

CONSTITUTION OF KENYA COMMISSION

(CKRC)

Verbatim Report Of

DISSEMINATION OF REPORT & DRAFT BILL

SOTIK CONSTITUENCY AT SOTIK PASTORAL CENTRE

ON

11TH OCTOBER 2002

**DISSEMINATION OF REPORT & DRAFT BILL OF SOTIK CONST. HELD AT
SOTIK PASTORAL CENTRE ON 11/10/02**

Present:

Com. Mosonik arap Korir

Secretarial in Attendance

1. Mary Kanyiha - Program Officer
2. Zipporah Wambua - Verbatim Recorder
3. David Cheruiyot. - District Coordinator –Bomet
4. Keneth Cheruiyot - District Coordinator – Sotik

The meeting started at 11.20 a.m. with the Commissioner Mosonik on the chair.

David Cheruiyot: Let me take this opportunity to welcome you all to today's function which is a national function. It is very very important. We are some how late but we are going to be very efficient. I would like to bring this meeting into starting by requesting Mr. Gideon to open with a word of prayer.

Mr. Gideon: Tutasimama tuombe ili Mungu atusaidie.

Tuombe, baba mwenyezi, katika jina ya Yesu Kristo tunakushukuru sana kwa wakati huu baba katika kikao hiki, twajileta mkononi mwako kwa sababu ya uwezo wako, tunahitaji baba roho mtakatifu atuongoze. Viongozi ambao wamekuwa mbele yetu, Kipkorir Mosonik na hao wengine nasi zote ambao tumekuja kujikabidhi katika kazi hii kwa maana hili la Katiba letu, Mungu, tunaomba ya kwamba, roho yako takatifu, iwe kwetu, utuongoze, utunenee ili baba tuweze kuwa na uwezo kujikabithi mkononi mwako ili Katiba hii mpya liweze kuwa Baraka kwetu, iweze kuwa chombo ambao itaongoza nchi yetu. Tupate kuwa

na amani na kutuongoza katika hekima yote. Mingu tunajiweka mkononi mwako, utuongoze kwa kila jambo an viongozi wetu ili amani yako ambalo tumekuwa nalo na amani ambao ulituwachi iweze kuwa juu yetu. Wale watu wanao kuja katika kikao hiki tuwaweka katika mkononi mwako, tusidi kututakaza na kutuongoza, utubariki katikaa kila jambo Mungu an ninaomba nikiamini katika jina la Bwana an la roho Mtakatifu Amen.

David Cheruiyot: Iam going to read to you the program because we don't have enough copies.

1. First of all the first part of the program is a registration of participants which I know most of you have done it.
2. Number two is opening prayers which that one Has been done .
3. Part three is introduction and purpose of the dissemination forum. This is a dissemination forum for your information.
4. Number four is objectives of the review process and structure of the process.
5. Processes and steps leading to the draft report and bill.

Iam being told to kindly announce that there two forms for registration. One form is for registering for the purpose of this meeting the other form is registering for the purpose of presenting views if you have a view or a comment to present before the commissioner. I was at the point of telling you what was is in the program.

6. Overview of the draft bill chapter by chapter.
7. Forum discussions, debate, questions and answers, that means reaction from the participants.
8. Ending prayer.

Iam David Cheruiyot, district coordinator Bomet and my colleague Kenneth Cheruiyot is here with me. The commissioners will be talking us in the main parts of the program but as a way of introduction, I will kindly take you in a paragraph the purpose of this dissemination forum. I will say in a paragraph, I am going to take you through the main purpose why we are here. This is a dissemination forum. The main purpose of us being here is to look at the commissioners report, the draft bill which is with you, discuss it or debate upon it amongst ourselves, make your own recommendations or contributions or give views which are there based on the draft bill so that your views or your recommendations can be considered before the draft bill is Made into law, that means before the new Constitution is enacted.

If you can critically analyze, the draft bill, you can check whether the views which you presented before the CKRC, we were in this hall on 11th of July, 2002. So you can check whether the views which you presented before the commission were incorporated in to that draft bill. If they are not there, you can tell the commissioners before us that this and this view was not considered. That is the main purpose why we are here today. You can make your recommendation before the commissioner, you can add your point so that before this draft bill finally becomes a law, you will be in a position, to say that the draft bill or the new Constitution do faithfully replace the wishes of all the Kenyans.

I would like to kindly ask whether there is any one of us among the participants who can not understand when we use English or Kiswahili? If you want us to use the local language we can interpret .

Interpreter: *kakile ngot ko michii ne makase kutit non king'alalen oko kase takiboisen kutit ab Kipsigisi anan ko kutit age, komwa.*

David Cheruiyot: Okey let me give to Mike to start, we want to take your views, if you want the local language to be used, commissioners can use English or Kiswahili then we interpret.

Com.Mosonik: Then why don't we use the national language (*inaudible.*) tutumie lugha ya mama.

David Cheruiyot: Kuna mtu yeyote mwenye ako an Jambo (*Inaudible*). Imesemekana kwamba tutumie Kiswahili kwa vile ni lugha ya taifa. Nilikuwa nimesema kwamba hii mkutano ya leo, ni kujadili hii mambo ya Katiba mpya kabla haijakuwa Katiba kamili. This is the draft bill. Tuongee, tuone kwamba maoni yetu yenye tulipewa kwa commission iliandikwa ama iko aje? Ili kwamba kama kuna mtu yeyote mwenye ako an jambo aseme leo, apitishwe hiyo kwa tume ya kurekebisha Katiba, kwa vile commissioners Wako an sisi leo, muone maoni Yako kama iliwekwa kwa hii Katiba mpya ama draft bill, muone tuongee ama tujadili kama maoni haiku wekwa hapa, useme halafu iwekwe, kabal hii haija pitishwa iwe sheria kamili. Hiyo ndioo sababu kamili sisi tuko hapa leo. Tuko hapa tujadili hii draft bill ama, tuongeze maneno yenye ungependa iongezwe ama useme hii yote ifutwe ama sehemu fulani ifanyiwe marekebisho kabla haijakuwa sheria.

Sisi zote tunataka Katiba mpya iwe Katiba ambao italinda raia wote wa Kenya na kama umeona kwamba maoni yenye imeandikwa hapa hailingani ama haifuatani na maoni ambao wanainchi watukufu wa Kenya walipeana, mutaseMa papo hapo. Na nilikuwa nimesema ya kwamba commissioners ama program officer ambao wako an sisi leo, watatuonyesha hii Katiba inasema kutoka chapter moja hadi ya chapter ya mwisho. Hiyo ndio nilikuwa niimesema. Na kwa hiyo nitampatia Commissioner, Dr. Mosonik arap Korir afanye introduction kwa officials ambao walikuja naye kutoka Nairobi na atuambie upande mwengi wa program. Commissioner Karibu.

Com. Mosonik: Mabibi na Mabwana, Cordinators wa wilaya za Bureti na Bomet. Ningependa kwanza kuwajulisha kwa wenzangu ambao wamekuja nami kutoka tume ya kurekebisha Katiba. Wa kwanza nitawalujisha ambaye yuko mkono wangu wa kushoto ni Zipora Wambua, kazi yake ni kunasa kwa kanda ya tape recorder yale yote tutayasema na kuandika. Inaitwa Kwa kingereza, verbatim recorder. Kwa upande wangu Wakulia hapa kuna mwenzangu program assistant, yeye ni Mrs. Mary Kanyiha. Asante Sana. mimi ni commissioner Mosonik arap Korir.

Siku ya leo tukiwa sehemu hii, na kwanza tuombaa msamaha kwa kuchelewa kidogo. Tukiwa sehemu hii, tukiwa Sotik constituency, wenzetu wengine wako sehemu zingine za Kenya. ndio sisi tuko an hao watu, sehemu zingine za Kenya kuna watu watatu watatu, kama sisi. Niwajulishe tu kwa ufupi kwamba tukiwa tuna mkutano wetu hapa, wenzetu wako kwa

mkoa wa kati, Mathoiya, Getwe, Gatanga, Limuru, Ndaragua. Kwa mkoa wa pwani, mvita, Taveta, Malindi. Mkoa ya Mashariki, Siakago, Ntonyiri, Kitui Central, Makueni, tafadhali wale munajiandikisha, mkoa wa Kaskazini mashariki, wako, Wajir North, Mandera Central. Mkoa Wa Nyanza; Alego usonga, karachuonyo, west mugirango, kuria mubasi. Mkoa mkuu Wa Riftvalley, wenzetu wako cherangany, Samburu west, Marakwet West, Kajiado North, Subukia, Kapenguria an Emkwen kule Nandi; Mkoa wa Magharibi wako Mumia, Webuye, Hamisi, Bhunyola. Na mkoa wa Nairobi wako starehe Constituency. Tungekuwa wengi zaidi lakini macommissioners wote an wafanyikazi wengine wa tume wanafanya kazi sehemu zingine.

Kitu ningetaka kusema kwamba vile coordinator ame waeleza ni kwamba tumekuja hapa ili tuanze kazi ya kujitayarisha kwa mkutano kuu wa kitaifa wa kurekebisha Katiba. Inaitwa National Constitutional Conference. Tuna taraji kwamba mkutano yenyewe utanza tarehe ishirini na nane mwezi huu, tumefikiria kusema je mkutano utachukua muda gani? Pengine mumesikia mwenyekiti wa tume ya kurekebisha Katiba, Professor Yash Pal Ghai, akisema tunataraji kwamba tukifika siku ya Jamuhuri day tarehe kumi an mbili December tutakuwa an Katiba Mpya. Kwa hesabu yetu Kulingana an vile tunafikiria mkutano utachukua muda wa kama mwezi moja . Lakini hiyo ni kufikiria tu kwa ajili itategemea kwa wakilishi wa wananchi ambao wataenda kwa mkutano. Watu hao watakuwa mia sita ishirini na wanane.

Hawa watu kwanza kati yao watakuwa Wajumbe wote Wabunge. MPs ambao ni Watu mia mbili ishirini na mbili, 222 MPs. Halafu kutakuwa na wakilishi wa wilaya zote za Kenya. Wakati huu wilaya Kenya ni 70. Kwa hivyo ikiwa ni watu watatu watakuwa ni watu 210. sijui bwana coordinator wakilishi wetu wako hapa? Wapi district representatives. Najua mchanganyiko maalum kati ya Bureti na Bomet. Pengine utujulishe ni akina nani.

Kenneth Cheruiyot: Asante Sana commissxioner. Constituency hii ya Sotik iko na upande Bomet District na upande moja iko Bureti District. Kwa leo tuko an wakilishi wawili wa Bureti district., Wa kwanza ni bwana Joseph Soi an wa pili ni Mrs Bornes Soi na siyo Bibi na bwana. Wanatoka tofauti. Halafu kwa upande wa Bomet na ni mtu pia anatoka hii constituency ni Bwana Joel sang lakini ni Makilishi wa Bomet lakini ni makaaji wa constituency ya Sotik. Asante sana.

Com. Mosonik: Kwa hivyo kila wilaya itakuwa an wakilishi watatu. Mmoja ambaye lazima awe ni mama. Ndio Mrs. Soi yuko hapa. Halafu tutakuwa na wakilishi wa vyama vya siasa. Vyama hivi vilikuwa wakati tulianza kazi ya kurekebisha Katiba vilikuwa ni 42. Baada ya merger ya Kanu na NDP, zikapunguka zikawa 41,. Kila moja ya vya hivi arobaini na moja kitakuwa na mWakilishi Wake, watu 41. Halafu kuna watu wengine Wanaitwa civil society, makanisa, vyama vya kina Mama, vyama vya wafanyi kazi, trade unions employers, professional associations nakadhalika. Civil society kutakuwa an wakilishi watu mia moja ishirini an tisa. Tena kutakuwepo na macommissioner wote ambao ni watu 29, lakini commissioners wakiwa kwa mkutano hawata kuwa an uwezo wa kupiga kura kwa sababu, mswada wa Katiba ama the draft bill to alter the Constitution, this document hii ni sisi wenyewe tumeandika na hatuwezi kuenda kwa mkutano na kupiga kura kutoa maoni yetu kwa ajili tukipiga kura tutasema tupitische hii kwa ajili sisi weenyewe tumeiandika. Tukiwa kwa

mkutano tutaketi tu hapo tuulizwe maswala, mulimaanisha nini mkiandika hivi an kadhalika.

Sisi ni watu 29, kwa jumla watu wakuwa 628 an wanatakiwa wapitishie mswada wa Katiba, the draft bill kwa kauli moja, kuzikilizana na kupitisha. Na wakishindwa kupitisha Kwa kauli moja watatakiwa wapige Kura. Kama ni maswali yasio ya kikatiba wanatakiwa wapitishie kwa wingi tu. Kwaajili nimesema macommissioner hawatapiga Kura, watakuwa ni watu 599 ndio watakuwa wanapiga kura, tuseme watu mia sita. Kwa hivyo kama ni swali ama swala isio ya kikatiba , ni simple majority, watu 301, kati ya 600, wakipitisha, kwa mfano tukisema, hii chapter tukiangalia, chapter kuhusu, citizenship iwe chapter four vile iko ama iende nyuma . Kitu kama hichoama lugha gani tuitumie. Hiyo sio swala ya ki Katiba, kwa hivyo simple majority wanaweza kupitisha, kusema citizenship ikae kwa chapter four ama ikae nyuma kabisa.

Lakini, ikiwa ni swali ama swala ya ki Katiba, tutatakiwa tupitishie, kwa wengi wa two thirds majority. Sehemu mbili ya tatu hiyo ni kusema watu 400, minimum. Kwa hivyo kama Wakenya wanaweza kuenda na kusikilizana kwa pamoja by consensus, mkutano inaweza kuisha haraka. kama watajadiliana na kungangana sana, pengine itachukuwa muda mwingi. Nimesema kwamba sisi tume hesabu, tunafikiri itachukuwa kama mwezi moja ama mwezi moja na nusu. Six weeks. Nikiulizwa mimi binafsi mimi hupenda kusema ninaweza kuchukuwa masaa sita ama miezi sita, ama six months. Sisi ndio tuta hesabu ni six weeks lakini inaweza kuwa six hours ama six months. Na sema hivyo kwa mfano kwa ajili munakumbuka, Kanu mpya walipo kutana tarehe mwezi wa tatu wakapitisha kila kitu kwa masaa sita, 6 hours kwa kauli moja. Si ni kweli. Lakini mkutano wa kitaifa, wa Uganda, walikutana na kujadiliana mswada wa Katiba yao na wakapitisha kwa miezi sita. Iliwachukuwa miezi sita. Kwa hivyo ni 6 hours ama 6 months, lakini tunahesabu six weeks Katikati hapo. Inategemea watu wetu kama wanataka kumaliza kwa haraka ama kujadiliana muda mrefu. Ndio sasa tunajitayarisha kuenda kujadiliana na tutakuwa na vitu viwili. Mswada wa Katiba that is the draft bill to alter the constitution. Kitatolewa Kama kijitabu. Sasa tuko an hii kwa gazeti lakini hii ni mswada zile itatolewa kwa kitabu. Na kitu cha pili tutatoa Taarifa ama reporti ya tume kuandama mswada, kusema ukweli reporti ndio document number one. Halafu mswada utakuwa nyuma yake as an appendix. It is annexed to the report at the back.

Reporti yenyewe ni kitabu kikubwa. Itakuwa kama 4,5 volumes, big ones. Sasa tukafikiria kwamba pengine hakuna hoja wa kupatia raia wakenya wote vitabu ya page elfu moja ama zaidi. Tukaandika kwa ufupi hiyo reporti. Hiyo report ilikuwa kwa gazeti na ndio hii hapa. Inaitwa kwa kiingereza, The peoples choice. The report of the constitution of Kenya review commission, Short version. Iko kwa kiingereza na iko kwa kiswahili kwa hivyo tunataraji kwamba watu wetu wakuwa wamesoma reporti chaguo la wananchi “ The peoples choice” na wasome mswada ama draft bill ama draft Constitution na kuja kwa mkuta mkuu tarehe ishirini an nane mwezi huu. Kitu kingine nilitakiwa kuwaeleza ni kwamba tulikuja , na kumbuka vizuri kukusanya maoni, macommissioner walikuwa hapa , wakanasa yale yote muliyoyasema kwa kanda ya tape. Waliandika kwa mkono na baada ya kufanya hayo yote, mimi bado ninakumbuka vile mulikuwa mumesema. Lakini tena tulitoa, taarifa ama reporti ya constituency. Yale yote muliyoyasema mulikuwa ni watu wangapi, nani alisema, na nani mwengine alihudhuria tu kwaajili tulikuwa tunajiandikisha pale nyuma. Hiyo reporti iko hapa na copy ni moja wakati huu.

This is called constituency Constitution forum report. Lakini hii inaitwa interim haijakuwa final version.

Constituency number 149, Sotik constituency, Riftvalley province. Sasa tunataraji kwanza munakumbuka vile mulisema na kitu cha pili ni kwamba munaweza kujikumbusha kwa kusoma hii reporti ya Constituency kwa ofisi ya coordinator. Mukiwa mumesoma hii, munaangalia swada, the draft bill na mutakumbuka vile mulisaema na mutaweza kusoma vile tuliandika maoni yenu. Pengine tulikosea mahali na hake ya kusema hapana hatukusema namna hiyo. Lakini kitu ya muhimu ni kusema, Je, kwaajili gani tulisema namna hii, lakini nyinyi mumeandika mambo mengine. Ikiwa mumeanza kuuliza hiyo swala, tutawakumbusha kwamba, hatukusanya tu maoni hapa, tulisanya maoni sehemu zote za nchi, ndio constituency yenu ni number 149, kati ya constituencies 210.

Kwa hivyo pengine constituencies, ingawa maoni yenu, muliyasema, lakini tu katia mahanani maoni ya sehemu zingine za Kenya. Hiyo mutaweza kujua kwa kusoma reporti kwa ufupi ama ile reporti kubwa. In otherwords to compare the views of the people of Kenya as a whole. Munakumbuka ya kwamba tulikusanya maoni, kwanza tulikuwa Nairobi na sehemu kadha karibu Nairobi. Tukafanya pilot survey kujua ni muda gani tutahitaji kukusanya maoni. Tukafikiria ya kwanza tutatumia tu siku moja, tukafanya hiyo Nairobi na Sehemu zingine kwa mkoa wa Kati, mashariki hata Riftvalley, Naivasha hiyo area. Tukagundua kwamba siku moja haitoshi tukaongeza iwe siku mbili na two venues. Hiyo kazi tulifanya mwanzo wa mwezi wa tatu. Halafu tukaanza Kazi yenyewe ya kukusanya sasa siku mbili mbili, ama two venues per constituency, tarehe kumi an saba mwezi wa nne na tukamaliza tarehe nane mwezi wa nane.

Nakumbuka tulikuja hapa mwisho mwisho, kwa ajili tulianza alphabetically vile tulikuwa tumesema na tukasema province number one itakuwa a,b,c. tukapata (c) tukaenda Central, tukaenda Coast after that, Eastern province, halafu Nairobi province, halafu North Eastern province, halafu Nyanza, halafu tukaja hapa tukamalizia western province,. Tukakusanya maoni. Nawakati ule tulikuwa tunasanya maoni, kuli kuwa na watu wanachambua yale tumeyakusanya. Experts who were assisting the commission in analyzing, kuchambua.

Tulipomaliza tarehe 8 mwezi wa 8, tukaelekea Mombasa, kuanzia tarehe 25 mwezi wa nane, na tukarudi tarehe 18 mwezi wa Tisa, tukiwa na reporti na draft bill. Vile tulikuwa tunafanya kazi, hakuna hoja kusema Mambo mengi, tulijaribu sana kusikilizana na tukazikilizana mpaka tukatoa reporti. Tulisaidiwa kuandika an wataalamu wa kuandika Katiba, wanaitwa, drafting experts. Mmoja alitoka Africa kusini mwengine ni professor wa kutoka Ghana.kwa hivyo nimemaliza kuwajulisha tu kwa ufupi yale yote yalikuwa, tuliyafanya. Na sasa nitauliza mwenzangu Mrs. Mary Kanyiha just to introduce the draft bill and then we can continue.Tafadhali kwa vile hii draft imeandikwa kwa kiingereza, Mrs Kanyiha akitumia Kingereza, akichanganya an Kiswahili, tafadhali umwelewe.

Mary Kanyiha: Thank you commissioner. As the commissioner has explained you are now familiar with the serious steps that the commission under went to come up with the draft, which I am happy to note that you have a copy of. So what I

intend to do is to go through the draft bill so that even as you read it later, you will understand the process and you are able to read it properly so that you are in a position to discuss it within the thirty days the coming 30days so that if you have any issues that you will like to raise, you can either pick them now or we shall take the views or you raise them to your district representatives. Let us go to the first page please of the draft.

Right in the middle you will notice that that portion, which is bold gray, you cant miss it called the preamble or the introduction. This was a requirement by very many Kenyan that the current Constitution or the Constitution that we are writing should have a preamble or an introduction. It is a very interesting portion of the draft bill. If you read it, you will find it has very strong nationalistic statement as requested by Kenyan. Please read it if you agree with that it is okey, if you don't agree let your representatives know because as he said this is still at the draft form. It can be shaped and will be changed according to peoples will at the conference.

If you move to chapter one, which covers sovereignty of the people and the supremacy of the Constitution. Chapter one covers the issues on sovereignty of the people, the supremacy of the constitution, enforcement of the constitution, the defense of the Constitution and the laws of Kenya. As you may be aware, the Constitution is like the frame work under which all the other laws will be enacted and will operate under the Constitution. The Constitution is the supreme law that is why the chapter covers the supremacy of the constitution. Every Kenyan is under the Constitution, and the Constitution is the supreme Law of the country. When you read the accompanying chapters you get the details covered by chapter one. Also how are we supposed to defend our Constitution. You must agree with me that a lot of money has been spent, a lot of time has been spent to come up with what you have in your hand. How do we defend it. All that is covered under that chapter.

Chapter two, cover the republic. Kenya has been declared a republic. It defines the territory, it also defines the capital which is the capital of Kenya, it is very well defined. What are the languages of Kenya, what is the national language, what is the official Language, those issues are covered under that chapter, the state and religion, national symbols like the flag, the national anthem and those other issues. The national oath and affirmation. When office bearers assume office, the oaths that they swear to are all covered and they are given in very big detail at the end of this draft bill. And also the national days. It is only yesterday that we celebrated a national holiday, do Kenyans want that to continue. Do Kenyans want the country to enjoy its days of national holiday. All that is covered. You will see the recommendation by the commission in the other chapters.

Chapter three talks about the National goals, values and principles. The Kenyans as a people have national goals that they aspire to, they have values and they have principles. They are all out lined at the chapter three and also the duties of a citizen. Even as a citizen, even as you seek to be served by the nation, you also as citizen has a duty to that country. All that is detailed in the chapter. Read it so that you know what you are supposed to as a citizen.

Chapter four, covers a very interesting area of citizenship, how do you acquire citizenship. How can you lose your citizenship. To whom can you pass the citizenship status. Can a woman pass the citizenship status to her husband. All those issues are covered under that chapter, chapter four on citizenship and the powers of Parliament to pass laws as far as citizenship is concerned. Please read because it explains those key areas, maybe previously a woman would get married to a white man could not pass the citizenship to the white man or to a foreigner for that matter. Now the draft bill is different what it is proposing is different please read so that you are informed and also be able to see what is different in this draft compared to the existing Constitution.

Chapter five, covers the bill of rights as you will notice even at a glance, this is the biggest chapter because the bill of rights covers every aspect of right as it were. It covers all the things that you are supposed to enjoy as a citizen, the equality, rights to life, it is interesting to note that death penalty has been abolished under this draft Constitution. There is freedom from discrimination. Women, the gender issues are discussed under that portion. It would be interesting to my sisters to study that particular portion. How do we take care of the older members of society. The person with disability. The disability issues are covered very widely under the bill of rights. We have political rights freedom of trade occupation and profession. we have social security, health, education. It is also interesting to note that the draft bill proposes that immediately it is adopted or there after we should have free and compulsory primary education. There is an issue on food, water, application of the bill of rights. Please read this particular chapter, very keenly so that you are informed of your rights as a citizen. When you know how far you can go you are protected so I would urge to read this particular chapter keenly so that you get to know what your rights are.

Chapter six covers representation of the people. This is the electoral system and process. It talks about the general principles, the elections which we are about to hold, the right to vote, the qualifications for registration, disqualification for registration and unopposed candidates. What happens in your constituency if the candidate you have is unopposed, does it mean that no elections are held or what happens at the constituency level. All those details are put here please read.

And the electoral commission, you know about the ECK, that is the body that takes care of elections or supervises the elections. What are the functions of this electoral commission. Should it be independent? Or should it be turned around the name of a single person? What about the staff, who should qualify to be a commissioner in the electoral commission? Please read those details here.

The third part covers political parties. What right does one have to form a political party? What are the roles of the political parties? Is it only to Campaign, like now they are very busy, or are there other roles that they should play during the times that they are not in an election period. What about corporate status, cancellation of registration, political parties funds, who funds the political parties, where do they get their money from, the purpose of the fund, who supervises the political parties

or are they free to conduct their business any how or is there a body which should supervise the conduct of political parties. Party discipline, restriction of holding office in political parties. All the issues pertaining to political parties are covered under part three of chapter six.

Chapter seven talks about legislature or parliament. It talks about the establishment of parliament, the role of parliament, the approval of appointment by Parliament, what exactly should parliament be doing. Approval of expenditure by parliament, should parliament have any role in the National budget. It would be interesting for you Kenyans to notice, what the draft Constitution is giving to the new parliament. The role of the new parliament, what powers the parliament is going to have, it would be interesting to note the difference between the parliament we have now and the parliament the draft bill proposes to have in future. The composition of parliament and qualification of members. This goes into details as to who should be an MP, do we need only graduates, do we need people who are normally wise. All that is detailed.

There is an interesting part here, clause 109, it talks about representation of women. That a third of the MPs should be women. Elections of MPs, the tenure of office of MPs and the rights to recall an MP. This is an interesting one, if you elect an MP and he goes to parliament he doesn't say anything, he doesn't do anything, he never comes back here, you as the electorates have a right to recall him. You Can say we don't need you anymore you are not doing anything and out you go. All that is detailed here. *Clapping*. It is interesting to read, and even understand what rights you have as a part of the electorate.

Part three talks about presiding officers and other functionaries in parliament. A part from the MPs, there are other people in parliament like the speaker, the deputy speaker, the clerk to house, all those, their functions are covered under part three of that chapter.

Part four talks about legislation and procedure in parliament. You are all very familiar, with that phenomenon of no quorum. This Part deals with how MPs behave in parliament. Are we going to have a parliament, you will never pass bill because there is never any quorum. All those details are here under the procedure in parliament and what the various steps that parliament follow in its Law as an enacting Law body. All those are covered under part four of chapter seven.

Part five, talks about the seat and calendar of parliament. It indicates when the parliament will sit. It also details who has the powers to dissolve parliament and when and the other issue of no confidence motion. How should parliament carry out a no confidence motion? I think that one will be of particular interest, that is part five, especially now that we are just about to do our elections and put people in parliament.

Chapter six deals with miscellaneous, that is the freedom of speech and debate in parliament, the powers, privileges and immunities, public access and participation and parliamentary service commission. Please read for your self so that you are

informed of all the details.

Chapter eight Talks about the Executive whom we normally refer to as the president. The first part talks about the principles and structure of the national executive. Part two talks about the president and vice president, it details the authority of president, the state functions of the president, legislative functions of president, the decisions that the president can take and pass, the curtailment of presidential powers, the rights to vote and timing of presidential elections, qualifications for elections as a president, the terms of office as a president, impeachment, can parliament actually impeach a sitting president, all those details are here. What happens when there is vacancy in the office of the president, what happens when we don't have a vice-president like now, what are functions of a vice president, what happens if the president died in office God forbid and what happens to the Salary and allowances of president. Who determines their salaries? All that is put here. Please read for yourself.

Part three talks about the prime minister that is a new introduction. This was as a result of the grammar from all the Kenyans. The Kenyans kept saying we need the office of the prime minister. That is why the commission has included it in the draft bill. This part details the appointment, how is the prime minister appointed, for how long does he serve in the office, how can he be dismissed if he doesn't deliver and also Cabinet, who assigns functions of the cabinet, the salary and allowances. It would be interesting to note under this part that in the Draft bill, the ministers will be appointed from outside parliament. This are supposed to be professionals so that you don't have a medical doctor, heading a ministry may be in agriculture or something like that. So that is a new introduction, a new suggestion in the draft bill again whether it will be adopted still lies with the national conference.

Chapter nine, talks about the judicial and legal system we shall ask you to read that for yourself you are aware of the contention that there has been about the judiciary and the draftbill. But when you read his section you will get to know what the Kenyans suggested that should be included in the judicial system but of note, what you need to notice is that there is an introduction of a supreme court which wasn't there before. But please read that section for yourself so that you see what the judiciary should look like when this bill is adopted.

The legal system that is part two the attorney general, director of the public prosecutions, public defender and prerogative of mercy, where does that prerogative still lie.

Part three talks about the legal profession that is the profession of law and the Lawyer. You are all aware about the issues with lawyers, please read for yourself so that you see exactly what is expected of lawyers in the draft bill.

Chapter ten talks about devolution of powers. This was another area which was very contentious, the Kenyans kept saying that the government is very far from us please bring the powers of government closer to the people and as a result of that the

commission, has come up with this proposal, they are covered under chapter ten part one.

The organization of devolution, principles of devolved government and they came up with specific levels of government starting at the village level where you have the first level of government, the locational level, the district government and the provincial government. The focus under this draft bill is under this district government. The district will be the focal point for development. I have heard the commission explain that was actually how it was in 1963, when we attained independence, but then it has been changed many times. But now the draft suggests that we should go back to that type of structure so that the people are able to govern themselves and the powers of government are closer to the people. Please read this it is very interesting.

Part three, powers of devolved government, what exactly are those levels of government going to do. Please read for yourself what issues they are going to handle and exactly how are they going to relate with the other levels of government.

Chapter 11, talks about land and property. There were a lot of issues on land. As you might be aware so the commission has come up with this, a land policy framework, the classification of land, should land be private, government owned, community owned, all those issues are covered under that chapter. Chapter 11. the tenure of Land. Should one hold land for 99 years or for 999 years or forever? All those issues are covered. The protection of property in land, establishment of national land commission. All those issues are very adequately covered here, please read for yourself

Chapter 12, talks about environment and national resources. This is another issue, which raised a lot of heat from the Kenyans because every body is aware that the environment is getting destroyed so how do we get to protect our environment. All those issues on environment are covered under chapter 12, please read it so that you know even you as an individual what you need to do to protect our environment.

Chapter 13, talks about public finance and revenue management. Public finance is the money that the government collects from you and me and every body else and it is in the government hands, how should that money be managed. That is what is covered under chapter 13, please also read this because it is of interest to every Kenyan to know how the government should handle the finances that it collects from the people.

Chapter 14, talks about the public service, the values and principles in administration generally, the public service commission, this is the commission which is in charge of employing public officers, establishment of offices, appointment of public officers and the protection of such public officers. That still talks about the Kenya police service. That is a new term which was coined by the commission when it realized that we need a departure from the current police system to serve them differently. The police under this draft bill are supposed to be more sensitive to the people, there was a lot of complaints from the Kenyans about police harassment.

Everywhere where the commission went there was police harassment, police corruption so the police are expected to be more sensitive to the needs of the Kenyans. Please read that so that you know what the police is expected to do. There is a suggestion that we have a commissioner of police of Kenya police service, the qualification of such a commissioner, what should he have, what should he do,. all that is detailed under this part.

Under part three we have Kenya correctional services. This is what we generally know as jails. The concept here is if you put somebody in jail may be who stole a chicken, and he comes out a hardened criminal, Have you really helped the person. The jails should be a place where somebody undergoes correction. He is trained so that when he comes out he is a useful member of the society. He doesn't need to come out and he comes out a worse criminal, so that is the concept behind this, that we have correctional centers not jails anymore, but a place where they can be corrected, where they obtain some skills so that when they come out, they don't need to steal, they can actually support themselves.

Chapter 15, talks about defense and national security. This are the armed forces, you know about them, the principles are objects of defense and national security, establishment of the national security council, functions of the national security council, the defense forces and the commanding officers. please read so that you know what the draft bill proposes as far as defense forces are concerned.

Chapter 16, covers leadership and integrity. This is a new introduction. The commissioner later on will give the details on this but as you might have dealt it is integrity. How should a public officer behave. I don't what to go into that because the commissioner will give an elaborate elaboration on that that is leadership and integrity.

Chapter 17, talks about the Constitutional commissions. It talks about the principles applicable to all commissions, like this one this is one of the commissions we have. Other Kenyans suggested that we have other commissions established like the commission on human rights and administrative justice. Ethics and integrity commission, salaries and enumeration commission, TSC, Constitution commission and other Constitutional offices. Please read so that you know what the other Kenyans are suggesting as far as Constitutional commissions are concerned.

Chapter 18, talks about the amendments of the constitution. As the commissioner earlier explained that commission went out all over the country, colleting views from Kenyans. They went to Mombassa, they Sat there for one month, putting this drafts together, now they have again gone back to the people as we have done this morning here we are here with you to get your views and to get feedback. Like there is the 30 day National Constitutional conference still to debate on this Constitution. So after having gone through that how often would you like that Constitution amended, or do you like the parliament just seat there in parliament and pass an amendment within three minutes. All that is covered under this chapter on Constitutional amendments. The amendments of parliament and certificate of compliance. How often, do you want the Constitution to be

amended. You want it to be amended, it is adopted this month and in the next 2 years, may be it is amended 10 times, 15 times. Those issues are covered under that particular chapter. That is chapter 19.

In chapter 20, we have transitional and consequential provisions. The action by parliament. As you are aware even as you adopt this draft bill or when it gets adopted we shall be in a state of transition. We shall be moving from the old to the new so what happens to all the issues because we can not up to here forget the past and we move on. We shall be under a sessional period. The commissioner will go into detail to explain exactly what happened to the issues that are still pending that will have to be covered under the new Constitution and were pending in the old Constitution.

The action by Parliament and transitional and consequential provisions. There must be provincials to enable the country to move from the previous the current to the new Constitution. I will give the microphone back to the commissioner to go into further detail and explain other issues.

Kenneth Cheruiyot: Thankyou so much, before I proceed to give the commissioner, two of our district representatives as we said we have in sotik constituency, we are in two district, we are in Bomet and we are also in Bureti. There is councilor, Koech, he is one of our district representative and I saw him walk in, I don't know whether he has gone out. Councilor Koech is there, he is our representative for Bureti. There is also Caroline Ruto, if she is here, she is also in Bomet, she is the representative for Bomet. She is not here. I wanted just to introduce, the district representative, so that we have anything, we an approach after the commissioner leave. Thank you. Naomba Commssioner aendelee an sehemu lile lingine.

Com. Mosonik: Asante sana, mwenzangu Mrs. Kanyiha, amasema kwamba chapter 18, inahusu marekebesho ya Katiba.

Chapter 18. Amendment of the Constitution. Wakati tuko kwa harakati ya kurekebisha ama kubadilisha ama kugeuza ama kuunda upya Katiba. munajua hiyo, tumekuwa tukisema mara nyingi, Kwamba mwaka wa 63, tukawa na Katiba, ambayo ilikuwa ndio hii ya kurasa 298. Kwa hii miaka 38 ya uhuru, baada ya uhuru hiyo Katiba itabadilishwa mara 38. Karibu kilamwaka inabadilishwa. Sasa Katiba ya sasa ndio hii. Katiba Ya 63 ndio hii. Ilikuwa kurasa mia mbili tisini na nane, 298 Pages sasa ni kurasa 98, kurasa mia mbili ikangolewa kwa hiyo miaka 38. Na mtindo wa kubadilisha Katiba ilikuwa ni wambunge pekee. Wabunge walikuwa wanabadilisha wao wenyee lakini Katiba ya sitini na tatu ilikuwa ina vifungo ambavyo havikutakiwa kubadilishwa kwa haraka.

Kulikuwa na nyumba ya pili ya bunge ilikuwa inaitwa senate to check on the lower house, sasa vile mwenzangu amesema kubadilisha hii Katiba, mukisoma kurasa ya page 36, tuangalie kidogo tu. page 36, upande wa kulia inasema chapter 18, amendment of the Constitution, kabadilisha ama kugeuza na kurekebisha Katiba, imesema kwanza bunge itaweza kubadilisha kwa wingi gani. Kwanza munajua kwamba tuta kuwa na vyumba tena viwili vya bunge. Moja inaitwa national assembly, ingine inaitwa national council na inasemekana uwingi wa nymba hizi mbili za bunge zinatakiwa wingi upi ndio

kuweza kubadilisha Katiba. Lakini kitu cha pili ni kwamba kuna sehemu za Katiba mpya ambazo haziwezi kubadilishwa bila kujua Maoni ya raia amakuwa na kura ya maoni inaitwa referendum na sehemu hizo zimetajwa kwa kurasa hiyo. Moja ni kuhusu Kenya kama nchi. The territory of Kenya. Ukitaka kubadilisha hiyo huwezi kubadilisha tu kwa bunge, lazima uende kwa raia waseme wenyewe. Ya pili it is called the sovereignty of the people, uku ya wanainchi. Ya tatu inasema principles and values of the republic, Kwamba Kenya ni Jamuhuri na mambo mengine Kama hayo huwezi kubadilisha.

Tena the bill of rights, hizo haki za msingi za binadam nakadhalika, zimetajwa haki hizo, na mwenzangu hakikuwa na masomo, na hakikuwa na chakula nakadhika. Ukitakaa kubadilisha hiyo lazima urudi kwa wanainchi. Halafu the structure and principles of devolution. Tumesema kwamba serikali ije karibu na raia. Na mwenzangu amesema kwamba serikali imerudishwa mpaka kwa wilaya, bureti ne tebes will be centre of power.

Tunajua kwamba mwaka wa tisini na tatu tulikuwa na seriali kama hiyo, lakini wakati ule ilikuwa ni serikali ya majimbo, region,. provinces ziliitwa regions at that time. Focus ilikuwa region Wakati huu, itakuwa ni district. Musome kwa makini na mujuwe kwamba ikiwa imepitishwa hamutaweza kubadilishwa kabla urudi kwa raia wote wa kenya kupitia kura ya maoni. Na tena kuhusu citizenship, uraia wa Kenya na kuna mabadiliko mengi yametajwa na mwenzangu, kwa ufupi, nikusema kwamba mwanamke na mwanamume ama msichana na mvulana wako sawa kwa maswali ya uraia. Mpaka wa leo, kijana mkenya , mwanamuma akienda ngambo akioa ana leta bibi yake anakua mraia tena automatic. Tena wakenya wakienda ngambo nakuolewa ana elezwa akae na bwana wake ngambo hata akija hapa hata yeye ni mkenya hata akikaa miaka mingapi. Sasa hiyo imetolewa.

Kuna kitu inatwe dual citizenship. Kwamba mtu anaweza kuwa raia wa kenya, na raia ya kwingine. Na watu wengine walisema hivo. Mimi nilipokuwa mandera, watu wengi walikuwa wakisema, wasomali wangependa kuwa wachukue ngombe zetu na kuvuka mpaka tujulishe Somali na kurudi. Tulipokuwa Mt. Elgon watu wa Sabaot walisema hivo kwamba watu wengi wetu walitawanyika miaka wa salasini, wakaenda, wengine wako Tanzania, wengine wako Uganda, tukapenda iwe ni rahisi kuvuka mpaka na vitu kama hicho. Sasa huwezi kubadilisha hiyo, kama haikupitishwa bila kuja kwa raia na kitu ya mwisho ni kwamba huwezi kubadilisha sehemu ya hii Katiba ambayo inataja hayo yote bila kupitia kura ya maoni. So the amendments to the Constitution will be very different from the way it is now. Itakuwa ni ngumu kushida vile iko. Sio ile maneno ya kuketi bunge asubuhi, saa tano, saa tisa, Katiba imebadilishwa.

Kitu cha pili, ningependa tafadhali sisi wote tufungue kurasa ya thelatini na saba, page 37. katikati hapa imeandikwa chapter 20, halafu chini yake imeandikwa schedules. First schedule mujue hizi schedules muangalie ka makini. Hii ya kwanza inahusu territory of the republic of Kenya, mpaka za nchi yetu. Kwa ajili kwa Katiba ya sasa, hatujui mipaka ni Wapi. Tunasema tu Kenya is a sovereign republic, lakini je hiyo mipaka, iko wapi, ndio unakumbuka Miaka ile ya Idi Amin alisema mpaka ya Uganda ina kuja mpaka, Naivasha. Na miaka ya sitini wale watu wa Somalia wakasema North Eastern Kenya ni sehemu ya Somalia. Wakati mwengine tunasikia kwamba Bandits ama maskari wa Ethiopia wanavuka mpaka

kujua na kuwanyanyasa raia wa Kenya. Wakati huu wengi wanasema kwa Lake Victoria watu wetu wanavua samaki wana pigwa na maaskari wa Museveni kusema nyinyi muko kwa teritorian ya Uganda. Sasa kwa hii, schedule one page 37 mpaka page 41, mipaka ya Kenya imeonyeshwa yote kwamba ya Kenya na Uganda page 37, Kenya na Sudan 39, Kenya Ethiopia, Kenya Somalia 39. Halafi Maji, territoria sea and exclusive economic zone boundaries za Kenya, tukiwa kwa bahari ya hindi which is our territorial waters. Halafu page 40, Kenya Tanzania border na zinaonyesha hata peacon pahali ziko. Hata wanafunzi ambao wanataka kujua mipaka ya Kenya, watapata kujua hapa.

Sasa page 41 mkono wa kulia, second schedule inasema mikoa na wilaya za Kenya. Provinces and districts na inasema kuna eight provinces na hiyo munajua halafu kuna districts chini ya kila mkoa. Zote ni zile tulisema ni wilaya Sabini. Nairobi ni province na ni district moja. Ni one province na one district na hii Watu wa Nairobi hata pengine mumezata kujua, wamesema kwamba sio haki kuwa Nairobi iwe na district moja na wakilishi watatu. Kwa mfano bureti ne tebas kidogo wawe ni district moja na hii Inahusiana na vile tutapiga kura tukifika kwa national Constitutional conference. Nairobi is one province na ni one district only. Kwa hivyo muktaka kujua the official district zimeandikwa hapa.

Kwa ile Katiba ya 63, wilaya zote zilikuwa zimeandikwa na peacons za kila wilaya. I don't know where Kericho district is. Ilikuwa inasema inanzia wapi hiyo Kericho district,. You go from peacon mpaka hii. Wacha niwasomee kidogo tu. Kericho district commencing at the trigonometrical point, Kelegele at the south west corner of original LR number. Mangani rigde, halafu inaende sijui mpaka Kisii Sotik road reserve Kipsonoi River and so on. Ilikuwa imeandikwa mipaka ya wilaya unajua hiyo kitu inasumbua sisi, lakini kwa hii Katiba mpya hatujasema peacons za wilaya, lakini tumezitaja kwamba ziko. Na riftvalley munaona ten imeandikwa Bureti, Constituency ni Buret lakini ni Bureti district .

Niendelee tena kidogo, Page 42 Kuna third schedule inasema bendera ya kenya, national anthem, court of arms, public fields za kenya. Hakukua na Mabishano kuhusu hii. Watu hawakutaja bendera ibadilishwe ama wimbo wa taifa ibadilishwe. Lakini the debate will be done in an act of parliament.

Halafu fourth schedule ni viapo vya offisi ya rais, vice president mpaka hata wale wa district council. Please page 44, schedule number five. Ni ile mwenzangu alitaja, leadership integrity, code of conduct. Viongozi wote watalazimiika Wasign hii, wakiwa viongozi. Kitu cha kwanza ni kwamba huwezi kula mshahara mbili ukiwa public officer. Kitu cha pili, rais, vice president, prime minister, ministers, permanent secretaries, chief executives, senior managers of parastals na MPs, hawawezi kuwa na Bank account nje ya Kenya. Speaker na Naibu wake lazima watangaze mali yao, declaration of assets and liability. Na mtu ambaye amechaguliwa awe Rais au makamu wa rais, hawezi kuanza Kazi hiyo offisi kabla ya kutangaza mali yake. na kitabu kitafunguliwa kama register ya mali . Unatangaza mwaka huu, na inarecordiwa halafu next year unatangazwa tena na inarecordiwa na kama ukisema fault information hiyo ni an offense ambayo inaweza kuvungwa without the option of a fine. Unafungwa kabisa. Halafu vile mtu anatakiwa kuishi kwa kufanya kazi kwa ofisi na kuwa heshimu raia wote hasa kina mama. There shall be no sexual and other types of embarasment or abuse. Halafu mambo

mengi, ukiwa kiongozi, huwezi kupokea zawadi, ukipewa zawadi, ni zawadi ya ofisi sio yako binafsi. Utachukuwa hiyo zawadi mpaka uwache kwa ofisi nakadhlika.

Kwa hivyo musome kwa makini na muone kama district schedule, pages 44 mpaka 45, ipite zile iko au la. Mkono wa kulia page 45, kuna six schedule, inasema hayo mabadiliko yote tunataka kuyafanya yatatekelezwa lini? Kama rights to access to information, six months baada ya hii Katiba kupitiswa. Land tenure, 2 years deffense on the Constitution, no time limit. Mahali mukiona imeandikwa no time limit, means lazima ifanyike kwa miaka mitatu, that is what no time limit is there. Within three years this things must be implemented. Kwa hivyo ukisoma na imesema kitu fulani kama political parties, when must they conform to the new Constitution, mutapata kuelewa hapa.

Page 46, kuna seventh schedule, mkono wa kushoto. Inasema powers of national and district government. List number one ni powers of the national government. List number two, district government, halafu Katikati ya page, list number three concurrent list with powers za national government na district government. Sasa muchunguze Kwa makini. Pengine mutapewa kama Bureti ne tebes, powers which you can not cope with, you see what I mean. Yani muchunguze mukisema, kesi kama maneno ya masomo ya nursery, primary se condary, tutaweza hiyo. Ya pili, hapo hapo tu, kwa clause number four any person who would otherwise have been qualified to stand for election but for the provision of this Constitution is eligible to stand as a candidate in the first elections held under this Constitution.

Sasa tuangalie, kuelewa hiyo, lazima ufungue kurasa ya qualifications 156 ni page 20. The qualifications for elections as president. A person is qualified for nomination as a presidential Candidate if the person

- (a) Is a citizen of kenya by birth,
- (b) Has attained the age of 35 but is below the age of 70, miaka salasini na tano mpaka sabini.
- (c) Is of high moral intergrity and impeccable character.
- (d) Holds a degree from a recognized university .

Lakini tumesema hapa kwamba hayo masharti hayatatumiwa wakati huu. Kusema mtu awe kati ya 35 na 70. ama awe na degree ya university. Wakati huu tu , uchaguzi utafanywa chini ya hii Katiba mpya, wale ambao hawana degree na pengine wamepita kidogo 70, tutawaru husu kusimama.

Yangu nikuwajulisha, mswada wa Katiba inasema nini, halafu nyinyi sasa, mutajadiliana kwa Constituency forum yenu , muone kama mu nakubali kila kitu au la. Tutawapatia nafasi mwishowe kuuliza maswala, na tutaandika hapa tunaweza hata we can go to report kwamba watu wa Bureti Walisema namna hii. Watu wa sotik Constituency walisema namna hii. Lakini kitu cha muhimu niku pata wale delegates wenu, mukiwa mumesikilizana munawapa instructions, kusema mukifika mkutano ule mkuu, wewe tunataka uondoe hiyo kitu ama uingizi hii. Ndio sasa we are insisting to you musome kila clause and then you reach a consensus, halafu mukiwa mumesikilizana, the three delegates per districts, MP wenu na Wale watu wote, sasa mutawapatie haya maoni yenu waende wa express Nairobi.

Tumelewa na hapo kitu kingine ni kwamba the same page at the very bottom imeandikwa provincial administration. Page ilikuwa 46. Pale chini inasema provincial administration. On the coming into force of this Constitution, the people of administration comprising sub-chief, chiefs, DOs, DCs and PCs commonly as the provincial administration shall stand dissolved. *Clapping*. Number two, this public officers watatakiwa Wareporti kwa Public service commission for redeployment.

On page 47, column ya tatu, mukiona ya kwamba kuna kitu kuhusu, death penalties and other out Laved penalties. Tumependekeza chini ya hiyo bill of rights, kwamba kila mtu ana haki, kuwa na maisha yake. There is right to life. Kwa hivyo tu mesema under 13/1 every sentence of death passed by any court before the entry in to force of this Constitution and if he is no longer the subject of an appeal shall on the coming into force of this Constitution be committed to life. Kwa hivyo kama wale watu walikuwa wamengoja kunyogwa hii miaka yote, tuki accept hii Constitution, hakuna kunyongwa tena. Watapewa life imprisonment.

Kama mulisikia coordinator akisema, program yetu inasema kwanza tuwajulishe vile iko Halafu mwishowe tutakuwa na maswali na Maswali, kujadiliana kidogo. Kwa hivyo tafadhali ungoje. Tena inasema kwamba ingawa imekuwa kifungo cha maisha, lakini Bado the commutation of sentences does not affect the exercise of any power of clemency ama remission. Yani munajua kwamba, kawaida kuna kitu ile ya kusema tumpunguzie ile kifungo. Kwa hivyo kwanza wanapunguziwa iwe kifungo cha maisha sio kifo, lakini wanaweza kusamehewa if it is possible.

Number three inasema, every sentence for corporal punishment passed before the coming into force of this Constitution is remitted and shall not be carried out. Ile Maneno ya kupiga mtu kiboko ati viboko vitatu ama kumi na nne, ikwishe, haitafanywa na under bill of rights ningependa mujue kwamba kuna haki za mtoto on page seven, mukiona upande wa kushoto inasema children mukienda Katika ya page number five, it says every child has a right to halafu uende mpaka (g) chini hapo. Inasema to be free of corporal punishment or other forms of violences, for cruel and inhuman treatment in school and other institutions responsible for the care of children. Kwa hivyo maneno ya kupiga watoto kwa shu le itakoma.

Ya mwisho ili tu malize malize ,page 47, upande wa kulia, it says past human rights abuses. 16 inasema tutakuwa na tume, commission for human rights and administartive justice which shall within six months of the coming into force of this Constitution on the petition of Any person or on its own motion

- (a) Investigate all forms of human rights abuses by any person before the coming into operation of this Constitution.
- (b) Investigate the courses of civil strike including massacre ethic or tribal clashes. And Identify those responsible.
- (c) Make appropriate recommendations regarding,
 1. The prosecutions of those responsible
 2. There word of compensation to victims.

3. Reconciliation

4. Separation.

Yani hiyo ni kumaanisha kwamba miezi sita baada ya Katiba hii, kutekelezwa, kama mtu binafsi akitaka ama hii tume ambayo itaundwa ya haki za binadam itatakiwa kuchunguza human rights abuses, kusema ni nani hiyo yote nimesema kwa kingereza. Tunaelewana? Na wale ambao walifanya makosa kama hao should be punished. Wale waliteseka walipwe ridha nakadhalika.

Halafu ile ya mwisho ni maneno ya ardhi ownership of land. sasa mu Natakiwa musome chapter kuhusu land. Kwaajili kuna maswala kuhusu land ambayo tutayaangalia sisi wenyewe. Sasa nikimaliza kwa wakati huu, tunajiuliza je tofauti kati ya hii Katiba mpya, draft Constitution na ile ya zamani kunatafauti gani kwa ufupi. Tumesema maneno mengi, watu wengi hawkuwa wamejua Katiba ya zamani ilikuwa hata namna gani? Sasa ni mara yenu ya mwisho kuiona kwa ajili itaenda archives, so it will not be useful any longer. Ndio hii Katiba na ni kurasa 98, sasa tofauti ni gani? Tuisahau Katiba ya kwanza, kwaajili ilikuwa ni hii mpaka ikawa ni mbili.

Tofauti ya kwanza, ukiangalia, hii haija chapishwa, kwa hivyo hatu jui itakuwa ukurasa ngapi. Lakini physical appearance itakuwa ni tafauti na ingine. Hii ilikuwa karibu mia tatu, na hii ni chini ya mia moja. Hatujui kwa side yake hii mpya itakuwa namna gani. Lakini kitu cha pili ni vile imepangwa ndani yake vile ilipangwa chapters. How are they organized. Kwa mfano, hii ya Sasa ina utangulizi na preamble. Ile ya kwanza haikuwa na preamble. Kitu kingine ni kwamba chapter two ilikuwa kuhusu executive. Hii ya sasa maneno ya bunge imewekwa mbele ya ile ya executive nakadhalika. Yani organization of the chapters.

Lakini hii tena tunasema ni people driven. Tulisema ni ya Wanjiko hiyo. Wanjiko na Anyango waliamdika ya sasa. Naukiangalia hii mwanzo wake, chapter one inaitwa sovereignty of the people, Ukuu wa raia and supremacy of the Constitution. Hii ya kwanza najua iliandikwa na wazee Lancaster, wazee 33, hii ikabadilishwa na wajumbe wetu wa bunge na sasa lazima wananchi warudishwe kama itataka kubadilisha sehemu kadha wa kadha wa Katiba hii.

Kitu kingine ni kwa uraia, tuli kuwa tumeutaja kwamba kuna usawa kati ya men, women, boys and girls. Na mujue kwamba wamesema watoto wote ni sawa. Kama wamezaliwa nje ya ndoa ama ndani. Na kila mtoto ana haki kuwa na jina. Hiyo ina maanisha ... *Laughter*. Tena maneno ya haki za binadamu imeandikwa mingi zaidi Hapa kushinda vile ilikuwa. Kusema Watu wanahaki wapate chakula, makao, masomo ya kimsingi na inaseme lazima serikali itekeleze haya yote, sio tu kusema na mdomo. Na kama serikali haiwezi lazima iseme kwa ajili gani haiwezi lazima iseme kwa ajili gani haiwezi a itaweza lini. The responsibility to prove kwamba pesa hakuna, serikali yenyewe lazima I prove Lakini raia atasema, mimi nataka masomo vile iliandikwa Katiba, masomo ya watoto wangu ninataka. Bunge itakuwa na vyumba viwili . Sasa bunge ni moja. Wakati wa uhuru, kulikuwa kuna senate na house of representatives, upper, lower. Sasa ikakuwa na national Council na national assembly. Kwa maneno ya kura tutakuwa na mabadiko. Tutakuwa na kura vile iko wakati huu na kupigia mjumbe. Lakini tena tutakuwa na ile list ingine, unapiga ile ya chama. Unapiga mara mbili. I think we shall discuss that one Later. Inaitwa mixed member proportional representation.

Wale watu tumesikia kuta kuwa wengine tisini, unaweza kijadiliana hiyo ina maanisha nini. Lakini hiyo ni list ya kupigia chama. Unapiga MP yeye mwenyewe na kando unapiga tena wale watu wanaitwa independent candidate wataweza kusimama. Wakati huu lazima uwe mwana chama ndio usimame. Hata Harun Mwau alikuwa anajiita independent, lakini chamaa chake ni party of the independent candidate of Kenya kwa hivyo ni chama ya wale independent. Lakini sasa wakati huu, utakuwa unaweza kusimama uwe rais ama any MP by being independent bila jina lolote. Unajipendekeza wewe mwenyewe.

Kuna mambo mengi kuhusu vyama vya siasa, kwa hii there is no reference to political parties. Wakati huu, vyama vya siasa zina registriwa na registra of society. Lakini mengi ya meandikwa hapa kuhusu vyama vya siasa, kusema ndani ya vyama lazima kuwe na demokracia na vitu kama hivo na wafanye uchaguzi na watakuwa wansimamiwa na electoral commission. Sio na registra of societies. Na tena kutakuwa na pesa kiasi fulani inapewa vyama vya siasa. Something called political parties fund. Na vyama vita pata ambavyo vina 5% of the total votes in the previous field election na kupata kiasi fulani ya mali ya serikali lakini hawawezi kupata pesa kutoka ng'ambo.

Parliament kwa ufupi itakuwa stronger kushinda vile iko sasa. Haiwezi kuvunjwa tu namna hiyo. Ina calender yake. Wajumbe, hawatajadiliana maneno ya mshahara yao na kupisha . kutakuwa na something called salaries and remuneration commission ambayo inasimamia mshahara. Mumelezwa kwamba MP anaweza kurudishwa nyumbani. Kama ana potea kutoka constituency for sometime kuna njia ya kurecall. Tumesema kuna leadership code, kila mtu kiongozi lazima assign. Kuchagua rais tutakuwa na Tafauti . wakati huu tunasema 25%, five provinces Halafu simple majority. Lakini Sasa tunasema 50% ya kura zote na tume reduce 25 imekuja 20. na kama hakuta patikana mshindi, number one na two wanafanya run off.

Kwa kawaida, five provinces 20% and then over 50% of the total lakini next time it is number one and two, and simple run off. Rais atakuwa na less powers. Tuseme tu kwa ufupi. Mambo mengi anafanya appointment siji nini lazima iwe approvea by parliament ama kitu kingine. Kutakuwa na prime minister. Wakati huu hatuna prime minister kwa Katiba. Huyo prime minister atateuliwa na president kutoka bunge, atakuwa ni kiongozi wa chama na wingi wa jumbe ama coalition kama hakutapatikana chama kama hicho. Wabunge hawatakuwa ministers. Yani ministers wateuliwa kutoka nje wa bunge. Tumesema kwamba ikuwa kama America. In America secretary of state ama nani ni professionals. Tumesema wabunge washughulikie maneno ya bunge na ya constituency. Wasiwe wanashughulikia kupata bendera. Kitu kama hicho. Tena president can be impeached. Prime minister anawezakutolewa kwa vote of no confidence. Tumesema hiyo maneno ya devolution kwa ni district, provincial administration abolished. Kuta kuwa na supreme court. Watu wengi walikua waNasema tuwe na Constitutional court. Tukasema hapana tuwe na supreme court plus also the constituional court .

Hii sheria ya kislamu kutakuwepo. Imekuwa accepted kidogo. Halafu administration police watatolewa. Recommendation ni kwamba, administration police kwa vile wamekuwa ni part of the provincial administration waende halafu waungane na regular police. Na regular police wawe accountable. Sasa swala moja ni kwamba district itakuwa na uwezo Wa kuwa na polisi ama hapana. Mutajadiliana hiyo kwa ajili pengine ingekuwa mzuri kama hiyo ingewezekana. Halafu maneno ya majeshi, intelligence,

there is something on that kwa ajili kwa Katiba ya sasa haitaji kuhusu majeshi. Inasema tu president ni commander in chief of the armed forces na kwa hii Katiba mpya naitwa defense forces, sio armed forces. Tena kuna maneno ya mazingira and so on., mutasoma nyinyi wenyewe. Watu wengi hawaja soma hii, hawajaona na wakiona ni ngumu kusoma. Sasa tu me jaribu kuandika hii in very simple language. Lakini hata kama hukusoma hii, tuna sema yule mwenye kufaa viatu anajua mahali ina uma. Unajua ile imekuwa ikikusumbua. Sasa compare hiyo na hiyo mswada ambayo unayo. Asanteni sana. Let me suspend there.

Mary kanyiha: Sasa ukiwa na swali lolote unaweza kukaribia hapa, kuisema ndio tusikie, tunote halafu turudi Nayoy kwa head office. Au ukiwa na mambo unayotaka kama vile commissioner ameeleza, patia your representative. Uko uhuru, karibia hapa na kusema lolote.

Michael Korir: commissioner, kwa majina ninaitwa Michael Korir. Nina jambo moja tu ambayo tumeona kwa hii draft yenu na ninaanzia upande wa preamble. Preamble tumeelezewa, imeframiwa vizuri, awareness of our ethics. Nafikiria commissioner, kama vile preamble imewekwa namna hiyo, ingekuwa vyema kwa Constitution tena tuwe na all the tribes of this country listed in the Constitution, hii ni kwa sababu kwa maoni yangu sikuzijazo tunaweza enda mpaka tupoteshe makabila zingine, Kama vile mu nasikia sasa Elmolo ni watu elfu tano ama mia tano. In future itaenda mpa ka inakuwa swallowed ama inamezwa na makabila ionginge Na ipotee Na hawatakuwa na afya, sonafikiri hizo makabila zote za kenya zikuwe listed.

Jambo lingine ni jambo la devolution of powers. Tulifurahia sana draft yenu inaonyesha tuko na serikali ya ulaya. Lakini wakati tulitoa maoni, tulikuwa tunataka regional government, federalism. Tulikuwa tuna taka Majimbo, hii tukirudi kwa mambo ya district tunajua there are so many districts na tunaona even for one tribe unapata iko na district tatu imeenda on claning. Sasa tukiendelea kufragment namna hiyo itakuwa kama, kuna ujanja ya divide and rule. Sasa tunataka kwa province yetu na kila kabila ionyeshe mahali wazungu aliwawacha. Kama sisi ninatetea my tribe the kipsigis. Tunajua kwa hakika wakati mzungu alikuja alipata mwisho yetu ilikuwa Karibu lake Nakuru. Naningependa hiyo trust land ikae tu hapo Lake Nakuru si lazima wale wamekuja wahame. Lakini iulikane ni yetu na iwekwe kwa Constitution.

Jambo lingine, bwana commissioner ni hii mambo ya schedule five ile tulisikia ya conduct ya viongozi. Kwa draft yenu inaonyesha tu viongozi wale wakubwa kuanzia vice president na kuenda mbele. Tunataka irudishwe mpaka councilors waelezee ama ijulikane kwa conduct yao. Kabla ya kuomba kura walipata mali namna gani na wamehudumu namna gani. Hii itatusaidia kwa sababu, siku hizi tunachagua watu tu hata bila kuangalia, unakuta jambazi bora awe na pesa na anakuwa elected. Tunataka tena kuwa na certificate of good conduct kutoka watu wa special branch kuprove kwambaa huyu mtu hana hatia na serikali hii.

Nikiendele ni mambo ya legislature. Tulitoa maoni na tulikuwa tumesema for legislature at list waanzie 21years and above na tulitoa kwa hii hall lakini wawe na at least minimum education of degree for those going to parliament. Na councilors at least form four failures. Hatukutaka kuwa nyanyasa sana and we said that in July., because if we say form with such standard itakuwa shida, bora wawe na ile leaving certificate ya form four. Na for president, nilikuwa nimetowa maoni yangu hapa

kwamba wawe 35 years and not more than 70years na tunaomba hiyo itumike kwa hii election tunenda.

Jambo lingine ningetoa ni mambo ya wanawake one third kuwa parliament. Hiyo itakuwa ngumu. Hatukatai wamama lakini ingesemekana tu kwa Constitution wajitete lakini ikiwezekana wawe one third because you cannot force a constituency waelect a woman so itakuwa ni juhudi zao hata wakiwa two third nafikiri Constitution ingekuwa free. Hii ni kwa sababu wamepewa uhuru ya kuwa equal with men kulingana na hii draft ya Constitution, so itakuwa jukumu lao wajitete wakitaka one third ama two third all Kenyans are equal.

Jambo lingine kabla sija kaa, freedom of education. Right to education yetu, tulikuwa tumeomba free and compulsory education primary to secondary and then after secondary before joining college a free university training for disciplinary. Asante sana.

Sheikh Langat: Yangu itakuwa ni maneno mawili tu. Kwa majina naitwa sheikh langat. Yangu ina husu upande wa Islamu. Mapendekezo ya Kadhis court kutoka district level ni mzuri lakini qualification sio kusemekana ya kwamba mtu kuteuliwa kama kadhi kutoka district level au ako nna qualification ya kutoka university hapana. Hiyo lazima ifanywe kuambatana na sheria za dini ya kiislamu sio kuambatana na elimu.

Neno ingine ni kuhusu Madawa za kienyeji. Mi niliona ilisahaulika kabisa. Haikuwekwa ndani ya katiba hii. Nafikiria hizo ni madawa inayo saidia kwa wakati huu kama madawa zingine kwa hivyo na omba kupitia kwenu mkirudi muangalie kama inawezekana.

Na lingine ya mwisho, nilisikia kutoka kwa commissioner ya kwamba kila mtoto ako na haki ya kupata jina lakini kwa upande wao kama mislamu , dini ya kislamu hairuhusu mtoto kutoka nje ya ndoa kupata ji na na hiyo tunasimamia.

Geoffrey Korir: Iam Geoffrey Korir and there is this question commissioner Korir. We read the papers that the commissioners went to Mombasa and incidentally you were not part of those commissioners or you did not participate in the bringing up of the final draft. I don't know whether that means that you did not subscribe to what was presented in commission and if that is so are you qualified to listen to our views?

Com. Mosonik. Let me tell you I came here on assignment from the commissioner. Can you look at this program. I want you to look it says, Constitution of Kenya Review commission, program for dissemination of Report and draft bill, October 18th 2000 and under number 24, can you read the names there.

Geoffrey korir: Number 24 is commissioner Mosonik korir, P/O is Mary Kanyiha and verbatim recorder is Zippora Wambua. Iam not basing on what is there but I am basing on the signatories. I don't know whether it is possible that these views will go back to the commission

Com Mosonik: nyinyi munaona mtu anaitwa verbatim recorder. Anasa ama hanasi? Na nani alikueleza sija fanya kazi. Ulisoma magazeti. Ni hiyo tu ulisoma, huja nikifanya kazi? Who told you I was not there. Lakini unajua... utoe maoni tafadhali ndio iandikwe hapa. That was the only honest question, I am a Kenyan like any body else. Thankyou.

David cheruiyot: We are giving our comments based on the draft not on personal or self interests.

Nyakundi onsongo: Kwa majina ninaitwa Nyakundi Onsonga, na yangu ni swali at the same time a comment. It is supposed to be a question at the sametime a comment kuhusu hiyo law of Kenya from the first page. Hizi laws of Kenya naona nikama waislamu, they are over represented na nashindwa sasa wale wengine kwa mfano wale makabila they are not represented in that our traditions are being pressured hata hatujui which quarters ama from which process ambazo zina sku ma mila zetu kwa mfano za circumcision ama hizo waita FGM, vitu kama hizo ambayo imesukumwa na forces zenye hatuoni. Kama waislamu wako represented zaidi katika nchi hii, na tuna shindwa mbona hizi mila zingine they are not represented in the current Constitution.

Halafu pia ingefaa iwe kwa ile Constitution ambaye inakuja kila kabila kwa hizo regions ambazo wanapropose isiwe kwa mfano mimi in my opinion isiwe in the district place iwe on the tribal base. The base inakuwa kwa mfano kama wakisii inakuwa within the kisii so that whatever they do, going by their culture they will do things according to their culture na wakipsigis wanafanya everything ikiwa culture ikiwa ni kama base line, kama foundation. Sasa kutakuwa na may be places like Nairobi which are more cosmopolitan kama Nairobi and lets say the areas of Nakuru. Zile zinakuwa provinces which are metropolitan provinces na places like coast but for those other ones kwa mfano a Particular trade ina dominate kama hapa kipsigis land inakuwa ni urban. Sheria hata vile zinatumiwa, ziwe zinahusu wenyeji.

Hata kwa mfano katika sheria za nchi zote hata dunia yote kimila yao huwa infaatwa lakini sisi ina kaa we are following others and we are not even involved in ours. Sasa ingefaa ama ingekuwa kila kabila culture yao iwe involved katika Constitution at the same time resource kwa sababu hiyo ndio ime kuwa vita kubwa ya wakenya vile zinatumiwa. Resources za hiyo kifaa wenyeji waitumia kujiendeshea parliament days.

Wilson koskei: Kwa majina ninaitwa Wilson Koskei. Niko na swali moja hapa. Mimi nina sema asante sana kwa commissioner na officials ambao wamekuja hapa. Nilichelewa kidogo wakati nilikuja hapa, commisswaioner alikuwa alikuwa anaongea Maneno ya mkutano ingine sijui itakuwa tarehe ishirini na nane, itakuwa wapi?

Swali ya Constitution ni kitu ya majeshi, chapter 15. Mshahara ya majeshi ni mingi sana na sijui wanafanya kazi gani kweli kwa wakati huu kwa maana kuna amani. Na kuna civil servants juzi ambao walifutwa na watu wa jashi hawakufutwa. Kwa maoni yangu ni hii, wale majeshi wengi ambao wana kaa tu ovyo ovyo hakuna kazi ya kufanya, they don't do any work, they are there

just to get money and there is no war, hakuna war kwa Uganda na Tanzania. Hawa warudi nyumbani na wapewe pesa yao compensation na wakuje kulima na kufanya biashara wache wabaki wakati wa war, waitwe waanze kuenda kupigana. Hiyo ndio maoni yangu.

Na tena ingine ni Maneno ya prime ministers. Prime minister iwe na president halafu ana share powers, badala kuwa na president ana appoint PS, directors, managers, general managers ya companies ya KCC na ingine halafu hawa ndio wana kula hiyo pesa. Hatutaki hiyo tena. Swali yangu sijui hii kitu itatekelezwa kabla hatuja piga elections au itakaa tena.

Andrew Langat: jina yangu ni Andrew Langat. Niko na issues kama nne hivi. Ya kwanza ni kuhuzu hii mambo ya kusema wanawake wawe at least 30% representation. Na katika wakati wanawake watakuwa wengi kwa parliament and we shall need 30% men also there.

Mambo ya wakilisi bungeni, MPS na given that tutakuwa na district councils na ya muhimu sana serikali ya district, ningependekeza kwamba MPs na wale watakuwa kwa district councils wawe at least na form four education because this is an area ambayo district itategemewa kwa mambo ya Kazi.

Ingingine ni devolution of powers. It is not clear kutoka village, District representatives, will they be remunerated or not from the village to the district?

Number four occupation of religion by the state halafu wataendelea forces them to take their religion because that is their religion because the constitution recognizes all religions.

Number ya mwisho, wakati ya majadiliano hapa tulikuwa tumesema there are Certain customary rights kama marriage, tukapendekeza ya kwamba ziwe registered kama any other marriage but we have not seen in the draft. Sijui itakuwa aje, we still feel it is necessary to recognize. Kama sheria ina recognize. Kama sheria inarecognise western type of Marriage na waislamu why not the African.

Gideon Tanui: Naitwa Gideon Tanui vice chairman of the NCCK south Rift and ECEPS facilities in the district. There some concerns according to the draft of the Constitution and I would like to commend about the job that was done by commissioners, they did good work and we say may God bless you. Jambo ambayo ningependa kusema kuhusu wafanyikazi, tunakuta wafanyikazi katika nchi yetu ya Kenya, wananyanyaswa sana and sometimes they are retrenched and they don't get their benefit so I would like the Constitution to specify or to see what to do about these people because they are just at home and they don't do anything.

The parliamentary MPs that we have currently, they seem to appear in parliament just one day and they say if you appear in

parliament one day in eight days you have already scored your duty, so we need also this one to be specified. The MP should be there in parliament throughout the day that he is in the house. I would like to comment on the two houses. We would like to say this is very important because the house will check the powers of the other house and that one should be specified in the draft of the Constitution.

Another issue is the issue of the person with disabilities. I think in nomination, the special groups should be seen or they should be given a role to be MPs under new Constitution. There is another issue which is coming in within our country. Most of our MPs or senior persons are now putting their small army and you know we have police and we have police and national security force and you see this like “mungiki”, “amachuma” and other people. These are coming up and we see this is a threat to the people in future so we need to specify this in the Constitution. Thankyou.

Anthony Rotich: Naitwa Anthony Rotich, mwenyekiti wa Kelmenet Kenya. Kwanza ningependa kutoa shukra kwa kupatiwa fursa hii kutoa maoni yangu. Ningependa kusema Katiba iliyoko katika draft, tunafurua sana maanake ni kazi ya mikono yetu.

Number two, ninaona kwamba senate au national council, vile kama haichungi sana watu ambao watakwenda pale watakuwa wametoka quality kwasababu hawaja sema kama ni mtu kutoka district council, waweza kupeleka huku mtu ambaye hataweza kuteleza mambo ya national council.

Ya tatu ni kwamba hakuna provision katika katika draft Katiba kwamba independent candidates wanaweza kuingia pia katika National council. Preamble ni kitu sawa na citizenship pia imewekwa vizuri. Tumesema lakini ni na hofu kwamba watu wengine kama majasusi wanaweza ku tafuta uchumba katika Kenya ili wawe na uwezo wa kunja Kenya, kuingia Kenya kwa mambo ambao kitadhuru usalama wa nchi.

Pia mambo ya death penalty. Kifo kwa mhalifu ambaye aliua, na ona kwamba pengine ninatokea kidogo kidogo bora tu tuhakishe kwamba wauaji, murderers and other people will be given corrective training mahali popote walipo ili wasije wakatekeza mambo yao maovu. Sana sana ningependa kuzunguza juu ya senior citizens. Kwa sababu katika Katiba wanasema wazee watunzwa, lakini ningependa kufafanua kwamba wazee ni watu kama freedom fighters ambayo Katiba yetu ya zamani haikusema. Kama wanaliko watunzwe kabisa kwa sababu hawa ndio walipigania uhuru wetu. Ningaependa hii iongezwe pia katika Katiba yetu.

Kuna civil servants wengine wa junior tenure ambao walistaafu na hawana nyumba, makao. Pia section hiyo ya senior citizens iwatazame na iwatunza kwa sababu after all ni for a short time only. Na kuna disabled wametazamwa vizuri katika Katiba hii because they say disability is not inability. Lakini kuna absolute disabled. Wale ambao hawajiwezi kabisa. Pengine upungufu wa akili na vitu kama hivo. There is nothing you can do to help them to help themselves. So that one should also be jukumu la serikali. Kuna pia watuambao hawakuoa au hawakuolewa na as time goes sometimes they live to be nearly 100, as time goes

all the relatives go and they remain helpless. Serikali pia, Katiba ingeona kitu ambacho watu hawa watafanyiwa.

Pia katika jambo la president kuwa na degree. The question of having a degree does not mean your capacity to carry out a job. Ability ya mtu itazame, lakini pia sanasana akiwa na degree iandikwa katika Katiba ni added advantage.

Mambo ya judiciary, mahakamaa yetu, ninawaunga mkono lawyers ambayo waliandamana juzi wakisema ni heri kama mambo ya , infact they said why hire a lawyer for hundred shillings when you can buy a judge for twenty shillings. I think they are taking us for a ride. Speak to the judge. Jambo hilo, hata sisi tungepatiwa yellow ribbons ndio waone kwamba tu mekubaliana na Katiba vile wamesema. Kulingana na hayo, kuna mambo mengine ambayo, conventional courts can not handle things like kama mtu akiroga mtu kwenye kijiji kungekuwa na provisional courts ambao wanajua jinsi ya kuhandle mambo ya uchawi, nafikiri ilikuwaoverlooked kidogo lakini ningependa hiyo iwekwamba, sana sana katika locational na village government wawe na court yao ya traditional.

The levels of government,- district, village, locational government, yameanziswa ili ita intergrate all people of Kenya, kwa sababu powers sasa zitakuwa devolved ikarudishwa mahali pake kwao. Lakini kama vile rafiki wangu moja Langat alisema provincial government imepatiwa mamlaka kidogo sana na hiyo inaweza kutatanisha maneno ya utawala au kutatanisha vyombo tawala katika serikali ijayo, kwa hivyo pengine watengenezaji wa katiba au National delegates waone kwamba wamepatia provincial government power kidogo. Mambo ya environment the greatest shame that we have had in this half century, ingetazamwa sana na mazingara yarudishwe pale yalipo ili tupate mvua kama zamani, tupatwe hali ya hewa na tukae vizuri kama zamani.

Kulingana na mambo ya fedha, ninafikiria kwamba, corruption au kufuata pesa sana, ukiingilia katika maofisi mengi sana ya serikali, the most busy place is the cash office where people are chasing vouchers to be paid for jobs they didn't do. I think something has been mentioned about that lakini ifuatwe sana na isizitizwe katika Katiba.

Kuhusu uchaguziujao, mimi ni na maoni kwamba ingekuwa bora kama Katiba vile ilivyo hata katika draft, ikitumiwa katika uchaguzi ujao ni bora zaidi, kuliko kutumia ile Katiba ile ya page 98 tulio tumia zamani. At the rate at which we were amending the constitution, tulibaki tu na four years because it was five pages a year for 40 years 200pages so we were remaining with five years to remain without a Constitution with the speed of ammendment money. So we better, ask the commission and the delegates to say even if we have to wait for five months, 4, 3,2 or even six months I think we better wait and go to elections with a new constitution. We are fed up with the old one. I don't advocate, I would only whisper that should the election be called and be asked that we go to the polls with the old Constitution, what I would do myself, I don't vote and if we don't vote how will they go in.

The last one, nilifurahi sana kwa mambo ya referendum ili kwamba watu wakitaka kurekebisha Katiba vile wapendavyo

liwezekane. Jambo lingine ni development focus of the district level. That is very good ni safi kabisa lakini focus on the district should then flow down right upto location or village government at the same proportion na turusu government itupatia nguvu ingine kidogo.

Mwisho ningependa kuuliza, kama ingekuwa, lakini tulipata jibu kwamba hii mambo ya if a person has been a president for two terms but we are now glad that we area able to send in even the vice president or any other person for this time round only. Hiyo ni mzuri tu lakini ni heri pia kuona kwamba yeyote ambaye imeandikwa katika Katiba kwamba mtu kama ali acquire plot au dubious plots au other favours au mashaba makubwa kwa njia ambayo huwezi kujua kama ni halali au la atekeleze hiyo section ya kusema utangaze mali na vile ulipata I include even loan from cooperative societies some of which have fallen because of over withdrawal by the leaders of the past.

Ya mwisho, ni past human rights abuses. Kama mtu ambaye amejiiita a leader alifanya kosa zamani aibebe mzigo wake mwenyewe. Asante sana.

Langat Paul: My name is Langat paul, I would like to comment the commission for the work well done by production of the draft Constitution however perhaps I would like to make some suggestions, first of all, I would make a suggestion that voting must be a must and there should be a way of enforcing in the Constitution of Kenya so that it is not going to be voluntary as now but it is going to be a must.

The other thing I wanted to say is that on the question of finance, there is this question of currency. I would like the Constitution to have a provision that the currency should not have a head, should have another symbol so that we shall not be printing using our resources to make changes every time we have a new president.

I would also want the commission to take a suggestion that the prime minister proposed that they should have a limited term of office. As it is now we have suggested he should be appointed by the president but you should have a limited term.

The other question is about the system of government. The system of government that has been reflected in the draft bill constitution, is a hybrid of a federal government or a kind of devolution. We want the Constitution to define clearly whether it is a federal government and powers should be devolved in the right way. I have seen the central and regional government are suppose to share 50%, there should be hire share for the productive area and then the central government should have a quarter of the resources in the whole region.

The other thing is about population growth rate in Kenya, I think the government should have some laws of enforcing population growth rate they should have some provisions of controlling population. There should be some application for a child to be born before and finally we have seen that the resources have been spread the contry is becoming overpopulated, I think

this is a problem we have several problems and they need to be reflected in our Constitution. Thankyou very much.

Stephen Koech: My names are Stephen Koech, organizaion NCKK group. I wanted to air the following opinions or suggestions. I was Saying that I am very happy about village government in the Constitution and I was trying to propose that village elders be paid through judiciary department just like magistrates because of the nature of their work.

Secondly I was very happy about free education in the new Constitution but it failed to address employmernt opportunities, why?

Thirdly I want to say women should not be one third in parliament but be 25% because of nature e.g maternity leave. Second is that women who are not married and be taken to parliament can be married out side constituency hence vacating electorate minus representation. Last but not least is that I suggest that the new Constitution be used in this years election.

David Chepkwony: Mimi ni David Chepkwony, chairman ya walemavu katika wilaya ya Bureti. Naongea maneno Machache hapa. Nimeshangaa kuhusu Katiba hii na tuliweka wakati tulikuja hapa kuhusu disabled. Tukaangalia katika upande wa disabled hakuna hata representation katika bunge tumepatiwa. Sijui hamukusoma ama hamuwezi. Ninataka igawie kati ya wanawake 1/3rd ikuwe 15, 15.

Ya pili, katika upande huo ningetaka tena wajengiwe separate prison sababu pengine anaweza kosa saingine. Huwezi kushika mtu disabled na kufunga na wale able bodies. Anaweza kufanyiwa homosexual na hawana nguvu. Na kama hakuna separate prison, asifungwe, a repotiwe tu na arudishwe.

Katika mambo ya NHIF, tulisema kama mtu ameenda kwa hospitali siku hizi hospitali ikokali sana, amalize yote na asikae kwa hospitali pengine amekosa pesa, hawezi patatena pesa wakati akiwa hospitalini. Irudishwe nyumbani na ifanyiwe njia ingine.

Inginge tena katika upande wa local authorities, ninaona plot mingi katika sehemu mbalimbali. Wanapea plot watu hawezi kujenga.wenye anaweza kukaa bure hata kulipa rent halipi. Anakaa mpaka anasahau alikuwa ndani ya plot. Ape wale wanaweza kuwa na pesa ya kujenga na sio watu hawa watu wanyanganywe plot wachukue na asijenge. Na town inaweza kusadia watu ama kuajiri watu wengi katika mahali kuna watu,pengine kama Sotik hapa ama town ingine, kuna watu wa reserve ambao wamekosa kazi na wakiwekwa town ijengwe vizuri inaajiri watu wengi.

Kwa mambo ya cereal na agriculture, serikali atafutie market raia ama watu wake akivuna mahindi atafute market sio kunyanganya watu mahindi na kuchukua bila pesa, Na mureduce mambo mbolea na mahindi ya kupanda mbegu. Kwa mambo ya KCC na kila kitu inaenda namn hiyo.

John korir: Kwa majina ninaitwa John Korir, kutoka kikundi kidogo cha Kanu youth which is a CBO. Yangu ni karibu

maswala manne.

Ya kwanza tumesema Katiba ina provide for free education lakini haija sema lolote kuusu mashule ya watoto. Tungependekeza serikali itenge kiasi fulani ya pesa ya kusaidia primaries kama vile inasadia secondary schools.

La pili ni kuhusu walemavu ama watoto ambao wako na special needs in education. Pia Hawa watoto waangaliwe na serikali na kuestablish institutions ambao wanaweza kufundishwa sio kufundishwa katika charitable organizations. Wawe pia na kitu fulani kutoka kwa serikali halafu wajengewe mashule ambao watasoma ni bure.

Tatu, nimepitia hapa nimeona principles imeandikwa in a summary form. ningependelea kuwa tuwe na direct principles ambazo zinaweza kuwa sehemu ya Katiba ambazo zikivunjwa mtu au state inaweza kustakiwa. And finally ningependekeza kuwa president awe accountable in all what is happening in Kenya. awe aki reporti baada ya kila mwaka. Mambo yote ambayo yametendeka ka tika department zote za serikali. Asante.

Joseph Were: Kwanza ningependa kushukuru nyinyi kama commissioners kuchukua jukumu ya kuzunguka Kenya mzima ili kutengeneza sheria ambao itawinda inchi yetu . Jambo ambao ningekuwa nayo ingehusu upande wa ardhi. Ardhi imekuwa na shida. Na ningeomba commission yako iende ifanye marekebisho zaidi, watu wanaweza kuzaliwa wanne kwa mfano lakini wengine wana wanawake mwengine hakuoa, analewa hivyo kibahati kwa sababu ako na bahati. Lakini utakuta kwamba huyu mtu anaweza kuingiliwa na tajiri fulani na hii tajiri anazidiwa na kitu unakuta wanasu mbua yule maskini ambaye hawezi hata enda kwa court, hana pesa kwenda kwa court, ana nyanganywa hii shamba hii ndio ni jambo ambayo nilipenda kutaja kwa sababu hii imetendeka.

Mimi ningeliomba commission kwamba ikiwa na wezekana shamba ya baba mtu alime tu na asiuze kwa sababu si shamba yake kwa sababu shamba ni pahali pa kuishi, ni kaburi, ni ma ha li pa kutoa chakula. Kwa hivyo mimi Ningeliomba mtu yeyote ambaye ana shamba ya babu, tume yako itoe amri asiuze, alime mpaka siku anakufa hapo na inabakia wale ambao wanabaki. Asante.

Philiph arap Rono: Mimi naitwa Philip arap Rono kutoka Bureti district. Maoni yangu zni ya kwamba, Katiba mpya itumiwe kwa uchaguzi ujao.sababu yake ile Katiba ya zamani imetusumbua sana tusione mungiki wakisumbua makabila wengi Kenya hata mimi ni naona husuni sana ati wanatairi wanawake mbele ya watu kwa city of Nairobi na wanasema sijui ni dini aina gani na iko Katiba ya Kenya. Ningependa ya kwamba hawa mungiki ipotee kabisa.

Wajaluo wakitembea Kenya, watembee kama wako nyumbani, hata yale vitu wanatumia sijui kama viko na ukimwi. Hatuko na sedrikali ambao inajali masilahi ya watu wengine. How do you know that the instrument they are using are not infected with AIDS –HIV. Sasa tunataka watu wapate uhuru ya kweli. Wakae bila kutisha na watu wengine kwa Katiba mpya.

Na ningependa ya kwamba elimu iwe sawa, isiwe elimu ya maministers ambao walisoma mpaka form six na waende kupata Kazi. Ya tatu ningependa ya kwamba wale matajiri ambao wako na pesa kwa bank kama billions, watoto wao wasing'angane kupata kazi na wale watu maskini wa Kenya. Mtu akienda kuomba kazi, ataje kama baba yake ako na mali ngapi kwa bank kwa Sababu kuna watu ambao hawana chochote Kenya. Wanalalia ngozi ya ngombe,. haya yote ambaye nimefikiria, ikitekelezwa tuwe na right of living in this country. Asante.

Kuna mambo mengine ambao ningependa itekeledzwe (sorry), zamani tulikuwa na government inaweza kupatia serikali grants kama Kaplong hospital ama private hospital ya mission ili ya kwamba wagonjwa wakienda huko hata usipokuwa na pesa serikali ingesaidia. Inge subsidies kwa sababu still they fall under ministry of health. Mgonjwa akipata accident barabarani angesaidiwa na hospitali ambayo iko Karibu bila taabu yeyote kwa sababu tunapata raia wako na taabu sana. Akienda kwa mission hspital anaambiwa lete pesa, na accident ilikuwa hakuna notice ya hiyo accident. Sasa hayo yote ningesema serikali ichukuwe hiyo jukumu.

Charles Cheruiyot: My names are Charles Cheruiyot and I have just come here purposely to make recommendations about police force. We have seen severally that we have been harassed so much and as we have indicated in the draft Constistution, that the police commissioner should be somebody who holds a degree from a recognised university. We do also need to have the police electorate to be people who are of sound academic backgrond rather than employing accademic dwarfs who will only come to intimidate people as we have seen of late where by police officers are stealing, police vehicles are being used in robbery. So we would like to have police force which is very disciplined and people who have sound academic background . people who hold certificates for diplomas from tertiary institutions. So I do recommend to you that such things should happen so that next time you are found in a bar taking soda you may not be convicted for drunk and disorder for having taken soda. Thankyou.

James Leitich : My name is James Leitich, this is what I say. National holidays are too many; they should be cut down to the minimum for the betterment of the economy of the country.

Religion; those who apply to establish their sex should be properly scrutinised before they are registered because some of them are introducing moral decay on society.

On public property. Looters of public property since 1980s should be taken to court prosecuted and made to repay whatever the station of the looter is in society. They must be made to repay. Take for example those who looted KFA, KCC, Cereals and all other public institutions, they have got to be made to repay and prosecuted.

Old age:- those citizens who are over 80 years of age should be assisted by the state to leave either by introducing some sort of

pension or such like benefits.

Education:- Every child should have free education upto form four.

All plots illegally acquired by certain personalities since 1985, should be repossessed and advertised for fair allocation.

Development in towns:- developers should be made to submit properly drawn development plans duly approved by commissioner of lands, medical officer of health and qualified engineers to avoid disasters when buildings collapse due to poor construction.

Land:- Any land having 99 year lease should revert to the ancestral concern council after 99 years for reconsideration. I would also suggest that the Rift valley province be divided into two to provide north Rift Valley and south Rift valley province.

District names:-Some districts have got names which don't bear local names like Transmara should be given an African Name. Tranzoia, and I know in this draft that Bureti district is named; as Buret there is nothing in Kipsigis like Buret it is Bureti. And it should be spelt as such. Thank you.

Goerge Andipo: My name is Goerge Andipo and first I would like to thank the commission for the work they have done and I would like to thank the press for updating the public about the progress of the commission.

First I am going to talk about the education system, I think the commission should provide for education system in such way that if your desire is to be a doctor then education system should provide for that education to enable you to be a doctor or if you want to be a teacher you should only pursue education which will enable you to be a teacher.

The rights to life. The law should provide for the provision of basic needs in order to make this right to be radical and drastic. Thank you very much.

Kenneth Cheruiyot: nafikiri tunaelekea kumaliza, naona kina mama hawajapata nafasi, may be tunaweza kuwapatia nafasi tukienda kumaliza. May be kwa sababu yuko kama district representative anaweza kutuongoza mbele na may be tupate wanawake wawili halafu may be wanau me wawili wa mwisho halafu tumalize.

David Rotich: Thankyou very much. First of all I would like to commend on the work that the commissioners have done. May God bless you. My names are David Rotich. The first thing I would like to be included in The Constitution of Kenya is the issue of the labour act.

Joel Sang: Commissioners of CKRC, district coordinators and their support staff, ladies and gentlemen, I am Mr. Joel

Kipyegon sang. I am the district representative of Bomet but I come from Sotik constituency. First of all, I thank you the commissioners for the marvellous job you have done, many people have said a lot of things about what you did in Mombasa, but I can assure you being in contact with Kenyan citizens every day, that you did a wonderful job. I don't whether I would have done even half of what you did given the chance. We thank you so much and we trust God that you will also let the authorities know that you would like elections held under this Constitution so that we can have a new beginning for this country.

Regarding the draft that you produced, I would like to make some comments:- one in the preamble I find it o key but there is something you left out that I thought should have been included and this is it never says anything about our past and yet we suffered so much to reach where we are . When you cover what has happened in the past you repeat the same mistake hat the first government of this country did, that is why our heroes are ewhat they are today. They are dying in poverty and squad. Our country is falling down probably because of their curses. Where we made mistakes we must admit that we are where we are because many have suffered even foreign occupations took place for so many years, you never mentioned it in the preamble. You ought to mention it. We were slaves for hundred years and we are even slaves of a bourgeour class that replaced the real colonists.

In chapter one, you talked of our direct exercise of sovereignty, I would have liked you to be more elaborate that this sovereignty shall be exercised through; one referendum and the modalities of this referendum should have been specified. There should be a popular initiative where the people, 750,000 people can sign a memorandum and present it to the electoral commission of Kenya, so that the ECK can effect a referendum on any issue that the people feel strongly about so that we have control over those who rule over us. Parliament alone as a representative organ should be able to dictate how we exercise our sovereignty, we should have a popular initiative like in Switzerland where we can initiate a referendum without consulting the president or parliament or prime minister or whichever dictator is in power.

In chapter two; I had expected you to specify that the 47 or so Kenyan languages are Part of our national language and also part of our official languages. We want our old mothers who never went to school to go and speak in there mother tongues in any government office and that language be recognised and duly translated like in South Africa, do you want to tell us that we are better than South Africa. South Africa is a super power by African standards so we need to have our languages incorporated as national languages of the republic of Kenya. Our culture as a national culture, the luos should feel proud to show us what they have in Nairobi and we should feel proud to show the country what we have in Nairobi. This is what we wanted we stared it.

With regard to language again in the Constitution, you should never shy away, go back again and see whether you can do something about ethnicity. The Constitution should recognize ethnicity and the basis of Kenyan society, we should not run away from it. We should incorporate in the Constitution and promote positive ethnicity and discourage negative ethnicity. This is the

mistake our fore fathers failed to recognize at independence, they wanted to create a utopian society where we are no longer Kipsigis, we are no longer Luos, that is a lie. How long should we live in a lie? This lie should be cast out once and for all.

When it comes to state and religion, qualify the right to start or practice religion. The practice of religion shall not negate public morality nor the values that appear to the majority of the people of Kenya because some people can practice Religions that offend the majority of the people and this is a threat to public orders. So this should be looked at, qualify that so far as it does not negate public morality. Somebody can come and tell us that Satan is very nice. Every Kenya here is Satan so I think this is one area you ought to have qualified that one.

In the National values you should have indicated that all forms of government in the Republic of Kenya shall be by popular consent, shall be by consent of the people so that we don't have any civil servant coming and issuing orders and can put in but we cannot take him out of the job. I think this is a value that should have been put there.

Again there should be something that qualifies citizenship. That no natural for Kenya citizens under any circumstances shall be deprived of citizenship even if they were to voluntarily leave that citizenship and come back again automatically they become citizens whether they left it and came back so that our people can have a right to return to our country again.

Another one is in the judiciary. Why is it that you are giving prominence to Kadhi's and Hindu courts when they are alien concepts while you are not incorporating elders courts as part of the judiciary. I think the people had said that elders courts should be incorporated in to the judicial system of the country so that it shall be the base of the judiciary. A case will start from the village up to the supreme court of Kenya so that we should accept in our own country even the Devonshire white paper gives us more paper than this Constitution. It says the African interest shall be paramount, that is the Devonshire white paper of 1923. Our Constitution of the 21st century does not recognize our elders courts and yet this is where everything is. I think you should put it in so that the judiciary should start from the village, give them paralegal training they become part of our legal system so that we choose dignity and we feel ownership of our country and all values of this country.

The electoral commission should be given to requisition any number of security personnel during elections and during the period that they requisition the security personnel the executive shall not issue any orders to all those personnel until they are discharged by the ECK so that the executive shall not interfere with the conduct of election. Again during the counting and tabulation of votes in polling stations shall be conducted by all the agents of the candidates and there should be a dual signing of the results so that there shall be some strange results arising at the counting stations from what has been counted at the polling station. The ECK should be given power to counter man the elections in case a candidate dies or if there is extreme violence and then the elections shall be held again at a later date to be determined by the electoral commission.

In the review of constituency boundaries you should keep a minimum period that the review should at least start, say eight years

to ten years but don't give the administration free reign. Administrative boundaries in this regard should be subservient to electoral boundaries because electoral boundaries are constitutional. Administrative boundaries are created on the will of administrators. We know of constituencies that have been created to accommodate people who will never make it to parliament so we want this reign to be seriously in control.

The armed forces of the republic, that is the defense forces. Kenya should maintain a small defense force and a large reserve force because we don't have the money to pay upcoming armies through out and yet we don't have a conflict.. Another very sensitive issue regarding national defense and I hope somebody from the national security intelligence is all ears now. The director general of the national security intelligence service should have security of tenure under the new Constitution and should report twice to parliament and that report should be given to the parliamentary committee on defense and national security. This is for the following reasons that the president, vice president or any other member of the national security council could be an agent of a foreign government and the director general can not tell the president that you are CIA agent. You will have to tell somebody else so that the president will be impeached so parliament should have access to the security services so that they give a report twice a year to the parliamentary committee on security. And that is so because I know of a Case, Antonio Mareiga the former president of Panama was a CIA agent. Mobutu was a CIA agent, Museveni has at one time been paid to spy in Kenya by the CIA. Our own leader has taken a presidential candidate to Washington at the UK to show them to foreign government before he disclosed the issue to Kenyans who are the voters of this man. This should not not have happened how will we know that our leader is not having foreigners interest.

I wanted also to request you to tell the CKRC that when we shall come to the issue for the peoples rights to recall their MPs should not be allowed to vote in that issue because they interested parties so that we the delegates who are not MPs shall vote and we shall determine who will recall the MPs because already they have started saying this one is wrong , we are not going to allow that one, so could we please work alone without MPs for that issue and make it a general rule so they will not pin you down saying that any member of the national Constitutional conference shall not vote on an issue where there is an element of self interest so that you will escape the loops .

There is this issue of devolutional powers. The Constitution says that resources or financial resources should be shared equally between the district government and the central government. I want to say this the basis of instability in this country is the injustice that have been given to our people since the independence Constitution was drawn out. This document was very elaborate and if there was a sense of justice to those who produce the wealth of Kenya, how do you collect wealth from the land of the Kipsigis that produces massive wealth, take it to other parts In Baringo, North eastern and leave us without anything. Do you you expect us to be loyal to our country that gives us a sense of belonging. This should be the formula for the government of this country. We want a small government in Nairobi because there are no people in Nairobi, people are here. We want a bigger government here so revenue shall be divided in this ratio, Rural Kenya –75, and national government –25% so that people shall be contented because they shall be the consumers of their own wealth. We are not going to become slaves of the

few elites who don't want government to go out of their hands for centuries and yet some of us are post graduates without jobs in this country. It is properly unacceptable.

I would also like to say something regarding what you drafted on the issue on the role of the citizenship. On matters of citizenship the national security council and parliament should have the last say. The national security council at parliament should have the last say on matters of citizenship especially regarding naturalization because some people are enemies of Kenya and only the national security council have information and ideas of this thing so that we can keep our country secure and not open it to foreign agents to destabilise.

We had also suggested and I never saw anything regarding it, one area in this country on matters of health that has been totally neglected and I should have expected the new Constitution to address because it is a threat to public security is the care that we take on the mentally sick in this country. Mental health should be given priority in health and every district in Kenya should have a mental asylum that has got hospital facilities so that whenever somebody becomes mentally disturbed that person is quickly isolated from the society. We had a case in Bureti where a councilor was killed by a mentally disturbed person. Society needs protection and this should be the purpose of the Constitution to protect the society from members of the society who may not be in a position to follow what needs to be done.

Finally those are, I have not read through the whole draft but when we meet at the national Constitutional Conference, I have a lot. I should have liked to comment finally on the issue of federalism. Devolution seems to have become a chapter fudge for those who wrote the Constitution because most people I heard wanted a federal system of government that does not allow ethnicity because I know most Kenyans fear the organ of ethnicity because of tribal clashes and what have you. I think this country partly needs a federal system of government so that we can have an elaborate Constitution at the national level and at the local level so that we can be clear on our resources, our roles, and levels of government because some of the most successful economies in the world which happened also to be the most stable and orderly countries happen to be federal countries. But the first experiment in federalism was thrown out of the window by our first government without recall to national debate. Canada is a federal state, Switzerland is a federal state and Switzerland has got the best economy in the world and the president of Switzerland is the least powerful president in the world without a bodyguard only a driver who is double service, a body guard and a driver and I think Kenya should come to a position where the commissioner of police seating with director general of intelligence can decide that the president can move around with only two body guards, maybe one, a driver and the other one a body guard so that the president doesn't feel threatened because he hasn't stolen anything, he hasn't done anything so thank you very much God bless you, we want an election under a New Constitution. *Clapping.*

Keneth cheruiyot: Nafikiri bwana Sang, has finished on a very high note. Iko kitu bado ama utatupatia hotuba.

Joseph Koros: Kwa jina naitwa Joseph Koros. Mimi ni vice chairman ya hii mambo katika constituency na ningependelea ni

toa maoni yangu pia kuhusu mambo ya provincial administration ya kwamba nafikiri vile nimekuwa nao na vile nimekuwa nikisikiza, hawa hawako starehe kusikiza hii mambo ya review process because they think that they are left out unprotected so that in most cases they condemn that there will be no security in Kenya if provincial administration is faced out. So I would like to urge the commission that they keep at least a grazing period and then they keep a promise that will continue if they have in touch with the public so that they don't disturb the on going review.

On the gender issue, wanawake wengi wamekuwa wakisema walindwe kisheria. Nami pia ningependa niseme wanaume pia walindwe kisheria kwa vile kuna wanaume wengi ambao wanakaliwa na wanawake. Na mambo ya separation na devorce pia, kama sheria itaruhusu mmoja ya watu kutengana, hao wakipsigis wako na shida, wanaume wamewekwa kama wakuu wa wanawake kwamba mama mmoja akisha fungwa halafu aondoke hadi kifo ama jambo lolote litokee,ati ako na haki ya kurudishwa kwao tena, na mimi ningependelea muda iwekwe ndio wanaume wasiwekwe kama wakuu ya wakina mama. Na pia ndio watoto wapate fursa ya kukaa kwa jamii iliyo bora .

Kwa mambo ya uchumi, shida mengine sana kwa watu wa Kenya ni hii jambo linaloitwa liberalization. Hiyo imekuwa adui na njia moja ya kumpokonya na kuweka taabu kwa mwananchi wa Kenya kwa maana watu ambao wako, benki kuu huwa wanachukua hiyo fursa ili walete bidha ambayo inapatikana humu humu, kwa hivyo sheria iwekwe ya kwamba wanaichi lazima walindwe kwa hii mambo ya liberalization.

Pia mambo ya retirement benefits of president, mimi na wananchi wengine nilionelea ya kwamba kama president amekuwa akipeana hutuba zenye zinaweza linganishwa na retirement, mimi nigesema hivi, that one should equivalence both key subjects and tenure. So that whoever detroy the economy has also anequivalent reduction of the retirement benefit.

Pia mambo ya state and religion, kwa vile the religious persons, mimi na sema watu wa kanisa wawe ni chombo ya kusema kwa niaba ya wanyonge, pia mimi nasema hivi, kwa vile hawa ni chombo ya wanyonge mimi ningependelea niseme ya kwamba hawa pia wawekwe kisheria kwa maana huwa wengi wanawawa kwa kusema haki ya kutetea wengine kwa vile hawana usalama nyingine ila tu imani. So I am saying that he state should provide for religious security.

Mwisho ni hii, mambo ya Jimbo. Nafikiri watu wengi walitoa maoni kwamba they are for Majimbo, and they never talked on the issue that the Jimbo be devolute to the district level. We base our agument on the provincial level not the district level.

Na tume ya kurekebisha Katiba, ningependelea hivi, kwa vile tumekuwa tukisikiza, sisi ni raia, uwezo tu ni imani ya tume. Tumekuwa tulisikiza ya kwamba wajumbe wale ambao wako Cabinet office, wameanza kudharau katiba hata kabla Katiba lenyewe halijafanya Kazi. The likes of Sunkuli and the Mois. And they are Saying that they were never involved and they have residence, should they be cleared also that they are also Kenyan citizens, they are not above other Kenyans even in decision making.

Mwisho, ni hivi, juu ya National referendum composition. Nimefurahi kusikia kwamba kuna district representatives. Ningependelea niseme kwamba, pia wanakamati ambao walihusika nawamefanya kazi kwa muda mrefu pia wapewe nafasiya kushiriki na wakenya wengine katika hiyo national referendum. Otherwise I am also thanking the Ghai team for their intensive work that they have rendered to Kenyans, believing that their work will not be tampered. Thankyou.

Kenneth cheruiyot: Asante sana bwana Koros, kumbe tutaacha maneno mazuri lakini kwa maneno yoyote tumetoa, nimefurahi sana kuona kwamba kila mtu amekubali kwamba maoni yetu yako katika hii draft ijapokuwa kunamambo mawili matatu ya kurekebisha ama kuwekwa ikae sawasawa. Sasa nafasi nitaachia Mary kanyiha aongee kidogo akiguzia yale mambo tumetoa mbele yao.

Mary Kanyiha: Thankyou very much for your patience, it is encouraging for us we thought you were tired. Infact we feel very encouraged when we get such type of feed back from you because it shows that we are together in this process for all Kenyan and even for the commission it is very good when we get a crowd like this one. We see that what we have done together does not go to waste. It is our prayer, please continue praying that this thing is finally adopted and we actually have it as our Constitution.

Com. Mosonik: Siku chache mpaka karibu tarehe ishirini na nane , wakati tunataraji kuanza mkutano wakitaifa, na ni vizuri kwamba wawakilishi wenu walikuwa hapa wote. Wamesikiza, wanatoa maoni yao, tumeandika hayo kwa minajili tunaweza kuenda kujadiliana sisi wenyewe. Tukirudi Nairobi tutaenda kuuliza kwamba when we were launching the draft what did they say there kwa ajili tunaweza, kuanza kurekebisha, hata hii mswada yetu before we go to the Conference. In other words tukifungua conference, tunaweza kufungua na Chairman aseme “tungeomba kama tume, kwamba tuangalie kurasa wa tano na turekebishe hivi kidogo kulingana na maoni tuliyasi kia wakati tulipokuja kwenu”, lakini kitu cha muhimu sana ni kwamba nyinyi wenyewe tujaziane namna hiyo nina akina coordinator atatueleza program ya mkutano kama hiyo ya kujadiliana kila point mpaka tukubaliane.

Kuna mambo mengi yametajwa hapo ambayotulikuwa tukifikiria kwa tume, mengine tumeandika, mengine hata hatukufikiria, lakini kitu cha muhimu ni maoni yenu kama watu wa Sotik constituency, kwa ajili tukienda, tunasema lazima tukubaliane kwa kauli moja lakini mimi nikifikiria, hiyo haiwezekani. Kukubaliana kwa kauli moja kwa kila point, kuanzia page one mpaka mwisho, watu wa Kenya, sio namna hiyo, kwa hivyo stage number two ni kupiga kura. Kati ya Watu 628, itatakiwa watu 600 wawewakipiga kura kwa vile Macommissioners hawatapiga kura halafu wale wamebaki tumeseme ni kura mia nne na moja ama mia tatu na moja. Kwa hivyo sasa mukiwa mumekubaliana, munapea instructions thedelegates. The delegates ni wa district, watu watatu, halafu MP hawa ni wanne. Sasa muktaka kushinda, kwa maoni yenu, inatakiwa wale wanne, muongeze mara mia moja because four your need to multiply by 100, upate 400.

Kwa hiyo maoni yenu, tunataka tena wakati huu, representatives na watu wengine wawewakijaribu kufanya consensus na delegates wengine. Delegates wa Sotik wasikilizane na wa Bomet na Kericho na tunaenda namna hii kwa sababu tunatafuta wengi kwa kura on every point. Natumesema kuna mambo mengine ambayo inahusu nyinyi saidi kushida wengine. Hayo maneno tumesema kuhusu waislamu, waislamu walikuwa wamepatiwa sheria Fulani mwaka wa 1963, coast ilikuwa ten miles coastal strip, ilikuwa chini ya sultan of Zanzibar halafu wakataka kurudisha hiyo Kenya, hawa watu wa Coast na Sultan of Zanzibar, serikali ya ungeriza na Prime minister Jomo Kenyatta walijadiliana, na hawa wakasema tukiingia hii Kenya yenu, unajua sisi ni watu wa islam, tutata sheria ya Kiislamu I operate. Hata sasa ukienda kwao north eastern, Coast wanasema hiyo sheria yetu haijatumika vile tulikuwa tunataka. Kwa hivyo wamejadiliana wakasema tunataka sheria ya kiislamu I apply to waislamu na kwa ajili hiyo ni dini yetu, na tunataka kuishi namna hiyo, tafadhali musikataze. Na tukasema kwa sehemu fulani ya maisha kama kuoa, katalaka, na vitu kama hiyo wana haki ya tumia sheria yao bora wasifungie mtu yeyote kutumia sheria ya Kitaifa.

Kwa hivyo kuna mambo ambayo inahusu watu wa Coast Sana, hatuna sababu ya kuwanyima kama wanataka kuoana mwanamume mmoja na wanawake wanne si hiyo ni shauri yao. Lakini pengine sisi tunataka kitu kingine area hii kuhusu watu. Kwa hivyo ukiwa unapiga kura unafanya kitu inaitwa lobbying. Unasema sisi tunajua munataka kuoana namna hiyo kwenu, sasa sisi tunataka ardhi yetu, iwe namna hii. Tukipiga kura uniachie ardhi yangu upande hii, nitakupigia hata wewe kura muoane vile munapenda. Yani lobbying, because the interests of Kenya are not the same. Kuna watu wa Nairobi, hawajui ardhi ni nini, hawajui mazingara ni nini, lakini kuna vitu inawahusu wakiwa Nairobi. So we are trying to do consensus building in that way . mufikirie je hii kura yetu nne, kama kutakuwa ni lazima tupige kura tutapata ingine wapimpaka ziwe mia nne.

Kitu cha mwisho ni kwamba kama hao delegates hawata kubaliana tulikuwa tumesema pengine kutakuwa na kura ya maoni. Sheria mara ya kwanza ilikuwa imesema kama hatakubaliana, automatic tunaenda referendum, lakini sheria hiyo imebadilishwa mwezi wa nane kidogo, inasema sasa kama hukutakuwa na masikizano, pengine kutakuwa na kura ya maoni kutegemea kama wale delegates ambao wako kwa mkutano na wanapiga kura wanakubaliana kwamba muwe na referendum. You see what I mean. Before ili kuwa sheria automatic, kama hawakubaliana wanafanya kura ya maoni, lakini sasa inasemekana, kama hawatakubaliana, wale ambao wako kwa mkutano na wanapiga kura bora kuwe kuna quorum. Wakikubaliana by two thirds kitu inaweza kurudishwa kwa maoni ya raia. Kwa hivyo delegates wetu wakienda wawe very disciplined. Wawe wakienda mkutano kila siku kwa ajili sio compulsory for all the delegates to be there na kitu kinaweza kupitishwa delegates wetu hawako.

Laws of Kenya, islam iko ndani, lakini ukisoma vizuri inasema African customary laws iko as one of the sources of the Laws of Kenya.

Maneno ya general election na Katiba, siwezi kucomment kwa maana tunafanya pendekezo kwamba ingekuwa afadhali kama kungekuwa na new Constitution, lakini hiyo ni pendekezo tu kwa ajili kulingana na Katiba ambayo iko kwa xwakati huu hatu

jabadilisha badu. Inasema page 35, article 59 (2) hataulizwa inahusu kuvunjwa kwa bunge ni 59 (2) page 35,. Inasema the president may at any time dissolve parliament. At anytime, kwa hivyo hatuwezi kusema yeye asivunje na tuseme kama tunatumia nguvu kwa ajili tunajifunza kufanya kazi kikatiba. Hii Katiba ilianza Uingereza, ni system ya uingereza. Hata prime minister wa uingereza anasema hiyo ndio secret weapon ya tulijifunza hii kutoka uingereza. Hii system tunaelekea sasa tuna sema bunge ikae miaka tano inawekwa kwa Katiba siku ya kwanza ya hiyo bunge, uchaguzi itakuwa siku gani na itakaa kama prime minister has not been voted out or there has been a vote of no confidence . Hiyo ni style ya America. Lakini kulingana na sheria vile iko, president ana right ya kuvunja bunge anytime na hiyo ni haki yake ya Kikatiba.

Siwezi kusema tunaunda Katiba, nzuri, kama sisi wenyewe tunavunja Katiba. We must behave Constitutionally, lakini kama nimesema afadhali niwachie hapo. The rest is lobbying, si tuombe kwamba asivunje, ama nini, lakini beyond that we can not do any thing. Asanteni sana for your constituency forum. Tumeridhika tukiwa watu wa tume that your performance the people of Sotik, I think this is the highest point you have got up now. Thankyou so much.

Kenneth Cheruiyot: Asante sana commissioner. Sasa wakati huu I would like to invite district coordinator Bomet atuambie mipango vile tutaendelea tukitoka hapa kwa sababu nimesikia, itabidhi tujadiliane ili tupate position kama watu waeneo la wakilishi bunge la Sotik, lakini bwana, Cordinator atasema kuhusu plans za constituency hii.

David Cheruiyot: Asante sana, kwanza nikuwashukuru nyinyi nyote kwa kuhudhuria hii mkutano. Ni asante sana tuendeleo kujadili juu ya hii mswada ama draft bill kuhusu njia yenye tutaingia. Tutazunguka kwa kila mpaka location ama village kupeana unajua hii mkutano hau kuleta wanaichi wote sasa tunaenda kwa every constituency mpaka village level kupeana hii mswada ama draft bill na wanaichi vile vile watafsiri pale pale kabla ya tarehe ishirini na Nane, sasa tutapanga na wakamati wa Katiba tuone vile tutaendelea. Tutakuwa mkutano baadaye ya all constituencies Constitutional committees tupange jinsi tutapeleka hii draft bill mpaka yule mama mzee ama kijana mwenye alibaki nyumbani.

Sitaki kusema mengi, kwa vile sisi wakipsigis huwa tunasema ikiwa mzee ambaye ako na nywele nyeupe ameongea hiyo sasa imetosha. Kwa vile commssioner ameongea. Tutawacha hapo. Nitaita priest ama pastor yeyote tutamwalika aje hapa mbele afunge kwa maombi halafu tuwachane. We request any pastor, any priest or any one who can lead us in a word of prayer.

Sang: mukiendelea kufunza watu juu ya Katiba, Je provincial Administration ilikuwa katika Katiba mzee au la?

Kenneth Cheruiyot: Bwana cheruiyot amesema kama mzee ameshaa ongea hakuna haja ya kuongea, lakini kwa sababu mzee mwengine ameuliza swali itabidi. Katiba Mzee haiko na sheria provincial administration wanakuwa appointed lakini ukiangalia page 17, kwa Katiba ile mzee section 24, inasema subject to this Constitution and any other law, the powers of Constitution and abolishing offices for the republic of Kenya or making appointment to any such office and terminating any such appointment shall rest in the president. They are appointed. You know that other offices have also been created by such provision. There is

