





**CONSTITUTION OF KENYA REVIEW COMMISSION**

**(CKRC)**

**Verbatim Report of**

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**DISSEMINATION OF REPORT & DRAFT BILL, RANGWE  
CONSTITUENCY, HELD AT HOMA BAY MUNICIPAL TOWN  
HALL**

[Redacted]

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ON

3<sup>RD</sup> OCTOBER 2002

**DISSEMINATION OF REPORT & DRAFT BILL OF RANGWE CONSTITUENCY HELD IN HOMA BAY  
MUNICIPAL TOWN HALL ON 08.10.02**

**Present:**

Com. Phoebe Muga Asiyu

**Secretarial in Attendance**

Mr. Dan Konyango	- Asst. Program Officer
Martina Odhiambo	- Verbatim Recorder
Mr. Maurice Odawo	- District Coordinator.

The meeting started at 10.45 a.m. with Com. Asiyu as the Chair.

Prayers were said by Pastor Azariah.

**Maurice Odawo:** Ladies and Gentlemen, I think it is time to start. We were supposed to start at 10.00 o'clock and we are already late. Could I have Pastor Azariah to pray for us before we start? Come up to the microphone.

**Pastor Azariah:** Basi tunamishe vichwa vyetu na tuombe. Mungu Baba, Mwana, Roho Mtakatifu, tumeshukuru jina lako asubuhi wa leo kwa sababu umelinda hawa wajonzi wetu na hata Commissioner wetu, Mrs. Phoebe Asiyu na team yake. Baba wewe ndio tunakutegemea wakati wa shida na wakati wa furaha. Na wakati huu, Wakenya wana kuhitaji zaidi kwa sababu ya fraka ambaye iko hapa na pale. Lakini tunataka utilivu kutoka kwako Mungu ukibariki wale ambawo wamechaguliwa kama Commissioners, ili walete Katiba mpya ambae itafurahiwa na kila mmoja na tena Mungu uwabariki hata Mwenyekiti wao, ambaye ni Prof. Yash Pal Ghai na wajonzi wake ambaye wafanya nawo kazi pamoja. Sisi, nasi kama wananchi pia Mungu, tunatake matokeo kutoka kwako ili kila jambo twafanya, twafanya kwa jili ya yatima na hata wajane wale ambaye wamesahaulika. Kwa hivyo Bwana, ututokee na utupatie hekima na maarifa ili kila jambo ambae tutazungumuza na tutaweka katika pendekezo letu ya Katiba iwe yale ambae ni ya manufaa. Nimeomba nikiamini umekuwa pamoja nasi katika Jina la Yesu, tumeomba. AMEN. Thank you.

**Maurice Odawo.** Thank you very much Pastor Azariah for your prayers before we start the business of the day. Hon. Commissioner, staff of the Constitutional of Kenya Review Commission, Members of the Rangwe Constituency Constitutional Committee, delegates who were elected to represent Homa Bay District at the National Constitutional Conference, Councillors who are here, Ladies and Gentlemen. I would like first to take the opportunity Hon. Commissioner, to introduce to you

members of our Rangwe Constituency Constitutional Committee. We had a meeting yesterday, a joint meeting with both Dhiwa and Rangwe Constituency to plan for the launch of the Dissemination of the Commission's Report and Draft Bill. But the Dhiwa Committee Members are today waiting for us at Dhiwa but the Rangwe ones are here.

Those who are here, first of all is the Chairlady, Priscilla Otieno, "can you just stand up and wave so that the Commissioner can see you". That is the Chairlady of the Rangwe Constituency Constitution Committee. Next to her is Cllr. Martin Nyang'inja, then Mr. Paul Omulo and then Cllr. Ogola Kagoro who are members of the Rangwe Constituency Constitution Committee. Is there any other member who is around and I have not seen? Oh! Mr. Raphael Owaka, who is doing registration there is also a member of the Rangwe Constituency Constitution Committee, standing up there. I can see him, he is waving.

Then, in front here, on my right, is Mr. Mathew Kevin Otieno Ogingo, who is one the delegates who were elected recently to represent Homa Bay District at the National Constitutional Conference which will be kicking off later on this month. That is Mr. Mathew Otieno Ogingo and next to the Hon. Commissioner is Dr. Chrispine Odhiambo Mbayi, who is also elected delegate and on the left of Dr. Mbayi is Teresa Osunga Ogutu, who was also elected as a delegate to represent the women at the National Constitutional Conference. These three, ladies and gentlemen, will be representing us at the National Constitutional Conference due to kick off towards the end of this month. May, I at this juncture invite Hon. Commissioner, Phoebe Asiyu whom I am sure most of you know to introduce the staff of the CKRC. Hon. Commissioner.

**Com. Asiyu:** Thank you Mr. Odawo. We have two members of the Secretariat from Nairobi sitting on my left who are going to do the recording for this process this morning, right up to the evening. On my left is Mrs. Odhiambo. Mrs. Odhiambo will do all the recordings and also all the writing to possibly the Parliamentary standards.

Next to her is Mr. Mak'Onyango, who is also going to do the recording verbatim, so that there are no mistakes made in recording of the process of our meeting this day. We will be recording everybody from here so when you are ready to make your contribution or ask a question, you will need to come over because we only have one microphone. Come over and address our people from here.

Before I hand back the microphone to the District Coordinator, I truly want to thank the 3 C's for the good work that they have done without any emoluments throughout last year and the best part of this year. We are hoping that you will still want to come along with us because this time round, we are going to have to do a lot of work on the ground. We need to take this document and just as we did last time, because this time you have no Civic Education Providers, you will be the Civic Education Providers. You need to read this document very well and go back to the Churches, the women groups, your farmers' associations, your co-operatives, your fishermen's groups to explain to them about the provisions in the new Draft of our Constitution and get them to understand it well because we want them to own the new Constitution because it is them who gave us whatever the Commission has written out and drafted as the new Constitution of

this Country.

I also want to thank the County Council of Homa Bay for giving us the very best so as to attend the National Conference later this month, possibly from the 28<sup>th</sup> of this month depending very much on whatever is happening at the political sectors. But we are hoping and praying that we are allowed to go with this process right up to the end of it.

Before, I ask Mr. Odawo to give us the report of what the Rangwe people told us when we were here, I would like to give the microphone to the three representatives who have been elected to attend the National Conference on your behalf to debate with other representatives from throughout Kenya to help us come up with a Constitution that will be befitting for this Nation at this time of our development and for prosperity. We are hoping that, if and when we complete the writing of this new Constitution, it should be good enough to last this Nation for like another one hundred years.

We have the three, the two gentlemen and one lady and I would like to give the floor to the lady to introduce herself and say a few words and then she will pass it on to the next representative.

**Com. Asiyu:** *Gima wabiro timom wabiro loso gi dholuo kata kod Kiswahil koro ka idwaro loso gi dholuo to kanitie ng' at ma ok winj dholuo to onyalo loso gi Kiswahili nikeche later on ubiro nene ka e document Kiswahili biro bedo the National language.*

**Translation:** What we are going to do is that we are going to use the vernacular (dholuo) or Kiswahili and this is because later on you are going to notice in the Draft that Kiswahili is actually going to be the National language but if there is someone who cannot speak in English or Kiswahili, then you can just go ahead in dholuo.

**Teresa Osunga Ogutu:** Hon. and loved Commissioner, my fellow participants, my fellow representatives and the Councillors who elected me, ladies and gentlemen, I greet you all in the name of Jesus Christ.

Actually, I am Mary Teresa Osunga Ogutu and I come from Nyakach, Gem Rae. I am married at West Kochia, Got Bondo School and I happen to be a representative who is going to represent you as a delegate in the National Conference. I thank you very much for having given me this opportunity because without you I could not be standing right now in front of you. Apart from that, just as I had said earlier, I thank God, because without God, we cannot even have the oxygen that we are breathing right now.

I am aiming at representing the people with disability. Actually, I do not like using the word disabled because when you are said to be disabled, it means, you are also unable. So, I am going to represent those ones with disability, the women, they seem to have a double jeopardy and the men also have their problems for which they need to be represented. So, during that time, I



will listen to what has been there and we shall have a healthy discussion together to amend what is supposed to be amended.

I am also hoping to represent the women as a whole because women have been left behind in one way or another and they have also been subjected to docility and even subservient. At this juncture, we need to show men that we are also there and that we need equal opportunity and in that line, I was begging that this idea of representing women in the fraction of a third should be changed to a half because half plus half equals what?

**Audience:** One

**Mary Teresa Ogutu Osunga:** It equals one. So, if they are saying that only a third shall be women, I am hoping that during that time they shall consider and say, a half and a half. I also hope to represent the teachers. The teachers also have something they want to tell the public. Actually, I am representing them because I am a practical teacher in the classroom right now and I teach literature, Christian Religious education and social education and ethics which may also be complimented with Civic Education in future so that the people can be aware of how their Government is composed and what they need and like to improve their living standards in their Nation.

So, along those lines, I am here to represent the teachers and the way they are going to be handled because it is the teacher who taught the doctor how to operate. So, without a teacher, the doctor may not know what he should do. The teachers need to be considered and their standards need to be improved especially living standards so that they are given the right incentives. So that one, is also going to be there for representational purposes.

Lastly, but not the least, where there is a woman, there is a child and I also hope to listen to what is being said about the children because the children are the future leaders. As citizens, we really need to educate the children. When you educate a child, you have educated the leaders of tomorrow because we are not iron, we are not non-living matter but we are living things and living things are bound to do what in future? They are bound to get old and they are also bound to die. So, generally, the children are the ones who will replace the old so that they can help the old and assist them. If we do not actually educate these children, we do not actually see to their lives, and this will not really work.

Along that line, I also represent the general citizen, the way they are going to be handled and that also includes the way they are going to be governed. I'll listen to all that and we shall have a healthy discussions as regards all that I have said.

Otherwise, right now we have just come to witness and even to share what has been there so that we can see our way forward. Thank you very much.

**Com. Asiyu:** Thank you very much. Please pass the microphone to the gentleman.

**Dr. Odhiambo Mbayi:** Ago ni eromakano ahinya Hon. Commissioner, Mrs. Asiyo kuom miya thuolo ni mondo awuo gi jo Rangwe. To mokuongo adwa nyisou ni, an iluonga ni Odhiambo Mbayi. Sani tich matimo en ni apuonjo e University of Nairobi. Apuonjo Political Science kod Kiswahili iluongo ni Siasa to gi dholuo iluongo ni puonj ma oluwore gi kaka irito piny to gi kaka irito mwandu mar piny.

An e achiel kuom jo ma nyocha oyier kaeri ma Councillors man Homa Bay District oyiero mondo odhi o represent gi e National Constitutional Conference.

To ka ne pok wachako wach, ka ne pok Mrs. Teresa Ogutu ochako wach, to apenjo Commissioner ni to dhok mane ma idwa ti go kaendi mondo wawuo go e wach mar Constitution. Ema omiyo wawacho ni wanyalo tiyo gi dhok adek, Kiswahili to gi Dholuo to gi Kiingereza. To ne apenje kamano nimar ka ne ang'iyu Constitution ni matin to ayudo ka owacho ni ya, wabiro bedo gi Kiswahili to gi Kizungu kaka National Languages to dhowa mane onyuolwa go be ok wadwa ni olal. Wabiro dwaro ni dhowa ma ne onyuol wa go, gi kuma wa ae to dhok ma be nyaka watigo e thuche wa kuma wan tie. To ni mar jowa mang'eny wacho dhok no ero.

To mar ariyo, mano e dhok ma ne Nyasaye omiyo wa. Dho Kingereza wachako mana puonjore higni piero abiriyo ka iriwo gi piero ang'wen, around higni miya achiel mokalo ka wazungu ochako donjo e Kenya ka. Kiswahili bende wachako mana puonjore mana around ndalo no. To dhok ma wase bedo go kendo ma inyuolo go nyathi e piny luo ka en dholuo. Kendo dhok no ok wabiro dwaro ni olal. Omiyo achiel kuom gik ma ng'ongo manyaka wawach malo kucho en ni, Serikal nyaka ne kendo nyaka ket resources machiegni, ma ibiro ne go ni dhok ma wawacho mag wa kaka joluo bende nyaka mi dongruok mondo odhi adhiya nyime gi dhok moko ma jok moko wacho kuonde ma gi a e. (Clapping)

To ni ma gima timore en ma. Dongruok en wach kaka wawacho ni. Ka ok ing'eyo gima idwaro no odok, ka ok unyal winjoru, e gima idwaro mondo otim ni, mondo ngima ni olokre, to ok inyal wacho gino ni jok madwaro mondo odong. To ka inyalo wacho gino, ka inyalo yudo wach ma iwache go, mondo jogo matimo chenro mar dongruok winj maler gima chandi e ngima ni, eka ginyalo kelo dongruok mabiro konyi e ngima ni. Ema omiyo dholuo kaka dhok ma ji mang'eny wacho e kor piny, yani e local level, nyaka mi teko mare.

To ka ase wacho mano, kawuono ageno mana ni da wabiro Commissioner kod the Coordinator, ebiro nyisowa ni to ang'o ma gisebedo ka gitimo kuom higni ariyo ma gisebedo ka gitiyo nyaka koro gibiro gi document ni. Mondo ginyinswa ni gima gigolo en kama, kama kamaeri. To gino ero ka okadhe e National Constitutional Conference to gi Parliament en ema obiro bedo chik mang'ongo matiyowa e Kenya ka. Nimar Constitution e chik mokuongo matiyu ji e piny. Chike moko michako ekelo mabang'e go, mapile pile ji dhi ne e Court, ma Magistrate yalo, kata High Court

yalo kata Supreme Court ma gi wacho no biro yalo, gin chike mathindo ne gima iluongo ni Constitution. Omiyo ka Constitution rach to chike go ok nyal bedo maber. Mano en ma okuongo.

Mar ariyo, Constitution ni eri ema loso piny. Ka onge Constitution to onge piny. Ema omiyo Constitution en gima ng'ato ka ng'ato ma e piny ma ose bedo ng'ato ma iluongo ni adult, nyaka yie ni mano e chik ma odwa ni otiye. To ni mar, ichweyo wa gi Nyasaye ka warom wate. Onge ng'at ma ohingo wadgi. Ka Nyasaye ochweyo ji to ji rom te. Omiyo onge ng'ato moro man gi teko saa ma ochwe ji ma oloyo ng'ato machielo. To Constitution ema koro ng'ato ka ng'ato man gi teko ne ma ne Nyasaye omiye wacho ni ya, an to teko na mane Nyasaye omiya ayie riwora gi ng'ane gi ng'ane mondo walos piny achiel mondo koro wabed gi Serikal achiel ma tiyowa. Ema omiyo en chik ma ji te nyaka winjre. Onge ng'at moro manyalo chune kuom ji. Mano mar ariyo. Nikuop mano onego bed ni jo Homa Bay ni gi hamu kendo gi sunga kendo gi sinyo mar yalo wach man e Constitution ni. Kik ginene anena ni ya, ni en gimoro ma ondik kanyo, ni ng'ato ondiko to ji biro dhi yale to aye ji kadhe. Saa ma ose kadhe, to ng'e ni kata ne iyale kata ne ok iyale to otiyi. Ema omiyo nyaka ing'ye maler ma ing'e ni to chakre nyukta mondiki nyaka nyukta mogik, ohulo ang'o to be iyie gi gima owacho no, to be iyie mondo chik ma owacho no itiyi? Ema omiyo ne bed ni kawuono ne iyawe kawuono ni wako ni wabiro winjo Commissioner ka wacho nwago ni, onego bed ni od ni oping' nyowuoyo. Ni mar maendi ok e jo Homa Bay kende. Onego bed ni od ni opo'ng malich ma ji wacho gima ginene chakre achaka clause ma okuongo nyaka ang' watiek cluuses mogik.

To mar adek, ase ng'iyoy I Constitution ni matin. Nitie weche mang'eny mabiro wuok. To gima ngo'ngo un ema nyaka ubed gi weche go. An adhi bedo achiel kuom jok ma represent u malo kучо. An adhi kelo mana ujusi mara be ka oluwore gi gima awinjo kaka gini wacho maneno ka oluwore gi somba, kod gima asoma ni ok ber ka apimo gi Constitution ma be ondik kuonde mamoko, machalo kaka, ma ondik kaka mar America, to mondik mar Canada, to mondik mar Britain, to mondik mar South Africa. Koto adhi ng'yo to awacho ni ya, ni gima undiko ni to ok dhi tiyo ni Kenya nimar Constitution en gima ibiro ndiki makata jo wan ka gi, wabiro tho ma waweje mana ka podi en kanyo. To podi otiyo atiya. Mano e Constitution maber. To Constitution ma kiny iloko, to kiny iloko, to kiny iloko, to kiny iloko, mano ok en Constitution. E mano imiyo e Africa ka iyudo ka Constitution mang'eny ka olok Serikand ni, toji yie ni wandik uru Constitution, ka ichako iloko ma, wandik uru Constitution, nimar indiko gi ka ok par to be gibiro tiyo piny nyaka chie'ng? Mano e gima an ka oluwore gi ojusi mara, to abiro ng'iyoy gik majogi ondiko gi ni mondo awach ni kaendi to uwacho gima ok nyal tiyo.

To un bende, ni mar ma en chik manyaka tiwu, to ni ma en chik ma ng'ato ka ng'ato inyuolo maromre, Nyasaye miye tekoi maromre, dwaro ni in bende iwach gima iwinjo e chunyi ni kanyo to aneno karach. Kanyo to ok onego bed kamano. An adwa ni ka itiya, to mondo otiya kama, kama, kama. Aye, to ka an ji mang'eny ose wacho gimoro achiel ni wan waneno ni otiwa kama, kama, to mano iwacho ni mano e gima unanimous, mano egima concensus, mano e gima majority wacho ne gidwaro ni mondo otigi. Koro ema omiyo, nyaka uher ni ng'ato ka ng'ato nyaka many gini

*ma som ma di ne bed ni ya, aneno ka ipogo wa kaendi, ipogo mana mar kisungu, e ka giwacho ni dhok ma itiyo go adek kata ariyo, majok ma ok winj Kisungu be some mana gi Kiswahili to be winjo mana parts kaka Kiswahili bende wuoyo, ng'e mana mana ni to gini wacho ang'o.*

*Ka ase wacho mano, to adwa mana wacho nu ni, bang'e bura ma koro wabiro tiyo kwauono ni eri, kaka representatives magu mabiro dhi e National Constitutional Conference, wageno ni wabiro bedo gi rally mang'eny e Rangwe mangima, e District mangima ok Rangwe kende. Dhiwa go gi Rangwe. Wabiro bedo gi rally mang'eny ma waduogo go mondo wanyisu ni ya, tinde to koro bura ochopo kama kama. Koro, un tinde uwinjo ka gik ma iwacho ni mondo odhi nang'o? Koro watudo u gi ji ma National Constitutional Conference wacho, to un be uchako uchiwo maoni magu, to wachako wadhigo kuro to wachako wa lobby gi joka, to wawacho ni kanyo to ok onego wadhiye, wadhi mana koni. Ema omiyo rally go be kakoro biro chakore, onego bed ni un be uyikoru mar bire mondo uwinj gi to kendo mondo uwach pachu ma udwaro mondo water malo kocha. Aparo ni gi matin go eko, abiro chung' kanyo e sani eri.*

**Com. Asiyu:** *Erokamano Dr. Odhiambo. Koro wachiwo thuolo ni Mheshimiwa Otieno Ogingo mondo bende owach nwa matin eka wachak bura.*

**Translation:** Thank you Dr. Odhiambo. Now, I am giving Mhe. Otieno Ogingo an opportunity to also introduce himself to us and tell us something small before we start the meeting.

**Mhe. Otieno Ogingo:** *Ne Madam, Commissioner, Hon. Phoebe Asiyu, ne Coordinator, ne District representative, ne Constituency Committees, ne Councillors man tie ka te, ne ji duto ma obiro winjo gina dhi nyime kawuono. Mara biro bedo machiek ahinya. To wase bedo ka e kinde ma okadho, bwa waduoko erokamano ahinya ne jo County Council ma nyocha omiyo wa thuolo mondo wadhi wabed representatives ma magi. Wayikoro kendo warito mondo watim kamano.*

*Ka ase wacho mano, aruoko Madam Phoebe Asiyu kuom biro Homa Bay mondo o lauch wach mar Draft ni formally. Wan gi geno ni ba'ng launching ni, jo thurwa man ka biro kawo seche gi mondo gisom document ni.*

*An jogo ma ok ong'eya maber, an Otieno Ogingo. Ase bedo achiel kuom jogo moyier mosebedo obuche mag Kenya kaeni kata nyaka East Africa. Gima atimo sani, atimo tije na awuon gi tije na mag puothe. To nyo ka oyiera ka nyo aneno ka oyiera e gik ma aparo ni anyalo konyo, chu'ng ni jo South Nyanza, ni jo Homa Bay District, ne jo Kenya. Ang'eyo maler ni jo Homa Bay through Constituencies ariyo gi, nyocha gise participate ma gichiwo pach gi, ma pach gi go an gi ratiro ni ose ndik e report makoro ogol sani ni. Wan wawegi dwaher ni mondo wabi wang'e reaction mamaru. Ni to gik manyocha ne owuok sani gi, u jo Rangwe, be pachu nitie e gigo? Jo, Dhiwa be pach gi ne e*

document no? Nikech kaka representatives, tich wa maduong' e wuoyo on your behalf. Ok wabi dhi Nairobi ni wadhi wacho pach wa. To wadwa ni wawach pach jo Homa Bay moting'o Dhiwa kod Rangwe. Ema omiyo odiechie'ng ma important ahinya e history mar **Constitution making**. Wageno ni document ni kelo changes mabiro kelo loko kit Kenya. Ne jogo ma ose some matin, giyiere kode generally ni onyalo konyo loko kit ngima mar jo Kenya ka nitie goodwill kendo ka onyalo bedo approved at the National Conference to kendo ka Parliament nyalo miye enactment.

Gima an aparo ni nyaka wabi wakwa, the Political Establishment, en ni mondo giyie mondo document ni oti, nikech en very, very important. Ka nyaka jo Kenya neye change kata lokruok e ngima gi. O **deal** gi weche mapek eiye kanyo. O deal gi corruption, o deal gi chandruok mano genche ni chandruok mar dhano, poverty, odeal go kanyo kabisa gima moko. To ka wanyalo yie mondo wadonjye bu wasome maber, maparo mamaru umed ruake, mondo document ni obed maru, nikeche en e agreement man e kindu kod Serikal, nikech en ema Serikal ng'iye kata in be ing'iye ka wach moro oneno ni to Constitution, document maduo'ng, law mang'ongo mar Kenya ni owacho nang' e wach ma otimore ni. Ka wakawe ma wang'e tiende ma wawinje maber, ma kama idak ye kata gwe'ngi kama idakie, ing'e ni haki mari, ok nyal mayi e yo mayot. Ka ng'ato dwa ketho haki ni to ing'e kama idhiye. Mano e gik ma ondik e gini. To gin gik mathoth. To dhok ma ondike go ang'e ni bet katek mana kaka Dr. Mbayi wacho, To an gi ratiro ni ibiro loke e dhokd machielo ma aparo ni Commissioner biro loso nu ye mondo thoth ji owinj tiende. Mondo ne wan manyocha ukwanyo ni odhi o represent u, wadhi wawach mana duondu ma ok wawacho mag wa. Wanyalo mede magwa ma wabe wang' eyo wabende lakini pek mar gima tero wa kuro, en wuoyo on your behalf. Koro kaka odiechien'g ma kawuono ne ok bende en marwa ahinya.

Awacho matin go ka aduoko erokamano ni Commissioner, mondo koro en bende okaw mare, mondo koro oti'ng nu wach maler mondo un'ng'e kama koro wachomo kwawadhiye. Gi manok go, jodala wa agonu erokamano.

**Com. Asiyu:** Erokamano ahinya Mheshimiwa kuom weche maber ma inyisowa, wan gi geno ni ka uchopo e National Conference, to ubiro riworu gi jo Kenya mamoko mondo ukony puondo Katiba maber manyalo dak kendo manyalo konyo ogend ni mabiro b'ng'e' ka wase a e piny to kendo manyalo konyo wa sani jo ma ni e piny. Adwa ni mondo achiw thuolo ni Coordinator. Ka ne wabiro kani mondo wachok pachu, nene wabedo Rangwe kendo jo ma ne obiro nonyiso wa weche, thuond weche ma ne digigombi mondo obed e Katiba. Moko ne ma inyalo keto e Katiba adier to moko ne ma inyalo keto e chike matindo, tindo nikech Katiba en pend chike, ok en chike matindo mag Serikal ma indikoi e weche mag regulations kata laws mag piny. Koro, bang' ka ne wase choko weche jo Rangwe, ne wadok Nairobi, bu wandiko repode, ineno ka ondike ni en mar Rangwe? File ma ati'ngo ni oti'ngo weche duto te ma jo Rangwe Constituency ne onyiso wa chieng' cha ka ne waromo. Aparo Mr. Otieno ne in tie kendo ne i chair the meeting. Waketo gi machiek nikech ma verbatim to nitiere e recording. Magi to machieko ma ne wadwa ni mondo waduog nu mondo usom. Ma wach maduong' ahinya kawuono.

**Translation: Com. Asiy:** We want to give you the opportunity to be able to listen to what you told us and confirm to us that this is a true record of what the Rangwe told the Commission when we came round to collect your views at that time.

**Com. Asiy:** *Koro akwayo Coordinator mondo owachnwa briefly mondo oparnu gik ma ne uwacho nwa. Ok obi wacho, wach ka wach kata dhok ka dhok to obiro wacho briefly gik ma ne thago chung jo Rangwe ma ne unyisowa. Aye koro ka ose tieko mano, to abende an awuo nu matin kuom gima omiyo wachako waduogo iru kendo. Bang'e no thuolo mathoth, wabiro miyou mondo upenj penj, unyis pachu kata ukel wach moro amora ma uneno kadipo ni orem nikech chutho gima watimo sani, gima wakelo ka ni is **just a Draft of the Constitution (the First Draft) containing what you told us and comparing it with other Constitutions around the world and especially in those countries that have some relevance to our own situation here in Kenya.** Omiyo wabiro dhi through the Draft Constitution, thoth u ni kode already, ok wabi dhi through go duto nikech an di wadwar seche mathoth to an gi geno ni ubiro a kani mondo udhi puonj jok mamoko bende udhi goni gi mbaka kata ugan negi sigana mar gima ondik ni nikech chutho en a revolution. A revolution of the mind, a revolution mar kido mag jo piny kata mana kaka ji ose bedo e Serikal, loko weche ma omiyo pin onywandore sani mondo obed mabeyo ma saa moro jomoko biro neno ni to mano bende ditimre adier. To nyalo timore ka uyie ma uruako gini kaka maru kendo kaka paro un uwegi nene umiyowa. Koro akwayo Coordinator mondo okaw thuolo ni, osom nwa very briefly, gima ne jo Rangwe go owacho nwa ka ne wabiro, to ka dipo ni achiel kuomu kata moko kuomu ma ne obiro Rangwe manene omiwa paro ni kani, to uwinj ane gik mane uwacho nwa **and I am hoping that most of the people who gave us their views when we were in this Constituency are present here today to listen to what you told us so that you can associate yourself with the report, Mr. Odawo.***

**Maurice Odawo:** *Erokamano Hon. Commissioner. Kapo ka chako wacho gik manyocha ne jo Rangwe ochiwo ka Commission ne odhi e Headings, akwayo ni ng'ato ang'ata man ka ma mobile phone ne ni **on**, ni switch it off. It is interfering with the recording. (Clapping), switch it off. Then the next thing, I want to ask Members of the Press and I can see KBC is here and I believe representatives of the major papers are also here. If they are not here, you can send word to your colleagues. Please stay with us until the end because at the end of the day, we would like the people of Rangwe to confirm and make a resolution that they support the Draft Constitution or not. We would like that to be done in your presence.*

Then No. 3 before I go to mentioning what you said, No. 3, it is assumed when we were coming here, this is the launch of the debate on the Draft Report of the Constitution, and it is assumed because the Commission gave this newspaper pull-out The actual report even a printed one is exactly like this. It came out some one and half or two weeks ago and it was hoped that most people have saw it. So, the copies we have here are not many and we have two Constituencies and I can see from my stock that we already have very few left and we have two Constituencies, we will be in Dhiwa tomorrow, so, we cannot finish them off for Dhiwa, so that they are all used in Rangwe and not Dhiwa. So we have to keep some. So, for those who are not able to get them from me, I apologize because it is not possible for them to go round all and I would request you to share, please share and get the information that is in it, particularly, if you had not seen it before. They are not many that is why I am



restricting them.

Now, coming to what you people gave the Commission during the Headings, the people of Rangwe, (I am speaking in English because the Report is written in English) *to bende abiro chip in kata gi dholuo bende awache eiye kanyo. To en gima duong' malich kaka uwinjo Hon. Commissioner ose wacho, okelnu report, an kaendi gi report mar Rangwe, en mana ni ginok koro ng'ato ka ng'ato ok nyal nwan'go copy. Ung'e ni go copies mang'eny means money and money is a scarce commodity. It is important mondo uchak uwinj gik mane uwacho mondo u confirm at the end of the day ni mago ema ne uwacho. Use winjo e Kenya wa ka, ka jomoko ko ni gima ondik ka ni ok gima ne jopiny owacho. Donge use winjo?*

**Audience:** *Ee.*

**Maurice Odawo:** *Ee. Koro omiyo en important for you mondo at the end of the day, uwach ni ooyo, wan mano ema ne wawacho koro ng'a ma ne ok ong'eyo, gima ne ji owacho, nikeche saa ma ne uwache no, ne wantie kodu. To jomoko mawacho ni ne ok uwacho go to ne onge kodu, donge?*

**Audience:** *Ee.*

**Maurice Odawo:** Jo Rangwe ne owuoyo e gik mang'eny, Preamble ka achako go. Mana kaka Hon. Commissioner ne owacho, ok anyal dhi e details, ondik gi mang'eny ndi. Ma a invite u udutto, Documentation Centre mar wa ma kaendi, gi ofisa kaendi, gimesa mabor cha ung'eyo, macha is a reading table for all of you. So, I invite you there, there will be copies there. Please come and read in that office, anytime, from morning, the office is open, come and read. So, you will get copies. But, I will only highlight a few areas starting from the Preamble. Jo Rangwe ne owuoyo e gik mang'eny malich. Preamble, ung'eyo ni chon ne waonge gi preamble e Constitution marwa masani. Marwa mawango sani. To sani ka ung'eyo, proposed Draft Constitution, nitie preamble ma jo Rangwe bende ne o join other Kenyans mondo owach ni the Constitution onego bed gi Preamble ma negi wacho ni the Preamble should be simple and clear. Mano e gima jo Rangwe ne owacho. Donge use neno Preamble no? Donge en simple and clear?

*The Preamble, jo Rangwe no ko ni the preamble should be simple and clear. Jo Rangwe ne owacho ni the Preamble should state that Kenya is a God fearing Nations without stating State Religion, donge ne uwacho mano?*

**Audience:** *Yes.*

**Maurice Odawo:** *Jo Rangwe ne oko ni the preamble should provide that all citizens shall consider Kenya like a family Community. Is that right?*

**Audience:** Yes.

**Maurice Odawo:** Jo Rangwe nowacho ni the preamble shall ascertain the wish of the majority and then they said, the preamble should state that all Kenyans are equal before the laws of the land. Jo Rangwe nowacho ni the Preamble should express Kenyan's wishes and it captures that, donge use nene? Ee, jo Rangwe nowacho finally on the preamble that the preamble should embrace Constitutional revolution since 1963, is that right? Mano e gima ne jo Rangwe owacho on the Preamble. In fact, unyalo remember, a reminde u mana ni ne wabedo ti Hearings e Rangwe Constituency, wabedo gi Hearings Dhiru Chief's Office and Yimbo Market.

*Jo Rangwe ne owuoyo* on the Directive Principles of State Policy be ma ne giwacho ni the Constitution shall provide that National Values shall infuse sovereignty of the State and Rights of Citizens and then they said the Constitution should capture National Principles like Liberty, Social Justice and respect of law then they said the Constitution should provide that Kenya shall remain a multi-party State. Is it not stating that?

**Audience:** Yes.

**Maurice Odawo:** It is stating that. You have seen it. Very good. Those are the things ma jo Rangwe nowacho.

Then on Constitutional Supremacy, jo Rangwe nowacho ni the Constitution should provide for its supremacy of all other laws in the Country. Are you with me?

**Audience:** Yeah.

**Maurice Odawo:** Yes. *Jo Rangwe nowacho kendo, ni*, the Constitution should provide that there shall be mechanisms to ensure that the Government of the day provides for all basic rights where basic rights include even clothing and food, education, healthcare and the Draft provides for that, yes, free. You have seen it? Yes. Jo Rangwe nowacho ni the Constitution should provide that the Constitution shall be amended by 65% majority of the Lower House and 85% of the Higher House. In other words, jo Rangwe no provide for bicamel Parliament – two Chambers. Is that right? Ma ne Jo Rangwe no suggest. Right? Is that captured in the Draft Constitution?

**Audience:** Yeah.

**Maurice Odawo:** Yes. *Jo Rangwe nowacho kendo* that the Constitution should provide that the Parliament's power to amend the Constitution shall not be restricted. *Jo Rangwe nowacho kendo ni* the Constitution should provide for separation of powers for three arms of Government, then the Constitution should provide that a Constitutional amendment shall only be



through a public referendum – that is jopiny. Public referendum, ka jopiny go kura giduto. Then again, that finally the Constitution should emphasize that Parliament shall have the power to amend only a small portion of the Constitution. Is that right? Those who are there during the Headings? I believe. I can see you nodding.

**Audience:** Yes.

**Maurice Odawo:** On Citizenship, *Jo Rangwe nowacho ni* the Constitution should confer to all persons born of Kenyan parents automatic citizenship and that the Constitution shall provide that girls shall be given ID's only after marriage. Is that right? (Laughter) That is what ----- Cllr. Kagoro, can you remember that. Quite correct and that was said by students at Dhiru. I can see Cllr. Kagoro is even able to identify who said it and then they also said on citizenship, that the Constitution should provide that spouses of Kenyan Citizens shall not acquire automatic citizenship and that the Constitution should provide for dual citizenship which we don't have at the moment, that you are a Kenyan and you are also a citizen of the USA. We don't have that but in the majority of cases, in the world today, people have dual citizenship. That is why the people of Rangwe felt that the new Constitution should also provide for dual citizenship and that the Constitution should confer automatic citizen to all persons legally married to a Kenyan Citizen irrespective of gender. The argument was, as you remember, Cllr. Kagoro, that if a woman is married to a German, the German does not become a citizen but if you Kenyan, you marry a German woman, the woman is automatically a citizen of Kenya but if a Kenyan girl is married to a German, that German does not become a Kenyan Citizen, because he is a man, unless you, apply for it. (Laughter). So, those are the things Rangwe people gave views on and on Defence and National Security-----

----- Corruption. Is that right? And again the Rangwe people said, that the Constitution should disband Administration Police and incorporate them into regular police. Is that not what the Constitution is proposing?

**Audience:** Yes.

**Maurice Odawo:** Exactly that eh! And the Rangwe people also recommended that the Constitution should provide that the Prime Minister shall be fully in-charge of Defence. The Constitution should constitutionalize discipline of the Armed Forces and should provide that there shall be no searches by police without a search warrant. The Constitution should provide that no decisions affecting National Policy on Defence including declaration of war shall be made without the approval of Parliament. Is that right?

**Audience:** That is right.

**Maurice Odawo:** That is what the people of Rangwe said. On Political Parties, the Rangwe people recommended that the Constitution should provide broad guidelines for the formation, management and conduct of the Political Parties. Is that not

what you have seen in the new Constitution? Putting the registration under the Electoral Commission of Kenya? Is that right:

**Audience:** Right.

**Maurice Odawo:** Yes. The Constitution should provide for unlimited number of political parties to advance democracy but they shall fund themselves. No. 3: The Constitution should provide that politicians shall be allowed to change parties freely and that the Constitution should provide that MP's shall be fined five hundred thousand shillings for defecting from one party. Do you remember?

**Audience:** Yeah.

**Maurice Odawo:** Yeah. That an MP defecting should be fined five hundred thousand shillings, defecting to other parties. That one came from someone from Rangwe. Yes and that the Constitution shall provide that there shall be only two political parties—one forming the Government and the other acting as watchdog. Of course you know that these are views that were coming from various people here and there. A person will give view that is contrary to what the others have given and this shows that the Commission took exactly what you said. The verbatim recording, which is being done now, as I am talking now, I am being recording word by word and that is available for doubting Thomases. Anybody who is in doubt as to what the people of Rangwe said can finally go for the verbatim recording if he or she cares to do so.

The Constitution should provide that Political Parties shall be registered under a separate Act different from Societies Act. Haven't you seen that in the Draft?

**Audience:** Yes.

**Maurice Odawo:** The proposal is to have parties registered under a different Act by a different body, the Electoral Commission and not the Registrar of Societies. Yeah. The Constitution should provide that outside funding for Political Parties should be approved by Parliament. You have seen that they are very stringent provisions, suggestions for the funding of political parties including funding them from the State coffers, i.e.funding them from our own resources. The Constitution should provide that political parties campaigns shall be funded by the Government. That is just what I have been talking about. That the Constitution shall provide that the political parties shall play roles such as adviser to the ruling party. The Constitution should maintain multi-partism. The Constitution should provide that political parties shall initiate sustainable projects. The Constitution should provide that political parties shall be regulated. The Constitution should provide for public funding of political parties and they have reached a defined limit numerically. The Constitution should provide that all political parties shall form the cabinet, i.e. a kind of Coalition Government. Yeah. A Constitution should provide for a maximum of three to four political parties – you see all that you said, was said in different ways but it was the duty of the Commission to analyse and come up with the basic

thing that people were trying to say and that the Constitution should provide for unlimited number of political parties. The Constitution should provide that the political parties shall give political mobilization and civic education to the public. That was all on political parties. Ladies and Gentlemen and as I have said, there were various issues here and there but the Commission had to analyse and synthesize the basic thing to come up with the main thing that majority of Kenyans said on the particular issue to come up with the recommendation that was necessary.

On Structures and Systems of Government: The people of Rangwe said that the Constitution should provide that the Head of Government shall be different from the Head of State. Is that not captured in the Constitution? In the proposals?

**Audience:** Yeah.

**Maurice Odawo:** That the Constitution should not provide for federal government because it is expensive. There is the proposal that is providing for devolution not federal government but devolved powers to the Districts and Provinces. That the Constitution should provide for a presidential system of government and for a Parliamentary system of Government in which the National Assembly chooses the Prime Minister.

The next point is that the Constitution should provide for a Government of National Unity composed of all parliamentary political parties. The Constitution should provide for a majimbo system of Government with eight regions each headed by a Prime Minister or governor and one central Parliament. The Constitution should provide for the unitary system of Government. The Constitution should provide that the Prime Minister shall be given some of the President's powers which is already there and that the Constitution should provide for a Coalition Government. The Constitution should provide for Federal Government as drawn during Lancaster House meeting. That is on the system of Government.

On the Legislature, the people of Rangwe said that the Constitution should give Parliament power to impeach the President. Is that given?

**Audience:** Yeah.

**Maurice Odawo:** The Constitution should provide that MP's shall be given compulsory when he/she is required to visit his/her Constituency and that the Constitution should provide that being an MP shall be a full time job and that nominated MP's shall be experts with responsibilities to perform. You have seen even in the Constitution or the new proposals that expert ministers to be appointed from outside – you have seen that eh! Experts who can perform and again that the Constitution should provide that Parliament shall be autonomous and that it shall have power to distribute resources and that once an MP is in Parliament, they shall shed their political affiliations and the Constitution should give Parliament power to vet all constitutional appointments of senior civil servants. Is that recommended?

**Audience:** Yeah.

**Maurice Odawo:** Very good. And that the Constitution shall provide that Parliament shall have power to approve executive decisions. That is recommended eh! Very good. The Constitution should give Parliament sole power to appropriate and raise finances and that the Constitution should debar MP's from legislating their own remunerations. Is that right:

**Audience:** That is right.

**Maurice Odawo:** Are all those captured in the proposals?

**Audience:** Yes.

**Maurice Odawo:** Very good. I am continuing. That is still under legislature. That the Constitution should provide for an independent Commission to decide on the salaries of MPS – Is that right?

**Audience:** Yes.

**Maurice Odawo:** That the Constitution should give voters the right to recall non-performing MP's by way of petition, referendums or collection of the required number of signatures from the MP's Constituency. Is that captured?

**Audience:** Yes.

**Maurice Odawo:** Right. That the Constitution should provide that an MP must be a holder of a University Degree and that the Constitution should provide that all MPS shall ensure proper use of public funds and that the Constitution should provide that Parliament shall decide Councillors' salaries and that the Constitution should provide that Parliament shall appoint Ministers. That is as far as it goes on the Legislature.

Now, on the Executive, the people of Rangwe proposed that the Constitution should provide for a President who shall not belong to any political party. Is that captured in the proposals?

**Audience:** Yes.

**Maurice Odawo:** Is that captured? It is is. It is captured. The proposals say that the President and the Vice-President will not belong to a political party

**Com. Asiyu:** ---- after they are elected.

**Maurice Odawo:** ----- after they are elected. Yeah. The Constitution should provide for election of the Prime Minister by public and that the Constitution should provide that the President's age shall be 50 to 70 years. You know the proposals are saying, anybody vying for the post of President with the exception of the coming election, must not be over seventy (70) years.

**Com. Asiyu:** --- only because they have Nyachae and Kibaki, otherwise (in audible)

**Maurice Odawo:** (Laughter) Yeah. So, if you read it - for those who have not read, the present proposals are saying anybody who runs for the Office of the President should not be more than seventy (70) years, but of course with the exception of these coming elections. After these coming elections, then no more. Anybody over seventy (70) years will not qualify for the post of President. The Constitution should provide for a maximum of two terms of five years for President and that the Constitution should provide that village elders shall be in uniforms and salaried. (Clapping) The Constitution should provide that an elected Prime Minister should control the cabinet, which the proposal provides. That the Constitution should provide the Provincial Administration to be elected for five years and that the Constitution should provide that the minimum education for Chiefs and their Assistants should be 'O' Level. The Constitution should provide for appointment of cabinet to be based on professionalism and that the Constitution should provide for popular election of both President and Vice-President and you know the new Constitution is proposing a system of a running-mate in other words the Vice-President will also be elected as you elect the President. That is what the people of Rangwe said - not appointed. That the Constitution should provide that the President shall be subject to the law. That the Constitution should limit the powers of the President and that the President shall not have the power to dissolve Parliament and that the Constitution should provide for the impeachment of the President and should also provide that the President shall serve a maximum of two terms of five years. That the Constitution should provide that all presidential appointments be vetted by Parliament.

I am still continuing on the Executive - what the people of Rangwe said. That the Constitution should provide for a minimum qualification of University Degree for a Presidential candidate. Is that not what the proposals are saying?

**Audience:** Yes.

**Maurice Odawo:** A University Degree for a Presidential Candidate - Yeah. And that the Constitution should provide that the President not be an elected MP. Sorry, shall not be an elected MP. There was one person who said, should be an elected MP, one other person who said should not be an elected MP. So, he ceases to be an MP once he is elected. That is what is being proposed there and that the Constitution should provide for appointment to the Cabinet through merit and you have seen the proposed made, that appointments should be made of experts from outside who should be appointed on merit and that the

Constitution should provide that Provincial Administration Officers be elected by popular vote and that the Constitution should provide that the Vice-President shall be given some presidential powers and that Chiefs shall stop the brewing and drinking of illicit brews. That the Constitutions should not provide for ceremonial powers for the President. Of course those were the views of another person. Another person also suggested that the President should be between 35 and 70 years and that of course is being adopted there. You know the minimum age for one to qualify to run for presidency is thirty-five and this particular person, said between thirty-five to seventy years and that the Constitution should provide that Chiefs shall be housed in Chief's camps. The Constitution shall provide that Chiefs shall be transferable so as to gain experience (Laughter). That the Constitution should abolish the post of DO's. The Constitution should provide that Chiefs shall go for para-military and para-legal training. The Constitution should provide that Presidential candidates shall garner 25% in five Provinces. The President shall hold office for one term only. Some people said one term only and the Constitution should provide that the Police shall not arrest without Chief's permission and that the Constitution should provide that the Prime Minister or President shall have power to assent to the legislation passed by Parliament. That was on the Executive.

Now, on the Judiciary and you have heard a lot of contentious things said about the Judiciary of late. The Judiciary: The people of Rangwe said that the Constitution should provide for the independence of the Judiciary and that the Chief Justice and the AG should not sit in the Judicial Service Commission as they are linked to the President. The Constitution should provide for an independent Constitutional Court and that people imprisoned for life shall all donate blood. (Laughter)

Well, these are the views of the people of Rangwe. The people of Rangwe said also, that the Constitution should provide that judges shall be appointed by an executive council whose members shall be drawn from all political parties. The Constitution should provide for security of tenure for judges.

Lastly, on the Judiciary, the people of Rangwe said that the Constitutions should discourage delays in dispensation of law by judges. Delay in passing judgment.

On Local Government, the people of Rangwe said that the Constitution should provide that all elective positions in the Local Government including the position of the Mayor and the Chairman of the County Council be filled by direct popular elections. Are you getting it?

**Audience:** Yeah.

**Maurice Odawa:** Very good. That the Constitution should provide for mayors to be elected for a term of five years only. That the Constitution should provide for mayors to be elected for a term of five years only. And that the Constitution should provide payment of local authority workers from the consolidated funds. That the Constitution should provide for retention of language test before councillors' interviews. (Laughter and noise from the audience)

I am going on with the Local Government. The people of Rangwe proposed also that the Constitution should provide for retention of nominated councilors. The Constitution should provide for the funding of Local Authorities by the Central Government. The Constitution should limit the power of the Minister of Local Government to dissolve local councils. The Constitution should provide that Councils shall continue to operate under Local Government, the Constitution should abolish the nomination of councilors as they do not serve people's interests. That was another opinion of another person. Someone said they should be retained and someone said that the nominated councilors do not serve anybody's interest. They should be abolished. The Constitution should provide that 30% of the resources generated by the council shall be ploughed back to keep them autonomous. The Constitution should provide that removal of mayors and chairpersons shall require two thirds majority votes of the councilors and that the Constitution should provide for dissolution of local authorities by the Local Government with approval of Parliament and that the Constitution should provide that councilors shall be given compulsory times when they have to visit their wards. The Constitution should provide that Local Government should pay teachers' houses and schools. That the Constitution should stop collection of market tax. The Constitution should provide for retention of councilors, the Constitution should abolish County Councils, as they do not grow. The Constitutions should provide that local authorities should begin at Urban Councils. That was so much about the Local Government.

On the Electoral Systems and Process: The people of Rangwe said that the Constitution should provide that election campaigns shall be free and fair and that they shall be regulated. The Constitution should provide that voters should be allowed to cast their votes from anywhere; the Constitution should provide the Electoral Commission of Kenya shall be appointed by Political Parties. The MP's and Councillors shall be pensionable if they serve for two terms because at the moment it is only MP's who are pensionable. Councillors are not. That the Constitution should provide that defectors shall not seek elections until after two years to organize the parties and that the Constitution should provide that professionals who lose election shall be allowed to go back to their previous jobs; the Constitution should provide allowance of three months for professional wishing to vie for Civic Seats, the Constitutional Review shall be de-linked from elections; the Constitution should provide that the council shall tax the rich more and the poor less. (Laughter from the audience). Those were your views. That the Government shall tax the poor more and the poor less.; the Constitution should abolish queue system by political parties as it perpetuates violence; the Constitution should provide that the Electoral Commission of Kenya shall work with the Registrar of Persons and that the process of voter registration shall be continuous and you know that is proposed in the new Constitution eh?. The Constitution should reduce voting age from eighteen to fifteen years. The Constitution should provide that vote counting shall be done at the polling station and you know that is proposed eh? The Constitution should provide that ID's, Title Deeds and Birth Certificates shall be enough to acquire voter's cards. The Constitution should provide that Presidential elections shall be done separately with the Parliamentary and Civic elections. That somehow has been achieved because you know that the Constitution is proposing that the election of the National Council for a four year term and then parliamentary for a five year term, so the elections after the first initial elections will never be together thereafter, so that they will be separate.



The Constitution shall provide that Rangwe shall be divided into two Constituencies. The people of Rangwe said, that the Constitution should provide the Rangwe Constituency to be divided into two Constituencies;, (Laughter) The Constitution should provide that division of constituencies shall cater for population; The Constitution should provide that votes be counted at the polling stations. You can see, as I said, ladies and gentlemen, that it was the duty of the Commission to go and analyse the views you gave and come up with what is close to what you are saying for example, you are saying here that ----- the people of Rangwe said that the Constituency should provide that division of Constituencies shall cater for population, in other words, shall take population into account and you know the Commission has come up with a kind of proportional representation, the ninety seats to be given to parties on the basis of the number of votes obtained as in the elections. That is the kind of proportional representation. At the moment people argued during the Hearing, that some constituencies have only seven thousand voters sometimes ten while others have seventy or eighty or even a hundred thousand. So, the Commission has proposed a kind of proportional representation in addition to the election of MP's to represent the respective constituencies.

The Constitution should provide that votes be counted at the polling stations, of course, that is provided for, where the Polling Station is, is where the votes shall be counted. The Constitution should provide that voting be done by secret ballot and the Constitution should clearly stipulate the election date of the General Elections without leaving it to be used as a secret weapon.

The Constitution should provide for the autonomy of the Electoral Commission Commissioners appointed to the Electoral Commission be nominated by and be representatives of all political parties; the Constitution should abolish nomination of MP's and Councillors and Civic Education should be entrenched in the Constitution and should be a continuous process.

As I was saying, there is a misunderstanding, I am sure Hon. Commissioner will explain much more, but there is a misunderstanding, people think that some people looking at everything on the surface, think and we have been reading newspapers, you know about that, that the ninety seats being proposed for proportional representation are just nominated MP's. They are not strictly nominated because; the ninety MP's are going to be given to the parties on the basis of the votes they get. In other words, they are tied to the votes that the party gets. So, they are strictly not nominated as such.

On Basic Rights, the people of Rangwe said that the Constitution should guarantee the protection of Human Rights to all Kenyans. The Constitution should guarantee freedom to work anywhere, freedom of movement; guarantee issuance of ID's at birth and should protect all Kenyans against domestic violence. The Constitution should guarantee the freedom of worship to all Kenyans, the freedom of expression and association and should provide for the protection of all Kenyans from torture and intimidation, the Constitution should provide for the free and compulsory formal education up to University level and should provide for free basic health care for all in both rural and urban. Actually, those are the rights. I don't need to read each one of them. But those are the rights that I have mentioned that the people of Rangwe talked about and which Hon. Commissioner has also emphasized to you.



Then on the Rights of the Vulnerable Groups: The people of Rangwe said that the Constitution should provide for Government rehabilitation of street children. The Government should rehabilitate street children and should guarantee that women shall not be employed, as they shall take maternity leave and disrupt work. (Laughter from the audience). Well, those were your views, and that the Constitution should guarantee the parents shall not conceal children with disabilities because some parents when their children are disabled, they don't want people to know that or to see them. But, as you can see, we have one of District representatives is a person with a disability. You remember, she told you she is not disabled but she has a disability.

Then, the people of Rangwe said that the Constitution shall guarantee that there shall be two nominated MPS with disabilities and that should also guarantee that women shall head financial sectors to ensure efficiency. The Constitution should abolish the taking of young girls to replace their dead sisters and should bar girls' circumcision.

There were several other things, the Constitution should guarantee that aged people without children, shall be given welfare and shall be looked after and that the Constitution should guarantee medical care for old people and should guarantee that blind persons shall be represented in the examination board and Constitution should guarantee the integration of persons with disabilities in all the decision making organs and should guarantee that disabled people shall be allowed to join ordinary schools. Constitution should guarantee that District Development Boards shall have a disabled person as a member and women shall be educated up to Form IV and not up to University. (Laughter from the audience). The people of Rangwe also said that the Constitution should abolish affirmative action for vulnerable groups and should guarantee criminalization of impregnating schoolgirls. Constitution should guarantee jobs for those trained and give loans by the Government when in public Universities. The Constitution should guarantee that women shall be protected from violence by their husbands and also guarantee punishing of women who get children outside marriage. The Constitution should also guarantee special assistance by the Government to widows and widowers. The Constitution should also guarantee that disabled persons shall be given special amenities such as separate jails and their own hospitals. The Constitution should make provision for sign-language services for the deaf in all public places including Parliament and guarantee that girls shall not be discontinued from school because they are pregnant and that girls shall not be allowed to marry until dowry is paid. (Laughter)

The Constitution should also guarantee adequate budget for youth by the Governmen. The Constitution should guarantee that women shall compete for elective posts just like men and should provide affirmative action in favour of the disabled in all public facilities. The Constitution should provide for Government buildings structurally sensitive for the needs of the disabled. The Constitution should guarantee that women shall not be issued with ID's but her name shall in her husband's ID. (Laughter from the audience) and should provide for non-discrimination of women in inheritance matters. I am not very far away. It is soon coming to an end, it is long but these were your views. It would be good for you to hear them and see them reflected in the Constitution. The people of Rangwe also said that the Constitution should provide that women shall inherit land from their husbands and that they shall only inherit from their father if there is a clear proof that they are not married. The Constitution should provide that the Land Tribunal shall have the highest appellate jurisdiction and all land shall belong to the State to ensure

equitable distribution. If you look at the proposals, you will see a Land Commission being proposed to own land on behalf of the people of Kenya.

On Cultural, Ethnic and Regional Diversity and Communal Rights, people of Rangwe said that the Constitution should provide for the freedom of ethnic practices as long as they are not repugnant to morality and natural justice. They also proposed that the Constitution should provide that unmarried women shall be settled in Game Reserves (Laughter). Ladies and gentlemen, those were your views. (Laughter). Those were the views of the Rangwe people. A woman shall be forced to agree to be inherited but be allowed to choose the man, she wants and that he has to go for a medical check-up. The Constitution shall provide protection from discrimination aspects of culture and that all working women shall work close to their husbands. The Constitution should provide for harmonization of traditional medicine with conventional medicine. The Constitution should guarantee intact cultural values.

On Management and use of Natural Resources: The people of Rangwe said that the Constitution should provide for equitable distribution of Natural Resources and that all Government services and facilities are accessible to all Kenyans without discrimination. The Constitution should discourage external investors and provide that all industries shall be fixed within areas of their raw materials, school equipment shall be equitably distributed to all schools and the Constitution should provide for regional establishment of factories to enhance employment, the Constitution should provide that public officers convicted of corruption shall be sacked. The Constitution shall provide that all appointments to Civil Service must be based on merit and also provide for a one person one job policy; the Constitution to provide for Government roles in price control to protect local produce.

Still on resources, the people of Rangwe said that the Constitution should provide for the full liberalization of the agricultural sector and provide for strict enforcement of employment on merit in all public institutions; provide for the employment of all university graduates and provide for allocation of resources to rural areas for their development, provide for Civil Servants to reveal the source of their wealth to prevent corruption. They also said the Constitution should establish the office of the Ombudsman. If you look at the Constitution, there is something like that, the people's Protector that is the office of the Ombudsman, if you look at the proposal. They also said that the Constitution should provide that the Government should expand industrialization and agricultural sectors to create jobs for the youth, the Constitution should provide that raw materials shall be processed in the area where they are found to develop that particular area, provide that students who drop out of school shall get certificates showing the class they reached, provide also that the Constitution should set minimum and maximum salaries to bridge the gap between the rich and the poor, provide that telecommunication system and other infrastructures shall be developed in all regions of the Country. Provide for establishments of libraries in all divisions stocked with text books and provide that spouses of pensioners shall get pension even after the death of pensioner. The Constitution should provide that currency shall be engraved in braille for persons with disability like Teresa, to be able to know, yeah, what amount of money she is handling.

The Constitution should also provide social security funds to support families that are unable to cater for themselves and provide that goods that can be made locally, are not be imported, provide that corruption shall be a capital offence punishable by death, the Constitution should provide that the Government shall waive duties on new newsprint to encourage poor people to read and extend retirement age to sixty years; provide measures to curb brain-drain, provide protection for trade unions; provide parastatal jobs shall be provided equally amongst the Districts; provide that Professors shall earn five hundred thousand shillings and their deputies three hundred thousand per month. (Laughter)

I am close to the end. On environmental and natural resources, the people of Rangwe suggested that the Constitution should provide that communities be given first preference in benefiting from local natural resources and that game reserves shall be distributed to the landless if they are fertile and that only dry areas shall be made National Parks.

On Participatory Government, the people of Rangwe suggested that the Constitutions should provide that opposition and pressure groups shall be part of the Government and the Government shall be made to seek their views.

On International Relations, the people of Rangwe suggested that the Constitution should provide that IMF and World Bank activities shall be regulated and political parties shall not be allowed to get funding from foreigners.

On Constitutional Commissions, Institutions and Offices, the people of Rangwe suggested that the constitution should provide for formation of executive council, with members drawn from all political parties and the Constitution should provide for creation of Commission of the Disabled Rights. The Constitution should also provide for a commission to divide Government land amongst landless and also provide for a board to review MP's salaries, in fact you have seen it coming up, again and again and then finally on Succession and Transfer of Power:

The people of Rangwe suggested that the Constitution should provide that the Vice-President shall hold post for three months then elections shall be held i.e. when the Office of the President falls vacant. The Constitution should provide security of tenure to the Attorney General, Controller and Auditor General, Commissioner of Police and the Public Service Commission. If you read the Draft Constitution, you will see that the office of the Commissioner of Police is proposed as a constitutional office, one of the constitutional offices to have security of tenure and you can see that this came from the people of Rangwe and lastly that the Constitution should provide for a commission in charge of controlling of finances.

If you look at the Draft Constitution, you will see that there is the post of Controller and Auditor General as well as the post of Director of Budget which basically as I said, it was the duty of the Commission to after collecting views, to collate them and analyse them and come up with something which is close to what the people had said. Hon. Commissioner, Ladies and Gentlemen, that is the end of what the people of Rangwe said and as you have been told by Hon. Commissioner, this is only a

short form of it, otherwise much of it was directly verbatim recorded and any doubting Thomas who wants to go right up to the verbatim recording, is free. It would be availed so that you get it right there. Thank you very much.

**Com. Asiyu:** Thank you, thank you very, very much Mr. Odawo for that report that emanated from the people of Rangwe.

*Jo Rangwe, ji adi mane ni kama ji nolosu nwa, tin'g nwa uru badu malo, dong' uyie ni watemo ndi?*

**Audience:** Wayie.

**Com. Asiyu:** Okey, now that the report has been read and those of you who were there have confirmed that it reflects the true record of what you told us when we came round. I want to now go ahead and launch the Draft Constitution which every one of you has a copy of and which I am sure you have been reading in the last one week or so. We will not go through this report stage by stage because it will take us a long time to do so. But may be we can touch on every Chapter of the new provision so that we acquaint ourselves with what has been drafted.

----- *ema omiyo wawacho kani ni chike mag African Customary law koro un ubiro neno kaka uketo gi e District Councils magu ka use yiero jowu madhi bedo e District Council. Parliament biro enacts all these laws maket procedures ma unyalo wuotho godo e piny ka urito kodo jo piny. **The rules of law generally known as the Common Law and the rules of law generally known as the Doctrine of Equity as they relate to the practice and procedures of the Court of Kenya. The East African Community Law and Customary International Law and International Agreements applicable to Kenya.** Jo Kenya have ratified very many international conventions ma thoth gi agreements go gin applicable to our Country. Wayie ni mondo oket gi e paro kendo gi ti e piny ni kaka gitiyo e pinje mamoko bende man e buo United Nations kata e the African Union.*

*Chapter 2 loso kuom the declaration of the Republic of Kenya. En a sovereign republic kaka uwache, the territory of the Republic of Kenya comprises areas described in the first Schedules. First Schedule ni ne wabiro ka kwa wacho nu ni ung'e ni podi ok ogol map mar Kenya maber monyis boundaries ge, gode man e iye, chula man e iye, gikuonde ma opogore, opogore manene onego ket e. Wang'ni wakete e Schedule ariyo kanyo, ka ing'iyu Chapter 2, wakete e Schedule maler ahinya ma wanyiso u godo kama oaye, e kind nam e i nam kae ema ochakore e kind wa gi Uganda ma odhi nyaka e kind wa gi jo Ethiopia, jo Somalia, jo malo Sudan kendo wachane maler kaka onyalo obedi, ma unyalo ng'iyu Schedule ma oket kanyo no e karatese ma un godo.*

*Wawacho ni ya, ni Capital mar Kenya nobed Nairobi kendo **Parliament shall enact legislation to provide for the status and Government of Nairobi. Wawacho ni dhok, the official languages of Kenya are Kiswahili and English and all official documents shall be made available in both those languages. But the National language of Kenya is***

**going to be Kiswahili. The State shall respect and protect the diversity of languages of the people of Kenya and shall promote the development of the use of Kiswahili as well as indigenous languages.**

*Gima omiyo mar wa ni ber, Makerere University nyocha ne ochako Department ma ipuonje Luo language kende ma ka ok ing'eyo maber, nyithindo ma tinde wacho ni fathe Nairobi gi, inyalo ore Makerere ka to oyudo, ayuda Masters in Luo language bu oduog omiyo dhok ma ing'ith ahinya e dhok mar luo. University of Maseno also has a language department ma gipuonje dhok mathoth. Magi biro konyo wa mondo wang'e kaka wadak nikech chutho ng'ama wacho dho jomoko, mawe ni ong'e dho jomoko ma olo dho min, en slave. Ee, en ng'ama slave adier adier nikech ok owinj mit wach ka ogo mbaka. Unene kata ka ng'ato ywago min mohero, be oywak gi Kizungu ma donji? (Laughter) Kanyo ema wach nitie. Ee.*

*Wawacho ni under State and Religion, State and Religion shall be separate. There shall be no State Religion nikech Kenya dwa bedo secular State. Ka uneno lweny magore Norther Island kata e some of these Islamic States, gin mag din. Ok wadwa ni ochopi kamoro ma ng'ato biro ko ni wan Mombasa, waneno ni koro onego wabed abeda Federal ginene, machalo gimar jo Nigeria, makoro wan Islamic State kata jomoko ko ni wan, wan jo din wamsambwa koro wadwa Serikand wa, kata wan jo Protestant, wan Jo Catholic. So, really, the best way out, you said it, you gave it to us, wabed ni wanyalo lemo kendo wageno Nyasaye to kik wabed ni din ema Serikal no mar piny.*

*Symbols mag wa mag piny gin ang'wen. Wan gi National Flat, wan gi National Anthem, wan gi Code of Arms kendo wan gi the Public Seal of Kenya as prescribed in the Third Schedule mabende ni e toke kanyo unyalo somo bang'e.*

*National Days mag wa gin ariyo kende e Kenya ka. Wan mana gi National Day ma iluongo ni Madaraka Day ma First of June, to gi December Apar gi Ariyo ma Jamhuri Day. Wagombo ni chie'ng moro ka Katiba ni olose, to umiwa gima iluongo ni Constitutional Day e Katiba, iluongo ni Katiba Day mondo obed the third National day ma piny ka. Mamoko ka to be nikanyo. To wan kaka wang'eye e piny, wan mana gi odiechienge ariyo ma national days kendo ching'e moro ubiro medo wa moro mar Katiba ka uyie to waketo ni Katiba Day nikech odhi loko pach piny, odhi loko timbe piny mondo ji ochak riere tir oti ne piny kaka gi dwaro. (Clapping)*

**Chapter mar this Draft deal gi National Goals, Values and Principles. Wawacho ni the Republic shall promote National Unity and develop the commitment of its citizens to the spirit of Nationhood.**

*Sani wadwa kere matin. Wang'iyore kaka ogendni kacha gi ka. Pod ok wabedo gi spirit mar Nationhood. Wadwa ni wagere. Nyerere ne oweyo pin ka oloso kabisa ma Mtanzania ka ipenje ni ija kanye, to okoni mana ni en Ja Tanzania. To ja Kenya ka ipenjo ni ija kanye, to oko ni, ni an Jaluo to kendo ok onyisi, an mana ka inone ni to ija kure, koro eka okoni ni en Ja Kenya. Mak mana ka en oko eka okoni ni en, en Jakenya. Wadwa ni walok paro no mondo wabed*

*Jokenya wduto kendo wabed gisunga mar bedo jo Kenya. Wadwa ni mondo the Republic o ensure open and transparent Government and the accountability of State Officials and public authorities. Kendo bende wadwa ni political parties to observe democratic principles of their internal organizations and procedures respect the right of others to participate in the political process and avoid violence and bribery. Nikech ung'eyo ni da pesa onge, dikoro siasa ber ndi. Omiyo wadwa lore, to be walore mana chuth. Nobed matek ndi mondo imi ng'ato pesa ka idwa chung' bu be ibed maonge gi offence nikech ichiwo bribery e seche mag yiero. Chopo kama koro jopith nyalo bedo jimabeyo kata gin jokuo e piny ni to ji oyie mana ni gibeyo. Omiyo e pach wa manyien gi kit wa manyien, nyaka jokuo bed jokuo, to jo ma corrupt obed kocha, to wan ma wan jochan ma jo maler gi wan ma wabed jopiny. Nikeche ekaka onego bedi. Dibed marach ka jokuo bedo gi nying' maber e gwe'ng nikech gichiwo Harambee madongo, dongo to jomachiwo matindo kadieri to bedo joma ji ok ogeno kendo ohero.*

*Nitie moro kanyo be mawacho ni the Republic shall promote equitable development. Ne uwacho nwa ni nyaka pes piny chiw marom. Nyaka gi recognize and enhance the role of science and technology. Nikech ung'eyo ni chutho, agriculture to watimo, to ka onge technology, ka onge science, ka onge industry, to ji ok nyal dongo. Amiyo u example moro achiel. Ne wan mbas South Korea ka ne wabedo independent. Sani, South Korea miyowa kony. Nikech science and technology orem. **Development mar that area** ok wase tiyogo maber. Ekinde moko e Kenya ka ne wachiwo ne Malaysia kony. Mano en adiera chutho. Sani ok wanyal, jogo ema miyowa kony. Nikech ok wase tiyo gi science and technology e yo makare.*

*Nitie gwe'ng moro matin India ku, ma ema chiwo gik moko te, gadgets moko mag computers moloyo pin mangima. To nikeche nitie science and technology e gwe'ng no. Wadwaro ni mondo wa enhance weche mag science and technology kendo **ma eliminate disparities in development between regions of the Country and sectors of society and manage natural resources fairly, efficiently for the welfare of the people.** Kama ng'ato nyalo ting'o agul mangima mar pesa otero e gwe'ng gi to gwenge moko ji thoye, nyithindo ok som, ji nindo kech, wach no wawacho, kendo watieke, orumo. Ne unyiso wa ni nyaka pog marom to kendo wandiko kamano kaka asomo no. Nyaka chiw marom. Jo mane gw'enge gi ose dongo, man gi yore, man gi gik moko, norit ye matin ka podi gwenge moko bende temo catch up kod gi, **affirmative action**, mano e gine. Koro ka chie'ng moro ji ose pim ni mael ma a ka nyaka ka, man kata Kiambu kanyo rom gi mael ma a kata mana mwalo ogwedhi kany nyaka Mbita, koro eka chi'eng moro ne wawinjre ni koro to oromo, koro wachako wuoth manyien. Nikech ber chutho ka piny rom. Ema kelo kwe e piny, ema kelo ber a piny. Ka ng'ato oy'ieng to ng'ato kech chamo, winjruok bedo matek ahinya e kind gi. Ma e gima Katiba manyien dwaro mondo olosi mondo romruok obed e gwenge, kendo e regions mondo winjruok obedi. Winjruok ok nyal bedo kama jomoko oyieng to jo moko kech nego. Waneno gino kendo uwacho nwago to kendo wakete kaka ne unyiso wa mondo obedi.*

*Koro be nitie timbe ma jo piny nyaka tim. Duties of citizens. Gik manyaka utim ube kaka jo piny mondo piny odong.*



*Nyaka u uphold and defend this Constitution and the law. Nikech jomaketho chike to ok oromo bedo gayi e kor gw' eng. Nyaka u contribute to the welfare department of the community where you live. Nyaka u try to foster National Unity and live in harmony with others. Jo ma ok timbe gi yore matamo jok mabeyo bet e piny.*

*Koro ka ung'iyoy kar citizenship kanyo ok nadag ye nikech mathoth wagolo kaka ne chal. Ne unyisowa ni udwaro dual citizenship kendo Mr. Coordinator e owache maber. Dual citizenship ne uwacho ni onyalo konyo kendo an to ang'eyo ni onyalo konyo. Nitie yawuotwa mathoth monyombo oko. Konyombo America, chiege onyuol kuro, nyithindo go gin jo America kendo dhok no ema giwacho. Kagibiro Kenya ka, pod gin mana jo kocha. Kata tich ber moromo nyakwari rim, tiwacho ni en mana gi citizenship mar jo America, ok nyal miye tij no. Wachiwo thuolo ka, kaka ne unyisowa ni ka wuoyi onyuomo nyako kucha, to nyathine obedo ja piny no, obed abeda ja piny no be to obed ja thurwa ka bende. Mondo kik jowa lal. Jowa olal oko mathoth. Dual citizenship biro konyowa kanyo, weche mamoko be biri bedo kamano. Kata mana weche mad e seche ma nyako onyuol gi ja German kaka Coordinator owacho, ka ja German no ong'iyoy ni en odwaro duogo bedo Jakanyada ka, to umiye mana thuolo, obedo mana wuod Kanyada ka to koro tije ema uneno kaka chalo. Mana kaka wuoyi be ka onyombo e piny America to chiege no duogo ka to koro opuonjo, apuonja ka kaka chi piny ma ok oko ni en nyar America, to en chi Kanyada. Nyaka obed Jakanyada kata en chi Kanyada kamano. Wapuodho weche go kendo waketo gi kare kor ka mon gi chuo miondo kik bed ye rem moro kuom jowa kendo winjruok obed makare.*

*Ng'ato nyalo hero mondo owe bedo japiny ni kohero. Kendo inyalo maye bedo japiny ni ka timbe ge ok kare. To nyaka non ma ng'e kapodi ok omaye bedo japiny.*

*Ka ung'iyoy Chapter 5 mar the Draft Bill, we still have another fifteen Chapters to go. I don't need to get tired. I think it is important that we browse through every Chapter so that you can go back to your village, your church, and your groups and tell them about the provisions of this Draft.*

*Fundamental Rights and Freedoms wawuoye mathoth. The Rights and Freedoms set out in this Bill of Rights belong to each individual and are also granted by State. Onge Serikal ma no miyi these rights. Rights gi gin magi by virtue of this Constitution and we do not exclude other rights which are not expressly mentioned in this Chapter. Oriwo rights te mag dhano. Nitie bende duties of the State to promote rights. Wanyiso kanyo gima State otim kaka loso policy or enact law. Implement policy of legislation, perform any of its functions or exercises of its powers. Mago tekruok ma wamiyo State kata piny – Serikali. Piny owacho mondo oti ni jo piny.*

*To ubiro e Freedom from discrimination, wawuyo kuom jo mamine kendo wawuoyo kuom jo ma ok oromo go kendo waloso kuom weche mag twech. Ji mathoth nonyiso wa ni ka inego ng'ato to ok ipuonje nikech koro chunye odhi chuth ok onyal ng'eyo pogo kind ber gi rach. Omiyo ne wawacho ni ka, kamano to we abolish death penalty. It*

**appears under the right to life. Wawacho ni everyone has the right to live – right to live and the death penalty is therefore abolished.** *Inyalo provide life sentence kata gik moko kaka timo correction ni ng'ama kamano mondo oduog obed ng'ama ber. Pinje mathoth ose abolish death penalty. Waparo ni Kenya bende onego tim mano kaka ne ji mathoth onyisowa mondo obedi.*

Freedom from discrimination walose kendo especially about women. *Wawacho ni women have the right to equal treatment with men including the right to equal opportunities in political, economic and social activities.*

**Wawacho ni women and men have an equal right to inherit, have access to and control property and that any law, culture, custom or tradition that undermines the dignity, welfare, interest or status of women is prohibited** *chakre sani.*

*Ka nitie kido moro man e oganda manyalo undermine welfare mar ng'ama miyo, ng'ama miyo makata chuore otho, e mitoka to koro ni kido wacho ni nyaka tere gi ng'ama ni gi AIDS, mano is prohibited kendo ng'ama kamano itweyo nikech ochal ja nek. Prohibited kaka ne owach kendo watiyo kode kamano.*

*Wawacho ni jomoti, jodongo mag piny, onego migi thuolo mar tiyo e society mar gi kendo gi pursue their own personal development. Gi bed free from all forms of discrimination kendo gi dagi in dignity and respect. Thurwa ka to ber nikech waluoro jodongo ok wa jo cha gi kata wito gi e mier moko mag jomoti mondo gidag ye. To bende wawacho ni nyaka rit ngima gi.*

*Nyithindo, nitie Children's Act, mabende is now in operation to wamedo nwoyo kanyo ahinya wach mag rito nyithindo kendo wach mar mine gi, gi wuone mondo orit nyithind gi e yo makare.*

*Wawacho ni nyathi ka nyathi ni gi right mar nyi'ng. Nyathi nyaka chak ny'ing kata okwanye kendo nyathi Kenya moro amora ma onyuol e Kenya ka, ka opo ni ndege moro ne kadho Air Space wa, mano nyathi Kenya. Kata nyathi ma okwany ma ja higni aboro, kose non ma ok oyudi kuma o aye, mano nyathi Kenya. Nitie yore mathoth ma ubiro somo kuom nyithindo. Waloso ahinya kuom family nikech ne unyisowa ni ber ka yawuoyi okendo to nyiri bende okendi. Ne uwacho ni every person who is at least eighteen years of age, has the right to marry based upon free consent of parties. Ok ni nyako iywayo e chiro kaeri to oki ni kaeri okendi ye nikech wuoyi ni dwari to podi idundori e skul. Onge nyako ma no ywa wan'ng ni mana ka nitie consent maber koro eka otedo kanyo.*

**Audience:** *Onge, ka odundore to nyaka ywaye.*

**Com. Asiyu:** *Kendo yawuoyi gi nyiri, ni gi the right to found a family. Nyiri gi yawuoyi ni gi right mar kendruok*



*kendo nyuol kaluwore gi Katiba masani, wamiyo gi thuolo no, mondo gitim mano. To gin entitled to equal rights in the marriage, during marriage and at the dissolution of their marriage in case ni gi were to koro gichano kaka gipogore mwandu ma ne gichoko kanyakla ka dhako ne japuonj kata ne en Professor kata ne en daktari to dichuo be ne en japuonj kata ne en Professor kata daktari. Koro gipogre e yo mokue maber maluwore gi chike ma Bunge biro loso mondo obed kamano.*

*Wachiwo chik ahinya kuom persons with disabilities kendo waluongo gi ni persons with special abilities. Ang'engo ni Mrs. Ogutu ibiro mor gi ma. To ing'e ni be wandiko gini e brail. Brail is one of the languages. I believe you are reading it now. Brail is one of the languages that we are going to use in the new Constitution ma all blind people should be able to read their copies of the Constitution in Brail. We recognize the right of persons with disabilities to respect and human dignity. Onge ng'ato manochak oluong ng'ato e kor gwe'ng ni rachero ni, ni rang'ond ni, ni ang'ono. Language no orumo. That other language is gone. Ema ne awacho ni wachako paro manyien, timbe manyien, gi weche manyien, gi wuoyo maber. Nikech mano nyathi ma ne onyuol gi min gi wuon. In ionge teko mar luongo go kamano. Jowa seche moko jocha jok mong'ola kendo iluongo gi gi nyinge moko ma very derogatory. Waloro language no. Koro ibiro miyo gi access to all places, ibiro miyo gi public transport i yo makare maonge jamatatu makog ni ng'ato ni rachero ni donj ka, ma ase winjo pile kawachore e buses kata a matatu. Wabiro temo mondo wabed ti ng'ama ok nen nyalo idho go matatu maber nyaka los gache, nyaka ger udi ma jo mo ng'ol nyalo dhiye gi ndik gi ka, ka donjo go ma ok ni gorofa mar abiriyo ema nitiere Office of the Physically disabled to steps kende ema nitie. Nikech ok inyal chopo kuno. Mago e pogruok maduong' madwa bedo sani gi pogruok mosebede e kinde manyocha nene wantie gi Katiba ma no a nwa Ulaya ma wan wawegi ne ok waloso. Ma to un ema uloso, udhi ng'iyo ahinya weche mag joma ong'ol, joma it gi ok winj wach, kata jo ma muofni mondo gidagi kendo gibedi kaka jopiny giti, gi contribute kaka jopiny bende kendo gi bed gi their privacy kaka wan bende wa Nyasaye oyie podi ok wang'ol wabedo godo.*

*Nitie freedom of expression kanyo mawacho ni every person has the right to freedom of expression which includes freedom of press and other media, freedom to receive or impart information or ideas, freedom of artistic, and creativity and so on. Freedom, ni kawuono uyudo wach ni udhi lande. You have the freedom to and preach this gospel mar the new Katiba, the Draft. To freedom no biro riwo mamoko bende kata mana timo demonstrations ka gin makare kendo ma ok hiny ji, access to information, wawacho ni information is power, ji te nyaka yud information. To kendo Press bende wamiyo thuolo makorgi kende mondo gibed, wanyiso Bunge mondo enact the laws to provide for reasonable allocation of airtime. But all Broadcasting media to political parties based on proven popular support, either generally or during election campaigns. Wamiyo jo media thuolo makamano kaka nene giwacho nwa kendo kaka ubende nene unyisowa.*

**Interjection by Audience:** *(in audible)*

**Com. Asiyu:** *Ee, mano to biro rumo, dweche auchiel chiegni, biro rumo ka weche go ose bedo kamano. Kawayudo thuolo mar keto Katiba ni kare to weche ma ok kare go biro rumo maber jatelo kik ubed gi luoro kanyo.*

**Political Rights:** *Wawacho ni every citizen is free to make political choices which includes the right to form or participate in forming a political party. Weche political parties walose ahinya ubiro somo gi nikech moko nitie party moko mag handbag ma ng'ato ochako gi jaode to dwaro uso ni jomoko. Wang'iyu ni party go ok gin party madieri ma ok ginyal yudo funding from the Government. Wawacho, wach property kanyo bende unune. Social security walose ahinya kendo weche mag labour relations bende. Wawacho ni ng'ato ka ng'ato nyaka bed gi the right to social security including those who are unable to support themselves, kaka jodongo moti, nyithindo makiye, mond liete kata joma kamago.*

*Kendo wawacho ni thieth, health, every person has the right to health which includes the right to health care services including reproductive health care. No person may be refused emergency medical treatment. Nitie osipitande moko ma private makoterye ng'ato kata ng'ama oa e accident, to ni gi kwere ni kapo ka ichiwo shilling eluf piero ariyo, ni to ok idonj mondo othiedhi, waloromago, ng'ato ka ng'ato nyaka thiedhi.*

**Education** *bende wawacho ni every person has a right to basic education including pre-primary kaka ne uko nwa, nursery donge? Primary and Secondary, this is now a right. Everybody has the right to education, basic, pre-primary, primary and secondary. Ma nyaka giyud somo no kata gin go kata gionge go. Weche mag housing be wawacho ni every person has the right to have access to adequate housing. Inyalo yudo ka mon moti moko udi gore kuom gi piny, udi chwer. Wang'iyu ni mago gin gik ma inyalo los mos, kata ok olosi dichiel. It is not going to be possible to put into practice all the provisions that the new Katiba has made here. In fact, there is a Schedule, so may be if you have time, I could show you how it will be carried out so that within a period of so many years, everything will have been put in place.*

**Like, chiemo for example, food.** *Wawacho ni ng'ato ka ng'ato nyaka chime. Ng'ama ok ochiemo, en ng'am piny ohinyo. En gi the right. Pi bende nyaka ng'ato bed gi pi maler kendo makare ma onyalo modho, kendo oluokore go kendo sanitatation bende wawacho kamano.*

**Some of these things** *nyalo winjore ni to be ditimre adier? Ka oket osiro paka cha mabor ma jokuo ok mul, to dhi timore. Osiro paka no ema dhi konyo piny. Maonge ng'ama lwete chopo e kama okane gigo to dhi tiyogo atiya e kor gwe'ng gi to jomoko to tho gi kech.*

**Environment** *walose ahinya nikech waneno ka pin bedo duk. Aore medo bedo gi chilo maok nyal modhi sani to kendo*

*ber koro rumo mar nenruok mar piny. Miyo wangi'yo ahinya kor ka weche mag **environment** kendo wakwayo ni usom mago kendo unyis jowa kaka onego giyud **information mar environment** kendo magi rit kodo gwenge gi to gi piny gi bende. Weche mar chiemo bende (**consumers**) bende wang'iyu weche gi nikech jomoko kelo gik moko e kwonde gi to kara gin gik mandalo gi nose rumo, ma ok onego ji cham, giloko **date**, giketo kanyo to gimiyo ji aye tho wuok kuom oganda.*

*Wawacho ni **every person has the right to administrative action i.e. expedience, lawful, reasonable and procedurally fair**. Nikech inyalo keti iwuoth awuotha a Court higni to nikech i ja chan ng'ama ng'ad buchi onge. To waneno ni mago onego rum kendo wakwayo bende ni jo **Judiciary** owuoth awuotha kodwa e achiel nikech magi pach jo piny, manyocha jo piny omiyowa ma gin bende da giwuotho kodwa to gigi dotimore pio moloyo kaka gidhi sani.*

*Jo ma otwe e jela. Jo ma otwe e jela wawacho ni onego gibed **treated in a way that respects their human dignity and not be subject to discrimination in the basis of any prohibited grounds**. Jo jela waloso kuom gi ahinya kata jo mani e remand, kata joma ose twe chutho. Unu uyud thuolo mar somo, **the big volume** kendo unu ne gik ma wawacho kuom joma otwe e **remand** kata joma otwe chutho.*

**State of emergency wawacho ni a State of Emergency may be declared only in a accordance with Article 151 (4) and only when the Republic is threatened by war, invasion, general (word not clear) disorder, natural disaster or other public emergencies and the declaration is necessary to restore peace and order.**

*Kanyo uwinjo maber. Koro ok uwinje kare? **State of Emergency**. Ok wadwa ni ng'ato ochunga achunga chie'ng moro to oko ni o **declare emergency** to gima omiyu otimo gino bende onge. Gik ma awacho kanyogo ema miyo nga' ato ma jatend piny nyalo declare a **state of emergency** e piny to bende mana ka owinjore gi **Parliament** ka podi ok gima kamano otimore.*

*Nitie gine e **Chapter 6. Chapter 6 en representation of the people. Electoral Systems and Process Nitie General Principles, nitie elections, wanyiso u kanyo kaka onego bedi, nomination of candidates, manner of voting at elections, the continuous registration of citizens as voters, mano ne uwacho nwa ni nyaka ji bed ka kaw ombulu e saa saya magichopo higni apar gi aboro, mondo kik girit ni koro yiero chiegni eka iketo kawo ombulu. Wandike kaka ne uwache and it is there under Chapter 6, unyalo somo to acquaint yourself with the provisions of Chapter 6 mondo kendo udhi nyis jo piny kaka wawuoyo kanyo.***

Political Parties: A political Party shall ensure that at least one third of its candidates for direct elections are women. *Mrs. Agutu, awacho ni one third women is not representative because there fifty-two per cent and forty-eight per cent men. But you know this is just a starting point. We want to give women and people with some disability a head start. Later on you might not even need this. But as long as it is reflected in areas of employment, in the Civil Service, in the Private Sector and in other*

non-governmental organizations, it will be good for this Nation. It will be good for the participation of both women and men in governance. *Nikech ing'eyo, wuone opuonjo nyigi ndi, to chuo be gipuonjo. To ok ine nyiri gi kama gidonje maber. Gilal. To rieko maka ma ka olal e piny, to piny no bedo ja chan. Miyo, wawacho ni ber, ka one third of women obedo nominated gi political parties mondo oyier gi. Some people have said, to where are those women? They are in the field cultivating. They are in the houses working and feeding their husbands and children. They are in the community working for the community but they are there because they are fifty-two percent, they are definitely there. Ok uyie ni mon nitie?*

**Audience:** *Gin nitie. (They are there)*

**Com. Asiyu:** *Ma ka ong' gi to iyudo gi ayuda. Sani to gionge ja nikech gidich gipuro nikech koth nochwe. Moko komo kawuono to moko be odhi lwoko sade chuogi. Moko be koro ne etije mopogore, pogore. Ema omiyo gionge ka. To gin fifty-two percent of the entire population of this Nation. Omiyo diber ka waketo gi wang'ni e telo kaka pinje ma oluorowa waduto ose timo. Uganda otimo mano, Tanzania otimo mano. Pinje te mag Africa. Eritria ema nyocha eka ochako Serikal manyien, Ethiopia gi joma kamago. Waneno ni diber ka jo Kenya bende otimo the same.*

*Weche mag voting gi qualifications ma ginene are very elaborate. Ber ka udhi usomo gi ma uwinjo gi maber to ka nitie penj to ubiro penja bang'e mondo waler nu kaka onego chal.*

**Electoral Commission** *walose kendo wawacho ni gini bed gi Chairperson, to ok gi bed less than eight and not more than ten other members in that Commission. To qualifications gi be waketo kanyo.*

**Political Parties** *be awacho matin to wawacho negi ni gin entitled to financial support from the State on the basis prescribed in the Act of Parliament ma gibiro loso gi e Parliament ka Parliament manyien oyie opuodho recommendations mag this Draft Constitution.*

*Wachiwo roles gi functions manyien ne Political Parties. Wawacho ni nyaka gi mobilize public opinion on matters of National interest, enforce the National Values and outlook. Man tich Political Parties. Gin gi tije kanyo ma wanyiso gi ma dibed tije aboro kanyo manyaka gitim. Nyaka gi use their facilities to secure representation of the people in State institutions and offer them economic, political and social choices through the Electoral process and bring public opinion to bear on the policy of governance. Mago tije mag political parties ma nyaka gitim e this new Dispensation mar Constitution ma waketo mondo ochak tich ka ginyalo yie mondo girwak nwa go bang' National Conference e Bunge kanyo.*

*Wanyalo dhi e the next Chapter nikech un gi gik moko te e wach mar Chapter no. Ang'e ni udhi somo kendo ubiro*

*kelonwa wach.*

**Chapter 7 loso e Legislature.** *Wawacho ni there shall be a Parliament of Kenya which shall consist of National Council and the National Assembly. Wan gi Bunge ariyo kaka ne uwacho ni udwaro. Higni machon ne iluonge ni Senate to higa ni to waluonge aluanga ni National Council mondo obed gi checks and balances mondo Bunge kik muomre ahinya. Seche moko gi jo muomre e weche mopogre opogre. Wachane kanyo maber kaka onego obedi. Wanyiso role of Parliament, gik monego gitim ne piny kendo ne sectors ma opogore, opogore e piny. Waloso kuom approval kuom appointments of Parliament ka idwa yiero ji machalo ji madhi e Judicial Service. Wakwayo ni National Council ema nyaka chiw approval. National Council ni ochal Upper House. En ema obiro chiwo approval mar Judicial Service Commission, Ethics and Integrity Commission, National Land Commission, National Environment Management Commission, Teachers Service Commission, Salaries and Remunerations Commission, Constitution Commission, Commission on Human Rights and Administration of Justice, the Attorney-General, the Director of Public Prosecutions, the Public Defender. Public Defender ni, nuwacho nwa ni udwaro jok moko manyalo bedo e gwen'ng mang'ado buche mamoko mathago ji ma ok oromo dhi e Court. Majomoko luongo ni Ombudsman. Wawacho ni Ombudsman bedo abeda gi structure ma oa Nairobi nyaka kor gww'ng makata ka ng'ato ni gi wach moro ni Kane Nyithinde thago go. Ok ung'eyo ochoe be seche moko jothag ji. To odhi mana ir Public Defender no ema ogo go mbaka, tae to giwinjore ni ooyo, mano to wacho ma ka otamo anyuola loso to kel akela ka walosi. Nikech weche tek. Ng;ato ne owacho nwa ni it is now even cheaper to buy a judge than hire a lawyer. Mago paro ma ne ji omiyo wa. Mano Mwingi. Ni to kare koro piny obet nade? Ma bedo ni koro yot mondo ing'we'ng Judge to ok inyal gine ne. Kamoro ne ose bedo gi experience moro kaka dhano. Omiyo wakelo gigi machiegni ni jo piny mondo tich obed mayot.*

*Chien kanyo bende ne wawacho ni appointment mar offices maka magi, to gin jo Bunge ema dhi puodho gi. Prime Minister, Deputy Prime Minister, Minister maye ok dhi bedo ja Bunge. Deputy Minister, Permanent Secretary, Ambassadors and High Commissioners, the Electoral Commission, Auditor-General, Controller of Budgets ma en ofis manyien, Director of Central Bureau of Statistics and Governor of Central Bank of Kenya. Magi jo National Assembly ma iluongo ni Bunge sani ema dhi puodho ka podi ok ochako kendo odonjo e tije gi go. Nikech sani to ng'ato achiel ema yiero gi to waneno ka mano nyalo kelo mapendekezo ma saa moro ok nyal mi piny yud tich kuonde te. Nyalo bedo ni kamoro gwen'g achiel ema yudo tije go to gwenge mamoko odong' duk. Omiyo koro wawacho ni kik mondo ng'at achiel yier gi. Mana kaka ne unyiso wa bende ekaka wandiko kacha.*

*Waloso kuom competition of membership of Parliament ma jo moko, ne uwacho nwa ni udwaro ni Member of Parliament should be a University Graduate. Wan waketo go Form IV nikech nitie gwenge moko Kenya ka ma adieri kumanyo University Graduate ok unyal yudo. Omiyo ber kwa bedo fair. I know ni many people in many areas, in many constituencies, will have University Graduates. But there are other areas that might not have. Ka ng'ato ni*

*gi experience kendo ong'eyo wach maber kendo ong'eyo tich maber, ukete kanyo ni ochung' nu. To be ne uko ni ka ok onyal, to ugole. Ee, to Bunge winjore to utimo yiero ng'ama chielo, ka opo ni ok oduogi, be ok ogeru, be ok ogo kodu mbaka. To unyalo gole to ng'ama chielo bedo, iyiero bedo kare kanyo kata kapodi ok higni abich orumo. Nikech ka ok okony jok ma ne oyiere, to onge ohala mondo obed kanyo. Magi paro ma ne ugolo kendo waketo koro en e Katiba mabiro tiyo ne piny. Gibiro bedo higni abich e Bunge kanyo to gi wuok ka hap gi ber ok ogol gi gi jo piny kapok gitieko higni abich to gibiro duogo kendo ichako iyiero gi kendo after every five years.*

*Aparo ni wanyalo the next Chapter ma bende un godo, jo ma nigi karateso go, mondo wadhi mapiyo, I know you are getting tired but I really want your views on this Draft and also any questions that you might want to ask in regard to any particular Chapter of the relative Chapters that we have here. We have Chapter 8 – The Executive.*

*Waloso kuom Principle and Structures of the National Executive. The President will be the Head of State, Commander-in-Chief of the Defence Forces, the Chairperson of the National Security Council and the Chairperson of the Defence Council. He is also a symbol of unity of the Nation and has the responsibility to promote and enhance the unity of the Nation, safeguard the sovereignty of the Republic, promote and respect the diversity of the people and protect the human rights and fundamental freedoms. He shall uphold, safeguard and respect this Constitution and the rule of law. Mago tije President. Aye to nitie State functions mag President ma waketo kanyo ma ubiro neno kendo ubiro acquaint yourselves with. Aye koro the Cabinet. The President shall appoint and may in accordance with this Constitution dismiss the Cabinet. The Cabinet shall consist of the Prime Minister who shall be leader of the Political Party that enjoys the majority support in Parliament subject to the approval of Parliament as provided for in Article 171. There will be two Deputy Prime Ministers nominated by the Prime Minister as provided for in Article 175 which you have there and which you can read later. Not more than fifteen Ministers, nominated by the Prime Minister himself as provided for in Article 175. Not more than fifteen Deputy Ministers nominated by the Prime Minister. Judicial Officers, any other public officer who as the Constitution requires, that will require a Presidential appointment. Mago tije mag ofise ariyo madongo ma wawacho kanyo go. Many people have said that the President is ceremonial and he has no powers. I have just read to you the powers of the President and now you know that he is still very powerful but he is not above the law because you told us that the President must not be above the law and we made that provision (Clapping) so that he is not above the law.*

*Devolution of Power in Chapter 10, is something that I know many people are interested in and is something that I would like you to read, over and over again and be able to interpret properly to the people that you are going to be meeting after this meeting so that everybody in this Constituency will get to know about devolution of power. It reflects very much about what you told us because the principle and object of devolution are to give power of self-government to the people at all levels and enhance the participation of people and communities in the exercise of the powers of the State. To ne uwacho ni ok udwa ni jok moko ariyo, adek ng'ado bura Nairobi to aye to ikelo ni*



*koro un gi Ministry moko ka to imiyo gi pesa e kor gwe'ng ka to pesa no ok ti, ok los yore, ok tim gik moko maka mago. We have answered that. It is in the devolution of power and we have provided for it in checks and balances and the separation of these powers. We want to ensure equitable sharing of National and local resources throughout Kenya with special provision for marginalized areas. Podi waduogo aduoga e kuonde ma ne owe ka. Marginalized areas. Ni ka nosepog piny ma ne gise gerore, jomoko noogerore orumo, to gwenge ma ne owe gi nyaka duog ger. Koro eka ji ochak wuoth manyien. If you look at that devolution of power, it is very extensively explained kaka onego power mondo oriti. The structure of the devolved authority is based on democratic principles and the separation of powers. There is the legislative or policy making or supervisory council in executive authorities who will be elected and powers are devolved to the following levels.*

*The Village: This village is the Sub-Location. Consider as such because in our mind means many levels but in this particular instance, it is the sub-location, kama Assistant Chief nitie. Ka gin nitie Serikal motegno chuth kendo paro te madhi malo wuok e village ka. Then, there is the Location. Aye nitie District and then the Province. Province ok ni gi power mathoth ahinya kaka District nikech District ema yudo pesa direct to kendo gichano kuonde ma onego los, koro eka gichako tich no.*

*Village government: Village Government ni en 216. The Village decides whether the Village Council is constituted by village elders or through elections. Gin ema gidhi yiero giwegi. The Village Council shall contain no less than six members and no less than ten members. The Village decides on the on the system of village government including the role of the village council. Village council dhi bedo gi tich mapek ahinya mar nyiso Serikal mamalo kaka gwe;ng chal. Gik ma orem e gwe'ng. Tuoche man tie e gwe'ng. Kaka onego rit gi kendo kaka onego los dongruok mar gi.*

**Then the Locational Government will have two representatives one of whom shall be a woman elected by each Village Council from among its members.** *Mago jo ma oa ye sub-location koro odhi kanye, e Location. Ka tinde Serikal tine mana nitie mana malich kabisa. Location administrator is the executive authority of their Location. Ok uwinje maber? Ok koro be ok lounge ni Chief, koro en administrator mar Location. To kendo ing'eyo idhi yiere gi kura mar jo Location. The Location Administrator is the executive authority of the Location and shall be elected by registered voters. Ne ukona ni Chife nyaka yier. Ero waketo kanyo ni wang'ni iyero gi kendo aparo ni dhi bedo maber ko obet kamano.*

**Ka ung'iyu District Government, the District Council consists of members directly elected by the registered voters of the District. The District Council shall consist of not less than twenty or more than thirty members.** *Sani, Councillors wan go adi? E Homa Bay ----- twenty-eight. Okay, wawacho maber ni ok gin less than twenty, ok gin more than thirty. Ok be udonjo mano kany mu uromo – Mr. Agoro. Uromo maber. Onge morem. The District Administrator is the Executive Authority of the District. Powers of District Government: The District Government*

is the principle level of the devolution of power. The powers of the District Government are contained in list two of the Seventh Schedule *ma wabiro somo ba'nge*. Powers mag District Governor en powers malich ahinya nikech en *ema obiro ng'eyo ni utho kata unimo, kata udongo gi joge ma uyiero mabiro tiyo kode kaka Mr. Agoro gini*.

*Jomoko luonge ni District Governor, whatever name, he will be the executive authority of the District and he is elected directly by the registered voters of the District. En ng'ama duo'ng kendo en ng'ama msache bende bup to ong'ama riek mosomo to kendo ong'ama odimbore maber mapok otimo timbe maricho e piny ma ji ong'eyo. At least en a University Graduate. Ee. To on'gama ochamo book maber to kendo obidhore e kor gwen'ng. Jo gwe'ng ong'eye ni ober, ok ochwanyre gi mon oyuma makata yuoche to kendo bende ok ojakuo, to timbe ge bende ni kare. Mano, e jatelo makanyo.*

**Aye nitie Provincial Government. Provincial Government ni, functions mage en enact the capacity of the District Council and promote cooperation between the District Council like for example, in Nyanza Province, we will have District Councils from very many. We will have like how many, Districts in Nyanza? – Twelve. These Provincial Councils will bring all these Districts together and promote cooperation between them and develop their capacity to discharge their functions, formulate plans and policies for exploitations of the Provincial Resources and development of Provincial infrastructure and manage Provincial Institutions.** *Koro onge ng'ato moro mabiro wacho nwa, someone told us in Kakamega that a certain DC called Mwangi was posted to Kakamega and he cut all the trees in Kakamega Forest. Some of the trees were two hundred years old and they said that if this man was our own son, he would have known the value by which we attach these trees and he would not have cut them down. Koro wago ni ng'ato oti gwen'ng gi. Ee. DC oti gweng' gi koyiere mondo ji one kaka otiyo to kik kel ng'ama nyien ma ok ong'eyo kit jopin gi pach jopiny aye to ong'ado yien otieko to oweyo pin duk. Koro en ng'ama iyiero e kor gwen'g kanyo. Kata mana ndiko ji tich ma ubiro ndiko e District Authorities bende gin mana jo gwe'ng kata ka usomo to ubiro neno kaka ochal. Gibiro tiyo gi Government in consultation with devolved authorities and may deploy public officers in the Provinces and Distrits to carry out its policies. Unon kanyo maber. Financial arrangements are very good and are very well spelt out. You need to read that and acquaint yourself with the provision of the financial arrangement nikech grants biro include unconditional grants based on the criteria of the population, the geography and any other relevant factors man e piny no, man e District no. Conditional grants based on the criteria approved by Parliament.*

----- *ma Bunge biro puodho mondo ochop ni Districts. The Province is funded by the National Government mana kaka District bende obedo funded gi National Government, Pok wamiyo gi nyi'ng, ubiro miyogi ny'ing. Bunge nomiwu ny'ing ka giyiero ni District Governor kata gineno ni Governor duo'ng en District Administrator, gini ne kaka gikete, but this is a very, very important level of governance and it is the one that will be discharged with the responsibility that I have explained and that I want you to read further and be able to explain to the people when you go out of*



this meeting today.

**Chapter 11 is on Land and Property:** We have tried as much as possible to reflect what you told us and what other people told us. In this District, there isn't very much problem with our land tenure systems but when you read through, you might come across certain issues that also affect you, that your three delegates to the National Conference will want to acquaint themselves with.

**Chapter 13 is about Public Finance and Revenue Management. It is very well spelt out.** *Kanyo ema awache osiro paka cha. The Management of Finances. Kama ok bi miyo ng'ato thuolo kata any loophole to steal from the coffers of Government. Nikech pes piny gin mek jo piny ok onego ng'ato achiel ti kod gi.* Please do read that provision and acquaint yourself with that Chapter is talking about.

The next Chapter, which you also have there, is dealing with (in audible). The Public Service. Again, you want to acquaint yourself with Chapter 14 after Chapter 13 which gives you Public Finances, Chapter 14 deals with Public Administration and it is supposed to maintain and promote high standards of professional ethics, promote promotional efficient, effective and economic use of resources and impartial fair and equitable provision of services.

These are all responsibilities of the public service and it covers all areas in public service and other areas that have not been touched before.

There is also some special Constitutional Commissions for example, the Commission on Human Rights and Administration of Justice effective, the Ethics and Integrity Commission, the Salaries and Remunerations Commissions, the Teachers Service Commission. All these Commissions come under that Chapter as I explained earlier and will therefore be administered by the provisions of that particular Chapter.

Then we have Chapter 18 I think is very, very important and we need to go through it because it deals with the amendment of the Constitution and you need to know how amendment of the Constitution will be dealt with. Then of course, there is the various schedules beginning from the first right up to the end.

*Okey, the Judiciary aye ok adwa lose to koro jatelo ni ko ni aloes nikech Judiciary no omiyo koro ok wan osiepe ahinya e piny wa ka. To kata kamano, unyalo nene kendo unyalo some mu ugoye mbaka matin. Nyocha ne gwenyruok obede ka winjruok ok obede maber.*

What we wrote about the Judiciary is what the people told us. We did not invent what we put down. Like I told you about these

young professionals in Mwingi who said, it is now cheaper to buy a judge than to hire a lawyer. May be they

exaggerated. But they were speaking from their heads and they meant every word of what they said and there was a lot of ----- in fact there are one thousand, eight hundred pages about the Judiciary, most of it negative and I would encourage the Judiciary to read what the people told us about them so that they will acquaint themselves with what the people said, so that they don't really blame us or take us to Court for sins we never committed. These were the views of the people and we simply reflected these views in our Draft Constitution according to what the people said.

Now, there is no way you can leave out the Judiciary. It is a very important arm of the Government because that is where justice is dispensed. So really we had to deal with the Judiciary and we have dealt with it very adequately. Nobody is saying that every judge or magistrate is corrupt. Far from the truth. There are very many upright and very efficient and good judges and magistrates in this Country. In fact some of the very qualified and upright people in our country are magistrates and judges and let us give credit where it is due.

*To ung'eyo ni rabuon achiel ko otow e gunia, to gunia mangima nyalo tow. Ok en kamano?*

**Audience:** *En kamano.*

**Com. Asiyu:** *Mano ema omiyo gino owinjore marach ni judges. We never meant any harm. We simply reflected what the people told us about the Judiciary. May be dine jo police ng'e gima ne ji owacho nwa kuom gi akia ni di koro wawuotho e yo ka, dikoro wawuotho malo, nikeche owach nwa malich ahinya kuom gi to bende wandiko piny to kendo gisomo be ging'eyo gik ma ji owacho kuom gi.*

*Koro ka ung'iyu Chapter 17, en offices mag Constitution ma provided for in that Chapter 17 and the objective for these Commissions established by the Constitution Act is to protect the sovereignty of the people, ensure the observance by all organs of government of democratic principles and values and ensure the maintenance of Constitutionality. These are some of the responsibilities of the various commissions mag Constitution to kendo gin very well elaborated in Chapter 17 on the Draft Constitution.*

**Chapter 18, I believe you have read it and are acquainted with it.** *Wase loso kuom judiciary kendo ok adwa wacho mokadho kanyo nikech chero, adhonde madwa chango seche moko jathago jotuo. Omiyo ang'iyu ni ka uyiena to mondo akadhe, akadha ma ok achiego adhonde go nikech use somo kazei, use ng'e kaka ich wang'ose bedoye, use ng'eyo duoko mari jatendwa, kendo duoko marwa wawegi, kendo ageno ni usomo ma uneno kama adiera nitie. Koro mawamiyo u gi bende udhi usom mondo une gik mawacho kuom judiciary kendo kaka inyalo lose mondo jomanok ma ok kare e that sector obed joma beyo.*

**The Various Schedules** *nyisowa kaka gigi onego ti. Kapok wachopo kanyo, ----- mar the Constitution, ne ok wasomo wach mar First Schedule mar boundaries. Biro chunowa loko kaka anyiso u earlier mondo wanyis ga adiera*

kuonde monego bed ni boundaries mag jo Kenya. An kod gi ka anyalo somo nu gi mak mana ni saa ema tin. To owacho in brief ni, **Kenya's/Uganda International boundary commences in the waters of Lake Victoria in the parallel I degree South Latitude at a point due South of the West most point of Pyramid Island.** Pyramid Island akia ni ni kanye. Jomoko koro ong'eye e nam wa ka. Kanyo ema wachakore bede jo piny. Kanyo ema Kenya chakore. Koro ondike mochop kode nyaka gine, kama ochope Ethiopia, kama ochope e kindwa gi jo Somalia, kama ochope e kindwa gi jo Sudan kendo ondik koda mile te, square miles man e eiye kanyo ma ok onego thag ng'ato wang'ni ng'eyo nikech macha ne ok onyiso kama Kenya en gi boundaries mage.

**Second Schedule** nyiso Provinces gi Districts, bende okwano Provinces mag Nairobi, Central, Eastern, North, Easter, Western, Coast, Nyanza and Rift Valley. Districts ondik duto ma ok ochuna mondo adhi through nikech ung'eyo gi and then of course the Fourth Schedule loso kuom National Oaths and Affirmations mano to en gima tin ma ok ochunawa dhi through nikech ung'eyo kaka oaths bedo, kaka ichiwo ne President, ne Vice-President, ne Ministers, ne Deputy Ministers to gi kaka ibiro chiwo ni Prime Ministers gi joma kamago.

Aye **Fifth Schedule** loso kuom **Leadership and Integrity Code of Conduct.** Ka ema wach pek ye. Nikech giwacho ni a **Public Officer shall not receive or be paid the emoluments of a public office at the same time that the Public Officer receives or is paid the emoluments of any other public office.** Ne uko ni one man, one job, ok ne uwacho kamano?

**Audience:** Ee.

**Com. Asiyo:** Koro wan be wa interpret go maber ni ka ichamo misara kamoro, to kanyo ema ichame, to kik ichame kama chielo nikech nitie wuoyo machielo ma osomo kaka in maber ka ochamo misara no ero. Ee wakete kanyo maber, onego bed kaka ne piny dware. Kendo wawacho ni **the President, the Vice-President and the Prime Minister, and the other Ministers of the Government, Permanent Secretaries, Chief Executive Officers and Senior Managers of Parastatals, Government and Senior Officials of Central Bank, Members of Parliament and any other Public Officers and any other persons as prescribed by Parliament shall not maintain or operate a Bank Account in a Foreign Country, in a Country outside,** nikech ma ekama ginogowa go. (Clapping) Kata nyithindgi, kata mond gi ok nobed kod account go. Nikech mago ema o **drain this country.**

**Audience:** Kamano.

**Com. Asiyo:** Gigolo mwandu woko gitieko. Kendo ka udhi to unyiso gi ni wasomo e schedule abich kendo Mama Asiyo nook nwa ni wang'ni jopin odagi, pes gi ok gol oko mar piny Kenya. Kendo uchano ni gi maler molooyo kaka awacho nu no nikech udhi some. Ogandani joma riek kendo udhi kete mondo obed kare. Koro Schedules go gin

*kanyo ase somo nu gin auchiel udhi tiyo kod gi kaka wawacho gi no.*

*Ka atieko to adwa wacho kama, chiko it, ndiko weche, nono weche go kendo ndiko gi kaka ne jo piny didwar gi nyocha ne tich matek adier. Nitie kinde moko manyocha ne ka wandiko weche u to wadok wayawo Tape, to wako ni to nga'ni ne owacho ang'o? Ma chak go Tape no kendo mwawinje koro eka wachakio ndiko. Nitie kinde ma ka nyocha wawuok chon etich to wawuok saa apar okinyi to kendo saa achiel wan e ofis. Adieri watemo ndiko pachu gi gombo u gi dware u kaka piny manyien onego bedi kendo ang'eyo ni dhi bet kamano ka uwako Katiba ni mobedio maru ma u protect go chuth ma usire kabisa ma ng'ato ok wachunu ni weche moket kanyo ni gi weche mag foreign ideology, ne gin paro mane ok mag jo piny kata ne ok ginyalo konyo piny e yo moro amora.*

*Chutho, akwayo u ni mondo ukaw thuolo u mondo usom this Draft un jo ma oyude kawuono kendo ubed gi thuolo no mar penja penj kama orem sani, uket kare to uwuok ka udhi kuonde ma udhi bede, e Councils, e Kanise, Co-operatives, kamoro amora, upuonj wach Katiba ni mondo giruake kendo gikete e chuny gi kaka waketo Biblos kata Koran mar jo Islam e chunywa mondo ochak nwa kendo otinwa e piny manyien manyalo konyo nyikwa, nyikwa mondo kik piny bedi ma badhe kochiel dongo to kochiel orem. Irimo gi Graduate mawuotho gi pat pat to moko ringo gi Mercedes. Ung'eyo piny nyaka losi, higni apar wase gombo, Jo Kenya ose ngombo mondo oket Katiba manyien, hawi maber Jadoo'ng Moi no yie, ma Parliament ne appoint wa ma Jo Ufungamano be ne o appoint wa. Ma waduogo wabed e achiel ma wadhi wawinjore kanyakla ma waloso Katiba ni. Koro modong' en mar jopiny. Nikech wan to watieko tich wa. Kendo an kaka ang'eye watiye maler kabisa. Ka adhi Wath Ong'er adhi kone jo Wath Ong'er gik ma ne giwacho nwa kata gik ma ne ja thum ower ka go Orutu. Nikech nowacho thuond weche e go Orutu no ne mane lich mokadho. Manyaka adok adhi gone thume no mondo owinji nikech ne wakete e Tape.*

*Chutho wan gi geno kendo wayie ni pin biro yie mondo Katiba ni ochak tiyo. Mondo jodongo moti oyud konyruok, mondo joma tindo odhi e klas, mondo nyithindo ma jo chan osom nyaka chop kama di gi chopye, mondo mond liete okonyre, ,mondo chuo marateke obed gi tije, mondo mwandu ochak donjo e piny, pinje ma oko gi wan wawegi, mondo wachak gero economy marwa. Ok nyalo bedoye kapok waloko pach wa ma wabedo gi pend chike manyien ma irito godo piny. Miyo an gi yie kendo gi geno kuom jo ma ochopo ka kawuono ni ubiro miyo wa support makende mar keto Katiba ni mondo oti kendo aloro ka awacho ni agonu erokamano ahinya jo ma oyie ochopo ka. Ukawo saa u ma dikoro utiyo go tije u, ukawo kinde ubedo go piny, jomoko kuomu oidho matatu kabiro ka mondo uwinj wach ni mondo wago mbaka mondo udhi konywa loso Katiba manyien. Ero kamano uru, Nyasaye obed kodu. Koro, penja uru penj, kuonde ma ogore obindi mondo aduoku kata unyis weche moko ma uneno ni diber ka oruak ka. To chutho, ji adek ma uyiero gi, Mr. Ogingo giri biro kelo weche u te ka wachopo e National Conference. Ero kamano uru ahinya, Nyasaye obed kodu. Ero kamano. (Clapping).*

**Com. Asiyu:** Yes, Pastor. *Pastor in gi penj. Uko na maswali ambae unataka kuuliza? Au maneno unataka kuongea*

*kidogo? Haya, zungumza, zungumza Mzee.*

**Rev. Azaria:** Asante Commissioner na Wajoli wenzangu. Kile ambae ningependa tu kusema, nimekubali yale ambae imezungumzwa hapa au tulisomewa, ilikuwa maoni ya hawa watu ambae ni wananchi na hata mimi nilikuwa mmoja wao. Nilifurahi sana nilipo sikia maneno nilisema iko hapo na hata mimi nilifurahi. Kile ninataka kusema kwa sababu wengine wanasema ati hii ni fikira ya watu wachache, lakini hii ni fikira ya watu wa Kenya. Na sisi kama watu wa Rangwe, haya maoni ndio maoni yetu ambayo tumependekeza kwa Commissioner.

Kile tu ninge sema Bw. Commissioner, mimi ningependekeza ya kwamba wakati huu tunaenda kupata Katiba mpya, iwe tafauti na ile ya zamani kwa sababu ile ya zamani unaona nilifikiri ni kitu kubwa kama Ndovu, na kumbe ilikuwa kitu kidogo tu. Ni Kitabu kidogo kabisa. Na nilikuwa nafikiria hivyo kwa sababu haikuwekwa karibu na watu. Hawa watu hata ningesema saa hii, kuna wengine ambao hawajaone Katiba ile ya zamani. Hata saa hii katika hii nyumba. Kwa hivyo pendekezo langu, hii Katiba mpya tumeunga mkono na itoke lakini, tunataka watu wafundishwe ili wajuwe Katiba hii mpya na mambo itakua rahisi na tena itakuwa vizuri.

Lakini maneno ya hawa wengine wanasema ati ni fikira ya mtu mmoja, au wageni nini, hii ni matakwa ya watu wa Kenya. Kweli watu wamenyanyaswa na vile umesema ni kweli. Unakuta Graduate anatembea na pati pati na yule mtu hakwenda shule, unaona hata ana Mercedes, ata hajui number yake. Kweli kuna wengine, ukimuuliza Mzee, number ya gari yako ni gani? Anasema, dereva ndio anajua. Yeye hapana jua. Na tunataka mabadiliko ili watu wajue value ya hata kwenda kwa shule. Unaona tukiwacha hawa ndio wanatuongoza sasa tunafanya hata value ya education ni kama kitu ya bure. Kwa sababu, wale watapenya njia yao na njia ya corruption na wawe juu. Kwa hivyo tunataka kila jambo iwe pahali pake. Kwa hivyo tumeshukuru jambo hili iendelee na iwe kwa watu. Thank you.

**Com. Asiyu.** Asante sana. Asante sana Pastor. Pengine ungependa kujua pia, kwamba kitu ambacho sikusema kwa mambo ya religion, kwamba tumetenga wakati wa maombi kwa watu wa SDA iwe ni right na sio privilege. Ili kila mtu ambaye anataka kuomba siku ya Sabato awe na nafasi ya kufanya hivyo bila kuingiliwa, bila kutolowe kazi, au vitu kama hivyo. Na imekuwa hivyo kwa dini zote.

Now, when you come to talk and because we record whatever you say, please mention your name first and tell us may be even in short what you and then make your contribution.

**Cllr. Ogola Kagoro:** Thank you very much Com. Asiyu. My names are Cllr. Ogola Kagoro. I stand for the 3 C's, Rangwe Constituency. I am a Councillor in Homa County Council. I have very few comments to make, one, I must thank you very much and dearly as a Commission for the work well done.

From what you have read to us today it has showed us that exactly what we gave you is the thing, which you brought us back as a Draft Constitution. You have ashamed the devil by saying that you have manufactured your ideas from outside and not the ideas of Kenyans. I stand to say that because the ideas of the Rangwe people are read to us, we believe the rest came from other parts of the Country.

Next, I have a suggestion to put -----

Interjection by **Com. Asiyu**: ----- *ok ilos gi dholuo?*

**Cllr. Ogola Kagoro**: *Anyong' a anyo'nga dholuo jo thurwa. Erokamano, penjo na ma adwa penjo chalo kama. Jo thurwa awacho ni ya, ni gik mawawinjo ka owach kawuono gi, gin gik ma ne wawacho to jomoko ose bedo kalando ka gi kacha, ni Ghai gi tim mage odhi oomo weche moko ooko ema okelo. Koro ema awacho ni wagoyo erokamano kuom kuodo wi Jachien kuom wacho ni gik ma ne wawacho ne ok wawacho.*

*Mar ariyo ne apenjo ni ya? Ok akedo ki kamoro mathin, to apenjo ni dapu ka obedo oler nwa mathin. E representation ahinya, ahinya e gender sensitivity, I believe Mama, ni Karachuonyo ose teri mang'eny e Parliament to pok Karachuony okawi bu oteri as a woman. Karachuoyo ose kawo ka teri nikech ging'eyo ni Mama Phoebe Asiyu otegn kendo oromo e Kenya, oromo telo. Penjo na ma apenjo ni this thirty or one third mar women madhi e Parliament or madhi e other areas, en Constituencies mage, ma u set aside ni ma to mar gi chuo ok onego chung' ye? (Clapping) Nikeche ka wadhi e klas to ka nyako riek to yombo mana chuo ang'inya kata koro iyuag to oyombi odhi mana nyime. To bende ka opo ni nitiere tich milaro, to joki apply to qualification en go maber, though ni gima ne watemo ni onego wagol, ma un be utemo ni mondo ugol, en gimoro mar, ni to ing'eyo ng'a? Ok ni ing'eyo ango'. Koro ing'eyo nga'ama ok ing'eyo ango' ni ema aneno ka onego rum. To women, to ok onego yuagi ni nitie ng'ma otamo gi. Gima omiyo awacho ma Jothurwa,*

*(interjection) Ah Ah! Maendi e Constitution and maeni views man kar kaendi koro miyo nyaka wach awacha, ok en politics. The thing ma awacho en ni ya. A wadwaro ni mondo omi Constitution owachi ni representation mar women gi mar chuo gi fight for to ji obed abeda marom e Kenya nikeche ka ne Ngilu ochung' dhako achiel, to mon bende fifty-two percent to gitamore gone gi ombulu. What do they force us ni mondo omi wa consider, ni mondo wamigi position ma ok gidwa ni mondo gikaw.*

**Com. Asiyu**: *Ero kamano ahinya*

**Cllr. Ogola Kagoro**: *Mar adek to abedo mana piny mama.*

**Com. Asiyo:** *Thank you very much.*

**Cllr. Ogola Kagoro:** ----- *en ni ya. Itamori wacho kata ji otamore wacho wach moro kar kaendi, ni jomoko oterowa e Court. Wayuak ni mondo the Judiciary kata piny chal nade, ni wawacho ni polise mondo bed trained maber. Wawacho ni Provincial Administration obed elected. Ka everybody modebo touched nyalo tero ji e Court, to kare wanyalo dhi kanye, ka Judiciary ema ose terio ji e Court? Giyie mondo omigi we ni Kenya o decide on their fate as Kenyans to kik gine ni tich magitiyo ber moloyo jomoko modong'. (Clapping)*

**Com. Asiyo:** *Erokamano ahinya Cllr. Kagoro kuom weche maler ma ichiwo. Ageno ni appeal ma ichiwo no biro winjore ni jo mamoko duto kendo mondo giwewa wayue maber kendo tich odhi nyime. Aduoki ka awacho kama, weche mag jomamine kod joma ong'ol, dhi adhiya indik nyingi, bang'e ka ng'ato ose loso to odhi o register eka dan'g wang'e ni ji adi ma oloso. Oh, mani en a temporary measure, en a head start mondo omi joma kamagi thuolo. Nikech ung'e ni traditionally adieri, mon ok ose bedo gi thuolo maber. Ma kat mana saa ma gi a e klas ma iwacho ni nyiri yombo ji, nyiri gi ema dhi moto, dhi manyo pi, to owete gi to somo. Koro ka ochopo kanyo bedo matek. En mana a temporary measure mondo omigi head start to ma gima itimo kuonde te.*

*Mar ariyo, ka ma ibiro yiere mon, ka ing'iyu Uganda kaka chal, mon ni gi kuonde gi. Ikuongo iyiero gi, political parties chiwo dhako ka dhako e District to iyiero gi. Ka ose yier gi koro eka ibiro yiero ji mamoko bende ka gise yiero ma. Kata inyalo yier gi bang'e. Ok gi bi mayo dichuo moro Constituency ne. Maratego kaka an ma oyie chung' gi Wuod Amayo, to be chung achunga (laughter) to iyiero ayiera. To, ma ok nyal, to nyalo dhi e women's list, nyalo dhi e Party's list kata inyalo yier e women's Constituency. Ma ok ma joma chuo Constituency mag gi. Ka idhi some ang'ni niwinj kaka ochalo. Jaduong' koro wach ane mari aye kendo iwacho nyingi aye to idhi go sei kaka kuom gik ma iwacho, Akech ni ng'ama wageno ahinya.*

**Elijah Akech Chieng':** *Ago erokamano ahinya ne Madam Phoebe. Ing'a ma ose tiyo nwa, wayie kodi kendo ipuonjo malich ahinya, ipuoyo wa ka. To nyinga miwacho no to iluonga ni Elijah Akech Chieng'. Ka ng'ato koro wacho gima wase timo ni piny ni, to ne watiyo kodi ka in Mjumbe to an Chairman mar Council ka. Kendo an the last Chairman mar South Nyanza County Council. Ase tiyo ni piny ni omiyo awacho piny ni ka ja chir ni ma dalawa wawuoye.*

*An gi go erokamano maduong' ahinya ni Commissiion mar Ghai koriwo u eiye. Gik ma undiko kacha cha, undiko paro jo piny te ma omako dhowa wan jo malende ma jo kwere weche gi. Wayie kodu ni undiko kendo utiyo kodwa maber.*

*Wan gi amendment mathin, to ka pok aketo amendment awinjo ka osiepna Kagoro Councillor, ogolo kwayo ne Judiciary, ni mondo giwewa mos matin gini olos orum, giniwuo bang'e. An be agolo kwayo na ni Ker, kata obedo no*



*Ker en nga'ma waluoro kendo o ja Wuonwa waduto, owewa mathin Katiba ni oti. (Clapping)*

*Ka jodala wa, ka gimoro ose ti, to oti. Ok chak terwa e yiero gi Katiba moti, ma ne Tom Mboya giri oloso e higa piero auchiel gi adek nyime kocha. Ma wadok chien. Generation masani ok dwa Katiba no. Oweye. Kendo yawa, ok mano e pachwa?*

**Audience:** *Ee.*

**Elijah Akech Chieng':** *Katiba no, ma uloso ni, ose kawo pesa mang'eny kendo pesa no ne wagolo ka wa jo chir, ka kech kayowa, (in audible) to wamiyo u ni mondo uti, to utiyo ma unindo oko ma uloso ma morumo. Continue, ma e Katiba ma wadwaro. Jopiny be ineno pach gi to in be iwuotho kuond piny ka. An gi some few amendments to make. Ne pok kasome maber Mama, to nikech iwuoyo maber, nikech riekoni ni e, ema ne wang'eyi go ema ne omiyo waketi kae mondo ibed kanyo. Iwuoyo maber, ipuonjo wa. An gi kuonde moko ma adwa mulo, ma ok awinjo ka owacho. Kamoro gin tie to nikech saa ma ne wan go mathin, omiyo ok awinjo gi.*

*Nomination mar candidate, chakre President nyaka Councillor. Ok awinje kama omule. President malo, Office of the President ka gidhi e political nomination makoro timore sani ni, uwacho ang'o.*

**Com. Asiyo:** *(in audible)*

**Elijah Akech Chieng':** *Erokamano. Party nomination kany be an e giwach. Democracy ose biro e Kenya ka kabisa. Kama koro odong' machando chunywa wajoma dwaro ombulu gi, en party nomination. Party nomination, ka de nyalore, doloki mondo odhiye e Electoral Commission mondo gi dhi preside over, nikech ng'ato madwaro ombulu kaka an kama, adwaro mondo achung' gi mama ni, to an ema kendo abedo judge mang'ado bura, ok donji. Yawa donge uchwaka?*

**Audience:** *Wachwaki.*

**Elijah Akech Chieng':** *Mano de ung'ado bura no. Wach mar ariyo, a gombo, gombo na. Kamoro unyalo riwa lwedo, kamoro unyalo dagi. Obed ye candidate ma iluongo ni independent candidate. Usome, unene? Usome?*

**Audience:** *Ee.*

**Elijah Akech Chieng':** *Ke en tie to kure ahinya mondo independent candidate ka party ose tamo, wang'i kucho to iwuo gi jopiny direct.*

**Audience:** *Ee.*

**Elijah Akech Chieng':** *Mano agombo ni mondo obedye. Ka jowa ose nene mariek gi to aonge wach. Odhi nyime.*

*Wach machielo Nyar Agoro, ng'ama iluongo ni language, makoro awacho dholuowa gani, uwuoye maber molooyo. To gima omiyo itamo ng'ama riek ni idwaro jadegree malo kucho odhi wuo to en to degree ema osomo, osomo mana geological matter, somo kite to somo jopiny ni to okia.*

**Audience:** *Ee.*

**Elijah Akech Chieng':** *To iweyo Akech ma ong'eyo jopiny gi chandruok gi, to itero ng'ama osomo ma oa Moi University. Moi University mar Oxford ma kia kata piny kaka tiyo. Omiyo wawacho ni ya, for the matter of communication in the Parliament or anyhowly, test for language obedye. Mondo nga't ma okadho English, okadho Kiswahili, okadho Dholuo, okadho dho Turkana ka oja Turkana, oyal ayala odhi nyime. (Clapping) Kaka nyocha ne chon. Ariambo yawa? Jothurwa donge mano kare?*

**Audience:** *Ee.*

**Elijah Akech Chieng':** *Ka anyalo wacho dholuo kama, anyalo wacho Kiswahili, anyalo wacho English ka Otieno Ogingo, to mano ema, jarieko cha to record kochu, ase mana wuoyo ne Dhiwa, weche dhi mana nyime. Omiyo language test ni obedye kaka awacho no. Mano odhi kamano. Erokamano.*

*Machielo Nyar Agoro, awinji kabisa kama ineno abede cha. Kendo ing'eyo ni amiyo mana wang'a to awinji kabisa. Machielo, Commission u ni e, ma iluongo ni Review Commission, ok owinjo bed dissolved. Owinji obed abeda ni en tie kanyo ka wach moro idwa tim, to obedo abeda. Wach mar wabunge, ka ose donje e Bunge to kiny giruko for personal gain, gidonje e gine ne, gidonje e Katiba ti amend mondo **o suit somebody to go ahead with leading the people without authority of the people, this one is too much** Mama. (Clapping and noise from the audience)*

*Donge? Nekech Constitution ni, ma ukelo ni, aneno ka ondike ni Constitution mar jopiny. Azariah ndike kanyo. En tij jopiny madwaro ni everybody matawala piny ni, otawala gi authority ma a kuom jo piny. Ma miya awacho kama, Ka asomo, council, asomo kar council, matinde uloko idhi luong ni District Council, mano ber ahinya. Uwacho ni ji pier ariyo nono kata ji pier adek nono. Ma Homa Bay ka to ne ose donje ewang'e. Donge jothurwa ma Councillor, donge kamano ni kare?*

**Audience:** *Ee.*

**Elijah Akech Chieng’:** *Nikech un ji piero ariyo gi aboro, ibi med u ji ariyo. To kama awuoro, Nyar Agoro, egino, nu uwacho ni kakoro Councillor piero ariyo gi aboro, Councillor ose yier dala kucha, to kendo gin ema gibedo ka bi yier ji ariyo madhi e Province, nang’o? Giduogo chamo asoya ka? Jok madhi e Province ka be oyier ayiera direct ka a kucho odhi adhiya ni gin iyiero gi dhi Kisumu.*

**Audience:** *Kamano.*

**Elijah Akech Chieng’:** *Jo thurwa koso uneno nade? Councillors mabiro ka gi, oyal ayala ka. Councillor madhi Kisumu oa mana thurwa kucho ni Otieno Ogingo to wayiero dhi Kisumu. Ok oduog oraw ka. Iduogo chiwo asoya ka ni Councillor pier ariyo gi aboro ka biro kwalo gi. Ok dwar. (Clapping)*

*Ka adhi nyime Nyar Agoro, awacho ka ma. Awuoro kabisa rieko ma un godo. Schedule mar abiriyo ma opango tich Council, ka ng’ato to nosome Wuod Agoro, jogo pango tich otieko. Number 7 paper, ma gipango cha, ng’ato an notuchye nikanyo. Gimiyo Councillor tich, councillor gi dwaro bedo madongo makata Mjumbe ber ber. To gima awuoro u achiel e wach no. Ere kaka unyalo pango tich maber kamacha to uweyo ma ok unyiso jogi ni jok madhi tiyo tek ni jo piny gi, msach gi biro a kanya, to gibiro nwang’o shilling adi. Aye to gibedo jokwecho kendo e kor gwe’ng ka serikal ose miyogi shillings aluf abiryio, breakfast mar mjumbe. (Clapping). Haki. Nyar Agoro, breakfast mar mjumbe mar Parliament, ema Councillors gi sani draw kae. Mano too much. Ka Kenya obiro makoro ukete ni, mi uru Councillor gimoro ma ok miye ochako ochamo asoya kuom jo piny. Umi ja Province be kamano. Mondo omi ka oyiere to ka koro tich otame, to ka odok bang’ higni ma orumo cha, to odok adoka ka ong’eyo ni tich ne otamre, to ok owach ni wan ne ok wacham msara. Pesa be oa e Treasury. Jotich County Council matiyo ka gi, machoko pesa e chiro Kobodo, gidhi Kobodo, gidhi Ombo, gi dhi kure, gichoko pesa, gin be pesa ni mondo adhi adhiya e Treasury, to msara mar jotich Council mondo oa aya e Treasury moriere to gichamo e serikal. Jotich Council, nyalo tieko kata higni apar kapodi ok ochamo msara.*

*Ka atieko Nyar Agoro, Katieko, agoyo erokamano maduong’ ahinya kendo ase kawo appeal ni Jaduong’. Jaduong’ en nga’ma aluoro, ma wawe luorore go. To ok adwa ni oketh pinya wa saa ma odhi. A agombo ni mondo owena thuolo mondo gino oyier kata kawo dweche adi. Wabunge go obed abeda, Councillor obed abeda, to gini nyaka puodh ma utieki. Anwoyo gino. Jaduong’ Moi ema awuoyo ne no. Kik odagi no Katiba ni, wachako wayiero gi Katiba machon. Aa. Jothurwa ting’u badu wane ane. Ka radio no kawo gino to owinj duol ma owuo no. Kagoro nowacho wach moro ka. Nyagoro, Kagoro ni owacho, ni in Nyagoro, in Mara, in ng’ama waluorore go, mane watiyo godo, to Kagoro openji wach moro ka to gima iduoke to ok awinjo ka iduoke. Openjo ni to mond wa gi ma gin ema ging’eny*

ni, to kendo special seat ma imiyo gi ni, ang'o ma mondwa gi oluoro to gin josiasa mager kama. Ok gichung' achung' a gichuo to ji olar alar ombulu? Mondo ombul ma ilar, olar alara malong'o.

Ka atieko mano, ang'e ni ise duoko Kagoro ok adwa chandi giwach, wach moro odong' kany ma e Local Authority. Nying' mar Local Authority kata ugone to ok ayie go. Authority manyocha ne Local Authority ni go cha, non uru ane ni kaka u amend gima uketo cha, uduoge e Local Authority. To kata ka Local Authority cha rach nu, to akwayo wach moro e, power of borrowing. Power mar borrowing from International funds, umiyo Parliament kende mondo ka nitie yo moro ma idwa los madhi Rangwe, to Councillor mar Rangwe wadwa ni obed abeda to yo iloso alosa to pesa a a kucho direct to donjo ka. Ma ok odonjo kuom Nyang'au ka koro eka biro ka. Pesa oa aya kata ka en mar France, to a aya ni mar to mar Homa Bay District, signature ti ogo ma awinjo. Ni ma pesa ne obiro million kama. Odhim mana loso yo man Marsabi, odhi mana loso, to pesa no ok bi thurwa ka pesa ma ichulo osur no to wan be wachudo.

**Audience:** Yeah.

**Elijah Akech Chieng':** Kam ok olera kendo achako anuoyo. Sama wawuyo ka ni, gimoro iweyo kany ma important. Awinji Nyagoro. Iloso international boundary marwa gi Uganda, gi Tanzania, gi Somali, gi Ethiopia, ma marwa to uwuok e Lake Victoria ka. To ndalo moko kanyocha an Chairman ka, manyocha ayalo ka, Jaduong' mang'ongo ma orito wa ne a aya Nairobi to ka obiro to odigni na mana ni ya, kawuono, apogo Suba, kawuono apogo Rachuonyo. To internal boundary ok ong'i. Mar ang'o dak ugolo authority mondo internal boundary mag pinje opog gi ochako ong'i. Mondo wang'e ane ni to Suba wan kare, Rachuonyo wan kare. Committee makamano be dwaro ni mondo u form.

Koro mogi, aweyi Nyagoro. Aparo ni adwa ketho seche ni ji. Adwa ketho seche ni ji. We awe moko nowachi. Otieno giri nowachi.

Kawuono Serikal mar Kenya, for example Migori District, Council mibedeno, kama ibede no ema nyocha abede. To ne an jakom adi? Kawuono ka akwano kombe mag Council gin kombe apar gi achiel e South Nyanza. Why? Nang'o? Poki inyisa e giri no. Ok aneno kama indike. To kamoro nyalo bedo ni indike. Saa be ne thin na. To gima iluongo ni District Council ni, Municipal be podi dhi mana bede. Koso, dhi riwre achiel?

**Com. Asiyo:** Ok odhi riwre.

**Eliza Akech Chieng':** An to agombo ni ya pacha. Agombo ni ka Homa Bay, Local Authority, atim luongo kamano ema ang'iyo go, dhano be miyo dhoge ng'iyo. To obed ye ni mana ni en Local Authority e bwo ng'ato achiel kama, Local Authority achiel. Ok ni ya, for example Migori. Migori nitie Rongo Town Council, nitie Awendo Town Council, nitiere Migori Municipality to gi Migori County Council. District achiel ni gi Council auchiel, saa gani? Hhapana auchiel. Ee.

**Unganisha hii kitu.** *Mondo representative owuog e Municipality ka oriwre kamano, mondo jopiny obed gi ng'ma giwuoyo go directly. Ok ni aa ka Nyamua Langi wa ka to ka atucho Homa Bay to koro awuoyo gi Angado. To kendo kapodi an malo kucho, ni to koro inyalo ni awuoyo, jakom cha tinde en ng'a? Jakom wa? Mbuya. Kama thin ma nyo owe nwa ma nyocha Division ariyo, Rangwe gi Dhiwa, ni tinde awuoye gi jokombe adi? Ni koro eka wach na fitre. Angado wachne yore kucho. Mbuya wachne yore kae. **Changanya pamoja, mara moja.** (Laugter and Noise from the Audience)*

**Com. Asiyu:** *-Erokamano ahinya Akech. Winjo kawo kawo pache go gi yuagruok ne go biro dhi godo malo. Nitie moko ma owacho ma already have been provided for ma ok ochuno wadog ye. To nitie moko mabende inyalo loso. District Council to dhi bedo mana achiel e District. To odhi tiyo gi **all these other authorities and arms of the Government.** Ok apar ni nitie complications e that devolved power e level ma ochope no. To ka ang' Mzee Akech ni thuolo mosomo, ang' noyud ni penj ne oduok kanyo maler. Ang'eyo ni ka Serikal oyudo kony ma oa oko, mane onego dhi ne District moro mar loso yo, to pesa no biro abira **direct e District** ok oraw kamoro. Bende ka ing'iyo kaka finances biro bede managed, gi kaka **Exchequer** biro tiyo gi Districts, pes jo District biro abira direct. Mano ema omiyo nyaka gibed jomakare manyalo rito mwandu mag piny. Onge pesa, **they will be no money hanging about for** jok ma iwacho maricho gi mondo omul. Nikech pesa te biro, biro mwalo aye jogi ema koro chano kaka tiyo kodgi kata pesa ma oa oko bende.*

*Local Authority ka isomo kanyo maber, kata ka nyinge olokore to podi en very local nikech power has been devolved very local levels nyaka village under, to podi gin mana Local Government. Waluonge ni Local Government to gin Local Authorities kendo gin gi tije matek mana machal mari machon gi Mboya giri mane gigero Hospital, to gigero skunde to giloso yore gi mashinde gi gik makamago. Wamiyo gi tijno gibiro tiyo ma ok ng'ato oa Nairobi ni biro wacho negi kaka onego giti. To biro bede Commissioners ma opogore opogre. Commission achiel mabiro bede en mar Internal Boundaries ma iwacho cha. Nikech nitiere ywak mathoth ahinya e internal boundaries. Ni ka nyocha wan Kakamega to jogo onyisowa ni Luo ne oma gi lo, maduong' ahinya Maseno ka ni gidwa lope go. To abende akonegi ni ne angima, ne an tie ndalo ma ne lowo ma Maseno yware, Jaduong' ni Paul Agoyi ne en Chief kocha, Paul Mbuya be ne en Chief koni. To ne gi winjore ni mondo ogol Jomaragol ma ne onge kama puro bu okel Kanyamkago ka ma ne otimore kamano. Ma ka giwuoyo kamano to gi gine ahinya (clapping and laugter from the audience). Gikung dhogi ahinya, kik gibed **too extravagant** nikech jomoko podi ngima manene ong'e weche go nyalo ang' chando gi kendo nyalo tungo piny. To nitiere Commission makamano mabiro nono weche mag internal boundaries kendo mabiro keto gi ma gibed mana kaka waloso mar Kenya ni. Ma wang'ni ng'ato ok wacha nwa ni, ng'ato nyalo nyisowa ni Chula moro ni ka mar Uganda. To Chula no en Kenya kendo wandike ka ni en Kenya.*

*Wach machielo maneno kathagi en wach mon. Wach mon kik thagi. In wach mon thagi nang'o to idak kodgi, ikendo gi mana buora. (Laughter) Ineno, mon joma beyo. Kamoro siasa mar Kenya ok dochopo kamochope ni ka ne winjo*

mar mon ka oriwore kod mek chuo. Mano e rem maduong' maparo ni Africa mangima ose bet go. Nikech mon ng'iyogik moko ma opogore. Kama nyo ikelo **for example Petrol** ma a, mabiro abira gi pipe, Mombasa nyaka Kisumu, ka ne dhako moro ne owacho ni kuchopo Kilimanjaro kanyo to **side by side**, uket pipe mar pi ebathe mondo oring aringa e piny nyaka ku nikech pi thoth e Kilimanjaro kanyo. Moko bende ne onyalo kawo e kor yo ka obiwo. Mondo ji omodh pi maler. Mago e pach mon. Paro mabeyo kendo maler manyalo dongo piny (Laughter). Miyo, ber ka wayudo yo ma waruako gi go sani mondo politice o reflect some of their views. Nikech views gi owe oko. To mon joma beyo nikech amen be ok githoth go e gwe'ng. Ka mana malelo to bende ka oyudo ng'ama muol to bende dhi mana kode maber. To Joluo to bende beyo ok muomre kuom dhako. Miyo ang'iyoni ya, in bed champion mar wach ni. Adwaro ni ibed advocate mar mon, chakre kawuono aketi mondo iyud kura maber. Wachiw thuolo ni mon, e affirmative action gi joma ok nen, kata joma ok winji, mondo giyud thuolo mar representation, gibiro kelo paro ma opogre giparo machuo kelo pile pile. Donge uneno kama piny ogik ye? Mara ang'o inyalo wacho ni kik kel mon to piny ochopo kama rach kama. Ok ing'eyo ni mon mane ni e telo, mokwalo anyora onge. Gin mana achiel, achiel. To bende ok gikwalo. Ka okwalo eluf mia ade, to okwalo ndi, ma eluf piero adek. Ma kwalo million mia adek, to kwalo akwala, to be piny podi ber abera. Kendo oringo arianga gi Mercedes e kor gwe'ng ka ma bende ok oluor. Inyalo weyo jok makamago oko nade? Joma nyalo kelo **sanity** ne piny ma onjawore ni. Nyaka koro kel gi mondo gikony loso piny Akech. Kik iwach gima kamano kendo. Bed advocate mar mon mondo ikonywa tiyo tich.

Msara mar Councillors to biro **direct from the Exchequer** kendo pesa ma ochoki e chirni gi kuonde makamago e Councils nobed kanyo, ka ingi'iyoisomo gini kare, to pesa ma a oko mabiro pogo ji msara cha bende biro abira nikech jogi koro gin District Governor kata District Administrator kata District Secretary, gin joma dongo ma ok nyal pog gi pes chiro. Gin joma dongo Akech. Msach gi bende ni malo. Msach gi ber abera chuth. Wase go ka gi kacha ka waparo gima onego migi to watiyo mondo pin oduog obed kare. Aduogo mana e osiro paka ma ne awacho cha nikech ka opand pesa ne joma ong'eyokawe githuon to pesa biro bedo moromo pogo jogi msara te e Kenya mangima kendo wase timo calculation bu wang'eyoni ma tonyalore. Ka pesa gi, mwandu mag pin warito. Miyo kar msara kanyo to omiyo kik iluor jowa noyud msara maber, nikech githibedo jo tich Serikal ok dhi bedo ji ajiya. Nikeche kata mana DC gi PC maluor ni kata wagolo gi e tich ni, ng'ama ogolo gi e tich onge. Wan ne ji owacho nwa ni gi dwa ni mondo oyier gi, ok ne uwacho nwa kamano?

**Audience:** Ee.

**Com. Asiyo:** Ni mondo oyier gi. Mano egima wandiko. Koro gin, gima wabiro timo, ka usomo **8<sup>th</sup> Schedule, Transitional and Consequential Provisions**, ma biro nyiso u kaka gigi biro timore, ok gi be timore dichiel. Nyaka wachiw thuolo ne County Council ma Homa Bay mondo okwan muandu duto ma gin go nyaka lo. Thuolo maber ma gibiro hand godo **over to the new District kama or the new District Administrator**. Onyalo bedo the same person kata onyalo bedo ng'ama machielo biro luwore gi yiero. To mwandu mar District nyaka ket, kata mana kombe, kata



*gik makamago, kanyakla te kae to e hand over to the new person ka wachako new ginene. To biro bedo mana ka Bunge ose loso chike mabiro nyiso kaka onego handing over obedi. So, ok en gima inyalo timo overnight. Wanyiso higni ma gigi nyalo kawo kata dweche ma gigi nyalo kawo. Nitie moko manyaka tim immediately. To nitie moko mabiro kawo sa. Kaka devolution for example, wacho ni upon entry into force of this Constitution, all assets held by the National Government by virtue of the Constitution, then in force situated in the Province, District, Divisions and the Locations shall become public property, public mar jo gwe'ng no until such time as the District Council, the Provincial Council are constituted, the functions of those Councils shall be performed by the National Government, which means that the DC will remain until the District Council is constituted then he will hand over to the District Council. Ok gini dhi adhiya dichiel ni ka wach owacho, ni piny owacho ne gi and all the others held by the Local Authorities ma ne iwacho ka, immediately before they entry into force of this Constitution, shall become public property and shall be held by the National Government on behalf of the appropriate councils pending their establishment. So, ikano gi akana kanyo, lo go gi gik moko te ma jo Municipality ni go kat ma ne jo Local Authority ma ka ni go nyaka wase form that Government mar District kae to e hand ne gi over kae to gi sign ni ne giyudo gigi duto. Joma biro hold gigi gin National Government manyalo bedo DC kata PC kata joma kamago. To, ka kosa otimore ni jomoko bu giwus kata lo ekinde machiek no to twech ni ka maduong'. Ng'ato ok nowus lo kapok ochopo kama imiye jo piny through the Council kod (in audible) mar gi.*

**The Executive, wawach ni within sixty days after the appointment of the Ethics and Integrity Commission, the President, the Vice-President, the Prime Minister, the Deputy Prime Minister, the Ministers, the Deputy Ministers and Members of Parliament shall be required to comply with the provisions of the leadership and integrity code. Read that Ethics and Integrity Code. It is important that you know what we require of our new leaders. Nyaka koro wang'e ni jotelo mabiro sani dhi chalo nadi? Nikech gi dhi bet gi range mopogore magin go sani Bw. Akech. To mano sixty days ema wamiyogi ka gini ose bedo in force, koro eka gibedo kany. Mano ekoro eaka gichako tich kaluwore gi Leadership and Integrity Code ma waloso kendo ma inyalo somo mondo ing'e.**

*Koro Provincial Administration to wawacho ni on the coming into force of this Constitution, the system of administration comprising Sub-Chief, Chiefs, District Officers, District Commissioners, Provincial Commissioners, commonly known as the Provincial Administration shall stand dissolved. They shall stand dissolved. Ok oriemb gi. Gidok e Serikal dhi deploy gi kuonde ma inyalo ter gi ye. Nikech jo gwen'g dhi yiero DC gi gi jog gi. Ok mano iwinjo tiende maber? Kamano. (Clapping)*

*Nitiere Clause moro winji mar existing offices. A person who immediately before the coming into force of this Constitution, holds or is acting in an office established by the Constitution, then in force shall continue to hold or act in an interim capacity, interim capacity until an appointment or reappointment is made under the new Constitution. Ok ine ka warito ji te maber? Onge ng'ama oriemb ka. Ji dwaro mana yiero jogi e gwenge gi. Ee. To be ng'ama gine*



to be nyalo bedo reappointed kata ka bende pin oweye oko, to ng'ama chielo bedo appointed kare. So, really, it is important also that this 8<sup>th</sup> Schedule mar Transitional ni en very important mondo jowa ong'e kaka transitional dhi chalo mondo kik ginuomre. To kaka a wawacho ka Mheshimiwa giri obiro Nairobi e National Conference, gibiro kelo paro moko ma un go gi. Nikech this is a Draft. **It is not the final Constitution. It is a Draft; it will still be amended in accordance with ideas that will emanate from you or from joma biro bedo e National Conference.** To mi gi uru gigi mondo gibi ka ging'eyo gik ma udwaro. Mondo ka giwinjore gi others delegates, from other Provinces to gi ket weche madhi konyo piny adier adieri. Ma achiel kuom gi en gik ma iwacho go. Nyis gi kwano go, en to be ong'e gi nikech ne en jatelo ka. Erokamano. A nitie penj moro be. Mama adwa miyi thuolo nikech mon onge ka podi tedo ni chuo. Adwa niwach machiek ahinya. Machiek ahinya. Ero kamano.

**Siprosa Onditi:** Oh. Agoro ero kamano ahinya. An Siprosa Onditi. To nyinga maduong' to iluongo ni Andwata. To agoro erokamano ahinya kuom jogo manende obiro ka to nikech jowa oluoro kaeri ka winjo lweny ma opogore opogore manyodonjo e dala na kaeni. To waluol, ka iko ni ng'ato ni chiedh mondo wadhi winj ye gik ma Nyagoro dhi wacho. To ni ka Nyagoro to ayie. To ka ng'ato ang'ata to adagi. Omiyo Nyagoro, dala wa ka oruaki. To nikech idhako maratiro. Idhako manonyuol mana odiechie'ng mane inyuolo chuo. Tarik mane inyuolo chuo ema ne onyuoli e. (Clapping)

To obedo wang'wa mar Nyanza wa kaeri. Med mana rito gi. Ing'eyo odiechieng' manene lokruok ne itony. Ne igo aboutan dichiel. To go aboutan dichiel. Luw yo kuma iluwo no isik ye kendo iriti wa, in e taya marwa mar Nyanza wa ka.

Koro an amor gibiro wa kaeri. Joma obedo kaeri duto an amor godo an Anduata. An Anduata chunya rach, ne amako mana Judge gi tol ka omayo lopa to ochamo shilinga, oloka maskini, ochamo ogunda mia adek moriwore gi mitoka te gi chiemo man e bungu ochamo te ma ako ni adhi atho kuome. Ka atho to atho. To ka angima to angime. Ne adhiyo otweya Kisii ma atieko wuodha bu aduogo. Koro akoni Nyagoro, saa odiechien'g ma kama piny wa rach kendo otwere, motwere ka dhako ma iye owang' ma odhi e puodho ma odhi puro matek mondo otiek puondho. Adwaro ni mondo imiya e President kaka ng'ato no manene watiyo godo lweny, ne watiyo lweny. Bunde go nga'to kae to in to iringo ichiko mana ng'et ni ni dipo ka ilwar eka wanwang'o kombe makoro wan tiegi. An, an e Homa Bay ka an Anduata, loka Kisumu ne iluonga ni Jalong'. To kae to iluonga ni Anduata. Anduata no en mana mar ohala. Koro aori ni miya President mondo awuogo wang' gi wang' an Anduata. (Laughter and Clapping from the Audience)

Un kod DC, un kod DC akwayo u, ni miya go uru. Ene taya marwa mar Kenya.

**Com. Asiyu:** Erokamano mama, koro dhi ndik mana nyingi kacha. Miwacho no bende pin owinjo awinja. Jo Press bende man ka bende owinj, awinja ni Anduata dwa loso gi Jaduong', gini kadh wach e wi yamo. A nitie ----

*erokamano wuoyi matin. Kel ane paro.*

**Michael Ongong'a:** *Erokamano, an iluonga ni Ongong'a Michael. I am a consultant economist and doing poverty reduction. Aparo ni Moringa to tinde ung'e te. Now, area ma adwa wuyoe mokuongo, en mana goyo erokamano ni the Commission nikech gikadho wach mar economists. I am an economist by profession. Judges ne oywago mar gi to an to amor. Nitie section ma ukelo mar Economics and Social Commission Council mabiro ngi'yo weche mag economy to ka ok wang'iyoye weche mag economy, podi ji biro chandore. So, kanyo wamor kaka economists and wabiro tiyo kaka udwaro.*

*Mar ariyo en area moro, mar discrimination against the disabled. Kizungu moro ok omora kanyo. Nitie kamoro mawacho ni, there should be no indiscriminate unfair discrimination against the disabled. Koro discrimination gi kizungu, ok ang'e ni moko nitie ma fair kata moko unfair. Koro udhi ng'i kisungu makanyo en under Article 9 Section 1. So, kisungu no udhi harmonize nikech ochalo gima imiyo ng'ato gimoro gilweti kor ka achich to imaye gi kor kacham. Omiyo ngi'nwa uru mano.*

*Then mar adek, nitie wan concur gi the Commission. National Days ne odwa bedo mang'eng. To mondo wa fight against poverty nyaka ji ti matek. Thurwa ka obet ma ka gid dwe mar aboro, to ka idhi e fis ma to kawuono holiday, gi dhi koni, holiday. Omiyo adek ma obedo recommended gi, obed stressed, ma wabiro support go mondo gibed three National Days man gi meaning. Modong' go to obed abeda makata godhiambo kawaromo, to wago mana mbaka ni kawuono en chieng'a makaka.*

*Then nitie the other section, mawacho, no, aparo ni kanyo ase tieko, fair and unfair ----- National Day, mogik on behalf of the Civil Society ma thurwa ka, wahero wacho ni we support the move for the new Constitution. Nikech the world ose change too fast. Chike machon ka kata wan jo matindo, sani donge wabe wadwaro telo? To dibiro mana ni in pok ong'eyi, pok ong'eyi, omiyo wadwaro the system obed very uniform, everybody obed gi equal opportunity. Otherwise, erokamano.*

**Com. Asiyoye:** *Erokamano ahinya. Aparo ni that section mar disabled people, is just a typing mistake. It was not intentional. Mamoko go to itimo maber. Koro apenjo, mama moro nikacha ma adwaro penjo gimoro. Aye wuoyi matin man nyime ni, nyingi ng'a?*

**Dalmas Nyage:** *An Dalmas Nyage.*

**Com. Asiyoye:** *Dalmas ibiro luwe. George Deya. Give us your name and ask the question. Make it very brief.*

**Monica Atieno Afuodi:** *Ero uru kamano, Mama Commissiioner Bi. Asiyu gi welo ma in godo kodi jowa duto ma oyuoro winjo wach makawuono. An iluonga ni Monica Atieno Afuodi. A a Rangwe ka. A min Gem Asumbi. Wach ma na godo chalo ka ma Mama. Awinjo ka weche ma owachi kuom mine kata kaka ne wawuoyo, kaka ne jo Rangwe owuoyo mamine, agoyo erokamano ahinya nikech awinjo ka ng'eny gi uwacho kaka ne wawacho. To gima anyalo wacho, ma anyalo kwayo ka achung' ka, gin gik moko ariyo ma a feel ni ne ok waketo kanyo.*

*Mokuongo en on the people with disability. A feel ni joma nigi disabilities onego ket nigi option ni ka nyathine ne e skul to ose fweny ni en ng'ama ong'ol, to en ochulo pesa matin maloyo ma ng'ama normal chulo. Mano kwayo ma onego bede.*

*Mar ariyo, kendo mogik, ni ka ng'ato kwinyo chuori to in dhako, to oneno ni jalo saa moro oloyo in a way or jalo onge pesa, to in inyalo, onego yie ni mondo i del gi ng'ano kata in dhako. Mano kwayo ma akwayo. Ka ok kamano, mondo itere nyaka e Court mondo iyal kode. Nikech ka chuo defend miond gi, mon bende onego defend ango', chuogi. Erokamano ahinya Mama.*

**Com. Asiyu:** *Erokamano mama. Kor ka disability to waloso maber nikech wachiwo free and compulsory education chakre Pre-Primary nyaka secondary mabiro cover all categories of people including the disabled. Defence mar chuo to ber. Mon jomo ohero defend chuogi e yore mathoth ok kata ka ng'ato ocha chuore kende. Mano ber ka gidhi nyime. Ok ochuno mondo Constitution owach gik moko duto te. To oriti nying chuogi ahinya. Ok gi jo yie mondo jomoko okech nying chuogi. Miyo mano gima nyaka bedi kata ok ket e Katiba to nyaka ji defender koni gi koni. Erokamano kuom paro ne chuo gi mon wach no.*

*Koro a wan gi jomoko ka, gi ng'ato bende ka ma adwa penjo bende penjo penjl moro e corner cha. Okay, ne nyinki Mr. Dalmas? Okey, go ahead.*

**Dalmas Nyage:** Thank you Lady Commissioner, dear Members, Good afternoon. Yeah, I have only an observation. *(Interjection)*

**Audience:** *Wuo gi dholuo.*

**Dalmas Nyage:** *Okey, pole. An nyinga en Dalmas Nyage. A a e section mar Prolife. To e buo kany kaka Prolifer, ne akelo kwayo wa mag jo Prolife to nitiere kamoro ma an aneno kendo amedo paro ni kaber, Madam Commission to idhi parie ka. Ni e buo right to life, number achiel ber kendo wago tick kaka jo Prolifer. Number ariyo, the death penalty is abortion kaka ondike. To koro akwayo, akwaya, ni number adek obedie abortion is abolished nikech nyoch en gima nyocha iwacho e Parliament tadier kaka wang'eyo, in bende ne in nyathi. Nyathi saa ma ose mak ich ne to*

tok jumbe ariyo, ose bedo kod adundone kendo ogweyo remo. Mano nonro ma ose a e buo Prolife. Ka podi ogo oka' ng ka odhi mbele, ka oromo dweche ariyo, mano seche moko eka mama dwaro chich ni, ah, diponono ni an kode, gimoro amora man kuomi, man e dendi sani, nyathini nigodo. Owinjo rem ka po nono ni itimone marach. Nyathini, lweteni kata nyalo mako gimoro ka en e ich kucho. Mago nonro ose nwa'ngo. Koro nyathi machalo kamae ni yawa, diwayie ayieya ni gibedo **terminated through abortion**. Aa akwayo Lady Commission, ni ka idok ka iyie mondo a u address this area. Ne wakwaye to akwayo ni obed number adek kuom mano. Ka ok kamano to achwok, erokamano maduo'ng ahinya kuom Yesu marwa.

**Com. Asiyu:** Erokamano Bw. Dalmas kuom paro mikelo. Mano en wach ma imiyo ji adek mabiro biro chu'ng ne **this District e National Conference** to bende nitiere **Acts of Parliament** mabiro deal gi weche makamagi. Omiyo kik ubed giluro kata ka weche te ok obedo e Katiba nikech Katiba to gin pend chike mag piny ma ok ket gik moko duto. An tie gi George Deya ma adwa loso. Ba'ng ka George ose penjo penj to wabiro luongo Isaih Omogo, aye Henry Owuor. Okey, George dhi nyime.

**George Deya:** Erokamano. Mokuongo adwoko erokamano ni Commissioner Bi. Asiyu to gi team mzimi ma obiro mondo wabed gi chokruok machal gi ma. An Nyinga iluonga ni George Deya. An jatich e Serikal, an a Civil Servant kendo e dakika ni, an ja Union, e Union wa mar Serikal manyocha oduogi. An e District Secretary mar branch mar Homa Bay District. Amor ahinya gi kaka Constitution kata kaka Draft owuoyo e wi Labour Relations kendo aneno ni mae dhi konyowa. To nitiere kamoro achiel mada adwaro ni kata ka jowa mabiro dhi Nairobi to mondo gikaw akawa chuth mondo gidhi gine. Awuoyo e wi kama awacho ni **every Worker has the right to a fair remuneration**. Fair, nikech wan kaka jotich Serikal, wan gi chandruok maduo'ng molooyo. Nikech sani ka ing'iyo kata kaka ichulo jotich Serikal, ok nyal room kata mana chiemo mar odiechienge ariyo. To seche go jotich Serikal ema bedo **entrusted** kod muandu mag Serikal kendo chiwo **direction** ne piny. Omiyo jotich Serikal ose bedo **blamed** ni gin **corrupt**. Omiyo an akwayo ni at any time ma Serikal **engage** jotich Serikal, to onego gi engage gi above the poverty line. Nikech sani ka ing'iyo kaka **payments** magwa wan jotich Serikal, wan **below the poverty line completely**.

Machiolo, ma adwaro mondo awachi nikech amor ahinya gi wach mag labour relations ne, kendo aneno ka **Constitution** okonyowa kabisa. Kendo, ayudo kaka wantie kod **rights to form, join and participate in activities and programs of a Trade Union** kendo aneno ka wantie kod **right to strike**. Aparo ni aduoko erokamano ahinya. Kata jopuonj ma ogomo sani iyudo kaka **it is their right to strike** kendo nitiega kanyo kendo ok onego gibed **intimidated**.

Mogik, to awacho kama. Nitie kamoro bende, kama **the Draft Constitution provide for bicameral Parliament**. To an gina ne awuoro ma abe ahero mondo uwach maler nikech aneno ka Parliament ni kod ji mathoth, nitie **two hundred and ten, nitie ninety**. To ang'iyo to kod kaka awinjo ka jopiny yuak kata mana e wi msach jo Wabunge nisani ma e Parliament gi, to ka ni gidhi gi **that formula** gi **trend** no, to pesa dhi wuok kanye ma idhi chul godo jogi te. Ero uru

kamano.

**Com. Asiyu.** *Erokamano ahinya Mr. Deya kuom paro maber ma ikelo. Ageno ni joma biro dhi Nairobi, nokaw weche go kendo nokel kucha. Kata kamano adwa nyisi ni right mar dhi bedo any Trade Union to is really enshrined in the Draft Constitution ma ok onego, be kendo otem nyiso ji mathoth kaka onego relations e kind joma tiyo gi joma ondiko gi bedi kata Civil Servants bende. (Interjection).*

*To bende aparo ne I need to emphasise again ni, wachiwo thuolo ne independent candidates, kami ilose cha Mr. Deya. Ng'ato ang'ato ma oyudo ka oromo chu'ng to party moro ok ochunge, ok o nominate go, onyalo chu'ng. Kata President owuon ka oyudo signature eluf achiel, ng'ato nyalo anyala chungo President ka opo ni Party mare ok ang'o? Ok ochunge. To obiri abira to ji yiere e pinya. Nikech kamoro party nyalo weyo ng'ama ber to kawo ng'ama ok oromo bedo President. Koro dhi nyime.*

**Isaiah Omogo:** *Erokamano. An nyinga en Isaiah Omogo. A a Rangwe. Rangwe kucho an jakom mar riwruok mar Jomong'ol. Jomong'ol mana kaka wase winjo, gin ji man gi ng'ol mopogore, opogore. Ok ni jomawuotho gi ludhe kaka an kaman ema ikwano ni ong'ol. To ji mathoth, nyaka kaka nyaminwa bende madhi chu'ng nwa. Adwa mana wacho weche moko manok kende, ni kaka achiel kuom jogo, mane oyudo kinde mondo ochiw paro ne Commission, saa mane iluoruok mondo okaw paro mag ji, amor nikech ne wayudo thuolo mondo wachiw pach wa. Kendo amor nikech thuolo mane wayudo no, gik mane wawacho ose kaw kendo oket mondo obed e chik manyien miloso. Chutho mae e kinde mokuogno tik, tik, ma ng'ato man gi disability obed mentioned ei Kenya ka. Pile ok on'ge ni wantie. Ne awacho gini, kendo we achak awache kendo, ni kane itimo census moro ma higa machielo cha, nokwan nyaka teyni, nyaka nyangile ma ji liel go e udi, nyaka chope, to onge ng'ama ne oparo mondo okwanye ni to gin ji adi man gi disability e Kenya ka. Kuom mano, kaweyo ma ose ndik mabeyo go, agombo ni mondo akwa Madam Commissioner ni mede uru nikinge ka kinde Serikal obed kod record maber manyiso kar kwan kod ji man gi disability. An'go ma omiyo awacho kamano, nikech census itimo mana mondo omi oyud kar kwan ji mondo otim kodo plan kaka ikelo dongruok. Wan be mondo wayud dongruok kaka joma nigi disability, nyaka ng'e kar kwan wa.*

*Machielo, akwayo, ne wawacho ni mondo olosnwaye riwruok moro manyalo chu'ng nwa ok riwruok kende to kata mana Ministry, akwayo ni mondo Commission mar Ghai ori, mondo wayudie thuolo mar yudo organization marwa motegno manyalo chu'ng ni welfare marwa kabisa kata mana Ministry nikech epinje moko mabathwa nitiere Ministries mochu'ng ne joma nigi disability kendo ng'eny ji matiyo kuro nigi disability. Wan gi moro ka ni National Fund for the Disabled, en to achaye, nikech ok okony joma nigi disability. We mondo atieki, ang'e ni wajomong'ol ji joparo ni wachando gi. Nikech jineni ka gima idwaro shilling abith kata shilling. (Laugter)*

*Koro adwa tieko ka awacho ni ya. Commission ni ber nikech bath Kenya koni gi koni ongi'ye. Ngima ja Kenya moro*

*amora kata obed ng'ama chalo ka Wuod Omogo ni, kata obed ng'ama chielo. To jomoko ose tuch ka, ema omiyo amor nikech kawuono wan be waruako yellor ribbon. Jomoko ose tuch ka dwa ketho gini. Ariwora gi duond jadio 'ng cha ni Jadio 'ng owewa mos. Ng'ama dhi yweyo, wamor kode. To ok ni mondo oketh gimanyo ose golo pesa mathoth motiye. Nyocha aneno matokni ma Commissioners gi nene ringo go, matokni mabeyo. To ni koro odwa mana ketho nikech wach moro mathin. Kata mana judges wa, giwe mondo gini olosre. Nikech nitiere seche moko mapiny kaka Kenya ni nigi duo 'ng molooyo ng'ato achiel. Kata obed mana Madam Commissioner kama to Kenya koro loye. Ok ni mondo isik kainite ni koro iketho gima biro konyo Jokenya duto. Kata mana judges wa ma obukore nitero wachni kia kure, nikech gin be emadhi yalo wachni, giwewa mos mondi mondo, wach ni orum, wane kuma biro terowa. Ka gin gima ginyalo yalo, giyale bang'e. Ka ok kamano, Madam Commissioner, erokamano kuom weche mabeye ma wasewinjo. Wageno ni ka ogik e saa National Conference, to weche biro medo chorore, Bunge wa be kik rikni. Girit mondo weche gi okal mondo wago kura ka wan gi teko. Erokamano.*

**Com. Asiyu:** *Thank you very much Mr. mogo representing the disabled. I am sure that the National Conference will add on to what you have recommended for the Draft Bill. Koro aluongo Mr. Henry Owuor. Ba'ng Henry Owuor, wan gi William Orende, aye mogik en George Ochanda. Yes, Bw. Henry, kaw microphone.*

**Henry Owuor:** *Moluor Commissioner Nyagoro. Daduok erokamano ni ka iyero Commissioner, ka ne wasomo ni idwaro representatives mamine, gima ne obiro epacha to ne awacho ni, Nyagoro cha ka de Nyasaye oyie domiye teko ochop kanyo to ne otimore kamano.*

*Oh! Gima adwa wacho, aneno ka itemo luoro ni mondo kik wawuo e wach Judiciary to gi wach Executive. Wach Judiciary ema miyowa wabedo gi tabu mantie ka ni. Contribution mara abiro timo mar loko chike gi saa mowinjore nimar Membes manyocha wayiero gi wabiro loso go. Adwa mana wuoyo e Judiciary matin to kar Ker. Waketo kama. Ka Jadio 'ng dwaro ni mondo wa support candidate mare, omiwa thuolo mondo chik manyien ni odhi nyime, wadhigo e yiero. Eka wanyalo go tamsi ni to be ng'ate no be koro donjo kama wadwaro. Mataka ka nitie kaka da'ng owinj ma to owinji.*

*Mar ariyo, mar ariyo, pok asomo gino malong'o to wadwaro ni uket e restriction of public funds to molooyo ne Ker mabiro bet ye. Nimar pesa mag wananchi medo bedo misused gi Ker e wuodhe ne, gi joge ne, gi Kitchen Cabinets mage maka gidhi kamoro to giting'ore ji mia achiel to giringo gi mitokni madongo, dongo ma fuel mar mitoka moa Nairobi ka obiro Homa Bay oromo chulo two graduates misara. Gik machalo kamagi onego wan'gi. Ang'eyo ni nitie thuolo wabiro yudo ma wabiro kete, to gima ne wadwaro to Executive, ka gin judges ong'eyo maber ni gini en just a proposal Draft, a proposal to itero e Court nang'o ka ing'ama osomo? Itere ni idwa dhitimo kode ang'o? To pok obedo (word not clear) pok okawe ni en chik. Ma rieko moro nitie. Kiswahili moro ni ka majogi goyo. Kiswahili magigo ni wase nene mana kaka Jadio 'ng Akech no owache cha. Wadage. Gima nok go, aduoko ni Nyasaye*



*erokamano kuom chopo ni ka.*

**Com. Asiyu:** *Erokamano ahinya Bw. Henry Owuor kuom weche ma imiyowa to nitie moko ma waonge giteko mar loso to nitie mabende wanyalo loso. Kwayo wawinjo. Piny bende owinjo kwayo. Wageno ni biro bedo kaka gombo mar jo piny mathoth chalo. Koro akwayo Mr. William Orende aye to bang'e George Ochianda bedo ng'ma ogik. Yes Bw. Orende.*

**William Orende:** Thank you very much Madam Commissioner Phoebe Asiyu, the District Representatives to the National Constitutional Conference on the Constitution, Ladies and Gentlemen. I have a few points may be to raise here *to adwa mana kwayo u nikech nitie references moko ma adwa chiwo ma owuok e document moro ma an go ka, manyalo chuno mana ni nyaka an asome mana gi Kizungu to ka nitie weche moko ma anyalo wacho gi dholuo to ang' na bol achiel, ariyo. En hawi maber kata marach nikech nitie document mane oora go kaendi kaka jakom mar The Kenya National Association of Men ma en document mane obedo prepared by a team of men, yaani Maendeleo Ya Wanaume Organization. (Laughter)*

We had prepared a document to come and present to you. Unfortunately, as we were coming here, there was black out so we could not print adequate copies but may be later we shall be able to present them to you.

So, one thing which we noted was that we have our objectives. One of them is to fight the prejudices against men folk in this country. That is we are going to fight discrimination against men beginning from the boy-child to the old man back at home. That is one.

Two, we are going to provide a forum where the issue of endemic torture of the men folk by their female spouses is addressed. *Saa ma wabedo kaeni, nitiere jok mang'eny ma ang'eyo ni yuak e bedrooms gi kucho ka ose rodh gi gi mondgi, to nikech piny ok oyie ni dichuo onego bed kabiro wacho ni ya, an to ing'eyo ni Nyang'ane ne orodha koro en otho athoya kanyo kata nyakono ne ogoyo nyaroke, koro otho athoya kanyo eiye kanyo. To saa makoro achung' ka ni. Owinjoro awach ni ya ----- (Interjection by Com. Asiyu)*

**Mr. Orende:** ----- Sorry.

**Com. Asiyu:** *Mr. Orende*, I am only hoping that you made these views known when we were going round in collecting views, because if you didn't, then you missed the boat.

**Mr. Orende:** I am with you Madam.



**Com. Asiyu:** The thing is this, The Kenya National Association of Men, is a very important organization and I believe that they can change very many attitudes and traditions. But, then that Association should have come here when we were receiving views, to give us their views. Right now, we are not collecting any views; so whatever, you might have to put up, will not may be go into the present Constitution. (Interjection by Mr. Orende)

**Mr. Orende:** Excuse me Madam; I am only referring to what is already in the Draft.

**Com. Asiyu:** -----but, can I just give maternal remarks. But there are very many areas, which can actually accommodate or adopt some of the issues that you are raising. I am sure that most of them have been raised here in areas of education, health, security, environment, and so on because those areas are broad based and will cover every aspect of the human race whether man or woman or child. So, if you can please be brief because there is nothing we can do to collect the views now, and just address the Draft Constitution.

**Mr. Orende:** *Erokamano. A wawacho ni ya. A wawacho ni nitiere sections mamoko ma ose biro e draft ka ma ne wa feel ni kaka jok machuo, wawach ni the men of this country, wa feel ni they should go unchallenged. I don't know whether to go back to the mike, eh! Thank you so much. Now, I am going to recite those areas (interjection)*

Now, the following citations should be taken into considerations as being opposed to our objectives as earlier indicated. One: On National Goals and Values, that is found in Chapter 3 Article 12, my friend Councillor Kagoro had talked about it, former Councillor Akech Chie'ng also talked about the same. They have to be taken seriously. Now, the second issue is on freedom from discrimination. This is in Chapter 5 and this is majorly dealing with the Bill of Rights. Now, on representation, Chapter 6 Article 77 paragraph 2, as read with Article 109 paragraph (a) that at least one third of members of each House shall be women. Then there is also the fifty per cent requirement as in Article 217 paragraph 1 and paragraph 3 on Locational Government and Article 219 paragraph 2 on Provincial Government that they shall be women. Chapter 9 on Judicial and Legal Systems, on removal from office in the case of a judge i.e. in Article 197 paragraph 4 (b) Section 3 and Article 197 paragraph 4 (c) part III for the Chief Justice. These Articles demand that the President appoints a Tribunal in each case and one of the three persons with experience in public affairs be a woman and I am saying or we are suggest that, this should be left open. I have a case in point. In Homa Bay District, I am sorry to say only one woman applied to be elected as a representative of the people from the District and she was only one. I am looking at a situation where we could have ended up with no woman applying for the same position. So, it means that, that section will have gone unfilled. But if it were left open for men and women, then any person would have gone there. But then as the laws stands, we could have gone to pick any other person outside there *ma en kata mana, mondo obi chung' owuo e yim ji ka ok onyalo timore nadi? Ok onyal dhi*, simply because *en a woman to ne o apply, koro en imiye* the what? The Position. I think we have to consider some of these things. Now, I have made those remarks *ka aketo* into consideration also that Kenya is a signatory to so many International Charters and

Conventions like the Universal declaration on human rights and the International Civic and Political Rights which states that there shall not be (interjection).

I have talked about International Convention on Civil and Political Rights. Now, in their articles, those documents I have cited, Article two of each of them states and I can read one of them here, if you allow me. (Interjection by Com. Asiyo)

**Com. Asiyo:** We are aware of that.

**Mr. Orende:** You are aware, all right. But it states that no person shall be discriminated against on the basis of sex, creed, colour, birth and all these. Now, in separating that certain sections be left for women candidates or women leaders in our society, you are actually perpetuating and entrenching a discriminatory law which will negate the spirit of freedom of discrimination based on those articles and therefore I would also like to cite another case here, if you allow me. This is in the criminal procedure code. I am informed to address you like this. That in that criminal procedure code Section 170, which states in part, I am paraphrasing, ‘ that if a man willfully cheats a woman, that he is married to her and she believing that she is married to him, and they have conjugal relations, then the man is guilty of a felony and is liable to imprisonment for a period of ten years’. (Interjection)

**Com. Asiyo:** (In audible)

**Mr. Orende:** That is in the past Constitution. Sorry, I am just trying to bring my point. I am referring to that because that section is already discriminatory because if a woman cheats a man, the man will go nowhere but if a man cheats a woman, the law is already providing for it. But I am using that one, sorry to bring my point home.

**Com. Asiyo:** Mr. Orende, you have made your point. I only wish that you were there to make these views when we came round. You did not come and therefore you have lost out. But, there are very many other areas where you can address these issues. All we know is that the new Constitution is only pressing -----

----- the qualification of the representatives employer/employee and others are exactly the same and therefore there is no discrimination of any kind. You heard Mrs. Ogotu talk, may be you were not here and you know her qualifications. She is blind. She is a woman and she has her degree in education and may be in linguistics. You could not have got a better person to represent those two Constituencies and therefore I really don't believe that what you are telling us is from the bottom of your heart. In fact, I have a very strong feeling that may be you are acting on behalf of somebody else because why are you referring to the Chief Justice and to other judges? Why did you (word not clear) in the Judiciary? Why do you want to refer to them? Nobody is commenting against the Chief Justice or the judges and it was a very remote thing that you are bringing into what we are discussing here. Judges have their quarrels with us. We are trying to negotiate and to work it out and I don't think you

should, I don't believe that you the right to represent them at this meeting. Thank you. We have Mr. George Otieno. George Otieno. *George be ane ka. In ema idwa loso mogik. George Otieno Onjiko.*

**George Otieno Onjiko:** *Ago erokamano ni Madam Commissioner kuom wach mokelo nwa sani mondo omi wawuoye, mondo wapuonj jopiny kaka piny dwaro. An, ka awuoyo to awuyo mana ni, devolution of power mokel ni, ayie kode. Gima omiyo ayie gi devolution of power, en tich no ma ibiro ti maonge ng'ato achiel ma decide gi dhano ni wadhi Rome, ji te nyaka yie ni ka Rome wadhi, gima omiyo wadhi Rome en mane? Koro, separation of power ema nyalo miyo piny ger re. To, ka aduoko u e Fifth Schedule Article 3, ma wacho ni President, Vice-President, Prime Minister and other Ministers of the Government, Permanent Secretaries, Chief Executive Officers and Senior Managers of the Parastatal Government and Senior Officials of the Central Bank, Members of Parliament and any other public officer and any other person are prescribed by the Parliament shall not maintain or operate a Bank Account in a country outside Kenya. The factor is there which I am raising now. These people should not be allowed to operate accounts outside Kenya as well as investing or building any house in foreign countries. The reason behind that, we have known very well, ni wawegi onge ng'ama nyalo puro to ka ise puro to iwacho ni a, we adhi ago dero kowadwa. Ere ng'ama ose go dero kowadgi? Ipuro to ikawo cham to idhi kano kowadu. Tich adi? Koro, wayiere ni mondo Kenya oger re onge ng'ama dhi kawo pesa dhi kano dala moro ni foreign country ni orito go jopinye. Magi mwandu jopiny ma jopiny ema oloso. Ok ikaw ni idhi kano e dala moro. Wabed kata ni World Bank nitie, World Bank kuro maka mag jopiny cha. Omiyo, obed Minister obed nani, okan pesa e Kenya ka mondo pesa oger Kenya. Sani wawacho ni economy okethore, to economy ma okethore no, pesa mag jopiny ni ni e pinje mag foreign countries gi te. Ka wawacho ni the income per capital mar Kenya wawegi wan ema wakawo pesa gi watero kучо. Koro, industries man e Kenya ka, pesa mag jo Kenya man oko, nyalo loso gi godiechie 'ng achiel. Koro awacho Madam Commissioner, ni jo Kenya gin jo Kenya piny achiel ma ok ni ng'ato pogore kende, ni en odhi okawo industry mare otero Switzerland. Moko okawo otero Australia. Onge gima gigo biro konyo wa go. Omiyo Fifth Schedule number adek, amiyo teko ni joduond jopiny man kae gi, moro amora manotug ki pesa Kenya ni okano oko, odhi kane kata for life nitech oketho future mag nyithindo ma odong' chien. Ero uru kamano.*

**Com. Asiyu:** *Erokamano ahinya Mr. George Otieno kuom weche maler ma iwacho.*

**Com. Asiyu:** Ladies and Gentlemen, we are now coming to the close of this meeting but before we close, I really want to thank all of you who attended this meeting and the few of you who were able to talk. From what you have said, it would appear that you know it all and can pass it over. Please do so. You have articulated the Draft – Katiba so well that you now own it. It is part of you and these messages must have been carried and passed on to those other people who did not attend this meeting today. We will recommend the Civic Education in schools of this Constitution right from Primary School. We also, what we hope is that there will be Civic Education on the new Constitution to all groups of people – men, women, young people, youth as well as other categories so that everybody in this country gets to know and owns the process. I am even impressed by the way you have articulated the various Chapters of this Constitution and I have no fear that what you already know will be passed

on to the other people who you will be meeting after this meeting. My special thanks to the Chairman of the 3 C's Mrs. Otieno, I didn't thank you earlier. I want to thank you now for the good work that you have done. Most of the work now is going to depend on the 3 C's to continue letting the people of Rangwe know about this new Constitution and even more so, the three representatives who are coming from this District, who we know will not take it upon themselves to go round and inform the people of Rangwe about the new dispensation so that they also will own it the way you do. As I said earlier, this is only a draft.

There will be many amendments during the Conference, but we are hoping that there will be no deadlock at the National Conference because the way we have agreed here in Rangwe today, on every Chapter of the Draft will be same thing in all other Constituencies around Kenya and therefore when we get to the National Conference there should be no difficulty or disagreement. Of course, there are new ideas like the ones that have been expressed by our good friend which unfortunately were not included in the Rangwe report that was read to us by the Coordinator. But I believe that, if they are genuine and good amendments, I see no reason why such an important contribution not be included in the final Draft of our Constitution. Remember that, this is one document that can bring about what we have missed in the last thirty years and that therefore it is upon you as a good citizen of this Nation, to go out and let the other people that you come into contact with know about some of these important provisions.

*Awacho ni amor ahinya kuom jomobiro ka kendo an gi sunga ndi kuom ng'eyo maru. Awuoro ahinya kaka unono matut Chapters mopogre pogre mar this Draft kendo kaka uwacho gi. Manyiso ni gin e chunyu, gin e pachu to gin e ngima u. Ma ekaka Constitution mag pin onego bedi. Onego bed e ngima u nikech gin pachu uwegi. To koro biro chuno u kawo thuolo giteko mar lando wach ni mondo ji ong'e gima Draft ni wacho mondo gin bende gino obed mar gi. Koro Mheshimiwa Ogingo gini biro Nairobi timo – chopo e National Conference gi bi gi paro mamoko ma owachi ka sani gi mondo gi gima jowa moko bende dhi wacho aye to eka walos final Draft mawanyalo loso godo Serikal manyien. Amor gi jo Rangwe kendo ageno ni biro bedo kamano kuonde mamoko. Adwa kwayo joma nithuolo mada' ng chop Ndhiwa kiny mondo owin paro mar jo Dhiwa. Kiny wanasom report jo Ndhiwa. Kawuono ne wasomo report mar Jo Rangwe to be ne ong'ado gi, ok owacho te nikech en a very voluminous document. To Ndhiwa be kiny nwasom pach gi. Pach jo Ndhiwa chiegni ahinya gi pach jo Rangwe. Nitie kuonde ma pogruok bede e ka gi kacha to paro en achiel.*

*Gimoro ne ukwayo wa ma is already happening ma adwa ni apar nu. Ne uwacho nwa ni Treaty mar Lake Victoria ma e kind Egypt gi British Government mondo oloki. En kwayo ma ne oket nwa kuonde duto te e communities ma along the Lake Victoria. Kendo, sani igo mbaka ne ma use winjo kata ka nitie bura maduo'ng ma ibiro go mbaka ne e Nairobi kucho, mondo Treaty no ochiw thuolo ni joma niie dho nam bende otiye gi pi nam ni to gi aore matero pi e nam. Nikech Treaty cha wacho ni uonge gi thuolo mar mulo pi nam ni kuom yore machalo mag irrigation kata aore mapidhe bende ok onego umul. To ung'e ni sani ka idhi Egypt to iyudo ka nyithindo ma oa skul sani, Eghypt ok thagre manyo tich. Ka iyikori ni in ja Agriculture, idwa yawo new land along the River Nile to imiyi mana loan, to igero ni mana ot, to ichako yawo puothe mag pidho alote gi mauwa mondo mwandu mag piny mar Egypt omedre. Ka da nyalo*

*bedo kamano thurwa ka, dobedo gima lich ahinya. Kwayo u no diber ka ochopo kendo akwayo Mheshimiwa Ogingo, gi Daktari gi Mama Ogutu, ni ka uchopo Nairobi, ng'i uru ahinya wach mar Treaty mar jo Egypt e wach mar Lake Victoria gi Nile nikech kokadho, maok owache sani to onego piny. Jopiny ne okwayo wa. Ube udhi uwache kucho.*

*Ka ok kamano jothurwa ago nu erokamano ahinya kuom chopo kendo akwayo ni umed lando enjili mar Katiba ni, mondo ji te e tung' piny koni gi kocha owinje kaka awacha cha wabiro kete e dhok duto, kendo wabiro ndike e book matin ma nga'to nyalo wuotho godo e pocket mare ka opuonjo ji, kachieng' moro wase yudo the final draft. Koro akwayo jalemo moro olem nwa mondo ogwedh nwa bura mobedo mak mana ka nitie lendo, ma Co-ordinator dwaro ni mondo olandi kapodi ok wawuok, to otim kamano. Erokamano ahinya.*

**Maurice Odawo:** *Erokamano Hon. Commissiainer. Mokuongo adwa goyoni erokamano kuom biro ka, kuom biro Homa Bay District, kuom biro Rangwe Constituency ka mondo imi jowa thuolo mondo owinj gik mane giwacho kendo mondo ginwa'ng thuolo mondo giwachie gik moko e wi gik ma ose dhi e Constitution manyien ma obedo proposed. Wamor ahinya kendo wagoyo erokamano ne Commission.*

*Mar ariyo, agoyo erokamano ne representatives mag wa mabiro dhi e National Conference kuom biro gi mondo gin be gichak bedo kodwa mondo giwinj pach jopiny ma gibiro dhi wacho Nairobi. Ago nu erokamano kuom biro kendo ageno ni podi un kodwa nyaka kiny wadhi nyaka Ndhiwa kiny.*

*Ago erokamani ni jo Committee mag wa, Rangwe Constituency Constitution Committee kuom biro u joma onwang'o thuolo mano obiro nyoro kane wan gi meeting manyocha a convene ka an Nairobi. Kendo agonu erokamano ahinya ni jothurwa, jo Rangwe Constituency ago nu erokamano ahinya kuom biro in large numbers kaka ubiro nu. Ne an worried nikech ne uneno ka waketo aketa mtoka ringo, ne waketo mtoka ringo lendo e town ka modhi olendo Rodi Kopany, modhi Rangwe, modhi Asumbi, modhi koni gi koni. Kendo wadwa timo the same gi Ndhiwa. Notice was short to ung'e ni Commission temo mondo oti ni jopiny mapiyo piyo, mondo jopiny odhi eyiero gi chik manyien. Omiyo kaka ne uwinjo gima ne biro timore, to u turn out in large numbers, I really have appreciated kendo amor malich. Kendo an gi sunga ni kare, wach mar chike mag piny ma omako chung ji ni, un be omako chunyu. Erokamano uru ahinya kuom biro. Erokamano ahinya. Adwaro ni ka watieko, adwa neno members mag Constitution Constituency Committee e ofis matin to gi representatives ma magwa mondo anyis gi way forward. Un welcome kiny wanabed Ndhiwa. Un welcome, ng'ama nyalo biro kuro, particularly members mag Committee ka unyalo biro, you are welcome. Ang'e ni wabiro bedo gi members mag Ndhiwa Committee kuro kiny bende to you are welcome mondo uwinj pach gi nikech wan e District achiel. Ka ok kamano, atimo nu erokamano. Aneno ka Hon. Commissioner aparo ni gimoro ma odwa wacho.*

**Com. Asiyu:** *Erokamano Mr. Orende iwacho na ka maber ahinya ni gima ne chunyi pek go en wach mar keto dhako*

*mondo obed achiel kuom joma biro nono wach mar removal of a judge. Mano ema chandi. Koro ayawo ni jowa thuolo mondo ging'e maber. Da dhano nyameru kamoro diyie ayieya kata obed jaodi. To aneno ka en chi ng'ato kata nyar ng'ato eka nyalo bedoni matek. To diber ka ng'ama dhako obedo achiel kuom jogo manono wach mar removal nikech ing'e ni mon to jomiwako, kama iriembe ng'ato ginyalo miyo ng'ato kik riemb e tich nikech gin joma beyo. Erokamano kuom nyisowa paro makare.*

*Koro jothurwa to wase launch the Draft Constitution kawuono Homa Bay ka kendo use nyisowa gi lwedo, gi mbaka, to gi kido, no umor gi this Constitution. Wan bende e Head Office, wamor gi this Constitution. Walamo Nyasaye ni a piny mondo oyie wadhi wayier gi this new Constitution. Kendo wangi geno ni nyalo bedo kamano nikech chutho tich to ose rumo duto. En mana National Conference kende ema dong' machako tarik piero ariyo gi aboro. To ka watieko the National Conference, to gini ringo dhi e Bunge straight. Jo Bunge ok onego kaw more than one week, nikeche jo Bunge gi bende biro e National Conference, gi dhi golo pach gi kucha, kendo gidhi correct gimoro amora ka ok ni kare. Ma idhi tere kany, ma ka ochopo e Bunge, to bende en mana adoption tu. Nikech yudo ka gise golo pach gi duto e National Conference. Miyo wan bende wariwore gi kwayo maru ni mondo piny oyie mondo wadhi wayier gi Constitution manyier. Erouru kamano uru ahinya.*

**Maurice Odawo:** *Chung'u malo mondo Pastor Azaria olem nwa.*

**Pastor Azariah:** *Ero walemo. Nyasaye wagoni erokamano nikech ise tiyo maber. Jogi gin jogi kendo ing'eyo gi ng'ato ka nga'to kata koda nyinge gi. A gibiro mondo warom kod nyaminwa ma ise keto mondo obed Commissioner, wawacho ni in ema ikete Nyasachwe nikech tich motiyo ber kendo ji oyie go. Mano nyiso ni in ema ne iyiere nyakanene ni nobed Commissioner mar loko chike madwaro ni mondo orit jok man e Kenya mathagore. Tawalami Nyasaye. Ise dhi ma imulo nyaka chunje mag ruodhi. Ise mulo chunje mag jotelo mopogre opogre. Moko ne chuny gi tek kaka kidi. To ne iketo ma gilokre ma gine richo gi. Mano ema omiyo kachieng' moro wach obedo matek ne Audi Wuod Jesse, Nyasachwa nikech ne ung'eye odiechieng' moro achiel, ma ufwenyo ni weche moko ose timore kaka Churia ne ok odhi kare. Walemo ni Jaduong' Moi moserito wa bang' higni mang'eny mokadho. Wuon wa ng'at ma iluongo ni jachien ok oywe. To a wakwayo ni in iwuon, mise loko chunje mag jotich ni marateke, modoko mayom, madi mule chuny Jaduong' Moi, mondo ong'e ni dwach jokenya dwaro ang'o to jokenya dwaro ni mondo okonyre nadi? Ditok koni gi koni, Nyasaye. Togni ne obiro nikech winjuok ma ok nyal bedo maber ekinde mag ni. To a walami kendo a wakwayi, ni Wuon wa in iwuon ikel kwe makende e weche ma wabiro dhi go nyime. To wach mar chik ma iloko, to obed gwedho tich ni ng'ato ka ng'ato, obed Jakom, obed joriwruok mage, kaka nyaminwa Phoebe gi jok mamoko, migi teko mondo chik ma iloso manyien, obed gir jokenya, gin gik ma jokenya ema owacho, kendo en dwaro mar jopiny. Nyasaye igwedhwa kaka loch mari nitie, idhi kodwa eweche duto, to duong' mari mondo iumwa kod nyaminwa kuonde duto mane owuothe ka otiyo ni. Wan bende igwedhwa ng'ato ka ng'ato, loch mari obed kodwa, tel ni kata jogo magitiyogo kanyakla, nikech mago e jok ma ise yiero mondo oti tijno. Walamo ka wayie wach*

