mjumbe kama hafanyi kazi vizuri anaweza kuitwa nyumbani na wananchi. Hiyo ni safi sana lakini kama siasa ikiingia kati kati security ya yule Mjumbe ni gani kama anaitwa tu

bila sababu? Kwa saa hii kama Lengesi yuko huko, mimi napingana na Lengesi, mimi nataka atoke huko halafu niingia naambia wananchi tutoe huyu mtu, si tunatoa yeye haraka na hata pengine anafanya kazi yake mzuri? Protection yake au ya yule Mjumbe itakuwa ni nini asitolewe ovyo ovyo? Jambo la pili ni kuwa pale kama Mjumbe anaweza kuitwa nyumbani, kwa nini Councillor asiitwe nyumbani? Hata yeye aitwe nyumbani vile vile, si amechaguliwa na watu hata yeye aitwe nyumbani kwa sababu kuna wengi na hakuna kitu wanafanya.

Interjection: Inaudible discussion.

Moses Lenairoshi: Sasa nilikuwa nimeuliza swali, sasa Mjumbe pengine watu wanaleta siasa halafu anaitwa tu ovyo ovyo sasa itakuwa siasa nyingi na italeta mchafuko. Protection ya yule Mjumbe na si-semi hawa watu wa hapa, hata mimi nikiingia huko what will be my protection? Kuna wengi ovyo sana hakuna kitu wanafanya na wanasumbua wananchi lakini kwa sababu wamechaguliwa na ile Constitution tunayo sasa inasemekana mpaka amalize miaka mitano ndio aitwe. Mtu hakuna tofuati na yule mjumbe ulikwa unasema kwa hivo tunasema hata hao waitwe.

Jambo lingine, this issue of Government from Village, location, district, wale wazee ambao wanachaguliwa in those levels, are they remunerated wanapewa mshahara kutoka village mpaka ule wa juu ama ni yule tu wa juu yani yule wa District na hao wengine wanakuwa ni voluntary kama vile tunafanya hapa?

Jambo lingine linahusu watoto ningetaka kidogo kusema hapa kwamba wale watoto ambao unazaa na wale unazaa nje ya wed-lock wako sawa, hiyo ni kusema nini? Kusema kwamba yule mtoto nimezaa outside wedlock na bibi mwingine mimi nitalisha huyo mtoto ama ni aje? Kwa sababu kweli tunazaa huko nje na hiyo kawaida hata hapa kwetu unazalia tu mtu na anakaa na mtoto wake sasa unasema nilishe huyu mtoto au ni nini? Kwa sababu kama nikulisha hiyo mambo sisi hatujakubali.

Jambo lingine ambalo ni la mwisho kwa sababu sijaenda through Draft Constitution kabisa nilikuwa nimeipata leo tu pengine hili jambo liko ndani ya Constituion lakini sijaenda through. Hali ya magereza katika Kenya. Magereza yetu ni mabaya kabisa ni kama tu kifo. Sijui kama kuna pahali ambapo panasema haya magereza yafanyiwe improvement. Watu wapate kitanda wa lale na wakae vizuri kama watu bado tunatumia sheria ya ukoloni na wale wenye walituletea ukoloni yao imekuwa improved kitambo na yetu bado tunakaa vile tulikwa kabla ya kupata uhuru. Can we improve our prisons ziwe vitu safi, hata kama ni mfungwa lakini asiende kutupwa kama mnyama hata kama ako na makosa gani. Wengine wako na very petty offences lakini the way they are suffering ni mbaya zaidi. Asante sana.

Com. Isaac Lenaola: ... Inaudible ... Mambo ya preamble, ile addition kwamba we dissolve the present Constitution, there is a mechanism for it ku-dissolve ile ya zamani na kuingiza hii mpya in not the preamble there is a procedure in law ya ku-dissolve na section 47 ya Katiba sasa iko na hiyo procedure.

Mambo ya Katiba kwenda kwa kila mtu kuzungushwa hiyo iko katika report yetu kwamba hii Katiba ikisha pitishwa itawekwa kwa kila center kwa district na kila library na shule, na aidha all public offices kutakuwa nayo. Kwa hivyo hiyo already iko haitakuwa na shida.

Mambo ya kuongeza kwa preamble disadvantaged groups ilikuweco by the way. We had about 15 Drafts za preamble na moja ilikuwa na hiyo maneno exactly vile umesema lakini baada ya ku-discuss tukaona ya kwamba the preamble ina-unite Wakenya wote, it is a unifying part in the Constitution. So when we say men and women it covers everything iwe ni disadvantaged ama wale wengine lakini we are united, in our diversity.

Mambo ya land. Mambo mengi ambayo mulisema juu ya Land yataingia kwa Nation Land Commission. La pili, kuna hii proposal in article 235 that there shall be a revision, consolidation and nationalization in the existing land laws. Sheria zetu za Kenya kuhusu ardhi zitakuwa zikunganishwa kutengenezwa ili ziwe sawa sawa. Sasa hayo mambo umesema yatafanywa na hii Review ya Land Law not in the Constitution it cannot go in the Constitution. Mambo ya review ya land itafanywa kwa sheria.

Mambo ya Rift Valley kuwa na 2 provinces nitawapatia siri. Hiyo point tuli-discuss kutoka saa mbili usiku mpaka saa tano usiku. Mambo ya boundaries, the best I can say is if you look at this document page 74 ile ya green, Page 74 inasema hivi, constituency boundaries for national election must be considered and if necessary be drawn in good time for the election of 2008. Kwamba constituency ziangaliwe kabla ya ile kura inakuja ya 2008. The Commission is recommending for a National boundary Commission to be set up in 2004 to recommend on Provincial, District, and Constituency boundaries. Tume-recommend kazi ya hii Commission ni kuangalia boundaries za province, district, na ile kubwa sana kwa hizo ni Rift Valley Province maanake views za Wakenya ni kwamba Samburu, Isiolo, Moyale, Marsabit na pengine Laikipia hawapendi mahali wako, hayo maoni muliyatoa nyinyi nyote. Kwa hivyo Rift Valley province pia sisi kama Tume tume-recommend kwamba Rift Valley ikuwe re-drawn into 2 provinces and that we agreed it will be taken care of by the Commission in charge.

Mambo ya sharing of resources I think I discussed that asubuhi vile resources zinakuwa shared kati ya district na nation, wananchi pahali wanaishi. I do not want to go back to that.

National Council, Article 106 sub-article 4, in the election under clause 3, every voter may vote for only one candidate and in the case of Provincial seats who you are among the top four, the top 2 candidates shall be elected. Hii mambo ya district council ni kura moja moja, huyu delegate wa siku moja huyu anachaguliwa kwa district ni kura moja kwa moja na kutakuwa na election ya aina ngapi Kenya hii? Tatu. Hii ya District Council by the way District Council ni miaka mingapi kwa Bunge 4 years not 5. So election yao ya district council inakuwa separate na ile ya National Assembly, so National Assembly how many years? Five, so there is no way they can have elections at the same time. So hii Serikali ya District Council na National Assembly same time. District Council pekee yake, separately, after 4 years. All the 5 years term ya President na National Assembly na District Government after 5 years iko moja. District Council 4 years, siku moja. So kila election ni moja kwa moja.

Cabinet wata-toka nje ya Parliament? Tumesema ya kwamba cabinet watakuwa ex-officio members of Parliament lakini maanake hao ndio Serikali watakuwa kwa Bunge kujibu maswali kuhusu Ministries zao. Ili ya kwamba wewe ukiwa MP wa Samburu West na mimi ni Minister, maswali kwangu itakuwa wewe against the Government. The Parliament versus Government. So they sit in Parliament Government na kujibu maswali ya Government. Prime Minister ndiye mwenye kuleta budget ya Serikali kwa Bunge, he is the leader of the Government business so he brings his budget kwa Bunge kila mwaka. Tumeelewana hiyo?

Jambo la tatu, article 112, umekuwa Mjumbe halafu mwezako mwenye umemushinda kwa kura anachochea watu utolewe kwa Bunge, Je, wewe uko na protection gani ki-Katiba? Article 112 sub-article 3 inasema hivi, the re-call of a member of Parliament shall be initiated by a petition in writing taking all the grounds relied on and signed by at least 30% of the voters of the constituency and shall be delivered to the Speaker of the House. After 7 days the Speaker shall require the Electoral Commission to conduct a public inquiry into the matters and the Commission shall conduct the inquiry and report it's findings to the Speaker. Huyu mwingine kama ni mkora you must gather 30% ya signature za voters halafu hiyo petition inaenda kwa Speaker. Speaker anapelekea Electoral Commission halafu wanakuja mahali kama Samburu West, Commission sasa inaketi inaseme leteni malalamishi yenu kuhusu huyu MP. Na MP pia atakuwa hapo kusema kwamba hii ni siasa ya nini? Ya mwenzake. Baada ya kusikia ile enquiry basi Commission inasema sasa kwa Speaker that man does not deserve to be the MP of Samburu West ama that man... Inasema hivi article 112/5, "The Speaker as (b)" shall declare immediately that the petition was unjustified if the Commission reports that is not satisfied with the validity of the petition. Speaker akisema hiyo ni siasa tupu ya Samburu West Mbunge anabaki kwa kiti chake. Kwa hivo kuna provision nzuri kwamba MP. pia asidhulumiwe na wale ambao hawampendi. This is very clear.

Re-call of Councillors, hakuna mtu katika hii Katiba ambaye amechaguliwa ambaye hawezi kuwa re-called na procedure ni hii iwe ni Councillor, MP wa National Assembly, iwe ni MP wa National Council all of them are subject to re-call, tumeelewana? So Councillor asiwachwe ati kwa maana yeye ndio ako peke yake. Ma-Councillor hulipwa na nani? Mishahara ya ma-Councillor italipwa from 2 sources. One, ile National Budget, ile grant kutoka Government na pia kutoka mapato ya wilaya so they are paid by the district, not by the National Government kwa sababu rasilimali za district zinabaki kwa district, haziende nje tena so they are paid from the revenue ya district.

Watoto, it's correct kusema ya kwamba ikiwa umekuwa mtu ambaye anazaa ovyo ovyo hiyo si makosa ya mtoto kuzaliwa. Ilikuwa makosa yako na yule mama kwa hivo kama muliagana kuzaa pamoja basi twawaambia mtatunza mtoto pamoja na tunasema hivi, Article 37 sub-article 3, "A child's best interest are paramount, important in every manner concerning the child." Tunaangalia haki za mtoto, si haki ya mkora ambaye amezaa nje ama haki ya mama mwenye alikubali kuzaa nje, ni haki ya nani? Ya mtoto. Basi kama wazee hawampendi hiyo basi Katiba imekubali.

Mambo ya prision, munajua hapo zamani kulikuwa na kitu kinaitwa Affiliation Act. Munakumbuka hiyo Affiliation Act tumeileta kwa back door ndani ya Katiba. Article 268, Mambo ya Prision. Sorry, article 267 inasema ya kwamba there shall be a service called “ Kenya Correctional Service”. Na inasema kwamba in article 2, that it must observe human rights standard in exercise of the power. Haki za mtu ni lazima ziangaliwe na hii Service ya Correctional. Pia inasema kwamba it must train members to the highest possible standard of competence with minimal use of force, “Integrity and the respect for the human rights and fundamental freedom and rights. Kwa hivyo hawa watu wa Prision Service tunawaita sasa Kenya Correctional Service. Prison ni wafungaji na kazi ya prision si kufunga watu, ni kuwa-correct. So we are now not calling them Kenya Prision Service but Kenya Correctional Service, ku-correct watu. Kwa hivyo mambo yako tumesema yako hapa. Asante sana. Shiekh, basi Ali Haji.

Ali Haji: Mimi kwa jina naitwa Ali Haji, ninarudisha shukrani kwa Commission na Kamati ya Prof. Ghai kwa hii kazi ambayo mulifanya na kwa niaba ya Waislamu ninawaomba ya kwamba hii itakuwa ni Katiba ambayo tutatumia wakati huu wa uchaguzi na Mwenyezi Mungu akubali maombi yetu. Mimi yangu ni maswali machache, la kwanza linahusu mambo ya appointment ya Kadhi. Page 24/201 munatuambia ya kwamba Kadhi shall be appointed by the Judiciary Service. Commission. Nataka kujua ni Judiciary Service Commission ni nani ama kama kuna Waislamu ambao watumuchagua. Swali la pili lina husu hii mambo ya village na district government, kama hawa ma-administrators nafikiria hii, sijui kama inaeleweka Bwana Commissioner hii ya villages na districts administration. Sijui hii Katiba kama imeangalia maslahi ya wale wachache, minorities, makabila ndogo ndogo ambao wako katika hizo districts. Kwa mfano tukisema OCPD tuchague hapa ama DC, ama District Agricultural Officer, ama DO, hawa minorities ambao wanaishi hapa, wamezaliwa hapa, masilahi yao yatafanywa namna gani?

Yangu ya tatu, kulikwa na moja tulisema juu ya Waislamu wakati tulikuwa tukipeana proposals, sijui Commission kama imesahau kuchambua hiyo. Tulikuwa tunasema ya kwamba siku ya Friday Waislamu wale watumishi wapate ruhusa.

Yangu ya mwisho ni kwamba kama hii Katiba mpya haitatumika kwa election hii na tuendele kutumia ile Katiba ya zamani kuna masilahi gani yataangaliwa ili rigging ilikuwa inaendelea isiendelee?

James M. Kabera: Okay, asante. Jina langu mimi naitwa James M. Kabera, vile vile ni Committee member wa hii Commission. Swali langu la kwanza ni hivi, wakati Commissioner alikuwa akiongea nimesikitika sana kusikia ya kwamba Bunge likivunjwa mambo haya yote tumezungumza yatakuwa ni kama kazi bure. Na-uliza hivi, haitawezekana ya kwamba hata kama Bunge litavunjwa, Bunge lile litakalo chaguliwa na wananchi haliwezi kuendelea na haya mambo ya Katiba?

Swali langu la pili ni namna hii, ingawa nimesikia hii Katiba wakati Bwana Commissioner alikuwa akieleza kilichoko kwa hii Katiba nimeisikia ikiwa nzuri sana na ninafikiri message ingepaswa ifike Kenya nzima mahali popote. Kwa hivyo ningetaka itoke kutoka grass root kwenda mpaka juu. Naulinza hii Katiba haiwezi kufundishwa kutoka Primary school mpaka Secondary school?

Swali langu la tatu na hili, nimesikia wakati Commissioner alikuwa akiongea amesema ya kwamba kitambo mtu achaguliwe kuwa President ni sharti aseme utajiri wake. Hapo, ningependa kusema si President pekee yake hata Mbunge na Councillor. Halafu kuna jambo ambalo sikusikia tungetaka kujua ya kwamba President ambaye tunamchagua ako aje? Tungetaka apimwe kitu kinaitwa IQ. Vile vile tungetaka kujua ya kwamba huyu ni mtu ako na akili timamu tusije tukachagua President ambaye mambo yake hata anaweza kuruka kichwa wakati mwingine. Kwa hivo hizo certificate zake ningetaka hivyo vitu vyote vipimwe ndiyo tuweze kuwa na President mkamilifu.

Swali langu la nne ni hivi, ningetaka katika hii Katiba yetu kitu kinaitwa kiswahili kiwekwe maanani sana. Kwa sababu kwa mfano hata sasa tukienda kwa hotel mimi nasikia hata ninashindwa nitasema nini tunaitisha menu mimi hata sijui maana yake ni nini. Ukitaka hata kukula chakula uletewe hiyo kitu hata hujui utishe chakula gani na maandishi yale yako hapo hata wengine inatushinda kwa hivo nasema kiswahili kitiliwe maanane ndio tuwe tunaalewana.

Swali langu la mwisho ni hili, unajua kuna kitu kinaitwa industry za watu na hizi industry za watu walianzisha kutoka zamani na utaona kwa njia moja ama ingine hizi industry tumenyaganywa kwa njia moja ama nyingine. Kwa mfano katika tobacco hii inatolewa sigara. Tobacco ilikuwa ni desturi ya watu kutoka zamani na tunaona hii industry inabadilishwa. Kwa mfano ukivuta kama zamani inaonekana wewe ni primitive lakini sasa ukivuta sigara wewe ni mtu muungwana. Nataka kusema hivi, kama hii pombe inatengenezwa inaitwa chang'aa ni sawa na watu wengine wanasema chang'aa si nzuri lakini sione kwa nini chang'aa ikatazwe watu nyumbani na inauzwa katika bar. Pombe kama Safari Cane ni chang'aa kwa nini wananchi wanyang'anywe industry zao kwa njia moja ama ingine? Kuna miti ni dawa hata kabla ya mzungu kuja tulikuwa tukitumia hiyo miti ni dawa na tukienda kwa njia ingine unasikia miti ni dawa imepigwa marufuku badala ya kufanyiwa utafiti na watu waendeleo. Kwa hivo tungependa hiyo mambo yetu yote ya desturi zetu ipatiwe nafasi. Njia ingine nataka kusema hivi hata hii maneno ya kutairisha ni sawa, pengine inapingwa lakini kwa njia ingine hii ni desturi ya watu, wametoka nayo mbali kabisa. Ukiangalia wazungu utaona homosexuality imekubaliwa, hata lesbian, mke kumuoa mke mwenzake. Pia desturi zetu ni lazima ziheshimwe na ijulikane desturi ni dini. Asante.

Com. Isaac Lenaola: Article 204 page 25 inasema ya kwamba. The Judicial Service Commission shall consist of a full time Chairperson who is qualified to be a Judge of Supreme Court.

2/B. A Muslim woman to represent the Muslim community appointed by the National Muslim Organization.

Alafu G, ni Chief Kadhi. Kwa hivo kuna Chief Kadhi Muislamu na mwanamke ambaye atakaye teuliwa na Waislamu kwa hivo katika hiyo Commission kuna Waislamu wawili.

Mambo ya minority katika hizi District Councils, article 213 page 26 sub-article I, the principle and object of the devolution are to A.B.C.D. upto I to protect and promote the interest of minorities and disadvantaged groups. Kwa hivyo katika hizi viti mambo ya minority na zile group zingine ambazo ni ndogo ndogo lazima ziingaliwe katika mambo ya minority, that again is there.

Mambo ya Friday prayers, article 44 page 8 article 6, a person may not be compelled to receive religious instructions or take part in or attend a religious ceremony or to observe a day of rest or other observance that does not relate to that person's religion. Mambo ya kila mtu kuwa na siku yao ya ku-rest na kuabudu kisheria, kidini tumesema kwamba lazima iwe hapo. Kwa hivyo Waisilamu, SDA, Saturday yote iko hapa.

Mambo ya election na Katiba mpya, tungependa twende for election na Katiba completely mpya. Mambo ya nusu nusu election/Katiba it keeps coming back kila election, sukuma nusu/quarter. We want this document to go completely iingie kabisa si nusu nusu sababu nusu nusu ndiyo ukora unaingia. Kwa maana 10 years again tuanze kazi mpya, haina maana tupigania hii iingie direct.

Mambo ya Parliament ijayo ku-suspend kazi tungoje Bunge lipya likje halafu hii Katiba ipitishwe. Hatuna uhakika ya kwamba lile Bunge linalokuja litakubali hii kazi. Ni-wape mfano mdogo Zambia wakati Chiluba alikuwa akitaka kuwa President agenda yake ilikuwa nikikuwa President nita-wapatia Katiba mpya maanake Kaunda amekataa. Alipoingia akaunda Commission kama hii yetu wakapatiwa 3 years kutoa Katiba mpya lakini yeye alipokalia kiti akaona ni kitamu na ile nguvu iko na Katiba ile ya zamani ni tamu zaidi. Akawazungusha miaka mitano hakuna Katiba. Akaulizwa si ulisema kwamba agenda yako ni kuwa na Katiba mpya. Akasema. "Siku hiyo nilikuwa opposition, sasa niko upande wa Serikali, iko haja gani? Kwa hivyo hatuna uhakika kwamba the next Parliament itakubali ku-implement this Constitution. Ingekuwa vizuri kwamba hii Katiba ipitishwe na hii Bunge ya sasa. Bunge la pili kazi yake ni ku-implement hii Katiba, si kupitisha. Hili sasa lipitisha, Bunge lingine li-implement lakini kuacha zote itakuwa kazi very risky.

Katiba ifunzwe kwa shule zote, hiyo imekubaliwa kwa hii report yetu, ukisoma tumesema kwamba tume-propose the Constitution ikuwe kwa ile Civic Education wanafunzi wafunzwe kutoka primary mpaka secondary kwa hivyo hiyo tayari tume re-commend.

Watu kutangaza mali yao. Si President pekee yake hii Code of Conduct, page 45, ita-affect kila mtu ambaye anataka kuwa kiongozi. Iwe ni Councillor, District Administrator, Prime Minister, iwe ni PS, Deputy PS, wot must be abide by the Code of Conduct na kama hufanyi hivyo unang'olewa.

Medical test for the President. Tulisema ya kwamba the President must be somebody with integrity. Kwa hii Code of Conduct kuna certificate ya clearance ambayo utapewa na hii Commission ya Ethics and Integrity. Kwa hivyo wewe ni mtu wa wasi wasi

ata una-spark saa ingine huwezi ku-qualify kuwa kiongozi kwa hivyo hiyo tumeweka ya kwamba watu wakuwe of sound mind, hiyo iko hapa.

Language article 9 inasema ya kwamba the official language of Kenya are first Kiswahili and English and all official documents shall be made available in both languages. Lugha ya kwanza ya kitaifa ni kiswahili, ya pili kingereza na kila document iwe na lugha zote ngapi? Kwa hivyo article 9 ina-answer swali lako.

Mambo ya mila za watu, article 63, everyone has a right to use the language and participate in the cultural rights of their choice. Kutumia lugha yako ya kinyumbani na mila yako vile ungependa kutumia. But you must do these rights within the Constitution. Kwa hivyo usituletee mambo kwamba

Interjection: Noise.

Com. Isaac Lenaola: Hiyo ni hali ya kuwa holiday sana mwalimu amekaa holiday sana ameanza kuwa kidogo. Mambo ya pombe ya kienyeji, mimi nakumbuka kwa hii report ni Kabira alisema kwamba pombe ya kienyeji ikuwe legalized. Iko hapa lakini tukasema ya kwamba mambo ya pombe we cannot put it in the Constitution. That is a matter of legislation lakini tume-recommend kwa hii report kwamba pombe kama mnazi huko Mombasa, pombe ile ya kienyeji ile ya ceremony kama arusi ama nini kama Muratina hizo ni za kienyeji, ziwe licensed lakini kuwe na control maanake... By the way katika nchi nzima 95% ya watu walisema ya kwamba pombe ya kienyeji ikuwe legalized. Kwa hivyo tukasema sheria iwekwe kwamba mtu kama Kabira akitaka Muratina wake apewe kwa kisheria hapana inje ya sheria.

Lantano Nabaala: Kitu cha kwanza ningetaka kuzungumzia ni kuhusu land, ningepitila hivi. Land ya Maa speakers imepitla katika mikon mingi. Kwanza nakumbuka jinsi tulivyosukumwa na colonialists na tukaondolewa katika sehemu nyingi. Nataka niseme kitu kimoja kinacho

nifanya nizungumzi kuhusu land, kwa nini inasongeshwa katika article 235 ingojee Act baadaye may be after 2 years? Baada ya kuandikwa kwa agreement ya 1904 mmoja wa wale walikuwa wakisimamia Protectorate ya Kenya alisema, "The Maa speakers are a beastly community and the faster they perish the better". Na katika mambo yote yaliyo pelekwa Lancaster House kwa ajili ya Maa speakers sijaona jambo lile ambalo limewekwa kwa Katiba. Kwa nini tutaamini? Ikiwa Katiba inawekwa wale ambao wanakuja na hali ni wengi walioko wanakuwa overpowered by numbers na wale ambao wako na land yetu ambao wametunyanganya. Kwa nini ingojee 2 years to come? Kwa nini isishirikishwe kwa Katiba saa hii?

Kitu kingine ambacho ningetaka kusema, kuna hawa ambao wanaitwa District Administrators, Locational na vitu kama hivyo. Kuna hali ambayo imetokea, Kenya ni ya corruption ambayo mtu akiingia mahali anapata nguvu anajua njia ya kumanipulate kuzungumza na watu ana baki hapo milele. Ningependelea kama mulijadiliana ni sababu gani muliona ambayo humukuwawekea terms. Wengine waende 4 terms halafu watoke hata kama mtu ni mzuri si yeye pekee yake anaweza kuwa mzuri. Kwa hivyo

mimi ningemomba kama itawezekana wawekewe term kwa sababu kuna wengine wamekaa na wanatumia bribery. Si ajabu kuna wengine ambao niliona ata wakifanya campaign wale ambayo walioko na system ile mzee abayo tunatarajia tuingea katika Katiba mpya tuingea wakati wa election, hata wakati tulikuwa tukichagua watu watatu wa ku-represent district wengine wana demand pesa ndio wakuchague.

Jambo lingine la mwisho, kuna sheria ambazo zilikuwa zikitufina sisi pastoralists. Kwa mfano mtu akiimba million moja kwa banki anaenda anafungwa pengine muda fulani na mtu akiimba ng'ombe anafungwa miaka saba na zaidi ama 14. Hii ilikuwa ni ugadamizaji wa colonialists kuchunga ng'ombe wao ndio sisi wachungaji tusiende kuchukua. Tunachukuliwa Kisheria halafu ng'ombe wetu wakisha tukija kuchukua wao wanaweka penalties very high. Sasa tukiwa Wanakenya tunaingia Katiba mpya si pengine naonelea clause ingewekwa ya kuwanzisha sheria kama huyu mtu akiimba million kumi na mtu anaiba ng'ombe moja anafungwa mwingine miaka 2 mwingine miaka 14.

Article 93 mpaka 96 inahusu mambo ya funding of political parties. Mimi nina maoni yangu na sijui pengine ningeliza maoni yenye muliona munge weka hiyo kwamba political parties ziwe funded. Ikiwa itakuwa hivo basi mimi nitazunguka kutafuta voters hapa na pale ni-wahonge honge ama nikiwa na pesa nikuje ni-register politica party ndio nipate kazi. Maoni yangu ni haya, mbona kusiwe na political parties as many as possible ndio wasitumie kupata finance waji-fund na hiyo pesa ingine badala ya ku-fund political parties tusaidie arid areas kama Samburu na zingine ambazo hatuna lami, magari. Kumbuka wakati ule tulipewa pesa za kufanya civic education tuliambiwa tusi-hire gari tuende na public transport. Sasa ikiwa tutachukuliwa kama Limuru/Nairobi na huko kuna matatu na hapa hatuna matatu natuliambiwa tufanye mpaka Baragoi na wapi na haturuhusiwi ku-hire magari na hakuna pesa ya ku-hire na hata matatu ya kuenda huko. Sasa ningependelea hizo pesa zilitwe ku-improve hapa ndio ikiwa jambo litapitishwa Nairobi liwe limepitishwa na tuwe na usawa.

Langu la mwisho ni hili kwa sababu sehemu nyingi ambazo zinaitwa na majina ya Maa speakers yaani sehemu nyingi Kenya ni zetu zilikuwa zinaitwa na majina yetu na katika historia yetu tulikuwa huko lakini tukaondolea na colonialists. Hii Land Commission mbona isiwekwe section ambayo ni ya kuangalia pastrolist land tuisukumwe zaidi. Si ajabu tutaondelea hata hapa tuambiwe mwisho na Murita na kwenda Birigit pekee yake. Asante.

Ibrahim Marti: Jina langu ni Ibarhim Marti na mimi ni mwalimu wa watu wazima. Swali langu nilikuwa nataka kuulza juu ya Civic Education. Ingekuwa ni vizuri sisi sote Kenya tuwe tunafundishwa mambo ya Constitution lakini hiyo imejibiwa na ni vizuri. Swali langu lingine ni hili, nani huyu alijaribu kuondoa mambo ya death penalty? Wale watu ambao wanaua wengine? Mimi maoni yangu, hiyo ikae tu Waafrika ni watu wanaua wengine kama wanyama. Sisi hapa usiku na mchana pale Baragoi tunapoteza watu usiku na mchana na hata wanajulikana wanaenda wapi. Hiyo death penalty ikae. Nyinyi mawakili ambao mulikaa pale kusema hiyo itolewe nyinyi ni marafiki wa murderers, sisi tumepoteza watu wengi sana.

Ingingine, hawa watu members of councils unajua kama hii mambo inakuja ndio tunasikia village, location, district sisi tunaona hii

kitu imerudi sisi wazee wale wa zamani tu tutaingia kwa hii kitu. Hii ni kitu kitahitaji education aina fulani na age limit na vitu kama hivyo ama ni wazee tu wa Committee basi?

Mambo ya security. Bwana Isaac sisi tulipokuwa pale Baragoi wakati tulipokuwa tukitoa maoni yetu kuhusu security mimi nikiangalia mambo ya security pale ni mambo fuaaa tu. Mimi mwenyewe nakumbuka tulisema na wengine Serikali iwe held responsible in case of loss of properties and life ya watu as a result of negligence and ignorance ya Serikali. Mimi naona haya maneno hakuna pale kungekuwa na sub-section ina specify kabisa. Iko watu wetu mamia ya watu wanakufa hapa usiku na mchana, lives and property, asubuhi mkiamuka watu wameuliwa na mali inaenda. That thing must be specified kabisa. Iwe sub-section.

Swali langu la mwisho ni Bwana Commissioner, mbona umetuvalisha sisi sote yellow ribbon, maana yake ni nini? Asante sana.

Com. Isaac Lenaola: Asante sana, ribbon si sawa na rainbow sababu jana nilikuwa nasikia watu wakisema ya kwamba watu wenye wamevaa yellow ribbon ni watu wa rainbow hapana kuna tofauti. Rainbow ni faction ya na hii faction si ya KANU ama DP ama ya SDP ama ya Project, hii ni faction ya Katiba na tunajua ya kwamba Ma-Judge walipeleka Commission kortini wakasema ya kwamba hao ni special sana. Hii Katiba ikiandikwa isiguze sisi ma-judge maana sisi ni Wakenya wa aina ingine, sisi ni watu special. Tukasema hivi kama Tume, tuliambiwa na sheria iliyounda Tume tuchnguze Serikali/Government, Parliament, Judiciary/Kortini na tutoa-recommendations kwa hizo mikono mitatu ya Serikali. Kwa hivo Law Society of Kenya ikatu'nga hii ribbon ya yellow. Kwa kingereza yellow is the sign of solidarity, ni simple ama kielelezo ya kuungana na Tume kusema kwamba kazi iendeleo vile mumeambiwa na sheria ya Kenya. Pili kazi iendeleo na maoni yetu yazidi kuwa maoni ya nani? Yetu "The People's Choice" si choice ya ma-judge, Serikali au KANU, ni choice ya wananchi wa Kenya. Kwa hivo ribbon munayo-vaa ni kusema ya kwamba you are in solidarity, muko na muungano na Tume kwa hii kazi.

Mambo ya Nabaala, Kwa nini 2 years ku-implement mambo ya land? Kwa sababu unajua kwamba kuna Commission ingine ya land. The Njonjo Commission, munajua hiyo? Hiyo Commission kazi yake ilikuwa kuchunguza mambo ya land pekee yake, walianza kazi kabla ya sisi, wakazunguka Kenya kabla ya sisi, mpaka leo report yao hatujaiona. Tulipo-waita kuongea na sisi watuambie maoni ya Wakenya juu ya land wakasema sisi hatuongeti na nyinyi, sisi ni Commission ya President tutaongea na President pekee yake. Kwa hivo ingekuwa kazi bure sisi kutoa maoni au recommendations juu ya land na tayari kuna Commission ambayo tunangoja report yake. Kwa hivo report kutoka kwa Njonjo Commission ikitoka tuta-implement within the framework and I can tell you ya kwamba hiyo Commission iko na chapter karibu tano zina-husu hiyo mambo wewe umeguzia. Kwa hivo ningepomba mungojee tu kidogo itoke halafu ikuwe implemented.

Pia article 292 iko na Commission inaitwa Constitution Commission. Tume ambayo kazi yake ni kuona ya kwamba kila paragraph hapa inakuwa implemented ki-Katiba, hatupatii hii kazi Bunge, hatuamini Bunge.

Hawa District Administrators, they serve only when the Council is in service. Kumbuka kuwa wamekuwa elected na election inaenda miaka mingapi? Nne kwa hivo these DA's kila baada ya miaka minne wanarudi wapi? Kwa watu lakini kama mumeonelea tuwapatie 2 terms, hiyo ni maoni nimechukua nitaandika hayo. Lakini they are being elected for one term kila 4 years but they can re-apply if they want. If you say 2 terms ya miaka minane sawa.

Mambo ya sentence, kufungwa miaka ishirini, saba mambo hayo si ya Katiba ni mambo ya Panel Code. Sheria kuhusu kufunga watu, hatukuwa na maoni yoyote kuhusu haya mambo kwa maanake hatukuwauliza je, mungependa mtu afungwe miaka saba kwa sababu ameiba ng'ombe na mtu akiiba million moja afungwe miaka mingapi? Hatukuwauliza haya maanake haikuwa jambo la ki-katiba but it is an important one.

Kwa nini vyama vya kisiasa vipewe pesa? Kwa sababu vyama vya kisiasa viko na jukuma kubwa sana kwa hii Katiba kwa mambo ya mobilization.

Mambo ya civic education mambo ya kuwapa watu haki zao. Tumewapa jukumu kubwa katika hii Katiba lakini hatuwapi pesa ovyo ovyo. Chama ambacho hakina watu kwa Bunge hakipate pesa, chama chenye hakina watu kwa district hakipati pesa. (end of tape 2).

Jacob Leitore: My questions if allowed are two. Composition of District Councils, who are members of the District Councils and who elect, them or appoints them?

Secondly, if you may allow me Bwana Commissioner Sir, I will deal with pastoralist issues. Pastoralist issue of land. There is always compensation for mass crop failures in other areas.

Why are the pastoralist not compensated for livestock loss during the drought, famine or insecurity? Thank you.

Loise Tawon: Kwa sababu mimi ndiyo mama wa kwanza kuongea tafadhali nitauliza maswali mawili tu kuhusu mama na mtoto. Nimekubali ya kuwa Katiba ilitufanyia mambo mengi mazuri lakini my question is, What is the Draft report saying about women especially when it comes to the point of rape? Kwa sababu kuna wakina mama wengi wanakuwa raped na hakuna kitu kinafanyika hata kwa sheria, yule mwenye kunajisi msichana, mama, anaachiliwa tu aende free.

Secondly, ni protection gani Katiba itapatia wale watoto wa kutoka inje ya wedlock? Watoto wenye wamezaliwa inje ya ndoa, ni protection gani kwa education na ku-protect mama na baba wale wamezaa yule mtoto ambaye anahitaji rights zake watawezaje ku-provide hiyo haki ya mtoto. Hiyo ndiyo tunataka iwe clear ili tukiulizana mambo ya right ya watoto kule inje tunajua ni channel gani tunatumia kwa sababu tunataka watu wajue ati mtoto mwenye amezaliwa inje ya ndoa ako na right kama yule mwingine amezaliwa kwa ndoa. Kwa hivo ninashukuru mulipitisha hiyo na tunataka kujua tutapitia channel gani. Thank you.

Andrew Lengewa: Kwa jina naitwa Andrew Lengewa. Sasa mimi nilikuwa na maswali lakini naona kama yote yamejibiwa. Swali langu lilikuwe hivi mumeangalia Draft nikaona kwamba elimu kwa wale wote wanaochaguliwa kama President amepatiwa kiwango cha degree na Mjumbe kiwango cha form four lakini Councillor hajapatiwa kiwango cha masomo yeyote. Kwa hivyo mimi ninge propose hivi ingawa Bwana Commissioner umejibu kama ingewezekana tafadhali atleast kuwe na elimu fulani kama darasa la nane ama hata kama sio darasa la nane wawe na elimu ya gumbaru ili wachaguliwe wawe councilor. Kwa hivyo nilikuwa na propose hayo tu.

Peter L. Lempei: I would like to ask Mr. Commissioner how Pastoralism as the main stream of production has been catered for in the Constitutional framework of the country and not in the legislative aspect?

Secondly I would like to ask, we know that it is the principle of the law that, the law cannot act retrogressively and in the same breadth we said the law will date back from 1875 for it to take effect in regard to the land issues. We know that the law must meet international standards and it cannot act retrogressively. How sure are we, that the Kenyan system is going to meet this standard? Thank you.

Samuel Lealmusia: My name is Samuel Lealmusia, I would like to say and contribute that the Parliamentarians are enjoying a lot of privileges particularly wakati wanaenda kufanya campaign one of the conditions of the civil servant is that you must re-sign. I would like to re-recommend that civil servants should be given 3 months leave and if they fail, they go back to their jobs.

Raphael Lemaletian: My first question, I would like to make a suggestion that the National Budget should be split into parts. One in which money is allocated to the Central Government, and the other one in which every district is allocated its own fund so that every district draws its own budget that is in order to ensure transparency and re-distribution of revenue and to avoid a situation where by money is allocated in Nairobi and the people whom the money is allocated to do not know where the money goes to, so it gets lost.

Secondly, before we become Kenyans we are members of tribes. Our Constitution is silent about tribes and yet tribes are a National reality and if you look at our system of education it is European biased. Even the school uniform and the rest, they are just a relic of colonialism. Why should our children not go to school in shukas? Why should you teach students about William Shakespear? and yet you do not tell us about... Inaudible... Biblical Samson. Thank you.

David Letoyia: Kwanza nataka kusema kwa jumla kwamba naunga mkono Draft hii. Pamoja na hayo ningetaka kusema ni kazi nzuri na ni-naonelewa Constitution hii mungetuletea katika lugha ya kiswahili ndio wananchi wote wa Kenya waelewe.

Jambo lingine ningetaka kusema ni kwamba Constitution hii mujaribu kusema ati watu wote watakuwa sawa hapa Kenya kwa mambo yote. Hivo ni kusema tuta-share mambo yote, resources zote za Kenya sawa sawa katika kila corner ya Kenya. Lakini sijui Katiba hii ita provide mbinu gani ili iweze kuleta pamoja ama kuinua wale watu Wakenya wenye wamekuwa marginalized ndiyo district zingine za Kenya ziwe sawa. Sijui hii Constitution itakuja kuleta usawa kwa njia gani? Maana tayari kulikuwa na gap kubwa sana Kenya kwa mambo ya education, maendeleo, barabara sasa hatujui njia zenye mtatumia ndio wale wameachwa nyuma wakutane na wale walioendelea?

Jambo lingine la mwisho, tunaumia hapa Kenya kwa sababu ya ugonjwa huu wa ukimwi. Contribution kubwa ya ukimwi hapa Kenya vile ninavyo-ona ni kwa sababu sisi Wanakenya tunalewa kupindukia. Tunatumia pombe ya kila aina na watu wanapoteza akili wanaanguka huko na huko na tumepoteza hata vijana. Maoni yangu ni hii, njia moja ya kujaribu kupigana na huu mdudu ni kuvunja kabisa license yoyote ya kuruhusu pombe. Aina yoyote kutoka bangi, chang'aa, hata bar zote zisionekane Kenya. Kwa sababu kama hiyo itaendelea tutamalizwa na huu ugonjwa unao-itwa AIDS. Kwa hivo maoni yangu, pombe yoyote hapana nusu nusu, yote ipotee hapa Kenya.

Com. Isaac Lenaola: District Councils. I would suggest that niangalie kwa report you do not have the Draft. Kwa Draft article 214 mpaka article 220 zote ziko na ni nani atakuwa member wa district council, anachaguliwa namna gani? Ni nani atakuwa mkubwa wa District na anachaguliwa vipi? Na nani atakuwa Chief Officer wa district na wanaingia huko kwa office namna gani? All those things are covered there na ni lazima hapo mara ya kwanza.

Mambo ya crop failure na livestock failure, those are not questions for the Constitution, those are questions za policy ya Serikali and all we have done here ni kwamba tumepatiana frame work kwamba Serikali ni lazima ione kwamba watu wake wana hali ya kuishi vyema. Policy ya Serikali itaongea mambo ya crop failure/livestock failure, drought, famine, famine relief mambo kama hayo. Mambo ya policy are not in the Constitution.

Mama Loise, mambo ya rape. Article 35 inaongea juu ya haki za kina mama, generally mambo ya tohara article 4. Any law, culture, custom or tradition that undermines the dignity, welfare interest or status of women is prohibited. Any culture, custom, tradition that is discriminative is prohibited.

Article 40. Every person has the right halafu inasema C, freedom from all forms of violence from either public or private source, that is for women, violence ya nyumbani ama nje ya nyumba imekataliwa na hii Katiba.

Mambo ya watoto ambao wanazaliwa nje ya ndoa article 37 sub-artice 2. All children whether born within or outside wedlock are equal before the law and have equal rights under this Constitution. For a mother and father whether married to each other or not have an equal duty to protect and provide for the child. Whether mumeoana au bado mulipo-zaa tu hivi shughuli zenyu na

mtoto ni kazi yenyu.

Mambo ya education, tume-recommend kwamba kuwe na level ya education kwa kila kiwango mpaka ma-councillors, hilo nimesikia.

Kisheria, hakuna sheria ambayo inaweza kurudisha mambo nyuma. Hiyo si kweli, Katiba ni sheria kubwa sana katika nchi na sheria yeyote ile iwe sheria ya Kenya ama ya Ng'ambo ambayo haiambatani na hii Katiba hiyo sheria haina maana Kenya. Katiba ikisema ya kwamba lazima tuangalie mambo ya mashamba mpaka 1895, itafanyika. Katiba ikisema ya kwamba tufungue zile agreement za wa-maasai 1904/1911 itafanyika. Kwa hivyo kama Katiba inasema isifunguliwe basi haitafunguliwa na sheria ikisema tufungue claims kutoka 1895 na Katiba imekataa basi that one now cannot be reverted but kama Katiba inasema kwamba tufungue basi itafanyika maanake hakuna sheria kubwa sana kuliko hii.

Mambo ya wafugaji katika Katiba. Nimewaambia mambo ambayo ina-affect wafugaji na si lazima tuseme kwamba we must have the word pastarolisim katika hii Katiba ndio tuone kwamba tumeangaliwa na hii Katiba. Si hivyo maanake tukifanya hivyo tunafungua ile inaitwa Pandoras box. Wakulima tuandikwe hapa, wavuvi, kila mtu ataandikwa wapi? Kwa hivyo ni ile mambo inayohusu watu hao generally ndio tunaandika hapa. Wakenya wote.

Mwalimu Lealmusia, I was just trying to look at the facts. Hii Katiba inasema ya kwamba ukiwa mfanyi-kazi wa Serikali- I have it but I could not get it-ukitaka kusimama kwa any post ambayo ni elective iwe ni Councillor, Mjumbe, Prime Minister, ama President, utachukua unpaid leave kwenda ku-campaign ukishindwa unarudi wapi? Ukishinda, iko hapa I can assure you it is here ni vyenye munaongea si kuweza kuitoa. Ukishindwa unarudi kazi yako. Ukishinda una-resign siku hiyo hiyo. So that unapata nafasi huko na kazi yako lakini pia huwezi kaa nyumbani bila kazi yeyote. So hiyo iko ndani I can assure you that it is there.

My friend Lemaletian, mambo ya grants for marginal areas that is covered in article No. 225. there is something inaitwa "A Commission on Local Government Finance" it shall be appointed in every 4 years. The Commission shall advise the National Government and the Devolved Government on the distribution of grants to the Council. Mambo ya fedha za district na za nation. Vile unasema we divide them into portions that is the work of the Commission on Local Government Finance. So your worries are taken care off.

Tribes. Kenya ni ya makabila mengi. Mimi ndiyo mmoja wa Commissioners walisema kwamba ili ukabila upotoee tuandike makabila, ya Kenya hapa kwa sababu 1963 tulisema hakuna makabila Uhuru na Kazi, umoja wa kazi, umoja wa nchi na kila mwaka kutoka 1963 ukabila unatupanda unatusonga na kutusukuma maanake uko. Lakini tukizungumza tunaificha chini ya meza na kabla ya kuwa Mkenya kuna mkabila. Mimi nika-argue kwa Commission kwamba tuandike makabila ya Kenya kwa hii Katiba, tukashindwa. I will now stand and say that motion was brought up lakini ikawa defeated. Lakini kama itakuja

National Conference, nitasukuma bado. I agree with you that the issue should be addressed here na tu-address.

Niliambiwa hii District Council kutoka kwa kila wilaya inaongeza tribalism maanake kila district itatoa mtu wa kivyao. Nikasema si ni sawa, kuna ukabila kweli? Na ukiangalia page 45 hizo district 70 kila wilaya iko na kabila lake hata majina. Si Samburu ni kabila, Kisii, Embu? Lakini tunajaribu kujificha ficha na hii ukabila na iko.

Mambo ya Lealmusia samahani wakati tulikuja ku-print hii draft ya kingereze wale watafsiri wa kiswahili hawakuwa wamemaliza kutafsiri hii document kwa kiswahili. Sasa iko tayari kwa hivo kabla ya mwezi kuisha mtakuwa na hii Draft Constitution kwa kitabu kama hiki kwa kiswahili na kingereza. Kwa hivo kabla ya mwezi kuisha mtakuwa na zote mbili. Hizo tayari zinakuwa printed. Asante kwa kunikumbusha hiyo.

Usawa wa regions za Kenya na pia nilipo-anza kuzungumza asubuhi nilisoma articles 14, 77, 86, 213, 235, 239, 243, 226 zote ni kusawazisha nchi kwamba hizi wilaya za chini ziwe sawa. Lakini ki-fedha, article 225 iko na hiyo. Equilization grants paid to marginal districts. Fedha special za kusawazisha maendeleo kwa wilaya za nchini. Kwa hivo tumeweka katika 225-equilization.

Mambo ya pombe tulikataa kuweka mambo ya pombe hapa maanake si kazi ya Katiba kusema kunywa pombe ama usinywe pombe lakini Wakenya wengi walisema ya kwamba kuna pombe aina tofuati. Kuna pombe ya kimila ile traditional na kuna chang'aa ambayo si traditional beer ama whisky vile vile tusker lakini zile ambazo mila hazifanyike bila hizo haitakuwa mila safi. Walisema hizo ziwe protected maanake huwezi kuniambia ya kwamba mila iwe protected half way lakini ni kweli kwamba mambo ya ulevi katika nchi kwa vijana na HIV ni kweli. Lakini kama kuna sheria za ku-manage haya mambo basi itafanyika na hiyo pia ni mambo iko nje ya Katiba.

Fred Marmalel: Swali la kwanza, in the new Constitution, what mechanism is there to ensure that the Local Councils, District Councils are safe guarded from being more marginalized by having unqualified human resource staff?

The issue of citizenship, what mechanism is there within the new Constitution that people will not just come to Kenya get married to young people from Kenya and then they get citizenship and become citizens of Kenya? I think there is something open there on the side of citizenship.

George Lengure: Mimi ningependelea kutoa shukurani kwa wanasheria, Commission ya Kenya na wananchi wale wote ambao wameshirikiana kutengeneza hii Katiba mpya. Swali langu au wasi wasi uko, naomba sisi sote tuhimize wanasheria ikiwa Bunge litakuja kuvunjwa bila Katiba kwisha, hiyo itakuwa imetuudhi sisi sote. Kwa sababu pesa zimetumika, wakati wetu umesumbuliwa bure sasa inakuwa ni kitu ambacho hakina maana. Kwa hivo mimi ningependelea ya kwamba hawa wanasheria wa Kenya ama Commissioners waambiye Rais apatie Wabunge sehemu fulani ya sheria waweze kuendelea hata kama

wanafanya siasa zao ndio kazi yetu iishe.

Paul Arapo: Nina oni moja ama maoni mawili lakini oni la kwanza article, 148 ya Executive powers ya President. Nilikuwa naonelea hivi, kuliko President kuamua Katiba iweke kwamba date of election inakuwa November ama December of every 5 years. Kwa hivyo kungekuwa na date of election, haitakuwa used by President ku-intimidate watu. Yaani tuweke date of election after every 5 years iwe muda fulani yani we quote in the Constitution date of election.

Nilikuwa na-propose pia kuwe na national prayer day kama vile tuna Moi/Kenyatta day, we have a national prayer day for Hindus, Christians, wote wanapumzika siku hiyo to pray for our country.

Ya tatu pia ni ku-protect holy shrines kama inaudible kwa ajili ya watu wa dini. La mwisho ninalo kwa Constitutional Commission, tuna election ya representatives watatu kutoka kwa district na katika Katiba we should all be represented whichever party, tribe, church, community, trade union na election ya district ilifanyika hapa na we are not satisfied kwa sababu ziko communities zingine hazikuwa represented, na kama hazijakwa represented, you as Commissioners mtachukua hatua gani?

Thank You.

Joseph Jelimtu: Samburu dialect.....

Francis Ekinyi Erick: Kwa jina naitwa Francis Ekinyi Erick kutoka shule ya upili ya Maralal High School, niko katika kidato cha nne naweza kusema mambo machache kuhusu watoto ambao ni walemavu katika District hii ya Samburu. Kitu cha kwanza ningependa kutamka mbele ya wakubwa wetu hapa na wananchi ni kuhusu distribution of the students from one secondary school, to the other. This one makes the students to be in short of materials. Mimi niko Maralal High School mwingine ako shule ya upili ya Moi girls na mwingine ako Kisia. Source au mahali tunapata material ni pahali moja, that is Kenya Association for the blind. Na ni kwa nini naonelea ya kwamba wakuu wetu hapa wilaya ya Samburu, naulza kwa nini hao watoto wasiletwe pamoja tuwe shule moja ndio tusaaidiane hata kwa walimu wale wenye tuko nao wachache na wako na skills za kufundisha hawa watoto? Mara kwa mara mimi katika shule yetu huko natumia walimu ambao hawana skills kufundisha watu ambao ni blind. Hii inakuwa ni ngumu sana kwa upande wangu kimasomo na ninajua tungekuwa pamoja na wenzangu kwa shida hii. Wale wanafanya kazi hiyo ya distribution ya students from one school to the other ni kama wanatumia sisi kama source ya kupata mali.

Mambo ya kupeana zawadi kwa hawa watoto. Tumesikia mara kwa mara kwa radio na newspaper ya kwamba kuna zawadi ambazo zinapatiwa hao watoto walemavu na hakuna siku sisi tumepata ya kwenda kuchukua hizi awards ndiyo tuwe encouraged sana kimasomo na tu-encourage wale wengine ambao wanakuja kwa masomo yao. Asanteni.

Peter Lekankn: Mimi niko na maswali matatu. Kwanza, nataka ku-put in record ya kwamba tunashukuru sana Commission

maoni yetu yote mumezasikia. Maswali sasa ni mawili. One, kwa nini tunaweka category ya elimu kwa leaders, hi zi in- interfere with the people's choice? Mimi ningependa kusema iwekwe tu kama general. Swali la pili ni wasi wasi gani tuko nao kwa President kuvunja Parliament sisi kama wananchi? Kama ni sauti ya watu hatuwezi kulazimisha yeye ya kwamba Bunge lisivunjwe halafu tusiwe na wasi wasi maana hakuna haja ya kufanya kazi na hiyo kazi iwe bure.

Ya tatu mimi naona kama nge-implement hii Katiba mpya maana sasa hata nomination za party vile zinaendelea iko room ya Prime Minister na hakuna kwa old Constitution. Na hii kitu tusi -onekana kama tumeshikilia tu ile old Constitution. Kwa hivyo kama ni sauti ya wananchi lazima Constitution mpya itumike na hiyo sauti isikike.

Christopher Laikalepi: Mimi ni Mwenyekiti wa ECEP. Economical Civic Education Programme Samburu, na mimi nataka kusema ya kwamba nina support Katiba mpya kabisa. Ningetaka kusema ya kwamba election na mambo ya kura yote ifanyike Katika Katiba hii mpya. Na ningesema kwamba ni vyema. Mimi nataka kusema ya kwamba mimi nimependenzwa sana na Katiba hii.

Interjection:

Christopher Laikalepi: Yeah, asante. Swali langu la kwanza ni, what was the resolution in our new Constitution concerning some communities that have been deprived access to important cultural sites because people were complaining that county councils are allocating Trustee land to individuals and they were caught in some places because of community land rights?

Question 2. When will the Commission deal with the matters pertaining to the principles of land grabbing or land acquired in deprived manner? Thank you.

Com. Isaac Lenaola: (Inaudible.) Chukua kalamu na karatasi, utasoma baadaye. Mambo ya Trustee Land ni article 234 sub-article 2. Mambo ya land grabbing article 235 4/B. Ukisoma hayo utazijua vizuri sana.

Mambo ya unqualified staff katika devolution tumesema ya kwamba, article 218/5, the District Administrator with approval of the District Councils appoints Chief Officers from persons who are not members of the Councils. DA analeta list yake anapeleka kwa Council inakuwa approved or inakosa kuwa approved.

Mambo ya citizenship tuliambiwa kwamba pengine. tumefungua njia kwa watu wa Ng'ambo kuja kufanya harusi ya ukora wapate citizenship. Lakini article 27 inasema kwamba Parliament may enact law to establish conditions upon which a person may become a citizen in terms of the Constitution. Kwa hivyo sheria za kufunga hii mambo zitatengenezwa. Article 28 they will establish the citizenship legislation Board. Board ya ku-vet watu ambao wanaingia Kenya na tarehe 23 mwezi huu tunakutana na watu wa immigration watueleze kama haya mambo tumeweka ni sawa ama si sawa lakini point yako tumeichukua.

Lengure asante kwa maoni yako. Arapo ukiangalia hii Draft, National Report page 74 tume-suggest kwamba election ifanywe August ya kila miaka minne ama mitano. So we suggest August after every five/four years.

National Prayer Day. Ukiangalia article namba 13, tumesema kwamba National Days ni

Madaraka, Jamhuri, Moi, Katiba day. Katiba day siku tuna-enact hii Katiba mpya, tunaipatia siku yake special maanake itakuwa ni republic mpya ya Kenya. Republic ya kwanza ni Madaraka, ya pili ni Jamhuri, ya tatu ni Serikali mpya mundo mpya wa hii Katiba. National Prayer Day nitaichukua.

Holy Shrines, mahali watu huabudu na kutumia kama shrines zao, Article 234 inasema kwamba Community Land shall include all land held, managed or used by communities as forest, water sources, grazing areas or shrines. Shrines are also enshrined in the Constitution.

Mambo ya delegates wa National Conference, hilo si swali la leo na zingependa kuingilia siasa za National Delegates Conference. Siasa yangu ya leo kama ni siasa ni siasa ya Draft Constitution. Nita-komia hapo kwa hayo.

Mambo ya wildlife, ardhi, na mifugo, nafikiri nilizungumzia sana vile Katiba imezungumzia juu ya mambo kama hayo, sitarudia hiyo tena. Mambo ya President na kuvunja Bunge. Katiba ya sasa inasema ya kwamba the President may dissolve Parliament at any time. Kwa hivo akivunja hatakuwa na makosa maanake sheria yenye iko imempa nguvu. Anaweza vunja Bunge wakati wowote, sheria ndiyo hiyo.

Mambo ya elimu ya viongozi, nafikiri Kenya sasa vile tumeendelea na si kusema kwamba mtu mwenye hajasoma hana la kufanya katika uongozi, nafikiri ni vizuri kuwa na kiwango fulani maanake mambo ya budget, ministry, mikutano, mambo ya proposals lazima ujue kusoma Bwana. Hii ni milenium nyingine kwa hivo mimi ningesema at least kiwango fulani so that somebody can understand and participate in the meetings. Kuelewa na kujua ya kusema katika mikutano. Maanake kama hamuna masomo basi munaketi kwa mkutano watu wanapinga ma-budget, huelewi. Na sasa vile tumetunga Katiba, mambo mengi yako katika hivi viwango vya Serikali, district na province na Bunge. Kwa mfano National Budget, kama huelewi National Budget kama Mbunge una maana gani kuwa Mbunge? Iko sababu? Basi.

Nafikiri sasa jambo mutakalo fanya mutaiangalia hii Draft kama uko na maoni ya kuongeza utapatia hawa au utumie sisi kabla ya National Conference. Na kwa hayo mengi na machache ningependa kuwashukuru sana kwa kuja na ninawashukuru sana kwa kunisikiliza maanake hii Katiba ni yenu si ya Tume na si ya mtu mwingine na nimeshukuru kwamba mumejitolea kuzungumzia mambo haya. Asanteni sana, Mungu awabariki.

Bernard Saidimu: District coordinator. Maombi, kama kawaida tulianza na maombi na tutafunga na maombi, tulufungua na

