

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

Verbatim Report Of

DISSEMINATION OF REPORT AND DRAFT BILL,

KURESOI CONSTITUENCY

HELD AT KERINGET SECONDARY SCHOOL

ON

15TH OCTOBER 2002

Final Copy

**DISSEMINATION OF REPORT AND DRAFT BILL, KURESOI CONSTITUENCY HELD AT KERINGET
SECONDARY SCHOOL ON 15TH OCTOBER 2002**

Present

Wycliffe Owade (Programme Officer) on behalf of Com. Dr. Andronico Adede.

Secretariat staff in-Attendance

Esther Mugo	- Assistant Programme Officer
Alice Thuo	- Verbatim Recorder
John Kirui	- District Coordinator

The meeting was called to order at 11.50 a.m.

John Kirui: Kwanza habari zenu?

Audience: Salama.

John Kirui: Tunataka kifungua mkutano wetu kwa maombi na ningeomba mmoja wetu aje mbele atungoze kwa maombi. *Ng'oo ne indoiwech en saet?* Any language.

Samuel Kirui: (prayers in Kalenjin)

Onge saa, Jehova kamuktaindenyon kora kwanda ne mi Kipsengwet kakibwan taingung'en saisiek che uchu, kakibwan kora sikobit kenyorun katnetisiet en tuyoni kagotestai. Kisomin kora Jehova sikobit kenyorun kalyet en baisioni kiyae. Kisomin kora sikobit kinam en kasari kakotestai. Kiwegun kora kongoi en taechu noton ko commissioner ak coordinator. Kisomin sikobit iberur ichek okot en korik kwak missing okot kotesetai ko ibate nga' lyodoni en emani. Kiwegun kongoi kora en bik ab emani. Kisome tuguk tugul kobato kongoi en kainet ab Jeiso. Amen.

John Kirui: Ya pili ni kuchukua nafasi hii kuwakaribisha kwa huu mkutano wa Kuresoi Constituency. Nitasema tulianza karibu wiki iliopita upande wa Naivasha na hii ndio itakuwa siku ya mwisho katika Nakuru District tukiwa tumetembelea constituency zote karibu sita. Tumefurahia jinsi watu wanakuja na kukaa chini na kusikiza na vile vile wametoa maoni ambayo yanatujenga na tena yanatujengea constitution yetu ama katiba yetu mpya.

Kabla sijaendelea ningetaka kuchukua nafasi ya kujuana na kwa sababu sijui ni wangapi wako hapa nitauliza viongozi ambao wako hapa kama kunao (inaudible). Kuna Councillor kati yetu? Waalimu wa hii shule? Asante sana mmekaribishwa. Tulikuwa na walimu wa katiba katika jiji hili. Kuna wangapi hapa? Simameni. Jina.

John Sigei : Inaudible

John Kirui: Ulikuwa una-cover wapi?

John Sigei: Keringet.

John Kirui: Keringet constituency. Members wa 3C's, wanakamati wenyewe. Hawajafika? Ni pole sana hatuna akina mama na katiba inastahili sana kupatia akina mama nafasi kubwa 30%. Saa hii tungekuwa na 30% lakini we sent the two sisters to represent their interests. Kwa hayo machache ningetaka kusema mmekaribishwa kwa huu mkutano ambao ni wenu. Lengo la huu mkutano ni kwamba tumerudi kuwaletea kile ambacho mlikuwa mmetupatia. We are actually coming back with a feedback based on the opinion and memoranda you had given us the other time. We are also introducing the new draft bill to you. Right now, I don't have a copy of the constitution but it's in the car; we have the constituency report, reflecting your views as people of Kuresoi Constituency which had been compiled in our small book which we will also leave behind.

In saying that, we have the draft constitution which most of you are having this newsletter in this format. We found this was the best way we could print it for Kenyans and at the same time to assist many Kenyans to have the opportunity to read what is inside of this draft constitution. Before we go to this draft constitution I would like to say a few things.

First and foremost like the Kuresoi people just like other Kenyans who have actually spent their time, their energies and

resources to participate in the constitution reform process, most people made memorandum, they also presented their writings, some of us have traveled so far to Nairobi and other places to present their views and we say thank you very much to all of them. Your opinions did not go to the stray, they were also taken care of and we were able to compile your report despite the fact that we had a lot of information, I will say the commission worked tirelessly to make a comprehensive report for what people explained in Kenya. What they have said and you will be told in many ways, Kenyans are people who love peace, people who like living in unity and respect and dignity. That is what Kenyans have said that they desire a community with those values.

Kenyans also expressed problems they had experienced; problems related to unemployment, diseases especially the HIV/Aids problems, problems relating to family income that there are no job opportunities, low income, problems that farmers are experiencing in marketing their produce have also been expressed. Unemployment and (inaudible) disease in Kenya and many of the people talked about it. Your problems were also mentioned among many others. People also talked about poor environment in terms of no water, polluted environment, no trees, no rivers and the rivers are drying up and Kenyans told us all the problems they have. They are also having aspirations that define these problems to look forward for a better Kenya by working together, thinking together and even having a better constitution that would protect not only the family and individuals but will also protect our environment. The new constitution is therefore Kenyan made by Kenyans themselves and we feel it is worth being.....(inaudible) thank you for those who have done and also God bless them.

This morning we will be going through the draft bill, and I have also availed to you a copy of your constituency report which we want you to see whether what is inside the draft bill is what you told us in the month of July when we were here. We will have an opportunity that you will see what is being presented in the next session next week at the National Conference, when they meet in Nairobi. You people of Kuresoi are fortunate. Out of the three delegates we are sending to Nairobi, two of them come from your constituency. So, they should be here possibly to listen to you and at least show us that they are interested in going to represent our interests in Nairobi. We therefore have got three delegates of whom I know most of you know Mrs. Chemule who happens to be living in this area, you also know Ezekiel Chemtai who also comes from here, and we also have Councilor Githu who lives in Njoro, and those are the three elected delegates. You were elected because you own most of the Nakuru County Council; that's what came out later on. Nakuru County Council is made up of more of Molo and Kuresoi than any other part of the district. Generally there was that bias and I think that is what has been said but nevertheless, we still believe they will take their responsibility seriously.

Infront of you and I am very sure you have the green book – this green book gives details on how the whole process went, how it started with civic education, public hearings and how the information was analyzed. Many people were asking us, 'how are you going to put my information into something, and I will say before we breakup this morning of what has happened, So, in most cases this green book gives you how the process was done. You are welcome the young tacks on behalf of your school; you are most welcome.

We also have the constituency report which I will also show you later on when the car comes in and it reflects all your views the way I have said and we have also a folder showing phase of the questions that were raised, what did the people in Kuresoi say about that problem. When those were summarized now ended up with other Kenyans being interpreted, being analyzed, being studied and being recorded and being translated into a draft bill. The draft bill, the draft constitution, is what is supposed or we are looking forward to what is inside this book. So if you are asked what sort of a constitution you are going to expect, it is inside here.

This morning we would like you to hear what is inside this book; this paper and see whether there are some few things which were left out. We are not going to take questions because we don't want to delay the (inaudible) we would like to take recommendations but because one thing I am very sure is if you just received this paper, you have not had time to read. We would like you to form groups immediately you leave this place, go and read either through your church or women group, youth group, through the schools go chapter by chapter, and ask yourself if that is possible to implement and if you find something you feel needs to be put, just write one paper and send it to my office and it will be taken care of to Nairobi and it will be considered.

I would therefore encourage more group discussions. One part you may notice you may be convinced this thing is okay but we would like as much as you can to make some contribution where you can. There are also things which you wish they were reflected in this paper but one thing is obvious. The constitution cannot contain everything because the constitution is supposed to provide a framework which rules and regulations and other (inaudible) will also be (inaudible). So you will find the present constitution may not contain the small small things. We were told that our draft constitution is about 6,000 pages. So even if you get the book I am certain you would be discouraged to read because it's too big. The 6,000 pages that (inaudible). So, most of your opinions may be still lying somewhere but we would like to hear them.

With those few remarks, I would like to take this opportunity to welcome my brother from Nairobi who is also the (inaudible) from Nairobi but before this I would like to introduce the people that I have got around. Here is Mr. Otieno, he is an assisting me, and Mr. Rotich both of them are from our office and on my left is Mr. Owade who is coming on behalf of the commissioner Dr. Adede who is also (inaudible) of this country and I don't know whom you came with. I would ask you to stand and say a few things and at the same time asking you to lead us through this session. I would suggest that we hold the questions until the end of it, take note of what you feel, because we will read chapter by chapter. I don't know how many chapters there are in but (inaudible). Mr. Owade you are welcome.

Mr. Owade: Hamjambo wote? My name as you have told is Wycliffe Owade and I have my colleagues here; I have Esther Mugo and Alice Thuo who are part of the team from Nairobi. I would like to start by thanking all of for having gotten time to

come here so that we can dialogue and know what it is the draft constitution is all about, because you hear it over the radio or the newspapers, people talking about it and it is good that those issues are clarified. Isn't it? That is why we are here. We really appreciate the kind of important sacrifice you have done to come and welcome us to be able to listen. I would just request you to be very good listeners so that areas which you don't understand you can raise them so that we know, what is the new constitution saying.

Having said that, I will request you to allow me to sit down because there are about twenty chapters and I want us to go through them one by one. Are you allowing me to sit down? Thank you so much. What would you like us to talk; in Swahili or English? English is better lakini wazee wakiingia.....

John Kurei: Wakati wa swali unaweza kutumia Kiswahili.

Interjection: (Inaudible)

Wycliffe Owade: Asanteni sana. Sasa ukiangalia hiyo draft yetu – all of you have it, isn't it? Tutaanza na chapter one na hapo imeandikwa sovereignty of the people and supremacy of the constitution yaani uhuru wa wananchi – chapter one are we there on page 4. Are we there? Imeandikwa Sovereignty of the people and supremacy of the Constitution yaani uhuru wa wananchi an ukuu wa katiba na nitasoma kwa Kiswahili vile imeandikwa ili mjue hii constitution nini. Just before that – sorry I want to take you back to page 2 – there is the place of the preamble on page 2. Are we together? Preamble yaani utangulizi. I want to read it in Kiswahili because it is the framework of the whole constitution. It shows you the lead on what the constitution is all about, what it is composed of, what it is taking account of and therefore it is the foundation of the whole framework of the constitution na nitasoma kwa Kiswahili.

Utangulizi yaani preamble inasema ya kwamba sisi wananchi wa Kenya, kwanza tukifahamu wingi wa tofauti zetu za kikabila, kitamaduni na kidini na tukudhamiria kuishi kwa amani na umoja kama taifa moja huru lisilogawika. Pili; tukijitolea kulea na kulinda masilahi ya kila mmoja familia na jamii katika taifa letu. Tatu; tukitambua matumaini ya wanawake na wanaume wetu ya kuwa na serikali ambayo imejengwa katika msingi muhimu inayodhamini uhuru, demokrasia, haki ya kijamii na utawala wa sheria. Tukitekeleza haki yetu isiyotengeka ya uhuru ili kuamua aina ya utawala wa nchi yetu na tukiwa tumeshiriki kikamilifu katika utaratibu wa kuandaa katiba, tunaikubali, tunaifanya sheria na tunaitoa kwetu wenyewe na kwa vizazi vyetu vijavyo katiba hii. Mungu ibariki Kenya.

Huo ndio mwanzo wa hii katiba so that as you read the constitution, you know the lead and the focus. Are we together? Can we now go to page four? Page 4 ni sovereignty of the people and supremacy of the constitution chapter one. Kwa Kiswahili ni uhuru wa wananchi na ukuu wa katiba. Yaani wananchi ni Katiba, na katiba ni wananchi. Ni sawa? Hapo inasema sovereignty of the people maanake ni nini? Tuangalie article 1; i. Inasema mamlaka yote ya uhuru ni ya wananchi wa Kenya, na yanaweza

kutekelezwa tu kulingana na katiba. Number ya pili, wananchi watatekeleza uwezo wao wa uhuru kwa njia ya umoja pamoja, au kupitia kwa wawakilishi wao watakaoteuliwa kidemokrasia. Sasa kuna hizo vikundi vya mamlaka ambavyo nyinyi wenyewe mmepatia hao viongozi wafanye ya tatu, mamlaka ya uhuru wa wananchi yamegawanywa kwa njia tofauti miongoni mwa: Sasa hii ndio vile imegawanywa;

- a) Bunge ambapo wananchi wameweka amani ya mamlaka ya kisheria ya jamhuri ili yatekelezwe kwa mujibu wa sura ya saba.
- a) Mamlaka ya nchi ambamo wananchi wameweka amana ya mamlaka ya kiutawala ya jamhuri ili yatekelezwe kwa mujibu wa sura ya nane.
- a) Mahakama na mahakama nyingine huria zisizopendelea ambazo kwazo wananchi wametoa amana ya mamlaka ya kimahakama ili yatekelezwe kwa mujibu wa sura ya tisa.
- a) Tume za kikatiba na afisi ambazo zimeundwa na sura ya kumi na saba na kwingineko katika katiba ambazo kwazo wananchi wametoa amana ya kulinda na kujenga jamhuri ya kikatiba ambayo inaweza kupatikana kutokana na utekelezaji wa vyombo vilivyopo kwenye majukumu na uwezo ulivyowekwa na katiba.

Kwa kifupi hiyo ndiyo sovereignty yaani uhuru wa wananchi na ukuu wa katiba. Then I would like to take you now to what we call the defence of the constitution just article four number one. Are we there on the same page four? Defence of the Constitution. Ulinzi wa katiba; inasema hivi na nitasoma kwa Kiswahili.

- a) Juhudi zozote zile za kuweka mfumo wa utawala ulio kinyume na katiba si halali.
- b) Sheria ambayo inaharatarisha uhuru wa Kenya si halali
- c) Bunge linaweza kuweka sheria ambayo litaifanikisha ibara hii

Tusome hapo kwa sheria za Kenya yaani the laws of Kenya, ili tujue hii sheria ni aina gani. Ziko kwa sections gani? Number five; article five one. Sheria za Kenya ni pamoja na:

- a) Katiba
- a) Sheria za bunge zinazowekwa kwa kufuata katiba
- a) Sheria ya utamaduni wa KiAfrica
- a) Sheria ya binafsi ya Kiislamu na ya Kihindi
- a) Utawala wa sheria ambao unajulikana kwa jumla kama sheria ya mazoea na utawala wa sheria ambao unafahamika kwa jumla kama kanuni za usawa kadri zinavyohusu utekelezaji na utaratibu wa mahaka za Kenya.
- a) Sheria ya jumuiya ya Afrika Mashariki
- a) Sheria ya utamaduni wa kimataifa na mikataba ya kimataifa nayo ihusu Kenya.

Sasa hizo ndizo sheria na ni vizuri tujue zinasema nini. Sura ya pili ama chapter two ni Republic. Tunataka kujua new constitution inasema nini kuhusu republic yaani jamhuri na nitasoma hapo if you look at article six one, ili tujue republic nini. Kutangaza jamhuri. Six one inasema:

- a) Kenya ni jamhuri iliyo huru.
- a) Jamhuri ya Kenya imejengwa katika misingi ya kijamhuri ya utawala mwema kupitia demokrasia ya vyama vingi, utawala shirikishi, uwazi na uwajubukaji, utenganishaji wa madaraka, heshima kwa haki za binadamu, uhuru wa kimsingi na utawala wa sheria.

Hiyo ndiyo inahusu jamhuri ambayo ni watu wa Kenya wote. halafu, hapo tuko na territory ambayo mnaweza kusoma, tuko na capital ambayo mnaweza kusoma. Nataka tuende hapo kwa lugha ambayo ni languages article nine ili tujue ni lugha gani ambayo hii new constitution ina-recommend. Article nine one.

- a) Lugha rasmi za Kenya ni Kiswahili na Kiingereza na nyaraka zote rasmi zitatolewa katika lugha hizi mbili.
- a) Lugha ya taifa ya Kenya ni Kiswahili.
- a) Serikali itaheshimu na kulinda wingi na tofauti wingi na tofauti za lugha za wananchi wa Kenya na itakuza maendeleo na matumizi ya Kiswahili, lugha za asili, lugha ishara na braille. Sasa hizo ndio lugha ambazo new constitution ina-recommend.

Baada ya hiyo tuende kwa article 11; alama za taifa – national symbols which the new constitution recognizes. Alama za taifa ndio hizi:

- a) Alama za taifa za jamhuri ya Kenya ikiwemo kwanza, bendera ya taifa – hiyo itakuwa alama muhimu sana ya taifa.
- a) Wimbo wa taifa
- a) Nembo
- a) Muhuri wa taifa la Kenya ni kama ambavyo zimeelezwa katika nyongeza ya tatu.

Hizo ndizo zitakuwa alama za nchi yetu.

Halafu twende kwa article 13 – siku za taifa. The new constitution has classified those three areas to be called as National Days lakini bado tutakiwa na public holidays lakini hizi zitakuwa kama national days na article 13:i inasema hivi. Siku zifuatazo zitazingatiwa kama siku kuu za taifa:

- a) Juni moja – hiyo ni sikukuu ya Madaraka.
- a) Decemba kumi na mbili – siku kuu ya Jamhuri
- a) Siku ya katiba kufanywa kuwa sheria – Siku kuu ya katiba

Hizo ndizo zitakuwa siku tatu muhimu sana ambazo tunaita national days, lakini tutakuwa pia na public holidays. Having said that, I now want us to go to chapter three which speaks of national goals, values and principles. Sitasoma hizo zote kwani zingine mtasoma, but I would just like to read article 14 so that you know what values and principles is all about.

Sura ya tatu article 14 ambayo imeandikwa kwa Kiswahili; malengo ya taifa, maadili na kanuni kwa sababu kwa kila pande ya kiongozi ama leadership lazima tuwe na maadili na kanuni. Malengo ya taifa, maadili na kanuni article 14(i) zilizomo katika sura hii, zinahusu mamlaka ya nchi, bunge, mahakama, tawala za wilayani na vyungo vingine vya serikali na viongozi, raia na

miungano ya kibinafsi pale ambapo chombo kimojawapo ya hizi. Sasa hizo ndio mamlaka na kila mtu ako involved kwa haya malengo ya taifa, iwe ni wananchi, bunge, mahakama, tawala za wilaya and so on. That is about national goals and values.

Having said that, I now want to take you to chapter three and look at article 15: i, that is duties of a citizen. Are we together? If you read them from (a) up to the end, you will see what is expected of you as the citizens so that the constitution is not just saying that we need to expect the state or various organs to deliver for us these services. You as a citizen also have a role to play. You have a duty to play in building the nation because this nation belongs to all the people of Kenya. We therefore want to see and highlight on your duties as citizens and that is 15;1. Let me read in English.

Duties of a citizen: In order to fulfill the national goals, values and principles, all citizens have a duty to:

- a) Acquit themselves with the provisions of the constitutions and propagate its ideals this and objectives. What you are doing here now is part of it. You have to know what the constitution is all about.
- a) Uphold and defend the constitution and the law.
- a) Exercise their democratic rights for example by voting and being involved in other forms of political participation. It will be your duty as a citizen to vote, knowing that vote is a right.
- a) Engage in work including home making for the support and welfare of themselves and their families, for the common good and to contribute to national development
- a) Develop the abilities to the greatest possible extent through acquisition of knowledge, continuous learning and development of skills. As a citizen you must always learn that knowledge is very important, you have to recognize it and you must always aspire to keep on learning all the time. You need to learn new things going on.
- a) Contribute to the welfare and advancement of the community where they live. For example if it is development of a school, development of a health centre, you have to participate as a community.
- a) Strive to foster national unity and live in harmony with others. We as Kenyans the constitution is telling us that we need to live in peace, in respect as the coordinator was saying and to live in harmony no matter what tribe you are, what region you come from, no matter what level of education you have, we need to live in harmony and with love.
- a) Promote democracy and the rule of law
- a) Promote family life and act responsibly in the content of the family. We need you as a head of the family, as a member of the family to live properly and in accordance with family budgets.
- a) Project and safeguard public property from waste and misuse. Whatever public property you come across, it is your responsibility as citizens to take care of it. May be it is a water pump somewhere, or some kind of a road network somewhere, it is your duty to take care of it and be responsible.
- a) Protect the environment and conserve the natural resource. It is very important.
- a) Cooperate with law enforcement agencies for the maintenance of law and order. We need to cooperate with the police and all other people looking after law and order so that we have peace and security.
- a) Desist from acts of corruption

- a) Understand and enhance Kenyans' place in the international community.

Those are some of the duties which you need to know and the new constitution is really stressing on that. Chapter four – citizenship yaani uraia and I want to take you to article 17; retention of existing citizenship. Are we there? Please I am just reminding you that this is just a draft. There are proposals, which we took from the views of Kenyans. Your constituency was one of them and all other constituencies and this is why it is called a draft so that after it you may have comments. You can disapprove or approve where you need adjustments so just keep it behind your back. We are not reading the constitution as it is the constitution – no – it is a draft. Are we together?

Audience: yes.

Wycliffe Owade: Let us read article 17; retention of existing citizenship na nitasoma kwa Kiswahili. kudumisha uraia uliopo.

- a) Kila mtu ambaye alikuwa raia wa Kenya kabla ya kutekelezwa kwa katiba atabaki kuwa raia wa Kenya.
- a) Kila mtu ambaye hakuwa raia wa Kenya kabla ya utekelezaji wa katiba lakini ambaye angekuwa raia wa Kenya kama katiba ingekuwa imetekelezwa ana haki ya kusajiliwa kama raia wa Kenya akituma maombi ya kuwa raia.

Kupata raia – that is acquisition of citizenship which is article 18. We want to know what categories define citizenship. Uraia unaweza kupatikana kwa njia ya:

- a) Kuzaliwa
- a) Kusajilishwa
- a) Kuandikishwa

We now want to see these various classifications of citizenship

- a) Citizenship by birth- uraia kwa kuzaliwa and I want you to listen very consciously the recommendations you had given – 19:1.
 - (i) Kila mtu aliyezaliwa baada ya utekelezaji wa katiba atakuwa raia wa Kenya ikiwa wakati wa tarehe ya kuzaliwa mtu huyo, mama ama baba yake ni raia wa Kenya.
 - (i) Mtu aliye raia wa Kenya kuabatana na ibara hii hawezi kupokonywa uraia wake
- a) Uraia na ndoa – 21:
 - (i) Mtu aliyefunga ndoa na raia wa Kenya kwa kipindi kisichopungua miaka mitatu ana haki ya kusajilishwa kama raia wa kenya akituma ombi.
 - (i) Uraia haupotei kwa njia ya ndoa ama wakati wa talaka. If you have any observations you can make.
- a) Uraia kwa kuandikishwa – article 21
 - (i) Mtu aliyekuwa mkaazi wa Kenya kisheria kwa mfululizo na kipindi kisichopungua miaka saba na ambaye anatosheleza masharti yaliyotolewa na sheria ya bunge anaweza kutuma ombi la kuwa raia wa Kenya kwa kuandikishwa. That is about article 21 which is talking about uraia kwa kuandikishwa.

Having said all that, the one dealing with children you can read on your own. I want to take you to uraia maradufu yaani dual citizenship. When we were going all over the country to various constituencies, there were some ethnic groups like the Turkanas, the Somalis, the Rendile, the Maasai and all those who are across the border. You know they are across the borders, they share different countries. They also had a concern that their rights need to be taken into account. Having looked into all that, the Constitution of Kenya Review Commission came up with the following recommendations on dual citizenship.

Article 23, uraia maradufu:

- a) Uraia maradufu unaruhusiwa chini ya sheria za Kenya.
- a) Mtu anayepoteza uraia wa Kenya kwa ajili ya kupata uraia wa nchi ingine kabla ya kutekelezwa kwa katiba hii ana haki ya kusajiliwa kama raia wa Kenya anapotuma ombi lake.
- a) Mtu anayepoteza uraia wa Kenya kwa ajili ya kupata uraia wa nchi ingine anapoacha uraia wa nchi ile nyingine, atakuwa na haki ya kurudia uraia wake wa Kenya ambao alifurahia mwanzoni.

Then we have what we call cessation of citizenship or kuachizwa uraia. Conditions ni gani?

Article 24:

- a) Mtu atapokonywa uraia wa Kenya ikiwa tu ameupata uraia huo kwa udanganyifu, wasilisho la uongo, kuficha kwa hoja muhimu ama kwa njia nyinginezo kinyume cha sheria.

Those are about the cessation of citizenship. I now want to take you to the bill of rights that is on chapter six. The bill of rights are we together on page 6, chapter five. Again criss crossing through various constituencies in Kenya, the Constitution of Kenya Review Commission discovered that most Kenyans are not aware of their rights because you need to be aware of your rights in order to develop as a nation of Kenya. Having listened to those views, the Constitution of Kenya Review Commission developed that provision on the bill of rights, which is very important for the wananchi to understand and as a highlight I can read there.

Fundamental rights and freedoms – 29; i reads:

1. The bill of rights is the foundation stone of Kenya's democratic state and it is the framework for the adoption of socio-economic and cultural policies.
1. The purposes of the recognition and protection of human rights is to preserve the dignity of individuals and communities and to promote social justice and the realization of the potential of all human beings.

What this bill of rights is trying to say is that once you are aware of your rights and once it is also recognized that the state is there to protect your rights, you will live in a free civilized society. No matter what political leader comes to lead this nation, no matter what tribe, no matter what class of people who are educated, no matter what region comes there, the new constitution protects you as a community, as a tribe, as an individual, as a family. There is no discrimination and we want equality. This is what the new constitution is talking about and it says that wananchi need to be fully aware of their rights so that nobody will tell you because of this and that perhaps there is some favour or anything like that. We are all equal as the people of Kenya and we live as brothers and sisters. Are we together?

Audience: Yes.

Wycliffe Owade: So let us read the bill of rights and I want to take you to article 30 on the same page. We want to see the duty of the state to promote rights and freedom and it reads:

- (i) The State shall observe respect, protect, promote and fulfill the rights and freedom in this bill of rights.
- (ii) It is the primary duty of every state organ to give effect to clause one whenever:
 - a) That state organ makes policy or enacts law
 - a) Implements policy on legislation
 - a) Performs any of its functions
 - a) Exercise any of these functions

That is about the rights and we will talk about the rights but just before that, I would like to caution you or to advice you that even with the rights you have, there is a limitation. Isn't it? Kwa sababu tukisema una uhuru wa kuongea, unaweza kuongea kitu ambacho watu watakuangalia na kuuliza kama kichwa chako kiko sawa kweli, si ndio? Sasa lazima tuwe na limitation. For example, may be you are praying in your room and you are making a lot of noise and you are interfering with your neighbour. Unajua sasa hata hapo ni kama una-abuse freedom of worship, si ndio? You must therefore also be responsible. I will leave for you to read limitation of rights, ujue ya kwamba hata kama una hizo rights, there is a limit.

I want to take you to article 32 on the same page; what the new constitution says about right to life. Are we together? The new constitution recommends 32:1 that every one has the right to life, and the death penalty is abolished. Therefore, in the new constitution we are recommending that the death penalty be abolished, so it will depend on you.

Article 33:1 on equality.

- i. Every person is equal before the law and has the right to equal protection and equal benefit of the law.
- ii. Equality includes the full and equal enjoyment of all rights and freedoms. Yaani kila jamii na kila mtu katika nchi hii ya jamhuri ya Kenya ana haki yake. Is it okay? That is what the new constitution says. Whatever political party, whatever leadership, everybody in Kenya is equal and nobody should be treated differently. Hiyo ndiyo sheria ya katiba mpya.

I want to take you to some particular groups of our society which the new constitution has given special recognition. The new constitution has given special recognition to some categories of people in our community, and ningependa nisome hiyo kwa Kiswahili haraka. Let us read article 35 where we have women. Are we there?

- iii. Wanawake wana haki ya kutendewa sawa na wanaume pamoja na haki ya kupata fursa sawa katika siasa, uchumi na shughuli za kijamii.
- iv. Wanawake wana haki ya kupewa hadhi ya utu sawa kama ile inayopewa wanaume.

- v. Wanawake na wanaume wana haki sawa za kuridhi, kupata nafasi ya kupata na kudhibiti mali.
- vi. Sheria, utamaduni, desturi ama mila zozote zinazo zorotesha hadhi ya utu, ustawi na masilahi ama hali ya wanawake zimepigwa marufuku.
- vii. Serikali; a) Italinda wanawake na haki zao kwa kuzingatia haki zao maluum na jukumu lao la kuwa mama katika jamii b) Itatoa vifaa vinavyotosheleza na fursa ya kuendeleza masilahi ya wanawake ili kuweza kufikia upeo wa vipawa vyao na maendeleo.

Sasa hayo ni kuhusu wanawake na hizo ni recommendations of the new constitution. Sasa twende kwa 36:i – Older members of the society – wazee katika jamii.

The new constitution is recognizing the value and the wisdom of the old people. Kuna njia nyingi ambazo sisi kama wananchi pengine hatupatii wazee heshima lakini wao wana ile heshima na wisdom na the new constitution wana-recognize their role in this provision. Can you read article 36:i.

Wazee katika jamii wana haki ya kuendelea kufurahia haki zote na uhuru kama ilivyofafanuliwa katika sheria ya haki pamoja na haki ya:

- a) Kushiriki kikamilifu katika shughuli za kijamii
- a) Kufuatilia maendeleo yao ya kibinafsi
- a) Kuwa huru kutokana na aina zote za ubaguzi, unyanyasi au dhuluma
- a) Kuishi kwa heshima na utu
- a) Kubaki na uhuru wao.

Kwa hivyo sasa wazee sasa wamekuwa recognized katika new constitution na pia watafaidika na state itawa-recognize na kuwapa ili waishi kwa ile njia nzuri. Tuko pamoja? Let us now go to watoto on article 37; The rights of the children – 37: i

- I. Watoto wana nafasi maalum katika jamii na ni jukumu la wazazi wao, ukoo, jamii na serikali kuwalea, kuwalinda na kuwaelimisha ili waweze kuendelea katika mazingira salama na dhabiti na katika hali ya furaha, upendo, heshima na maelewano na waweze kutimiza upeo wa vipawa vyao katika hali zote; kimwili, kiakili, kihisia na kiroho. Hilo ni jukumu la wazazi kwa manufaa yao wenyewe na jamii kwa jumla.
- II. Watoto wote kama wame.....(*End of side A; Tape 1*)

.....Within or outside wedlock are equal before the law and have equal rights under this constitution. In the new constitution we also observe as the views of Kenyans that children born out of wedlock are normally treated equally like the others but we are saying all children are equal and they are innocent and should all be treated fairly. That is about watoto and you can read the rest on your own.

Then we go to familia on article 38:i. The new constitution also recognizes the institution of family, which is the foundation of the nation. Kama una familia you have a special recognition because without family values, the republic cannot be together, isn't it?

Inasema nini kuhusu familia, article 38.

- (i) Serikali itambue familia kuwa ndio msingi wa umoja wa kijamii na ndio msingi muhimu wa taratibu za kijamii.
- (i) Familia inastahili heshima na ulinzi wa serikali
- (i) Kila mtu mwenye angalau umri wa miaka kumi na minane a) ana haki ya kuoza au kuolewa kulingana na makubaliano ya wanaohusika b) ana haki ya kuanzisha familia.
- (i) Makundi yanayo oana yana haki sawa katika ndoa wakati wa kuoana kwao na katika kuvunja ndoa yao. Hiyo ni kuhusu familia.

Then let us go to walemavu on article 39 – persons with disabilities. It reads:

Persons with disabilities are entitled to enjoy all the rights and freedoms set out in this bill of rights and to participate fully in society as they are able. As you can see, the current constitution has never recognized the role of persons with disabilities. Are we together? The current constitution has never recognized, but the new constitution now is saying even persons with disabilities have a role to play in the society. Let us not see them as sub human beings, let us see them as human beings with potentials and people who can contribute to the development of our country. Are we together?

Then let us go to freedom of religion, belief and opinions on article 44 (i) and it says: Kila mtu ana haki ya uhuru wa dhamira, dini, mawazo, imani na maoni. So, that is what the new constitution is saying. I would now like to take you to page 8 about freedom of expression on Article 45. Are we there? Am I too fast?

Audience: No, no.

Wycliffe Owade: Thank you. On page 8 and article 45 on freedom of expression and down there in Article 46 is publication of opinion and then Article 47 down there is access to information. Then, Article 48 there is freedom of association. You can note all those freedoms. There is freedom of expression, publication of opinion, access to information, freedom of association. What we are trying to say in the Bill of rights, we are saying, each and every Kenyan citizen you have a right to express your views, your opinions, your feelings the way you want. Are we together?

Audience: Yes.

Wycliffe Owade: For example may be, you are feeling good about a certain political party. May be it is KANU, may be it is DP, may be it is Ford Kenya or whatever it is. It is your right to express your opinion and that right must be respected. Are we together? When it comes to publication of opinion kama hizi magazeti sasa, una uhuru kusoma ile gazeti yote ambayo iko. Are we together? Una uhuru kusoma and to be aware of everything which is going on. Kuhusu access to information, in other

words, whatever information there, you have a right as a Kenyan citizen to have access to every information. Unataka kusikia habari yeyote. Kwa mfano kama ni KBC, KBC lazima iseme ukweli kwa upande zote za jamii ya Kenya. Are we together? Kama ni KTN, kama ni Nation, simnasikia hizo channels? Pengine haijafika pande hii. Tunasema.....si ati KBC peke yake kwa sababu nyinyi hata kwa ile farming. Sijui mnapanda nini hapa. Pareto, nini hiyo iko taxes zenu ambazo zinaenda kwa Serikali. Simnajua hivyo. Kwa hivyo nyinyi ndio mnalipa. Ikiwa ni KBC, KTN, kila kitu mnalipa na mna haki hizo vitu muone hapa. Sasa new Constitution nasema mna haki kuona hizo habari zote bila kunyimwa, kwa sababu kunyimwa hiyo ni kunyimwa haki zenu. Are we together? So, that is about access to information.

On freedom of association, inasema ya kwamba you are free to associate with any political party, any welfare association e.t.c. You may have some kind of welfare groups or clans or whatever, you have a right to participate there. But remember there is a limit. You have to be there with responsibility. I think we are together on that. Then there is also freedom of movement and residence, Article 65 (i). Freedom of movement and residence. Ningependa kusoma kwa Kiswahili. Article 51 (i). Inasema hivi, uhuru wa kwenda utakako na makao. Freedom of movement and residence. New Constitution inasema hivi; 55, 51 (i). 'Kila mtu ana haki ya uhuru wa kwenda atakako. Are we together? Number two, kila mtu ana haki ya kuondoka katika jamhuri ya Kenya. Tatu, kila raia ana haki ya kuingia, kubaki na kuishi kokote katika jamhuri ya Kenya. Are we together?

In other words, tuko na uhuru. Uwe jamii fulani, uwe nini, uko na uhuru kuishi mahali popote. Hiyo ndio maana ya uhuru. Ile jamhuri tulikuwa tunasema mwanzo mwanzo. So, the new Constitution is saying, let it be clear from now henceforth that wherever you want to stay. For example, if may be Kalenjin, you want to stay in Maasailand. Or Maasai want to stay in Luoland. Or Luo want to stay in Kikuyuland, kila mtu ana uhuru. Are we together? Na tukae kama jamii moja, ndugu na dada. Brothers and sisters. Hakuna maneno ya ubaguzi. Are we together? Kwa sababu hiyo ndio Jamhuri ya Kenya.

That is about freedom of movement. The other one takes on freedom of trade, occupation and profession, 53. Inasema hivi, 'freedom of trade, occupation and profession.' Inasema hivi, 'uhuru wa biashara, kazi na ujuzi, 53 (i). Kila raia ana haki ya kuchagua biashara yake, kazi au ujuzi kwa hiari. Shughuli za biashara, kazi au ujuzi, zinaweza kurekebisha na sheria. Tuko hapo na mali 54 (i). Kila mtu ana haki ya kupata mali na kuimiliki ama kibinafsi au kwa ushirika na wengine. Are we together? That one you can read later and listen carefully what it is about.

Before, I finish the Bill of rights, I just want to emphasize that the Bill of rights also contains a very important issue, that is the basic needs of the ordinary Kenyan citizen. If you read page nine, we have there, Article 56 on page nine. It is talking about social security. It is talking about health, it is talking about education. It is talking about housing. It is talking about food. It is talking about water, it is talking about sanitation. It is important that you read what they are also saying, but I think the important point I wanted to stress is that the Constitution is not just reading those laws and all the rest. It is also concerned with your personal rights. What should the State do in answer to your basic needs as a citizen of Kenya? Are we together? So, you have a right to enjoy social security, health, education, housing, food, water and sanitation. I want us now to read consumer rights.

Article 64 (i) which is also very important. Consumer rights, Article 64 (i). Consumer rights, yaani haki za wateja. Inasema hivi, wateja wana haki ya;

- a) Kupata bidhaa na huduma zinazofaa. Are we together? The traders you know the shopkeepers around here, you need to know your right as citizens of Kenya. Ukienda huko madukani.

Haki za wateja, 64 (i). Wateja wana haki ya:

- a. Kupata bidhaa na huduma zinazofaa.
- a. Kupata habari inayowafaa ili waweze kunufaika kikamilifu kutokana na bidhaa na huduma.
- a. Kulindwa afya yao, usalama na masilahi yao ya kiuchumi.
- a. Kulipwa fidia kwa makosa yanayosababisha hasara au majeraha.
- ii. Wanaotoa huduma, watajitahidi kutafuta ushauri kutoka kwa wateja na vyama vya wateja kuhusiana na maswala yanayowaadhiri. So, that is about consumers. You need to know your rights as a consumer. Are you okay? And you are within the law, that if you are not going to get good services, you have the right that, that person is arrested under the court of law. That is what the new Constitution is recommending.

Having said all that, I want to take you to Article 68, page 9. Rights of arrested persons. That is Article 68. Yaani haki za watu wanaotiwa nguvuni. Wao pia wana haki kwa kidemokrasia na inasema hivi; rights of arrested persons, 68 (i).

- a. Every person who is arrested for allegedly committing an offence, has the right to remain silent. Are we together? You have the right to remain silent if you are arrested. That is your right.
- b. You have a right to be informed promptly in a language you understand. Yaani polisi kama umeshikwa, hapo kwa remand lazima aongee kwa lugha ile ambayo unaelewa. Mmesikia hivyo? Sio ati kusema Section hii inasema hivi, sheria inasema hivi. Lazima tutumie lugha ambayo wewe unafahamu. Tuko pamoja? Then, inasema hivi tena: (i) of the right to remain silent and but, number two, the consequences of not remaining silent. So you will also be told the consequences. If you decide to remain silent, there are also consequences to that.

Tumeshasema hivyo sasa, sasa tuone Page 10.

Rights of persons held in custody. That is Article 70. Yaani haki za watu walio kizuizini. Nitasoma kwa Kiswahili, Article 70 (i). Watu wote walio kizuizini, chini ya sheria, wawe wamehukumiwa au la, wataendelea kuwa na haki zao chini ya Katiba. Tuko pamoja? Isipokuwa haki hiyo, iwe haiambatani na uhalisi wa kuwa kizuizini. Sasa hiyo ndio provision yetu ya wale watu ambao wako kizuizini na mtasoma ili msikie inasema nini. I think with the Bill of rights, I have finished. I want to take you to the Electoral system and process, that is Chapter Six, Article 77. It is important to keep reminding you that these were views of Kenyans from all the two hundred and ten constituencies. Therefore, we compiled them into a report, the report led to the development of the draft. As I said, it is just a draft. Mna haki ku-modify, ama ku-recommend ama ku-reject. Are we together? So, Article 77, it reads, may be Article 77 you can read on your own. Perhaps I could just read, number 2, Article 77 on political party. Hii ni kuhusu chama cha kisiasa. A political party shall ensure, that is our recommendation:

- a. That atleast one third of its candidates for direct elections are women.

- a. That fifty percent of its candidates of proportional representation at public elections are women. Perhaps it becomes clearer when I am now dealing with you on devolution, may be I leave that at the moment.

Let me take you to Article 78 on the right to vote. Those ones I will explain to you when we come to devolution. Article 78, on the right to vote. 78 (i), yaani haki ya kupiga kura. Haki ya kupiga kura, I have already said. Inasema hivi, 78 (i), raia mwenye umri wa miaka kumi na minane na zaidi, ana haki ya kupiga kura, so that is what it says in the new Constitution. It is important that you are aware of your rights that you have to vote.

I then want to take you to Article 81. Article 81. These are new recommendations which we are empowering the electoral commission to do. The electoral commission now has got some special roles that they have to play having listened to the views of Kenyans. Therefore, we have come up with the following recommendations for the electoral commission. Sasa nitasoma kwa Kiswahili, and I want you to listen very very cautiously. Article 81, inasema hivi; katika kila uchaguzi, Tume ya uchaguzi itahakikisha kuwa;

- a. Utaratibu wa uchaguzi ni mwepesi na rahisi. Are we together?
- a. Sanduku la kura ni angafu na
- a. Kura zinahesabiwa, zinaorodheshwa na kutangazwa na msimamizi kwenye kituo cha kupiga kura. Are we together? Itasomwa hapo waziwazi. Ni sawa? Hakuna maneno ya kwenda sijui wapi. Sindiyo. Hapo hapo tu na itangazwe wazi. Sasa hiyo ndio nilikuwa nataka msikie.

Tusome Article 82. Article 82 inasema hivi; that is on unopposed candidates. Nataka mjue hivi; wagombeaji bila kupingwa. Sheria hii ya Katiba mpya inasema hivi; 82 (i). Mahali ambapo mgombeaji mmoja tu ndiye aliyependekezwa siku ya uteuzi, kabla ya uchaguzi, hata hivyo uchaguzi utafanyika kwa minajili ya kuamua na kudhibitisha idadi ya kura ambazo kila chama cha kisiasa kimepata kwenye uchaguzi.

Number two, baada ya kura kuhesabiwa, mgombeaji atakuwa amechaguliwa. Are we together? I now want to take you to ile jukumu ya Tume ya Uchaguzi. Yaani, functions of the Electoral Commission kwa sababu ni muhimu tujue Tume ya Electoral Commission, kazi yao itakuwa nini kwa hii Katiba mpya. Sasa nitasoma Kiswahili, 84 (i). Majukumu ya Tume ya Uchaguzi:

- a. Tume ya Uchaguzi ina wajibu wa; usajili wa kuendelea wa wapiga kura. Mmesikia hiyo? Sasa hiyo kura sio eti iko tarehe fulani. Itakuwa throughout. Kila siku ukitaka kura, unaenda kuchukua ama kitambulisho. Mmesikia?
- a. Kuweka mipaka ya maeneo Bunge, kwa sababu hii pia imeleta shida. Hatujui mipaka ya hii Constituency iko wapi.
- a. Uenezaji na usimamisi wa uchaguzi na kura za maoni.
- a. Uendelezaji wa uchaguzi na kura za maoni, uhuru na zenye usawa.
- a. Usimamizi wa vyama vya kisiasa. Sasa Electoral Commission ndio watalinda vyama vya kisiasa.
- a. Usimamizi wa mfuko wa fedha vya kisiasa. Tunataka kujua hizi vyama vya kisiasa, pesa yao ambayo ni mali ya

wananchi wanatumia namna gani.

- a. Usuluhishaji wa ubishi wa uchaguzi.
- a. Uendelezaji wa elimu ya uraia na utamaduni wa demokrasia.
- a. Kusaidia katika uchungazi, ufuatili na udhamini wa uchaguzi.

Sasa hiyo ndiyo itakuwa kazi ya Electoral Commission kuhudumia raia. Are we together? I want now to take you to...ukiangalia hapo page thirteen, it is talking about management of political parties. Wengine wameunda chama cha kisiasa lakini tu ni ya kibinafsi. Sindiyo? Sasa tunataka iwe wazi kwa Katiba kwamba management ya hicho chama cha kisiasa inaendelewa kwa ajili ya wananchi. Sio eti mtu anaamka tu anasema chama yangu ni hii. Lazima tuwe na sheria kulinda hiyo. Hiyo ni sawa? Sasa kuhusu maneno ya pesa, matumizi ya pesa, lazima iwe. Hiyo pesa inatoka wapi, sources of funds, tunataka kujua wazi na kila mwananchi wa Kenya atakuwa na nafasi kujua hiyo pesa inatoka wapi. Tunaelewana vizuri? Then party discipline. Tunataka hii party discipline iwe; mtu anakuwa tuseme ana-belong kwa chama fulani na amechaguliwa na wananchi kwa sehemu hiyo kwa chama fulani. Akiingia kwa Bunge ama akishachaguliwa anaimba wimbo mwingine. Mnasikia haya? Anaimba wimbo mwingine. Sheria sasa inakataa hiyo na wananchi watakuwa na haki ya kuachisha yeye kazi huyo Mbunge. Tumelewana hapo vizuri? Party discipline what does it say? Article 98 (i). The Constitution or the Articles of Association of a political party shall contain provisions that ensure that internal discipline consistent with the principles of democracy, justice and the rule of law.

Number Two, a political party shall not punish a Member of Parliament of the party for anything said in Parliament. Kwa sababu pia chama cha kisiasa kinaweza ku-punish mtu kwa sababu ametoa maoni yake kwa Bunge. Akisema hayo maoni yake kwa Bunge ana haki ya kusema, by the member in exercise...because tuna ile tunaita privileges of freedom of speech in Parliament.

Three, a political party shall conduct its affairs in a manner that promotes democracy and peaceful politics. Tunataka kila chama cha kisiasa kifanye maneno yake kwa njia ya demokrasia na njia ya amani badala ya kuleta fujo kila mahali. Tumelewana vizuri?

Number four inasema hivi, a Member of Parliament of local council who resigns from the political party, that sponsored the members election through (inaudible). Ukijiuzulu kwa hicho chama chako, ukijiuzulu kwa hicho chama ambacho kime-sponsor wewe, wewe pia lazima ujiuzulu kwa Bunge. Upoteze hicho kiti chako. Sasa hiyo ndiyo inasema.

I want us now to go to Chapter seven, which is Parliament. Chapter Seven, Parliament, that is page 14. From page 14, before I go into all that, I want to tell you very briefly what the new Parliament is about, and I want you to listen very very carefully because people have misunderstood, there have been a lot of talks on the issue of Parliament na nitasema kwa Kizungu halafu saa ile ya kusoma nitasoma kwa Kiswahili.

What does the new Constitution say about Parliament. Parliament will be composed of two Houses. Parliament will be composed of two Houses. One known as the Upper House is called the National Council, baraza la kitaifa. That is the national council, that is the Upper House. The second one is the Lower House. It will be known as National Assembly, baraza la Bunge. So, Parliament is going to be made of two Houses, we have the National Council and the National Assembly. The National Assembly is the one we have at the moment. We have how many constituencies in Kenya? Two hundred and ten. Plus the nominated twelve. So, they are two hundred and twenty two. However, we are saying in the new Constitution, having listened to the views of Kenyans, Kenyans said, let us maintain the current Parliament. So, the current Parliament has got two hundred and ten constituencies. So it is the present one. You understand that one now. Then we have the Upper House, the Upper House is the national council. Yaani baraza la taifa. What will be the composition of the National Council? It is as follows. We have sixty-eight districts in Kenya. We have sixty-eight districts in Kenya. Each district will have a representative at the national council which is the Upper Parliament. Are we together? Each district. For example you are in which district? You are in Nakuru. You will have one representative who you wananchi of Nakuru will directly elect and whoever you directly elect, will be your representative at the National Council. We are saying all over the Country in Kenya, we shall have sixty-eight representatives, representing sixty eight districts. Are we together? We have another group. We have two representatives who will represent Nairobi being the capital city.

In other words, Nairobi will also be classified as a district. That makes it to how many? Seventy. Therefore, we shall have seventy representatives representing various districts in the Country. Then we shall have another thirty. We shall have another thirty seats. We are recommending in the new Constitution, akina mama wamelia sana. Sasa hizi viti thelathini tuta-reserve kwa akina mama. Are we together? So, seventy seats, we reserve for seventy districts. So, each district is represented by one person, but the other thirty, we are leaving for women. How will women do theirs? Don't worry you will ask questions later. The position is, seventy seats, they are representatives from the districts all over the Country Kenya. I just want you to understand that one first. The seventy is reserved for representatives from the districts. Thirty represent women. How will women distribute these thirty? We have got how many provinces in this Country? We have eight. We are saying each province will have four. Let's leave Nairobi first. We are remaining with seven provinces, isn't it? We are saying of the seven provinces, women will be slotted four each. To make it become twenty eight. Each province in total of the seven will have twenty eight women representatives. We are remaining with the two. The two will again represent Nairobi. Therefore, in total we shall have thirty women distributed all over the provinces, and they shall be elected directly by the people in that province. Kama ni Rift Valley, ni wananchi wa Rift Valley wenyewe ndio watachagua ni nani wataenda huko. That is about the National Council.

I want now to take you to a very very sensitive area. Sensitive because it needs a lot of understanding. In the Lower House, I told you, we have a Parliament. What was the name of that Parliament? National Assembly. The one we have

at the moment. In that National Assembly, the new Constitution is recommending that we have additional ninety people in that Parliament. Are we together? In that national assembly the one we have now, the new Constitution is recommending that we have ninety members in addition to the current two hundred and ten. Why are we saying this? When we moved or crisscrossed all the constituencies in this Country, there were some groups which felt that they are not adequately represented in the Parliament. Hawa Wabunge wakienda huko ni mambo yao tu. Hiyo ndiyo ilikuwa malalamiko.

Pahali popote tulienda, tuko na vijana, wanayouths. They were saying we need to be represented also in Parliament. Then we had also another group, this group is persons with disability. The disabled also felt that they are not represented in Parliament. It is time they also have their representatives in Parliament. Tatu kuna wanawake. Women also felt that they are not represented properly in Parliament. They also need to be there so that their views are completely reflected. Nne, kuna wale tunaita ethnic minorities. Ethnic minorities. Kwa Kiswahili sijui tuseme namna gani, kabila ndogo. Kuna wale kabila ndogo ambao wanasema, hawa watu wakiingia Bunge, masilahi yetu kwisha. Sasa the ethnic minorities pia wanasema, let our views be represented. Let us represent our people there. We also have marginalized areas, people who felt also that their areas are sort of neglected about this kind of thing. What we came up with is what we call a balancing situation. In the current situation of elections, you talk of the winner takes it all situation. Where once you have a simple majority, you simply sail through. Isn't it? But also there are people who felt, some Kenyans, we need popular representation. Let various sets of tribes be represented so that in Parliament, we have a conclusive representation, so that an MP represents the Constituency but there are also MPs representing the disabled, the youth, ethnic communities, walemavu, all these people are represented. This is why we came up with the ninety list.

Some people have been saying, why are we calling for nominating ninety? There is no nomination. I want to make this one very clear. What will happen during the election time, people normally vote. Isn't it? As you vote, the Constitution is saying, you vote twice. Yaani you will cast your vote totally during that time. What will happen is this; each political party will have a list of ninety people. Are we together? Each registered political party in Kenya, be they one hundred or how many political parties, they will have a list of ninety people who they have selected. Once they have selected these ninety people, one year to the next election, they will submit these names to the Electoral Commission of Kenya the one I have just told you about. Are we together? Once they have submitted this list, this list will be approved, subject to some conditions. One, is it containing the women? Two, is it containing persons with disability? Three, is it containing the youth? Four, is it containing ethnic minorities? In that order. Yaani sheria inasema lazima hizo conditions za hao watu ambao wanakuwa represented iwe reflected. If that political party has not fulfilled those conditions, then that means it cannot be considered. Are we together?

Let me now take you to direct elections now. Why this ninety is not necessarily nominated. When you come to the elections day, you will vote twice. Normally you know may be in Kuresoi for example, wewe unataka kupiga kura,

unaenda kupiga kura, saa ile ya kupiga kura, huna haja na huyo mtu, una haja na chama. Sindiyo? Ama saa zingine unahaja na huyo mtu lakini huna haja na chama. Hiyo ni kweli? Lakini sasa tunasema ni haki yako kupigia kura chama na yule candidate. Are we together? So, saa ile utapiga kura, utapiga kura mara mbili.

Utapiga kura kwa candidates na utapiga kura kwa chama. Are we together? Saa ile wana-announce results, yule mtu ameshinda, atatangazwa ameshinda vile wanafanya. Si ndiyo? Lakini pia tutangaza ni chama gani ambayo imeshinda. Right? Sasa itakuwa hivi, in the whole republic of Kenya, we shall count the votes of each political party. Kama ni Kanu tutasema Kanu imepata one billion. Kama ni DP, tunasema DP imepata fifty thousand. What is going to happen? The number of votes you get will be used against the percentage of the ninety seats. I want to make it very simple. Kama Kanu imepata ten percent of the total votes in the whole country. Are we together? Kama Kanu imepata asilimia kumi katika kura zote nchini, hiyo asilimia kumi ndio tutamia kwa zile seats ya tisini. Are we together? So that what we are saying, asilimia ya kumi kwa tisini ni ngapi? Ni nine. Kwa hivyo Kanu itapata nine seats. Kwa hivyo ni wajibu wenu nyinyi wananchi kupatia chama cha kisiasa nguvu. Usipopigia kura hicho chama basi hiyo nguvu yake itaenda chini. Sasa hiyo ndio hii siri ya ninety list. Si nominated as such. You are going to directly vote during the voting day. Then we shall count the total number of votes. Tuone hii party imepata ten percent. Sasa ten percent of ninety seats, you get nine. Lakini akipata hundred percent, hizo seats zote, amechukua. Lakini kumbuka, that list must reflect nationalism. That list si kwa upande fulani ama kabila fulani. Are we together? Nasema record yenu itaenda mpaka Nairobi. What we are saying, the percentage you get will be used against the total percentage all over the Country and that percentage will be used against ninety and that is what will be allocated. But, the Constitution will see, do we have the disabled, marginalized areas, ethnic minorities, that group, the youth are well represented. That is now the new provision in the Constitution. Are we together?

I want to finish that Chapter by saying, one, the new Constitution is recommending that the current Parliament be composed of two Houses. One, the Upper House known as the National Council. The National Council will be composed of representatives from seventy districts in Kenya. Are we together? The other thirty we are recommending we are reserving for women and these women, each province will have four each, but Nairobi will have two to make thirty, and they will have direct elections. These representatives, you will vote them directly. Women representatives in provinces, will be voted directly. Are we together?

The other Parliament we call national assembly, we shall retain the two hundred and ten members, but apart from that, we have the ninety. These ninety will be given to the Electoral Commission one year before the elections, but there are certain conditions to be fulfilled. It must have a national outlook, there must be diversity. Women taken into account, marginalized areas, persons with disabilities, ethnic minorities, the youth, all must be represented in Parliament. That is our recommendation. Other details, the coordinator might explain to you as you discuss it in your forum, but that is the framework we are giving. If you don't agree with it, ni haki yako ku-approve ama ku-reject. Hiyo ni sawa?

Having said that, I want now to take you to this thing known as devolution. Devolution are the new structures of Government. What page is it? Are you there? Devolution, which page? Chapter ten, that is page twenty-six. Page twenty-six. Devolution of powers na nitasoma hiyo kidogo ili msikie. I want to make three points on devolution or structure of government. I want to make three points why we are calling for devolution in our new structure of Government. You heard people have been talking about majimbo, others have been saying, 'no, let us maintain the present unitary system of Government.' Sasa tulipotembea katika pembe zote za nchi hii, watu walitoa maoni tofauti, tofauti kuhusu haya maneno ya majimbo. Wengine wamesema, hapana hakuna haja ya majimbo, tuwe tu na hii unitary system of Government. Wengine wamesema tuwe na majimbo ili utawala uwe karibu na sisi. Sasa watu walikuwa tofauti, tofauti. Sisi katika Commission tumekuja na ile tunasema ni middle ground. Right? Tume-harmonize wale wa majimbo na wale wa unitary system. Are we together? What we have done, we have created levels of Government. What are the three main reasons for devolution?

1. We want to bring administration closer to the people right from the village. Are we together? We want to bring administration closer to the people, right from the village.
1. We want equitable distribution of resources all over the Country. Are we together? Yaani kwa hizo resources ambazo tunapata, ikiwa faida ama rasilimali ama nini, iwe sawa katika pembe zote za nchi hii. Na nyinyi wananchi musiwewe na wasiwasi. Kwa Katiba mpya, hatuna wasiwasi ati nani atakuwa kiongozi. Ati chama gani kitawala. Hii new Constitution inasema hata tukiwa na chama gani ama kiongozi gani, resources zitakuwa sawa kwa kila jamii katika Kenya. Are we together? Everybody will be equal in resources. Kama ni district iko sawa. Hakuna kusema hii, tukipata hawa viongozi ndio tutapata hii. Are you getting it? That is what the new Constitution is saying. It is equal.
1. We are calling for increased participation of wananchi in Government, so that you now know how your Government is governed. Are we together?

I want to take you now to Chapter ten, there is devolution of powers na itakuwa hivi. I want to read Article 215, levels of Government na nitasoma kwa Kiswahili. Levels of Government; viwango vya Serikali. Katiba ya sasa inasema nini? 215 (i). Madaraka yanasambazwa kwa viwango vifuatafyo:

- a. Kijiji
- a. Kata
- a. Wilaya
- a. Mkoa.

Haya tuone Serikali ya kijiji inasema nini yaani village Government. Are we together? Village Government inasema nini, 216 (i). Kijiji kitaamua kama baraza la kijiji litaundwa na viongozi wa kijiji au kupitia upigaji kura. Are we together?

Number two, baraza la kijiji litakuwa na wanachama wasiopungua sita na wasiozidi kumi, hiyo ni baraza.

Tatu, kijiji kitaamua kuhusu aina ya mfumo wa ki-serikali, ya kijiji pamoja na wajibu wa baraza la kijiji. Are we together? Those are the functions how the structure of the village Government look like. Let us now go to the locational Government, Serikali ya Kata, 217 (1). Baraza la kata lina waakilishi wawili. Mmoja wao akiwa mwanamke ambaye atachaguliwa na kila baraza la kijiji kutokana na wanachama wake.

Two, msimamizi wa kata ndiye mwenye mamlaka ya utendaji wa kata.

Three, msimamizi wa kata atachaguliwa na wapiga kura waliosajiliwa katika kata inayohusika. Are we together? Then we have Serikali ya wilaya. Yaani district government. Article 218. Inasema hivi: Serikali ya wilaya. Unajua kuna wazee nataka pia wasikie vile inasema. Serikali ya wilaya, Article 218 (i).

- I. Mamlaka ya kutunga sheria katika wilaya yamo katika baraza la wilaya.
- I. Baraza la wilaya lina wanachama ambao wamechaguliwa moja kwa moja na wapiga kura waliosajiliwa katika wilaya. Baraza la wilaya litakuwa na wanachama wasiopungua ishirini na wasiozidi thelathini.
- I. Msimamizi wa wilaya ndiye mwenye mamlaka ya utendaji ya wilaya.
- I. Msimamizi wa wilaya atachaguliwa moja kwa moja na wapiga kura waliosajiliwa katika wilaya.
- I. Msimamizi wa wilaya kwa idhini ya baraza la wilaya, atateua maofisa wakuu kutokana na watu wasiokuwa wanachama wa virasa vya wilaya.
- I. Msimamizi wa wilaya anaweza kuondolewa kwa wingi ulio wazi wa kura za wanachama wa baraza la wilaya ambao wataungwa mkono na kura ya maoni kwa wingi wa wapiga kura watakaohudhuria kura ya maoni.

Halafu twende kwa Serikali ya mikoa. Article 219 (i). Serikali ya mikoa.

- I. Mamlaka ya kutunga sheria katika mikoa, yamo katika baraza la mikoa.
- I. Baraza la mikoa lina waakilishi wawili, wawili, ambao watateuliwa na kila baraza la wilaya kutokana na wanachama wake mmoja wao akiwa mwanamke.
- I. Kamati kuu ya mikoa itatokana na wasimamizi wa wilaya.
- I. Msimamizi wa mikoa ndiye mwenye mamlaka ya utendaji wa mikoa.
- I. Msimamizi wa mikoa atateuliwa na baraza la mikoa kufuatia kuteuliwa na kamati kuu ya mikoa kutokana na wanachama wake.

I want to say briefly in English that we have that kind of structure. Levels of Government to increase participation of wananchi in the management of their own affairs. What we have done is that, Kenyans wherever we went all over the constituencies, were lamenting that, it seems as if they are not participating directly and actively in the resources of the Country. Are we together? Therefore, a lot of things have been going wrong from the District Commissioner, Chief's office, Assistant Chiefs, Provincial Commissioner, things are not going right. So, is there a need that we the wananchi of Kenya can feel part and parcel of it, can determine these levels so that whatever they are doing, they are answerable and accountable to wananchi of Kenya. Are we together? Therefore, having listened to those views, the Constitution of Kenya Review Commission, recommended that we should have levels starting right down going up. Isiwe tu ile kwamba, ikiwa huduma inakuja inatoka Nairobi, inakuja pande hii. Are we together? Hiyo huduma itoke kwa wananchi chini iende juu. Are we together? Therefore, the following structures came into place. First, the village council.

The village council will be constituted by various clans or various villages within that village. Are we together? We shall have a village council and it will be able to address the needs of wananchi in that area. Be they basic needs, be they resources from the Government. Be they various facilities, various investments. No investment can take place in that village without the village council having a say. Are we together? The village councils are what constitute a locational council. In other words, in the locational council, it should be composed of representatives from each villages within that location. Are we together? So in the location, you will send some two representatives, so that it is not said that our needs have not been properly addressed.

You have your members who are represented at the locational council. By the way, the village council and the locational council, these should be very powerful bodies. The Government instead will even be giving them salaries, because it is not easy work. They have to live to the expectations and needs of the people. They will be providing services to the people. In the village council, the head there must be directly elected by the people in that village. Are you getting it? At the locational council, village councils will constitute the locational councils. The head of the locational council must be directly elected by the villages. Are we together? So that he is representing your needs. He is there because of you. It is you mwananchi who have given them the power. Are we together? Therefore, everything to do with legal issues, development, resources, the locational council within that location will decide and determine. If at this level, the head of the location or the head of the village or even this village councils are not performing you have a right as wananchi, to terminate their jobs. Are we together? They will be there for four years. Before the four year period elapses and they are not performing, you have a right to remove them from the jobs. Are we together? From locational council we go to the district councils.

This is another very powerful body. The district council will be composed of all the locational councils within that district. You note the division is not there. Division has been dismantled in the new Constitution. We are saying, let the location be represented at the district level. So all the locations will have two representatives to the district council. Therefore, the council at the district will be composed of representatives of the location who will also be representatives from the villages, so that the

people who are there are directly represented by you. Are we together? In the district here you will have one head known as the district administrator. It is now like the District Commissioner. He will be your representative because you have directly elected him. This will be the member of that National Council. Are we together? This representative now at the district will now be the member at that National Council. Yaani, Member of Parliament of the national council, the Upper House. What we are saying, they will have four years of service. However, if at any of these levels any of them are not performing, wananchi have the power to remove them from their jobs. The same to Parliament, now the current Parliament what we call the National Assembly. If a Member of Parliament is not performing, you have a right to sack him from his job. You don't have to wait until the five years, and there will be a percentage to determine that. Are we together? So, that is basically the structure. From the village council, you go to the locational council. From locational council you go to the district council. Then there is another unit, the provincial council.

You know like Nakuru is like the major town in the whole province. Isn't it? And you have got assets which are shared all over the province, like the provincial hospitals and road networks. All the resources at the province. You know they are there. What we are saying, we shall have an executive council within the province. In this executive council also, all the districts will be represented there. Are we together? So that when they talk of sharing the assets, sharing the resources, the provincial administrator at the top, his role will just be to coordinate the relationship between the districts, activities affecting the districts, resources affecting the districts but the power is tied within the districts. Are you getting it? The provincial representative cannot dictate to you what should be done. It is you the district councils who form the provincial council and therefore determine what is to be done. The provincial council is just there like a secretariat. Their role is just to coordinate various activities and functions within that province. Are we together?

Let me now come to the worry of the chiefs and the sub-chiefs because I know it is your concern. Isn't it? Ati hawa sub-chiefs na chiefs wataenda wapi? District Commissioner wataenda wapi? Very bad things have happened in the management of our resources. Wherever we went all over the constituencies in Kenya, watu walikuwa wanalia kwamba huduma si vizuri. Walikuwa wana-complain, wanalalamika kila mahali na tukasema, haja gani kuleta DC ama DO hapa kutoka nje lakini pengine hajui masilahi yenu iko wapi, na ndio tunasema tunapendekeza sasa, ni nyinyi wenyewe mchague yule atasimamia nyinyi kwa village, kwa location, ama kwa district. Ili ikiwa kitu kinaenda vibaya nyinyi mna uwezo, kwa sababu mmechagua yeye direct. Are we together? In other words, the person heading the district must be directly elected by the residents in that district. The person heading the location, must be directly elected. The person heading the village must be directly elected by those residents, so that he is accountable to you. Si kutoka nje kukuja hapa, right? But then we are also saying in the new Constitution, no sub-chiefs, no chiefs, no District Commissioner, no Provincial Commissioner will lose his job. The new Constitution is saying, hawa watu wote wakiwa Ma-DC, sub-chiefs, na chiefs na kila kitu they are employees of Public Service Commission. Ile mishahara yao itabaki ile ile. Are we together? Ile promotion ama rank yao itabaki ile ile lakini kwa sababu ni employees wa Public Service Commission. Public Service Commission ikae chini na itafutie hao kazi ambayo watafanya.

Clapping from the audience.

Pengine Public Service Commission itasema waende Turkana, waende Kericho, waende Nakuru. Mshahara itabaki, promotion itabaki lakini hawatakuwa sub-chiefs ama chiefs. Are you getting it? So, it is not that we are dismissing them from the jobs. No, the jobs they will have, mishahara itakuwa. Lakini kama utakuja hapa kwa sababu unajua kama hapa kuna mipango mingi ya maendeleo. Si ndiyo? Kama environment, maneno ya elimu, maneno ya nini watakuwa. Hata polisi watakuwa, district itakuwa na polisi yao wenyewe. Sub-location iko, village, iko nini, kwanzia district. Lakini watapewa kazi ya kufanya ili wasiwe idle. Akiwa sub-chief ama chief watakuwa na kazi, watakuwa na mishahara. Lakini wale wana-head village na location na district watachaguliwa wazi. Kama chief anaona yeye ni popular, aende kwa location atachaguliwa huko. Are we together?

Audience: Yes.

So that is what the Constitutional Review Commission of Kenya is recommending. I hope it is now clear?

Audience: It is clear.

No, we are not facing them out, they are there, but when they reach retirement they will retire. Just like any other public servant.

Having said that, I want to take you now to organs and levels of Government. We were dealing with devolution because I thought to handle it, it is going to be very wide, Bwana Coordinator. So, may be we go to the Executive now. Let us go to page 19. Nafikiri tunaendelea sawasawa. Mtulie tu, tumalize haraka haraka. Page 19, the Executive. Nataka kujua haya maneno ya Constitution inasema nini kuhusu Rais wa nchi hii. Ni muhimu tujue inasema nini. Si ndiyo? Na tena tuko na cheo mpya ya Waziri Mkuu ambayo tunaita Prime Minister. Nataka pia tusikie inasema nini. Nitaenda kwa haraka kidogo lakini it is important you understand what it is all about. Page 19, the Executive. As we went all over the constituencies in this country, wananchi in several parts of this Country, said that the current Constitution gives the President a lot of power. That this power needs to be shared. This power needs to be distributed. Therefore, we in the Constitutional Kenya Review Commission has recommended the following concerning the powers of the President, and I would like to read it very fast so that you understand. We have the President of the Republic of Kenya. If you look at Article 150, we want to know the duties, the authority of the President of Kenya. The authority of the President of Kenya zitakuwa hivi; 151:

- a. The Head of State, in other words the President of Kenya will remain the Head of State. When we shall come to the Prime Minister, the Prime Minister will become the Head of Government. The authority of the President. 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.
- a. He is a symbol of the 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.

- a. Shall uphold, safeguard and respect the Constitution under the rule of law.

Two, the powers of the President shall be exercised in accordance to the Constitution and the law.

Three, the President shall not hold any other public office including any elected or appointed office within a political party. Yaani ukiwa Rais wa nchi, hutakuwa na appointment yoyote katika chama cha kisiasa. Tuone functions ya President itakuwa nini?

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- a. The President shall address the opening of each newly elected Parliament in accordance to the Article 141.
- a. Shall adjoin a special seating of Parliament once each year.
- a. May address Parliament at any other time.
- a. May dissolve Parliament only in the circumstances contemplated in Article 142.

So, then we have who the President shall appoint. The President shall appoint, that is Article 2 (A). He shall appoint the cabinet consisting of:

- I. A Prime Minister who shall be the leader of the political party that enjoys the majority support. I will explain that one later.
- I. The two deputy Prime Ministers.
- I. Not more than fifteen Ministers.
- I. Not more than fifteen Deputy Ministers.
- I. Judicial officers.
- I. Any other public officer who the Constitution requires the President to appoint subject to applicable provisions in the Constitution.

Three, with prior consent of the Cabinet, the President may appoint Commissions of enquiry or sign instruments of consent by Kenya to rebind the international agreements. Those are some of the functions. Others you may read on your own which the President will do. What we are saying, it is not that we are snatching powers from the President. He remains an Executive President. He still has got powers as you can see and as you can read. You will discover that the President of this republic, will still have powers as the symbol of the nation. Are we together?

There are other additional provisions we have made in the new Constitution. Tunataka kujua ni provisions gani. Article 155, page 20. Article 155, page 20, it is talking of the right to vote and timing of Presidential elections. Kwa hii Katiba

tunapendekeza ya kwamba, siku ya uchaguzi wa Rais wa Jamhuri ya Kenya ijulikane wazi na iandikwe kwa Kikatiba. Are we together? Siku ya uchaguzi huwa inakuwa baada ya kila miaka mitano. Si ndiyo? Tunapendekeza ya kwamba, kila jumanne ya Agosti baada ya miaka mitano tutakuwa na uchaguzi na hiyo iwe waziwazi kwa Katiba. Are we together? In other words what I am trying to say, siku ya kuchagua Rais wa jamhuri ya Kenya haitakuwa siri any more.

Saa ile tunaanza huo mwaka wa uchaguzi, wananchi wanajua kwa Katiba imeandikwa. Kila jumanne ya Agosti. Ile second Tuesday of Agosti baada ya miaka mitano tutakuwa na uchaguzi wa Rais ya jamhuri ya Kenya. Are you getting it? The second point I wanted to make, that the President of the Republic of Kenya will be elected directly. Tena kwa ofisi ya makamu wa Rais. Ikiwa unataka kuwa Rais wa jamhuri ya Kenya, lazima utangaze waziwazi mwanzo mwanzo kwamba naibu wako atakuwa nani. Are we together? Naibu wako atakuwa nani. Ukishachaguliwa kama Rais wa jamhuri wa Kenya, Katiba inasema huyo naibu wako ama running mate wako ndiye automatically atakuwa Vice President wako. Hutakuwa na choice yeyote. Umetangaza waziwazi kwa wananchi wa Kenya, kwamba fulani ndiye tutaenda naye kama running mate wangu. Tunaelewana vizuri? Sasa utatangaza itakuwa ni Kosgey ama Kirui. Owade anatangaza Kirui ndiye atakuwa running mate wangu. Unatangaza wazi. Halafu saa ile umeshinda hicho kiti, huyo ndiye atakuwa naibu wako. Are we together? That is about the President, other things you can read later.

Let me take you to qualifications for elections as President. Article 156. Qualifications for elections as President. Article 156 (1), inasema hivi: A person is qualified for nomination as a Presidential candidate if the person is:

- a. A citizen of Kenya by birth.
- a. Has attained the age of thirty-five years but below the age of seventy years. Tunataka Rais wa jamhuri wa Kenya umri wake uanzie miaka thelathini na tano na isizidi sabini. Are we together? Lakini tumesema hapo pia chini kwamba wale wagombeaji wa kisasa ambao wamepita miaka sabini wataruhusiwa kupigania hicho kiti. Lakini kwa kile kipindi kingine cha miaka mitano, hawataruhusiwa. Are we together?
- a. Is of high moral integrity and impeccable character.
- a. Holds a degree from a recognized University.
- a. Is nominated by a registered political party. Lakini he can also be nominated as an independent candidate by at least one thousand registered voters which shall include not less than one hundred registered voters from each province. It is important you understand that. That is about the election of the President. Ikiwa mna maoni, mtasema baadaye. Are we together?

There is also the procedure of the Presidential election which you can read, but I think of importance is Article 157 (4), number 4 and number 5, I would like to read that. Number four and number five, it reads; the candidates or President who receives more than fifty percent of all the votes cast in the elections and who in addition receives a minimum of twenty percent of the votes cast in more than half of the provinces shall be elected as the President.

Number five, if no candidate is elected, a President's election can be held within three weeks of the previous poll and in that election the only candidate shall be the candidate who scored the largest number of votes and the candidate who secured the second largest number of votes. The candidate who receives the largest number of votes is elected as President. That is the criteria we will use in the procedure of Presidential elections. That he or she must garner fifty percent of the total votes. Are we together? He or she must have a minimum of twenty percent of the votes in more than half of the province. That is in more than, like we have eight provinces, so atleast about five. In more than half of the provinces, that is five. That is the criteria we are using. In the current Constitution it is twenty five percent. But this one now is twenty percent. Are we clear there?

There is then the term of Office of the President, Article 16(i). Inasema hivi; the President shall hold office for a term not exceeding five years. He shall hold office for a term not exceeding five years.

Then number two, a person who shall not hold office of the President for more than two terms of five years each. Katiba inakataa. Hata akiwa ameshinda namna gani, huyo mtu akichaguliwa Rais, haitazidi miaka kumi. Are we together? Haitazidi miaka kumi. Basi tuone hapo protection of President in respect to legal proceedings. Tuone sheria inasema nini. Article 161 (1). Subject to clause two of this Article, no criminal proceedings may be instituted or continued in any court against the President or a person performing the functions in that office during their tenure of office. Are we together?

Number two, no civil proceedings may be instituted in any court against the President or the person performing the functions of that office in respect of anything done or not done in the expense of their powers under the Constitution during their tenure of office unless if such proceedings are only of a private nature. Kama ni private nature ni sawa. Una haki kupeleka yeye kortini. Are we together?

I want to take you to impeachment and removal of President page twenty one, Article 163. Impeachment and removal of President. Tunataka kuona provision inasema nini. Ukitaka kutoa President kwa hiyo position yake. So, 163 (1) says, if two thirds of the members of the national assembly approve a motion for the impeachment of the President or violation in the constitutional gross mis-conduct, the Speaker of the national council shall convene a meeting with the national council to hear charges against the President.

Sasa ile mnaona, kipawa ya ku-remove ama ku-impeach President. National council ile nilikuwa nasema. Representatives wa district, national assembly hii Bunge ya kisasa ya 210, wakiwa wana malalamiko na itapitisha hiyo two thirds, lazima wapeleke kwa district representatives kwa ile national assembly. Sasa hiyo national council ndiyo itaamua impeachment of the President. Are you getting it? That is the position. Office of the Vice-President you can read.

I want now to take you to the office of the Prime Minister, Article 170. This is a new office which we have created in the new Constitution. Yaani Waziri Mkuu. Page twenty one, are we there? The Prime Minister and the Cabinet. Article 171. The Prime

Minister is the leader of the Cabinet and presides at meetings of the Cabinet. Two, the Prime Minister and the other members of the Cabinet exercise Executive authority within the Republic by: There are three major functions:

- a. Developing and implementing national budgets and policy.
- a. Preparing and initiating Government legislation for introduction in Parliament.
- a. Implementing and administering Acts of Parliament.
- a. Coordinating the functions of Ministries and departments.

We also have there appointment of Prime Minister, Article 171 (1). Appointment of Prime Minister, and I want you to listen very carefully. Within seven days following the summoning of the National Assembly or whenever necessary to fill a vacancy in the office of Prime Minister, the President shall propose the Speaker of the national assembly the appointment as Prime Minister of the following:

- a. The leader of the majority political party or coalition of parties represented in the national assembly.
- a. The leader of the minority political party or coalition of parties represented in the national assembly if the leader of the majority party or coalition has been unable to command or retain the confidence in the national assembly.
- a. If neither person contemplated in paragraph a or b has been able to command or retain the confidence in the national assembly, then any other member of the national assembly who in the President's opinion may be able to command or retain the confidence of the national assembly. What I want to say here very briefly on the appointment of the Prime Minister, we are saying the President of the Republic of Kenya will have the executive authority to appoint the Prime Minister of the Republic of Kenya. Are we together? The President shall have the authority to appoint the Prime Minister of the Republic of Kenya but he has no choice.

The Prime Minister of the Republic of Kenya must be the leader of the majority party in Parliament. Are you getting it? The President shall appoint the Prime Minister but that Prime Minister must be leader of the majority party in Parliament. Yaani kama KANU ina wabunge kushinda wengine. Huyo kiongozi wa wabunge katika KANU ndiye atakuwa Waziri Mkuu. Are you getting it? Incase there is no majority party in Parliament because a ruling party can be there or a political party can be in Parliament but it doesn't have a majority. Then the new Constitution is calling for a coalition of parties. Chama kingine kinaweza ku-merge na chama kingine. Kama NDP ilikuwa pamoja na KANU zamani. Si ndiyo? Sasa coalition sasa it is allowed in the new Constitution. Wanaweza kuzungumza wawe na coalition. Wakishakuwa na coalition kiongozi wao ndio atakuwa Waziri Mkuu. Are we together? But also, there might be a problem in Parliament, the leader of the majority or the leader of the coalition might not enjoy confidence from parliamentarians. Tutakuwa tuna kelele, shida kila saa.

At that juncture, the President can also appoint a leader who wins the confidence of all parties in Parliament. Are we together? The President can still appoint a leader who wins the majority so that he is a leader who has got the confidence of all

parliamentarians. Are we together? But there is also a new provision we are recommending. The leader of the minority party. We are saying, the leader of the minority party should also be recognized as a special person in Parliament. He might also come in during crisis. In other words, what we are saying, for example, you have heard of Mheshimiwa George Anyona in Kenya Social Progress. Tusichukue yeye tu kama takataka. Hapana ana ule umuhimu katika Bunge, na katika viongozi wa taifa. What we are saying, even the leader of the minority party will have state privileges and functions. He can attend State functions, he has got other duties to do. Are we together? In other words, even you, you may belong to a minority party in this region which is a KANU zone or a DP zone. I don't know which zone it is. There used to be zones. Whatever party you are in, even if it is one party, you have that party of yours as a democracy must be respected. Are you getting it? Sasa hiyo ndio haki yako. That is about the Prime Minister.

Let us look at the dismissal of Prime Minister Article 174. Dismissal of Prime Minister, 174 (i). If Parliament by a vote supported by more than fifty percent of its members, passes a motion of no confidence in the Prime Minister, the President shall dismiss the Prime Minister and the other members of the Cabinet. In other words, when the Prime Minister is being dismissed, ofcourse he has to be dismissed with approval of Parliament. Isn't it? But all its Cabinet will go. All the Ministers will go with him, because you know, he is the person who....they are in the same same Cabinet. Therefore, when he is being dismissed, the Ministers will go with him. So, what I want to tell you in brief, in the new Constitution, we are recommending. Again, these were the views of Kenyans that power was too much in the President, that this power need to be distributed. Therefore, we recommended that we shall have the President who shall be the Head of State and their duties there. We shall also have the Prime Minister who is the Head of Government. He will be the Head of Cabinet. How are Ministers appointed? The Prime Minister is appointed by President subject to approval of Parliament. In other words, the Prime Minister to be appointed must be the leader of the majority party in Parliament.

Number two, the Prime Minister will be assisted by two deputy Prime Ministers. He will be assisted by two deputy Prime Ministers. Then below we are recommending a number of ministries. We are saying, let the ministries not to be too many because again these were the complains of Kenyans. So we are recommending let us have fifteen ministers and not more than fifteen. Are we together? Let us also have fifteen deputy ministers and not more than fifteen. Are we together? But again we are saying and I know mko na hamu sana kusikia hii. Kwamba Waziri hatakuwa Mbunge. Hiyo pia ni new recommendation. Why have we come with all that? In some constituencies where we went, wananchi walikuwa wanalalamika. Kuona Waziri inakuwa shida. Huwezi enda kuona Waziri. Ako busy na shughuli mingi za kiserikali. Pili, waziri wengine wanaenda, kazi yao ni pengine ku-favour clan fulani ama sehemu fulani. Sasa ile huduma ya maendeleo haitoki vizuri. Are we together?

Then three, kuna wengine tunaweka kama Waziri lakini hawana ile elimu ama hawana ule ujuzi, taaluma ya kuendesha hiyo wizara. Are we together? The new Constitution is recommending for you wananchi to enjoy the benefits of good services, we need Ministers who are qualified. Ministers ambao wana ujuzi kwa wizara hizo. For example, kama ni Minister of Education, ama ni Minister of Health, awe mtu ambaye ni technically qualified.

Kazi yake kwa wizara hiyo, tutaongea juu ya Public Service later. Kazi yake kwa hiyo wizara ni kuhudumia wananchi. Sio mambo ya kisiasa hivi na hivi. Halafu ikiwa iko na important Bills kwa Bunge ama maneno mengine proposals kwa Bunge, anaenda tu kuanza hayo maneno. Unasikia ati siku hii kwa Bunge, iko lack of quorum. Hata waziri hakuna. Si ndiyo? Kila saa waziri wanapotea, sasa unashangaa ni shida gani. Ndio tunataka wawe committed kwa Ministries kuhudumia wananchi huko. Lakini deputy ministers watakuwa kwa Bunge ili swali lolote likikuja wanaweza kujibu. So, what we are recommending for Ministers to be very busy serving the people of Kenya, let them be technocrats. Let them also be qualified and let them be confined to their Ministries where they can answer the needs of the people.

Let other parliamentarians deal with the problems of wananchi at this level but on other services at the national level, let the Ministers be more than fifteen and let them be dedicated to their work and we strictly need professional people in those ministries. Kama ni Minister of Health, like Prof. Ongeru, I have no problem with him because he is a medical doctor. Isn't it? Sasa hiyo ndiyo provision yetu. That is the structure of the Cabinet. Are we together?

Having said all that, I want us now to go to Chapter nine, page twenty-three. Maneno ya Judiciary, maneno ya kortini. Judicial and legal systems. Are we together? When we were collecting the views of Kenyans all over the constituencies in this Republic, there were again a lot of complains against the courts and the Judicial System in particular. One of the complain was that the courts have become very expensive. Wananchi can no longer afford. Ukienda kortini unatumia pesa nyingi na hata hauna hizo pesa. Saa zingine unauza hata ile kuku yako moja iko nyumbani. Sasa wananchi walilalamika sana kwa hayo malipo ya kortini.

Pili, delay in courts. Maneno ikienda huko, inachukua hata miaka mitatu ama miaka miwili. Hiyo ni kweli. So, wananchi cried that cases drag for too long. Three, pengine hata file yako inapotea na unashangaa inapotea wapi. Iko security hapa, iko staff hapa na inapotea. Na tena maneno ya ufisadi pia iko kortini. Unaona kwamba wakikata shauri, those who are innocent are the people who go to jail. Isn't it? Na wale ambao wana makosa ndio wanabaki. Sasa hii ndio ilikuwa maoni ya wananchi wa Kenya.

To answer all that, the Constitution of Kenya Review Commission recommended the following. If you look at the hierarchy of courts, Article 190. We have set up a new court system, it is known as*End of side A*

Basically that is what the court of appeal is all about. In Article 192, we have the High Court. The High Court consists of the following:

- a. The principle Judge of the court.
- a. Such number of Judges not being less than fifty as may be as prescribed by an Act of Court. I have forgotten Court of Appeal, 191 (i). The Court of Appeal is an appellate court. Supreme court sorry. I have forgotten that. 187 I am told, Supreme court consists of the following:

- I. The Chief Justice who is the head of the Judiciary. In other words, the Chief Justice should remain the overall head of Judiciary.
- I. Not more than six Judges.

You therefore notice on the High Courts, we have got that structure. We have the Supreme Court. We have the Court of Appeal, then we go to the High Court. Let us look at page twenty-four. Page twenty four there we also have in Article 199, we have the Kadhis court. In other words, the Muslim faithfuls or the Muslim community also complained that they need to be re-considered in terms of hierarchy. So what we have done, we have leveled the Kadhi's court to be at the same level as that of the High Court. We shall also be having Kadhi's courts in various regions like the provinces. This has also been adopted in the new structure in order to answer the needs and the feelings of the Muslim community.

Can we now go to the appointment of Judges? That is Article 194. What I want to say here, the appointment of Judges, this applies to the Supreme Courts, the Court of Appeal and the High Courts. There are two major issues or principles which are required for the appointment of Judges. It reads: If you look at Article 195, b and c. Are you there? Article 195, b and c. It reads:

- a) Intellectual ability as demonstrated by academic qualifications and legal practice.
- a) High moral character and integrity.

This applies to all the Judges. We need Judges who are also academically qualified. They fit those jobs and also we need Judges of high moral character. Kwa sababu mtu ambaye anaitwa Judge ni mtu mwenye heshima na lazima tuone hiyo heshima kwake. Hiyo ni sawa? Apart from that, there are years of experience which you can read and there are also conditions like he must have been a Judge of the court of appeal or a Judge of the High Court or a Judge of the Court of Appeal. He must also be a practicing advocate. He must also have been a full time law teacher from a recognized University.

Also for the appointment of the Kadhis for the Muslims, we also have qualifications there. Those ones you can read, but what I want to take you to, are the functions of the Judicial Service Commission. Nasikia nyinyi mmesoma kwa magazeti tumekuwa na tension mbaya kati ya mawakili na wana-judges. Si ndio? Na mnashangaa nyinyi wananchi ni nini. Kwa sababu nyinyi ndio mmepatia hawa mamlaka ya kuongoza nyinyi. Si ndio? What we have done in order to harmonize the two, we have done recommendations. We have expanded the Judicial Service Commission, so that members of the Judicial Service Commission is composed of ...not like it used to be before. If I may just summarize, we shall have a Chief Kadhi, that is on Judicial Service Commission, Article 204. Ukiangalia hapo mbele kuanzia G. Tutakuwa na Chief Kadhi kama member. Tutakuwa na two magistrates ambao watakuwa members of the Judicial Service Commission. One of them shall be a woman. Tutakuwa na two advocates of the Law Society of Kenya now. One of them shall be a woman. Tutakuwa na two law teachers, one of them also

shall be a woman. Tutakuwa na member of nominated to the council of legal education. Tutakuwa na Chairperson in the Public Service Commission, tutakuwa na three lay members. Yaani ordinary people like you, wawe wanachama wa hiyo Judicial Service Commission, to improve the image of the Judges and the Judicial Service system.

I want to take you to part two which is the legal system. Article 208 and 209. We have Mkuu wa Sheria whom we call the Attorney General and the director of public prosecutions. What is happening is that; the new Constitution is saying, the two bodies will be entrenched in the Constitution. They will completely be independent to serve the people of Kenya. Are we together there? The director of public prosecutions and the Attorney General. Can we go to page twenty-six? There is a new office which we have created. Page twenty-six number two ten. Kenyans cried that the courts have become very expensive. Even advocates, wakili bei yao ni kali sana. Sasa Constitution mpya inasema hivi, tutakuwa na ofisi mpya inaitwa public defender ambayo itasaidia wale wasiojiweza kwa malipo ya kortini. Mmeelewa hiyo vizuri? Hiyo ofisi inaitwa public defender. Hakuna mtu ataachisha yeye kazi, kutoka kwa hiyo ofisi. itakuwa a very powerful office. It is only Parliament ambayo inaweza kuachisha huyo mtu kazini. Mmesikia hiyo vizuri? So, the office of the public defender will help the poor of the poorest. Parliament ikae chini ione, tutafanya namna gani, nani atakuwa the poor of the poorest halafu itasaidia hapo. Kwa hivyo, tunataka ku-improve efficiency of our court system. Are we together? If you go to Article 212, provision of law, what it is trying to say is that we need to defend the right of the client, like you now. Hata kama wakili pia, wakili hawajaachwa kando. Tunataka wakili pia wawe na heshima, wakihudumia wananchi. Are we together? Having said that, I think I will finish with organs and levels of Government. The summary of other details you can read later.

I want to take you to the Public Service, watumishi wa Serikali. Which page is this? If you have seen that page just guide me. Page thirty-two, Chapter fourteen. Are we there? Ama mmechoka. Tutulie tu, tunaenda haraka haraka halafu tutamaliza. Chapter fourteen the Public Service, wale wanahudumia wananchi. Wherever we went all over this Country, wananchi had a lot of concern with the public service. The Public Service we have today, there are public servants who are not happy in their offices. They are not smiling. You go to a public servant to help you and it is like he is just sad. He is gloomy, he is tired na unashangaa ni nini mbaya kwa ofisi ya Serikali. People are tired. Why are they tired? Kitu kidogo.

Laughter from the audience.

Saa ingine unaingia unataka file yako, unaambiwa kwa ofisi ya Ministry of Health, wewe nenda huko Afya House. Unaenda Afya House unachukua hata mwezi mmoja. File haipatikani. Si ndiyo? Ministry of education the same. Kila wizara kuna taabu na wananchi wanalalamika sana. Tena tukasema pengine kuna sababu. Civil servants pia wanasema, terms and conditions of service very poor. Mshahara uko chini na tena promotion pia. Pengine unapata mtu ako personnel officer one, yule personnel officer three, pengine anapita yeye. Si ndiyo? Sasa wananchi wanalalamika. Kuhusu maneno ya training, unaona tu watu wa Nairobi ndio wanaenda training ng'ambo. Wale wa hapa chini hakuna hiyo. Una-apply, una-apply hakuna. Hiyo ni kweli?

Audience: Ndiyo.

Sasa tunasema can we have a new public service which is performance driven, and which is value driven. A public servant who is not working will have to face the law. Are we together? This is why we are saying various levels. Those ones I told you about. The village council, the locational council and the district council. You shall monitor these public servants and these units, if they are not performing, they will be sacked, because they will have to answer to the needs of wananchi at that particular area. Are we together? What we have done in the Public Service, we have done the following recommendations:

- I. We shall have a completely entrenched Public Service Commission which is totally independent. Are we together? In the Public Service, we have the Teachers Service Commission. What we are recommending, we shall have a completely independent autonomous Teachers Service Commission to cater for the service of the teachers. This is because we don't want the Ministry of Education to be involved with the problems of teachers. Let the Teachers Service Commission and the trade unions be involved in all that. Are you getting the point? We are therefore recommending the creation of an independent Teachers Service Commission. Again, we are recommending the Police Service Commission to be independent. The Public Service Commission will then address issues of terms and conditions of service and terms of promotion, so that everything is done in a way which is for the betterment of the people of Kenya.

Can we now look at Article 265, establishment of the Kenya Police Service. This is the new name. It is no longer, it used to be called Kenya Police Force. Why would they want to use force? This is a colonial mentality. We want them to serve the people and not to rule the people. So, the new Constitution is saying; let us have the Kenya Police Service. Halafu mtasoma hapo, tuangalie. Commissioner of Kenya Police atakuwa mtu gani? This is the recommendation we have. There shall be a Commissioner of Kenya Police Service.

Number two, the Commissioner shall be appointed by the President but with the approval of Parliament. The Commissioner of Police now, will have to be appointed with the approval of Parliament. Then he will have to be there for ten years. Nobody will dictate him or instruct him, do this. He will have to be there for ten years, so that if anything is wrong, it is not said it is and so. It is the Commissioner of Police.

Number three; no person may be appointed as Commissioner unless that person, this is the recommendation we are giving:

- a) Has a degree from a recognized University. We consider the Police Commissioner to be like a Head of State. Very powerful person na lazima awe ni mtu ambaye ana elimu ile ya kiwango cha degree.
- a) He must have served in the police service for at least ten years. That's about the Kenya police and those are the changes we have recommended.

We go to prisons, Article 267. You will notice in the new Constitution, we have changed the prisons. It is not prisons anymore. We call it Kenya Correctional Service. This is because prisoners are supposed to be corrected, they are supposed to be counseled. We need not to see prisoners as sub-human beings. Wale watu kwa jela ni sawa na sisi. Sivyo? Na tumeweka wao huko ili wafanye nini? Wawe corrected. Sio eti wawe criminals milele na milele. Hata maisha yao, kuangalia hao, huduma tunapatia wao iwe sawa na vile tunapatiwa sisi. Hiyo ni sawa? Sasa hiyo ofisi itaitwa, Kenya Correctional Service, na tutakuwa na Director ambaye ataitwa Director of the Kenya Correctional Services. That is Article 268, clause three. The Kenya Correctional Services can be professional and disciplined and appointment of Director of the Kenya Correctional service. That is the new office we have created there, the rest you can read on your own.

I want now to take you to Chapter Fifteen, the defence forces and national security. You realize in this Country that without security, this Country will be no Country. Isn't it? Therefore, what we have decided, we have recommended a new council known as the defence forces and national security. If you look at Article 272, let us look at the composition of the national security council. National security council will be composed of the following:

- a. The President.
- a. The Vice-President.
- a. The Prime Minister.
- a. The Minister incharge of defence.
- a. The Chief of General Staff.
- a. The Army Commander.
- a. The Navy Commander.
- a. The Airforce Commander.
- a. The Commissioner of Police.
- a. The Director of Kenya Correctional Services.
- a. The Director of National Security Intelligence Service.
- a. The Chairperson relevant to Parliamentary committee.
- a. The Attorney General.

That is the composition of the national security council. Mkiwa mna maoni mnaweza kutoa baadaye. Halafu tuna defence forces na inasema hivi: 274 (i), no one may raise a defence force or military or a paramilitary organization except by or under the authority of an Act of Parliament. Are we together? Yaani ile kipindi ikiwa Mungiki, Baghdad boys ya Kisumu, ingine ni gani? Jeshi la mzee, Chinkororo, Baghdad, Taliban, hizo kutoka new Constitution tunasema hakuna. Hakuna hiyo hata kidogo na council ya defence forces itakuwa hivi:

- a. The President, the Vice President, the Prime Minister, the Minister incharge of defence, the Chief of General Staff,

Army Commander, Navy Commander and Air force Commander. Hawa ndio watakuwa top ya defence forces. Are we together?

Having said that, I want now to take you to Chapter sixteen which is on page thirty-four, leadership and integrity. Leadership and Integrity applies to the following institutions: The President, the Prime Minister, the deputy Prime Ministers, Ministers, Deputy Ministers, all Members of Parliament, all members of the local council and all Constitutional office holders. What we are trying to say and again this was the concern of Kenyans. Mtu ni kiongozi lakini ukiona matendo yake, tabia yake, awe Mwalimu, kiongozi ya dini, kiongozi ya kisiasa, kiongozi ya kibiashara ama wale wana hold public office. Ni kama hakuna maana. Hayo matunda huoni. Hiyo ni ukweli ama ulongo. Sasa yeye tu ni kiongozi na amechaguliwa na wananchi na hauoni faida yake kwa sababu conduct yake ni very very poor. Sasa tuna-recommend tuwe na ile code of conduct, mtu akiwa kiongozi wa aina fulani, ata-file ile code of conduct. Sijui code of conduct tunaitaje kwa Kiswahili? Tuangalie Kiswahili nafikiri ita.....just a minute we check that so that it is very clear. Kwa Kiswahili inasema hivi, sura ya kumi na sita, uongozi na uaminifu. Are we together? Inasema ya kwamba, mtu yeyote anayehusika katika sura hii ama wajibu wa kuwa na mwendo ambao hadharani au kirasmi na katika ushirikiano wake na watu wengine: (a) ...well I don't need to read that, but I think mnapata hiyo, uongozi na uaminifu. Lazima tuwe na conduct ile sawasawa kwa positions of leadership. Sasa hiyo ndio Chapter sixteen.

Can I now take you to Chapter Seventeen. Constitutional Commissions and Constitutional offices. Having listened to the views of Kenyans, Kenyans had a lot of complaints. Kenyans had a lot of complaints and therefore we as a Commission recommended that we should have Constitutional commissions ambazo zitasaidia wananchi kwa mahitaji yao yote. Hizi Constitutional commissions zitakuwa independent, zitakuwa autonomous and you as wananchi of Kenya you will have a right to go to those Commissions kupeleka malalamishi yako. Are we together? Ukiwa na shida yeyote, iko Commissions ambazo zinahusiana. Kwa mfano, tuna Commission on Human Rights and Administrative Justice. Ukiwa na shida yoyote kuhusu human rights, unaenda kwa hiyo Commission. Article 289, page thirty five, kuna hiyo tunaita the Ethics and Integrity Commission, 289.

Vile tulikuwa tunaongea kwa leadership and integrity. Maneno ya ethics, maneno ya conduct ya watu. Ikiwa una lalamiko kwa kiongozi fulani, kuna Commission inaitwa Ethics and Integrity Commission. Tuko pamoja? Halafu page thirty six, tuna ile inaitwa Article 290, Salaries and Remuneration Commission. Matumizi yote ya pesa. Kwa hii new Constitution, wabunge hawana nafasi kujiongeza mishahara. Tuko pamoja? Tunasema kwanzia sasa kwa hii new Constitution, kuna ile Commission inaitwa Salaries and Remuneration Commission. Maneno yote kuhusu salaries na remuneration, hiyo Commission ndiyo itahusika. Are we together? Mtasoma hapo mjue ni kikundi gani. Teachers Service Commission pia tuko nayo ya kuhudumia waalimu. Tena kuna Constitutional Commission, maneno ya Katiba. Tutakuwa pia na independent Constitution ambayo itaangalia maneno ya Katiba. Sasa hizi ni Constitutional offices na kwa summary they are as follows: that is Article 293, constitutional offices.

- The Attorney General

- The Auditor General
- The Controller of the budget.
- Director of Central Bureau Statistics.
- Director of the Kenya Correctional Services.
- Director of the Kenya Police Service.
- Director of Public Prosecutions.
- Governor of Central Bank.
- The Public Defender.

Sasa hawa ndio watakuwa constitutional offices. Ukiwa na malalamiko yoyote una haki ya kuona hao direct. Are we together?

Before we go to the last Chapter, I want to take you to land. Maneno ya ardhi. Page twenty eight, Chapter eleven. Halafu baada ya hiyo tutaenda kwa maneno ya environment and natural resources. Let's just look for it, that is Chapter eleven. Again as we crisscrossed various constituencies in this Country, of all the issues which gave us a lot of fire is the issue of land. The issue of land is a very emotive issue that people are very concerned about that things have not been going well on the issue that of land. Are we together? Therefore, Kenyans felt that we need to discuss this issue very nicely and we need to harmonize and organize so that this issue of land is streamlined properly. Therefore, what the Constitution of Kenya Review Commission has come up with is a land policy framework and it reads Article 232 (1).

Mfumo wa sera ya ardhi. Ardhi ambayo ni rasilimali ya msingi ya wakenya na pia msingi wa riziki ya wananchi itahifadhiwa na kutumiwa na kusimamiwa kwa njia ambayo ni sawazishi ya kufaa, ya kuizalishi na endelevu. Yaani equitable, efficient and sustainable use of land. You want to use the land properly, you want to use the land efficiently and we want everybody to have equal access to land. Those lands which are idle must now be used in a more sustainable way. Haja gani kuwa mtu awe na land acres nyingi na hatumii? Are we together? This land must be utilized for the benefit of the people of Kenya. So, what we have done, if you look at Article 237, we have established yet another Commission which shall be independent. This Commission is known as the National Land Commission. This National Land Commission shall address various issues facing land. Apart from Ministry of Land, we have an independent constitutional office dealing with land. Are we together?

So, can we now go to Chapter twelve, environment and natural resources. Yaani mazingira na mali asili. That is Chapter twelve, environment and natural resources. Katiba hii mpya inasema hivi; ulinzi wa mazingira, Article 239 (i). Kila mtu nchini Kenya ana wajibu wa kulinda na kuendeleza mazingira. Are we together? Kila mtu nchini Kenya ana wajibu wa kulinda na kuendeleza mazingira. Hizo zingine mnaweza kusoma. The point I wanted to say is that, now you wananchi have the power to protect the environment, to preserve the environment. Mtu akiharibu msitu, mna haki ya kupeleka huyo mtu kortini. Hata kama hamna pesa mna ile ofisi ya public defender na tena mtu akitaka kuleta kitu hapa, awe na factory ama nini ama kuharibu mazingira. Mna haki sasa. Katiba inapatia nyinyi ile haki ama kipawa kupeleka yeye kortini. Are we together? Sasa hizo zingine mtasoma baadaye.

Twende kwa Public finance and revenue management, that is page twenty nine. Public finance and revenue management. Without reading the whole of that Chapter. What I want to say here in brief is that wherever we went in this Country, again, wananchi were very concerned kwa matumizi ya pesa. Mnaweza kuunda maendeleo ama kuanza maendeleo fulani vizuri lakini kama pesa haitumiki kwa njia mzuri, haina faida. Hiyo ni ukweli ama la. Hata kwa hizi village councils ama locational ama districts, if we don't use money properly, if we don't have good financial management, they are useless. Isn't it? Now in the new Constitution, we have a provision guiding on public finance na maneno ya revenue. Mtu akitumia hiyo vibaya, basi sheria iko ambayo itaangalia maneno hayo. Are we together? That is on public finance and revenue management, the rest you can read on your own.

Having said that, I want to take you now to page thirty one, Article 254, we have the Office of the Auditor General. The office of the Auditor General. The main point I wanted to say here is that; you know the Auditor General is the custodian of all public funds, isn't it? But people have never asked themselves, in as much as the Auditor General audits all public funds, who is auditing the Auditor General? Are you getting the point? Who is auditing the Auditor General kwa matumishi ya pesa. Yeye ana kipawa na ile authority, but who is auditing him? From now on in the new Constitution, the Auditor General is also being audited. If you read Article 256, (1), accounts and audit. 256 (1). Are we there? The accounts of the offices of the Controller of Budget and Auditor General shall be audited and reported on by an Auditor appointed by the National Assembly. Kwa hivyo National Assembly ita-appoint auditor ambaye ata-audit huyo Auditor General. Hiyo ni sawa? Then I think we leave it there, Controller of budget you can read on your own.

I want now to take you to amendments of the Constitution, page thirty-six. We are almost through. Naomba mtulie tu, Chapter eighteen. Amendments of the Constitution. Katika hii maneno ya Katiba kokote tulipotembelea, wananchi walikuwa wanasema, pengine hii Katiba ni ya bure tu kwa sababu mtakapopeleka bunge, huwa watakuwa wana-amend kila saa. Hiyo ni kweli ama la?

Audience: Ni kweli.

Watakuwa wana-amend kila saa kwa sababu hiyo ndiyo kazi yao. Hata tulisema haifiki huko...si ndiyo? Sasa kwa hii Katiba mpya tunasema hivi, kuna restrictions ambazo tumeweka na ningependa nisome hizo. Amendments of the Constitution, 294 (i).

Tunasoma hivi:

- 1) Subject to the provision of this Constitution, Parliament may exercise of its constituents power, amend by way of addition, variation or repeal any provision of this Constitution in accordance to the procedure laid down in this Article.
- 1) An amendment of this Constitution may be initiated only by the introduction of a Bill for the purpose in either House of Parliament and when the Bill is passed in its second and third reading in each House by not less than two thirds majority

of the total members of that House, shall be represented to the President, who shall give his assent to the Bill and there upon the Constitution shall stand amended in accordance to the terms of the Bill.

- 1) An amendment that seeks to make any change in:
 - a. The territory of Kenya.
 - a. The sovereignty of the people.
 - a. The principles and values of the republic.
 - a. The Bill of rights.
 - a. The structure, values, and principles of devolution as set out in Chapter ten of the Constitution.
 - a. Citizenship.
 - a. The provisions of this Article.

In other words, we are saying, in this new Constitution, for Parliament to amend:

One, both the two Houses must pass it by two thirds and it must pass the second and third reading. Are we together? Ile national council na ile national assembly. It must pass by two thirds and it must also pass the second and third reading.

Kwa hivyo in anything, in any of those laws, Parliament may amend but, angalia hiyo Clause 3. Clause 3 inasema, anything to do with the territory of Kenya, anything to do with the sovereignty of the people and anything to do with the principles and values to the republic. Anything to do with the Bill of rights and anything to do with devolution. Maneno ya local council, village council, locational council. Anything to do with uraia, citizenship, anything to do with any provision on this Article. Hata kama ni hizo (inaudible). Hata kama ni two Houses, hawana uwezo. Lazima ipite kwa wananchi. Are we together? We have finished all that the other details you can read.

Chapter twenty, transitional and consequential provisions. I don't want to go to each of them but if you read it, it is telling you about the territory of Kenya. Kenya iko na mipaka, Uganda, Tanzania, Somali, Ethiopia na hii Katiba inasema, hiyo mpaka inasema nini, na tumefika wapi. Yaani mwanzo na pahali tumefika. Mwanzo na mwisho. If you read page thirty-seven, there is the Republic of Kenya, Uganda, International boundaries. Sasa inahusu boundary ya Kenya na Uganda. Page thirty nine, kuna Kenya-Sudan International boundary. Halafu kuna Kenya-Ethiopia boundary. Halafu kuna boundary ile ya Kenya-Somalia. Halafu tuna ile tunaita territorial sea and exclusive economic zone boundaries kama Indian Ocean. Tujue Indian Ocean, inanza wapi na inafika wapi. Wapi mali yetu kama wananchi wa Republic of Kenya. Halafu page forty inahusu Kenya na Tanzania. Boundary inasema nini kuhusu hiyo. There are other details which I may not tell you about, but basically this is what these schedules talk about. In terms of distance mnaweza kusoma hiyo. Halafu tuko na second schedule, page forty one. Second schedule, hii Katiba inatoa hizo provinces zote na districts zote. Hebu tusome, Rift Valley Province, tuone kama nyinyi watu wa Kuresoi mko ndani ya hii Katiba kwa Rift Valley Province. Tuko na Baringo, Keiyo, Uasin Gishu, Nandi, Marakwet, Trans-Nzoia, Turkana, Samburu, West Pokot, Buret, Kericho, Laikipia, Nakuru, Koibatek, Bomet, Transmara, Narok, Kajiado. Mko ndani? Wapi?

Audience: Nakuru.

Basi hii Katiba ni yenu. Sasa hiyo ni districts kwa hii province. Halafu kuna ile tunaita third schedule. Third schedule tuko na national symbols. Tuko na national flag, the national anthem, the court of arms, the public seal of Kenya. Those are the national symbols which we shall maintain in the new Constitution. Then again we have the fourth schedule, which deals with oaths and affirmations. This one is from the President, the Vice President, the Prime Minister, tuko na Permanent Secretary, tuko na Minister, tuko na Chief Justice, tuko na Constitutional officer, Constitutional Commissioner. Tuko na Provincial and District Administrator, tuko na Members of Parliament. Tuko na Speaker na Deputy Speaker. Sasa hizo ndizo oaths za all offices in that order. You can read them at your own time.

Now we go to the sixth schedule (End of tape)...the fifth schedule, I think we have already handled on leadership and integrity code of conduct, you can read the rest on your own. We have already handled it.

I want now to take you to the sixth schedules, that is actions to be taken by Parliament. That is page forty-five. Actions to be taken by Parliament. The point I want to make here, wengine wamekuwa na maoni tofauti tofauti na wanauliza kama hii Katiba itaanza kesho, je tutafanyaje na hii Katiba ya sasa. Hiyo ni kweli ama la?

Applause from the audience.

Sasa tunasema hivi, are we together? Page forty-five. What we are trying to say, we need a peaceful transition of the Constitution. We need a peaceful transition. Hiyo ni nini kwa Kiswahili? We need a peaceful transition. Tukitoka kwa huu uongozi wa sasa na ule unafuata, uwe ni ule wa amani, urithi wa amani. Sasa ndio hatuwezi kusema sasa ile Katiba ya sasa ni ile mbaya. Hapana. Ili tusaidiane kwa ule uongozi mpya, lazima ile ilikuwa nzuri katika Katiba mpya, tuichukue ili itusaidie sisi kwa Katiba mpya. Sawa? Sixth schedule, it simple sets the actions plans of what will be done to effect the new Constitution. If you read the first column, it has a lot of issues affecting Kenyans in every way. Be they maneno ya devolution, provincial administration, be they citizenship, maneno ya defence, maneno ya Bunge. All the actions are stated there in the first column.

The second column, tells you what article it derives from. For example kama ni Article 474, utaona ni maneno ya right of access to information. Kwa hivyo utaangalia hiyo uone inasema nini. Ukienda kwa restricting prisoners rights to vote, utaangalia Article 72 itakwambia ni nini. Halafu in the third column, it gives the time limit within which actions shall be taken. Are we together? It is therefore a timetable giving us a framework of how the new Constitution will take effect, and I want you to correct that place, where it is written no time limit, indicate three years. Yote. Where it is written no time limit, hiyo itasema ni three years. In summary what we are saying is that Parliament will have to set its calendar to deal with the new Constitution as far as those various issues are concerned. Are we together?

Having said that, I want to finish, nataka nimalize kusema ya kwamba ukiangalia seventh schedule which is page forty six, it will tell you the powers of the national and district government. Now that we are having the village, the locational and the district council. Pengine mnashangaa Central Government ile ya kawaida, itafanya nini. Hatujavunja hii. Iko functions ya national government iko listed hapo. Sawa. Halafu iko district government. District government ile nilishawaambia. District council, locational council, village council. Tuko na functions ya district government list, hapo mnaweza kusoma. Halafu eighth schedule nimeshaongea juu yake isipokuwa nataka nirudie kwamba in eighth schedule that is page forty-six, Article 7. Are we together? I want to say something, before I say something on the provincial administration. I want to say, that Parliament has been given a new role. All public appointments, permanent secretaries, ministers, constitutional commission holders, auditor general, public defender, all these public offices, the President has got the power to appoint, but Parliament will have to approve. Parliament will have to approve. Keep that one at the back of your mind.

On the provincial administration nataka nirudie. We are not dismissing the Chiefs, the DCs, the Provincial Commissioners from their jobs. These officers are playing a very good role, they will continue to maintain their salaries. They will continue to maintain their promotion. The only thing is; they are going back to the employer and the employer is the Public Service Commission. Are we together? Nobody should lose a job. The Constitution is saying, let the sub-chief, the chiefs, district commissioners; they will continue to get their salaries. They will continue to maintain their jobs. Only that those jobs will be defined by the Public Service Commission. Are we together? But the head of the district, locational council, village council will be elected directly by you people in those respective areas. Are we together? So you will forgive me and I would like to stop there. Thank you.

Clapping from the audience.

John Kirui: Mmefurahia?

Audience: Ndiyo.

John Kirui: Kabisa. Asante sana Bwana Owade. Nilikuwa nimesema hapo mbeleni, lengo letu kuja hapa ni kuletea nyinyi the draft bill. Na tena tuwe na nafasi kidogo kujua hii draft bill iko na nini ndani yake. Na mimi nafikiri kwa wale ambao walikuja mapema, tuliingia hapa saa sita. Mimi nafikiri mmesaidika. Kwa hivyo mmejua kuna nini katika hiki kitabu chetu cha draft bill na kwa hivyo ningependelea tu, nilikuwa nimesema, kusema kweli si pahali ya kubishana kubishana. Kwanza hamjapata nafasi ya kusema hii vizuri sana, inatakiwa nafasi. Hata ukiwa peke yako huwezi kujua kabisa kuna nini ndani yake.

Ningependa muwe wawili watatu ama kikundi halafu mnajadiliana. Kwa hivyo tutachukua nafasi kidogo for clarification. Nilisikia kama hiki, lakini kingekuwa hivi. Kama kuna recommendation tutaichukua. Kama kuna kitu kingine ambacho umeona kingekuwa hivi, tutafurahia. Vile vile nilikuwa nimesema, maoni yote ni ya wananchi katika Kenya. Pia tuna summary report ya

Kuresoi Constituency. Kile ambacho mlisema siku ile na sote tumewekwa hapa na hii ni summary yenu. Kwa hivyo watu ambao wanatambia hii kitu tumetafuta kutoka ng'ambo, tumetafuta kutoka pahali pengine, wanatambia uwongo. Kwa sababu hata hawa hawajapata nafasi kusoma. Kenyans like making pre-judgemental statements before getting into the business. Most of our people don't also like reading things mpaka wasikie. Anaona tu juu ya ngozi na anasema hata huko ndani hakuna nyama. Kwa hivyo ningependa tuchukue nafasi, to read, halafu to comment. Kwa hivyo nitawaachia nyinyi nafasi kidogo mtuambie jinsi mmeona, jinsi mmesikia na kweli kama maoni yenu iko ndani ya hii Constitution. Mimi najua hamjasoma hii na nitawaachia kitabu. Kitabu kimoja nimeachia DO, nimeachia Headmaster na nimeachia viongozi wa CEP moja na mimi nafikiri nitawachia hii, mmoja copy. Mrs. Chelule, ingawa amechelewa kabisa kwa sababu ni kiongozi wetu wa 3 C's. Hiyo sasa utakuwa naye kwa hawa watu wenu. Ikiwa mnataka hiyo copy, mfanye photocopy. Hii ni ya Coordinator, kwa ofisi yangu. Sasa the floor is open for you people. Ningeuliza hapa kwanza. Ukija hapa mbele, kuja karibu hapa na useme jina lako.

Reuben Kirui: My name is Reuben Kirui. I want to ask the question of election of council elders. Now, we are talking about the election of elders, village elders, locational elders and the others. My specific question goes to the village elders. Who will be supervising these elections? My second question goes to the issue of district administrator and the provincial administrator. We hear that the district administrator is going to go to... is among the sixty eight people who are going to go to the upper house, the national council. Where is the provincial administrator going to be? Thank you very much.

John Kirui: Kuna mwingine. Mrs. Chelule. Come here na utuambie jina lako.

Mrs. Chelule: I am Liza Chelule. Nataka kuchukua hii nafasi kwanza kurudishia asante Honorable Commissioner ambaye amekuwa na sisi siku ya leo na district coordinator wetu. Tumesikia na umetufunza na tumefurahia. Kile kitu ningetaka kuuliza ni kuhusu maneno ya Judiciary. Kwa nini Judges wengine wameonelea kupinga maneno ya Constitution iendelee. Bali tunajua kwamba wenye wanachukua hii nafasi ya kukusanya maneno ya views kutoka kwa watu na kutengeneza ni Commissioners ambao wengine ni advocates, wengine ni lawyers na wengine ni Judges. Tungetaka kujua sana ni nini imefanyika katikati hapo, bali walikubaliana mwanzo kwamba tuanze maneno ya Constitution. Tufanye Constitution ndio tuelekee maneno ya general election. Tunashangaa saa hizi, Judges wengine wanapinga maneno ya Constitution na bali mbeleni ilikuwa imesemekana ifanywe maneno ya Constitution, halafu tukianza kufanya maneno ya elections, elections tufanye na new Constitution. Tungependa kujua sana ni nini inaendelea katikati ya Judges na Constitution Commission.

Lingine ningependa kuuliza maneno ya affiliation. Tulikuwa tumeongea sana, kwa views zetu tulikuwa tumesema maneno ya affiliation wakati ilipochukuliwa na hatukuona ikitoka. Lingine ni maneno ya mashamba. Mashamba tulikuwa tumepatiana views ya kwamba, watu wawe na limit ya kuwa na mashamba kiasi fulani. Kwa hiyo Constitution ama hii draft Constitution, hatujaona kwamba imewekwa kiwango fulani ya kukuwa na ma acres ngapi. Kwa sababu tunaona tu ni haki ya mwananchi wa Kenya kuwa na shamba, lakini hatukuona kiwango fulani, mtu anatakikana kuwa awe na acres ngapi.

John Kirui: Mwalimu.

Samuel Ng'eno: Asante sana kwa Commission hii. Nimeona kazi nzuri mwaifanya. Kwa majina mimi naitwa Samuel Ng'eno. Shukrani zangu kwa Tume hii maana mmefanya kazi mzuri. Ningetaka tu niulize maswali machache kuhusu kazi ambayo inahusu wazee wa mitaa ama local village government. Nataka nijue hao wazee ikiwa watatoka katika chama fulani na ikiwa watatoka katika chama fulani, je hamuwezi kuona kwamba watahudumu kulingana na matwaka ya vyama vyao na kuacha shughuli zingine ambazo zinaweza kuwa zinawauma wananchi zaidi? Kama vile watu wakipigana kama jamii, mke na bwana wanakosana kule nyumbani. Je huoni hawa wazee wanaweza kutatua shida hiyo kulingana na chama gani mtu huyo ametoka. Na mke wake ametoka chama gani na huyu kiongozi, hawa wazee wa mitaa, watakuwa wakitoka chama gani.

Pili ningetaka tena tuelezwe, korti ya wazee, hamjawapa nguvu zaidi. Traditional courts under sub-ordinate courts, hamjawapa nguvu zaidi kama vile mmewapa Kadhi na hawa wengine. Hawa wazee ni wa maana zaidi kwa vile ni hao ndio wanatatua shida ambazo ziko kule vijijini, kuhusu mashamba, mila, ada na desturi za watu. Kwa hivyo ningetaka tuelezwe zaidi kwa kinaga ubaga na jinsi watakavyopata marupurupu yao ili nao angalao wafurahi kidogo. Wasije wakakaa kama wazee ambao wameshindwa na kazi kule vijijini, wanaketi tu wakila na kunywa chai huko, halafu unaletewa fitina vijijini. Asanteni sana.

Robinson Ruto: Asante sana Bwana Commissioner na...majina yangu naitwa Robinson Ruto and am very happy because of the work that you have done as Commissioners since July upto now, because you have produced something very good as far as the time to listen is concerned. My appeal is only one or two because you have done a good work although there is a lot of problems from your side. That means that there are judiciary people who are just beginning to say that you have produced some very poor things. To me, I don't see. Now, what urge you to do for us now is that, please let us kindly have this Constitution by the end of this year so that we can use it for elections and we proceed when we shall have leaders through this one, so that we shall see what...(inaudible). We would like it to be used this year and not any other year. This year, I read in the newspaper that by 12th December we shall have this, so I want you to use a lot of money that we havewhatever you have. Even if it means sacrificing your time day and night, produce these things then we shall move by next year 2003 with it. Thank you very much.

John Kirui: Wewe ndio utakuwa wa mwisho halafu tujibu hizi. Come Mwalimu.

Joseph Korir: Asante. Kwa majina mimi naitwa Joseph Korir. Yangu ya kwanza ni kuhusu vyama vya kisiasa. Nafikiri tulikuwa tumetoa pendekezo ya kuwa wako wale watu wanahama kwa vyama dakika ya mwisho wakishindwa kwa nomination na sijaona hapa. Ya pili, kwa funding. Nafikiri ingekuwa vizuri vile vyama ambavyo wako na wabunge bunge, wapate fund peke yao. Kwa national council, tukisema wanawake ndio watachaguliwa kwa national council, itakuwa namna gani kama....how about if they are elected? Si watakuwa wengi sana kule. Kwa national assembly, mimi naona hii figure ya ninety iko juu sana. Ingepunguzwa kidogo. Ya mwisho, kwa upande wa presidential elections, iko hii maneno ya miaka thelathini na tano mpaka

sabini. Nafikiri sijaelewa sana kwa sababu watu wengi wanasema eti haitumiki kwa hii election ya sasa. Nafikiri kama itakuwa Katiba mpya, ianze kwa sasa. Isiwe applicable wakati huu. Asante.

John Kirui: Kwanza wacha tujibu zile ambazo tumepata. Lakini ningependa Mwalimu yule ali-recommend kwamba ninety ni wengi, angetaka wangapi?

Wycliffe Owade: May be if I could comment very briefly. Kuhusu supervision ya village elders Bwana Kirui, electoral commission itahusiana na hiyo. Kumbuka sasa itakuwa independent electoral commission. Completely autonomous na itafanya hiyo. Hata ingawa Bunge itaweka guidelines to follow, electoral commission itakuwa incharge. Mr. Kirui asked about the place of the provincial administrator in the national council. The provincial administrator is not a member of the national council, it is only the district representatives. His role will just be to head at the provincial level and to coordinate various districts within that region. However, we have noted your concern.

Mrs. Chelule was wondering about this friction going on between the Judges and the Constitutional Review Commission. We have no problem with them. We just request you to be with us in this struggle. As you know normally changes, people are bound to fear change, because when changes come, people start imagining things here and there. Otherwise, we leave the struggle for you the people of Kenya, if these were your views, therefore let your views be.

On land ownership as to how many acres, what we have done is just to give a framework, establishing the land commission but other details now, Parliament will have to work out. Affiliation, I will leave for Mr. Coordinator to handle. Samuel Ng'eno, you asked about whether political parties will be involved in the village government in terms of whoever is there. I see your fears and I would like to assure you that political parties are not in there. They are completely out of it. Electoral commission will give further guidelines on how it should be done. Further to that, the Constitutional of Kenya Review Commission is currently working on another volume going to the finer details of how the village, the locational council will come out. What we have given you is just a framework to give you a picture of how it will look like, but political parties have no role completely in the village or the local government.

The issue of village councils having found land, law, customs, it is there in the new Constitution and the roles are completely explained in there. May be we shall look at it and refer you to that Article. Bwana Ruto was concerned that the new Constitution should be used in the next elections. We are also praying so and we believe with your support, this will be done. In addition to that, I would like to say that this new Constitution unlike the current one, we in the Commission are recommending that it be availed in all languages including local languages so that you understand what the Constitution is all about.

The other concern Mr. Joseph Korir, nomination of those who have already been defeated just to be considered for the elections. What we have done again is just to give the framework, but Parliament will have to work on that, and to deal with it

on the basic criteria. What we have set is just a guideline. Funds to those political parties with backing only. We have taken your note and we have recorded it here. Concern on women, that women are everywhere because we have given them principle of one-third women. This was the lamentation of Kenyans. If it is your feeling that they should not be there, that is your right and it will be debated in the national conference. You ladies, I don't know why you are not here, you see now everybody here is men, you are only two. You have also to prove that you will be able to perform. Women will have to debate that. Women will get the support, already the Commissioners are behind you and we pray that you get this support.

The figure of ninety being too high. The concern of the Commission was that, having evaluated the money or the finances or resources we have in this Country, we are a very rich Country. If this country can be managed properly, we will be able to maintain this figure. That is our position, however we have taken into account your views. The seventy age category, let me be very clear. This applies to Honourable Kibaki and Honourable Nyachae, because these are the people who are now....Nyachae, I think he is sixty-nine, but he doesn't have a degree and Kibaki is seventy. What we decided, because I told you we want a peaceful transition from the current Government to the new Government. We want a peaceful transition and you cannot just wake up and say, now this law which is there is not going to be used. What we are saying is that for these elections coming now in December or whatever it is, those of seventy and below are allowed to compete but after the next five years, those of seventy are not allowed. However if it is your view that this should not apply, already we have noted it down.

John Kirui: Asante sana. Affiliation was actually mentioned and I think it is somewhere in this Article. I remember it has been covered somewhere, but may not be (inaudible) Affiliation Act will be there because those details will be worked out by Parliament. It will be there in the legal part of the Judiciary. We expect that to be coming up as part of the legal framework which will be constituted under the marriage bill. One thing that has come out despite the fact that a child is born out of wedlock, that child is entitled to all the rights. It is therefore already being covered and I believe it is going to be legislative. Kuna mwingine huko.

Mzee Elijah Tigoi: Kwa majina naitwa Elijah Tigoi. Tungeomba Commissioner yule ambaye yuko hapa, aone wazee wale ambao wako juu ya miaka sitini. Ili apate malezi kwa upande wa wazee. Kwa sababu unajua huyo mzee ameza ng'ombe yote, kwa watoto wa shule. Hata shamba ameza hata nusu. Lakini sasa hana chakula, hata nini, unaweza mkuta nje tu, bila chochote. Kwa hivyo tunasema mzee asaidiwe na Serikali.

Ya pili, tulisema habari ya hizi mabasi ya barabarani. Kwa sababu wanauwa watu sana. Traffic akipata njiani, hawahukumu hawa watu ambao wanakuwa na makosa. Wanazungumza tu maneno yao. Tulikuwa tunasema kuwekwe katika kila stage ya traffic, pawe na Judge hapo. Awe akiangalia kama ni zaidi, Makosa ikitokea, afanye kesi hapo na apigwe hapo na pesa zote hizo zikotwe ziende kwa Serikali, kwa sababu pesa inapotea barabarani.

John Kirui: Kuna mzee mwingine yule na msipige kelele. Weka polepole.

David Sitienei: Kwa majina naitwa David Sitienei. Kwanza kabisa ni shukrani kwenu kwa ile kazi mmefanya. Isipokuwa labda nilichelewa. Kuna hii nomination ya kama Parliament, halafu council, tulikuwa tumeomba ya kwamba, jamii ile ndogo kabisa tuwe tukipewa kazi hizo. Wakati huu sikusikia vile mlisema juu ya hiyo. Halafu kidogo nilikuwa nimesikia eti kuna ma-districts zimeorodheshwa mpaka chini. Ingawa nimepata district yangu iko Nakuru, lakini jamii yenye iko pale haitambuliwi na hasa kabisa sisi ni watu wa Nakuru, hii lakini sisi hatutambuliwi kama jamii. Nasikusikia kwa hii vile mmesoma, na hii imetutatiza miaka yote tangu ile ingine tunatumia sasa. Hatukuwa tumepata nafasi ya hiyo na leo naona kama tutakosa tena. Halafu mmesema juu ya mashamba. Kuna mtu ako na ekari kama elfu sabini hivi na yeye ni tajiri. Anaweza kulima hiyo shamba yote hiyo, halafu kuna maskini hana chochote. Sijui mmefanya namna gani kwa vile mmempa tajiri uwezo zaidi kuliko yule maskini. Kwa vile unakuta sasa hata area hii, unakuta mtu ako na ekari kama elfu nne. Halafu kuna mtu hana chochote na tayari mmempa huyo hizo zote.

Kuna pia maneno kama ya misitu. Nasikia kama mmerudisha kwa Serikali awe na uwezo zaidi na kuna jamii yenye wako pale ni kama kukatazwa, tena ni kama tu sawa na ile ilikuwa hapo kwanza. Kwa vile ile tuko nayo sasa, uwezo ni wa Serikali. Nasema misitu hiyo ni ya Serikali na jamii wenye wanakaa pale, misitu hiyo ilikuwa ni yao lakini sasa naona kama tumepokonywa tena. Asante.

John Kirui: The last one.

Robert Ngetich: Thank you very much. My name is Robert Ngetich. I would like to make a request for some few amendments. One is on national days. Hapa tumeona kuna 1st June, Madaraka, 12th December, Jamhuri na 20th October tuliona ilitolewa instead kuna ile tunaita Katiba day. Ninge-recommend ya kwamba 20th October, iwe siku tunaita Heroes day, ili wale walipigania uhuru ama freedom fighters wapate kukumbukwa. Mambo ya judiciary tunaunga mkono creation of the supreme courts, na tunasisitiza, Judges waende retire wakiwa na miaka sitini na tano. Pili, High Court judges wawe zaidi ya hamsini vile imeandikwa hapa. If possible wawe hata kama, themanini ama sabini kwa sababu tunaona kesi nyingi zikienda high court, zinaweza chukua hata miaka nne, tano na wakati huyo mtu ako bado remand.

Mambo ya familia, tumeona iko number 38 (5) B, sijui ina-allow polygamy ama nini (inaudible) Number 44 kuna siku za kuabudu. Tumeona Waislamu wanaabudu Friday kuna Wakristu wanaabudu Jumamosi na wengine Jumapili. Tunge-recommend hizo siku zote tatu ziwe siku za kuabudu. Mtu kama wa Jumamosi akitaka kwenda kuabudu katika kanisa lake ni sawa. Kusiwe na restrictions.

Mambo ya defections. Hii draft haijaongea vizuri juu ya defectors. Tunataka defectors, hata yule tunaona analegea upande upande, a lose hicho kiti chake. Kwa sababu tunaona hivi sasa vile inafanyika. Kuna confusion nyingi, huwezi kujua mtu ako upande gani au gani. Mambo ya district councils, imesemekana district councils tutakuwa na viti ishirini hivi ama thelathini na

tano, lakini mimi naona kama hiyo haitoshi kwa sababu tukiona hii for example Nakuru district tuko na watu wengi na tuko na locations nyingi. Tuko na locations nyingi. Kwa hivyo tungependekeza hizi district councils ziweze kutegemea population. Kama sasa hapa hivi tuko na city council. Ikifanywe iwe district council, watu wengi wataachwa nje.

Ya mwisho, kabla ya kufika mwisho kuna hii land and property. 235 (4) B. Inaongea juu ya mashamba ambayo yamenyakuliwa, tuseme public property. Tunaunga mkono hiyo pendekezo ya kwamba, miaka miwili baada ya hii document kuwa Katiba, tuone mambo ya mashamba ambayo yalinyakuliwa na individual, halafu government property. Halafu tuone mambo ya haya mashamba ambayo ilikuwa appropriated figures. Kama (inaudible). Mwisho nafikiri yule mwenzangu vile amesema, sisi tunaunga mkono hii Commission kabisa. Wale ma Judge ambao wanashitaki Commission tunajua ni watu ambao wana (inaudible). Hata juzi juzi kuna kiongozi mmoja alisema, hawezi kutambua hii Katiba kwa sababu haikutolewa na raia kutoka chini. Sasa mimi nauliza, sisi tulitoa hizi recommendations na tunajua vile tulitoa, tuko watu karibu thirty four thousand. Kwa hivyo...especially the Chief Executive of this Country ningepuliza yeye pia aunge mkono Katiba and if possible tufanye uchaguzi under the new Constitution. Asante.

Elijah Keter: Jina langu naitwa Elijah Arap Keter. Nilikuwa nauliza mambo ya President na Prime Minister. Prime Minister anasemekana atatoka kwa party ambayo iko na wabunge wengi. Sasa itakuwa ni lazima atoke hapo. Sasa watafanya kazi namna gani na huyu President. Shauri President tumechagua direct. Sasa huyu ni lazima achaguliwe kutoka the highest...wale wako na wabunge wengi. Kama hawaelewani watakuwa wanafanya kazi namna gani na hawa ni watu ambao tutasema ni kama dume wawili, sasa si nyasi itaumia wakianza kugongana huko juu?

Lingine nilikuwa nauliza ni mambo ya firing of the Prime Minister. Akiwa fired, kwa nini Ministers hata wao wawe fired. Si mtu akifanya makosa afutwe peke yake halafu mwingine achaguliwe? Lingine lile nilikuwa nauliza ni mambo ya public defender. Ni akina nani watakuwa wana-check sasa nguvu yake. Shauri public defender anaweza kuwa fired tena. Sasa kama nitakuwa na public defender rafiki yangu ama relative, si nitatumia yeye sasa azungumze na Judge halafu maneno inakwisha. Lingine ni mambo ya land tenure. Mahali kama town centre ile tuko nayo, kwa haya ma town. Ningeonelea haya mashamba ya town iwe ya public. Halafu watu watakuwa wana-apply halafu yule mtu ako na uwezo wa kujenga, awe anapatiwa. Kuliko watu wanapatiwa ma plot na inakaa tu inakuwa msitu. Ni hayo tu.

John Kirui: Let's comment on this.

Wycliffe Owade: I would like to thank you for your comments and clarifications. Mzee Elijah Tigo. Swali lako linahusu wazee. Ukiangalia hapo Article 36, Katiba mpya inaeleza waziwazi jukumu na huduma ambayo Serikali itafanya kuhusu maisha ya wazee. Kwa hivyo ziko hapo na vile ulitoa maoni yako ziko hapo. Then, kuhusu maneno ya barabara. Maneno ya traffic, tuko na hiyo provision mpya of Public finance and revenue management ambayo itaangalia sana hayo matumizi ya pesa ya kila upande na utakuwa na haki kama raia kupeleka hayo maneno mbele.

Mwingine alikuwa David Sitienei. You had fears on ethnic minorities. I think you came late. Isn't it? Si mmekubali na mimi alichelewa?

Audience: Yes.

Yes, because I really talked on ethnic minorities. Your fears will now be out of place in the new Constitution. One is that we are recognizing you under classifications of the districts, locational council, village councils. You will be represented and your voices will be heard. If there is any unfairness, there will be various machinery which Parliament will work out on how you can air your complaint. On your issue of large acres of land other people owning, there is a new Commission on the land commission where you will take all your complaints. On forests again I think you got it all wrong. We have really involved the people on forests management. I told you even your role now on preservation and protecting the environment. So, please if you can read that carefully, you will be able to know.

Robert Ng'etich, your concern on 20th October, this one we have also received in a number of constituencies we are going and already we have noted it for re-consideration. Then, the family, you asked about polygamy. I think we are silent on that because again we are under the Bill of rights. We have got the freedom provided that freedom does not interfere with anybody. Customary law is also there in the Constitution. Then the worship, the three days to be recognized we have taken note of that. Defections, we are saying we are putting very strict measures to check on these people who waiver on their loyalty. One strategy will be for you, the voters, to get the required percentage and terminate his job. I think I had mentioned this. Also, the Electoral Commission plus Parliament, they will also enact some other laws based on the Constitution towards that.

District councils, somebody said the number of seats is not enough like Nakuru is very big. Again, I will say the Constitution of Kenya Review Commission is working on those finer details, it will become clear, particularly taking into account population distribution. Land and property already we have talked about that. Land acquired illegally. All of it is there in the Constitution. Then Elijah Arap Keter. You expressed fears on the coalition between the President and the Prime Minister, because the President has no option he has to choose from the majority party. You see, we are also saying that, that leader of the majority party should be somebody who has confidence from members of Parliament. He enjoys the overall support but if he doesn't enjoy, we have other options. There is a provision for coalition parties or a leader can emerge in the political party who may cut across Parliament because really that is the stability of the nation. Therefore, I understand your fears and your views. The only thing I could say is that we have taken note of it as your view and we shall forward it as it is.

Firing the Prime Minister, why all Ministers? Our view is that, these are technocrats and normally the decisions they make are binding but mark you that even before they are fired, there is a parliamentary committee who will be able to arbitrate and look into all the confusions and all problems facing them. The overall factor here is; all of them are part of the collective responsibility.

Therefore, being technocrats during the Prime Minister, this is his government, if he has failed all the ministers have failed. Again, we have taken your fears about that which needs some logic about it.

The issue of the public defender; what we have done is that, in Parliament there is a Parliamentary committee who will be dealing with these complaints. They will look for example into the cases of the public defender having misused his role and his duties and things like that. Therefore, the people of Kenya will have the right to petition Parliament. Remember now, Parliament is much more closer to the people and the appointment of this office is subject to Parliament. The dismissal is also subject to Parliament. So, if the public defender is wrong, parliamentary committee will handle that and consider that he has to be dismissed and he is leaving at the will of the people. We are even saying in various units, be they local, provincial upto local lower levels, the public defenders will be de-centralized, so that wananchi in the districts don't just look at the public defender as somebody sitting in Nairobi. Infact, we are even proposing even these ministries, ikiwa ni wizara for example wizara ya afya, iwe hapa Nakuru. Wizara ya defence iwe Mombasa. Are you getting the point? So that some of these offices are not justbecause I know the problem you have my dear brothers and sisters in Kuresoi just like in other rural areas. Your mind is just fixed in Nairobi. As if Nairobi, everything good comes from Nairobi. We are saying development must start right from the people. Then on the land tenure, public land, that has also been addressed in the land commission. All other complaints of land, if you read that Article on land, you will understand what it is all about.

Elijah Keter: I have a clarification. My name is Elijah Keter. Like the TSC, Teachers Service Commission, I started to see a problem recently when they went on strike. This one is a national thing. I know this one should be decentralized to the districts, so that whenever there is a problem with that group of people, it should be dealt with in the district.

Wycliffe Owade: Thank you very much. That's why we have devolved units right from the district, locational council. They will have to sit and strategize. You know the Constitution cannot write everything. It cannot include everything. However, all those specific details, once you have given the Teachers Service Commission the authority to be independent and autonomous, therefore they will have to live with the expectations of the people down to the villages.

John Kirui: You are the last one.

Reuben Kirui: My name is Reuben Kirui. Once again I want to ask the question of the office of the ombudsman. I remember very well we mentioned when we were airing our views and I am sorry if I have not read the details if it is there. I think it is a requirement by the people who cannot afford the legal fees. Can you explain to us what is happening?

Wycliffe Owade: This time we are calling him people's protector, that is page thirty-five. Payer thirty-five are you there? Article 288, 3 (B). We have just changed the name, we call him people's protector and you can read what it is all about. Public defender is more or less on court cases and all the rest. So that is the office of the ombudsman.

John Kirui: Ladies and gentlemen, before I close I would like to call upon Mrs. Chelule to talk to us. I would like to introduce her as one of our delegates to the forthcoming national delegates to the conference. Ningetaka kusema, ile hatua tumetoka, sasa tunaelekea kuweka Katiba yetu into action to produce it in the final stages. Hii Katiba ingali iko na stage moja ambayo ni muhimu sana ambayo inaitwa national conference ambayo tunaitarajia next week. National conference is made up of all the MPs in this Republic, including His Excellency the President, the Speaker of the national assembly, the Attorney General and all the Commissioners who will actually serve as ex-officio. Originally, they were supposed to take sixty days, now it has been reduced to thirty days because we are trying to give you the Constitution before the end of the year. Now, every district was asked to elect through the county councils, three delegates to represent every district in this republic. In Nakuru as large as it was or as large as it is, the county council elected three persons and among them is Mr. Seth Anderoni. He is a Councillor in ward two from Njoro, and one lady was Mrs. Chelule who happens to be coming from your place. Sasa mpigieni makofi.

Clapping from the audience.

Also Mr. Kesimtai Ezekiel who happens to be coming from your Constituency.

Clapping from the audience.

When we did analysis why Kuresoi went with a bigger share, we realized Molo Constituency and Kuresoi Constituency holds about sixty percent of the councillors. For these reasons, we are very happy. The work before them is quite hard. Kazi ambayo iko mbele yao ni ngumu. In the first place, they will have to read this thing mpaka wasikie. They will have to sit from morning until saa sita ya usiku. For all those days, they must be patient enough. They must be reasonable enough because the major thing is to discuss, debate issues, adapt issues, amend issues as one baraza. We are expecting that baraza to be of over seven hundred people and among many your district representative is here. I would like you to come forward and say jambo to us and promise us that you are going to represent us.

Clapping from the audience.

Liza Chelule: Asante sana Commissioner, district coordinator Mr. Kirui and other secretariat na wananchi wa kuresoi. Kwanza nitachukua hii nafasi nishukuru Mwenyezi Mungu kwa sababu ametuwezesha sisi sote tuketi hapa siku ya leo wakati ambao tulikuwa tumekuja ku-launch Draft Constitution. Yangu ya kwanza, ningependa kuchukua hii nafasi kumkaribisha Honourable Commissioner ambaye amekuwa na sisi, ametufunza tumefurahia sana na tumejaribu kupata kitu kidogo kutoka kwake, ama mafunzo kidogo kutoka kwake na tumefurahia vile umetuendesha.

Nataka kurudisha asante pia kwa district coordinator wetu ambaye amefanya kazi mingi sana. Tangu aanze kazi na CKRC,

nimeona akifanya kazi kwa bidii sana, nataka kumrudishia asante. Nitachukua hii nafasi pia kurudishia wananchi ambao wamekuja hapa siku ya leo, tuongee na tujadili maneno ya Draft Constitution. Nimefurahi sana kwa sababu mmeweza kufika, tuwe pamoja halafu tuongee, tuone ni nini inaendelea katika Katiba. Ingawa kuna shida mingi sana kwa mambo ya kuendeleza mambo ya Katiba, nataka kushukuru Commissioners ambao wameendelea kufanya kazi kwa bidii bila kuchoka. Hata ingawa kuna vikwazo, vikwazo mingi mingi njiani, nataka kuchukua hii nafasi niwarudishie asante kwa sababu hawajakufa moyo. Hata ingawa wanapata pigo kubwa kutoka kwa wanasiasa wengine na Judges wengine. So, sasa mimi nitachukua hii nafasi kwa...hata ingawa Councillors wa area hii hawako. Hakuna hata mmoja na sijui kwa nini.

Nitachukua hii nafasi pia kuwarudishia hawa asante sana kwa sababu walinipatia nafasi ya kuwa hapa niwe mmoja wa wale wata wakilisha Nakuru district kwa upande wa akina mama. Nawashukuru sana kwa sababu walinipatia hii nafasi. Kile kitu tu ningependa kutoka kwa viongozi wa Nakuru district na wananchi wote wa Nakuru district. Ningependa tu, kuomba maombi kutoka kwenu kwamba wakati tunapoelekea kule katika hiyo national conference, ningependa sana kuomba maombi yenu kwa sababu ninajua ni kazi mingi sana. Ninajua ni kazi ambayo inatakiwa mtu ajitokezee kwa kiroho na kwa kila jambo. Kwa hivyo ninaomba maombi yenu wakati tunapokuwa huko. Wakati tutakapoanza kuketi, tuketi na tujadili mambo ambayo inahusu Wanakenya wote. Hatuendi huko kutetea kabila fulani. Hatuendi huko kutetea pengine party fulani. Tunaenda huko kutetea watu wa Kenya nzima. Kwa hivyo ninaomba maombi yenu, mambo mazuri yatokee ambayo yatafurahisha watu wa Nakuru district as a whole.

Mpaka hapo sina mengi, nataka tu kusema, asante sana kwa secretariat na Honourable Commissioner ambaye amekuwa na sisi siku ya leo tumefurahi. Ninajua bado tutakuwa na mikutano mingi ama pengine tatu hivi na kulingana na division ya Kuresoi, tuko na division nne; Kamala, Kuresoi, Keringet na Olonguruone. Tungependa tupange tuwe na mkutano kabla hatujaenda huu mkutano wa national, tuwe na mpango wa kukutana na watu ili pia tuwe na nafasi pengine ya kuwafunza na pengine ya kuchukua tena maoni yao mara ingine. Pengine kuna kitu hawajafurahia kwa Draft Constitution, ningependa sana tupange mikutano na usaidizi wa district coordinator. Tuhakikishe tumefanya hii mikutano ya divisions ndio tuchukue maoni ya watu mara ingine tena ndiposa tutoke na Katiba kamili. Mpaka hapo nataka kusema ni asante.

Wycliffe Owade: Nimesahau kitu kingine moja muhimu sana. Ametaja Councillors, Councillors bado watakuwa kwa Constitution mpya, bali tu wachaguliwe directly representing locations na watakuwa members wa district council. Hiyo ni sawa. Watakuwa kwa district council asante.

John Kirui: Ndugu Owade ambaye tumekuwa na yeye tangu juzi na(interjection)

Liza Chelule: Tumesikia ya kwamba, President wetu amekuwa akisema mara mingi kwamba elections zitafanywa na ile Katiba iko wakati huu. Na mbeleni ilikuwa imesemekana hii Katiba inatengenezwa itatoka ili tufanye elections na Katiba mpya. Ningependa kuuliza Commissioner siku ya leo. Ni nini itatokea sasa tukifanya general elections na Katiba iliyoko sasa. Bali

mbeleni ilikuwa imesemekana tutafanya na Katiba mpya. Tutaona ni hasara sana kwa sababu tumetumia pesa mingi sana kutengeneza hii Katiba mpya na isitumike tena. Nafikiria nikiwa mwananchi wa Kenya, ninaweza kusema sijui kama nitapata nafasi ya kuzuia elections zifanywe na Katiba ambayo iko sasa. Nikiwa mwananchi wa Kenya, sijui ni nguvu gani tutatumia kwa sababu hakukuwa na haja yeyote, tungetumia hizo pesa pengine kwa kazi ingine. Hata kupatia wale waalimu wanaenda strike sasa.

Wycliffe Owade: Asante sana kwa hiyo. Unauliza uko na nguvu gani na tayari unatoa nguvu. Mngependa hiyo conference ifanyike?

Audience: Ndiyo.

Wycliffe Owade: Ni maoni yenu? Na tufanye uchaguzi mpya kwa hiyo Katiba mpya?

Audience: Ndiyo.

Wycliffe Owade: Basi kazi yetu kama Commission ni ile maoni ya Kenya. Kama hayo ndio maoni ya Kenya ndio tuna-record, tunaongea, tunakutana hapa na tunaomba Rais mwenyewe na watu wote ambao wanahusika, tufanye uchaguzi kwa Katiba mpya kwa sababu nyinyi wenyewe ndio wenye nchi. Si ndiyo?

Audience: Ndiyo.

Wycliffe Owade: Asante.

John Kirui: And in addition to that, nyinyi wenyewe ndio mnapiga kura. Si ndiyo?

Audience: Ndiyo.

John Kirui: It is the Kenyans who are going to vote so they.....(interjection)

Laughter from the audience.

John Kirui: Ningetaka kumalizia hivi. Mrs. Chelule you are required to be in Nairobi on 22nd all of you. I don't even need to go and write a letter and you may not come back mpaka muanze national conference. Mko na mkutano wa preparation kwanza for three days mpaka 26th. 28th mnaanza kukaa chini with all the members of this Republic. Muanze conference yenu on 28th. We the Commission, we are continuing to work the way the Act states. The Act tells us the next stage, you have to fulfil it. It is

only going to be unfortunate kama Parliament itakuwa dissolved. This is because the national conference must have the MPs and it is them who also wrote in this book that they shall be there. It is them, we didn't tell them and this is the Act of Parliament, so they should honour their principles. They should honour their Act more than anybody else. So should it happen that the House is dissolved, we will also wait for the next Parliament and we will still go back to the conference. The next Parliament as soon as it comes in, if (inaudible) to the conference meeting. That's what the Act states. So, we are not working out of the Constitution. We are also not working out of the Act which the Parliament gave us. We are following the procedures that are in the Act given to us. So we are also not undermining anybody but we are following the principles in the Act. Ladies and gentlemen, I will ask Mr. Owade aniwachie nizungumze lugha yangu kidogo.

Amache asomok aleok abaibai missing amun kobwan. Ngandan okwek komomutu chepyosok. Manyaljin ii. Just hold on baisiet notinye en tai kou bik ab Kenya ko wo. Constitution ne kagekonech raini komami yematinye. Ingo chut ko, koger lakwet, koger imbarenyin, koger makarnatet, koger ole indoito. Unoto? Constitution ini kemache koik a contrac, a contract yon kealdechi chito imbaretne kaaldeun en kenysisiek che ten kole . Ko Constitution kemache kongen bik ab Kenya amun contract between the teachers ne indoiwak ak che kitononjin. Kikengetu kokikitemik che kichuten ngweng' komakingen kele miano imaninyon. Ako chutotech bik nan kochutenech keringonik, kimako makwech chi kechut keringonik chotet. Ke some kele okonu gei onai kit ne mi bukuni sikor korinun kandoinatengung'

Kitabuni non kosich, kotinye kanetutik che yechen missing. Kiguren human rights. Ne agent nekokoib chito. Kokakigon tamanak sisit. Yon kakiib koik within your republic komwae ng'alek cheyechen, kemache ketononjin gei en imanit ak kondoiwach imanit ak koindoiwech bikyok. Mamiten serikali barakyuno, iserikalit ngung'. Mi serikali ano? Kale kimnatet tugul no mi kotini koba bik. Kale kimnatet ine no mi parliament ko ba bik.

Audience: *Kimnatet*

John Kirui: *Kimnatet no tinye arap Moi ko ba bik. Kemache konai bik kole ehek che tinye Kimnatet? Koik kityo yon mi abusnatet komakinae. Amache kesom gei kinetke. Ko chito ne kainam karatasini amache asomin kityo inet bik angwan, inet chitugul kanisengung' niachamwak ale bichon mi kamasan nino, kokikinetke kabisa kongeten kenyit tisaini ak sokol akot kangikachini kogere nikiyos. Kitoger ni ki yos. Kigeng'alech kele makimache kenai bung'bung' chu tam kemwea, kele mitten cheba bung'bung' ako wo nia ko ingelekecheng' kelemen ilen maame bik iman ii. Micheba bung'bung' korikyok. Okonugei kinetkei ak amache onet chepyosokwok en korik, onet lagok baisiek ii, olenjin osoman yu baba amun kaaibu tuguk.*

Missing ko karongalal ngalek ab imbarenik, ko mbarenik en kasari kibendi, kiisto commission ne ba imbaret ak ketoo

kap wui ne kikuren commission of lands. Korirek tugul cho tinye bik kotun kongeten commission inendet koibe rirek ak koyai committee neyae tuguk chotet tugul kou imbarenik chon kikireben chi kingobetyot en olon anan che maba lain. Ako kimache commission inotet konyo kokwet ko ingunon kimnatet tugul kokobunji kokwet. Ko tun kait betu ne ki lewenisie ko takenyon kinetok ako kichobot en ofisin kinetak ak ko kichobot okot en kasari kitinye kidogo kinetak. Ko tom kowa chepyosani conference ko kasamok kit akenge. Owegen okur tuiyengwong' ak omwan tuguk chono oger tuguk che mache tun keng'alalen kityo kemi. Kakonech ng'alek che yechen oko nekolelen tun kelewenisie ko ngo' ne tonojin ngot ko anu m ko ng'o ne chute batai ama kitikin ko kuskong' korebenech kimnatet. Maunon okwek ii? Komwae ng'alek che yechen. Owegen ak ogerate. Mao mengechen ama kiutienok amun kimnatet raini konyone kokwet akonyo location ak konyo district. Olewo tugul konyone district oletuyechin councillors ak district ak kibaitinik tugul che ba serikali kongetu en district. Yoger ole maimuche arap Kirui kasit ii, opye kimnatet olei ... (Inaudible) ko kimnatosiek tugul kobwane district. Kemache kigilgei kenai kele nda kikute sirimbit korun kole kagiyani kemi ano? Kichabatin ii? Kokasamok onetkei, okonech memorandum tuguk che kole rarunotin inguni missing ko devolution power yon kagipyewok kele konyo kokwet. Amache otebengei ole, nda nyone kokwet kowenditoitono kasini? amun kitinye kora oratinwekyok en kokwet. Kitinye oratinwek che chang, ngwang' kinyokenyanyasani gei kora. Amache oker yon koron.

En ngalek chon tutugin, ko katami tuiyet korun oleguruane, ngwang' tos obe tiyet? Ngo ne bunu Oleguruone? Mi tuiyet iman? Mamiten kokigamwachi kandoik ab yu alenjin tun kitinye tuiyet ne wu ni en kamasin ba Olenguruone, ko kayachan amun mayame nafasi siger kastamut. Katami tuiyet Kuresoi age yeibataita, mangan ale tarikit ata? Ngo ne bunu Kuresoi? Mamichi nebunu Kuresoi. Kakimache kechapyin tuyet ake ne wu inoni ak kebwan missing ak chepyosok si kenyobwa tuguk che uchon. Ko abaiba missing amun kosich nafasi, amun karomuute ak kababaitu en kabwatutik cho tinye ak chaniet ne tinye. Onge saa tugul kelenjin Jehova, yaiwech ne wo kot kogas chitugul kebaisien bukut ne lel amun ingen akine president ne nyone kokikale Bible mache maiwek che lelach ne? makatet nelel.

What we are saying is that from our Bible it is written that, 'new wines need new skin.' This is because the old skin will be teared by the new wine. For this reason as we are going towards the next elections, we are also praying very hard that since we are going to expect a new President, let's have a new Constitution. Si ndiyo?

Clapping from the audience.

That is said in the Bible and now that it has been put in the Bible and we pray for it, it will be done as we ask. Si Mungu amesema. As we ask in faith it is going to happen. So, our national conference, we pray for it, that it is going to take place. We pray that elections will be very peaceful and also we are praying that people will be determined and they will be having development in the Country.

