

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

Verbatim Report Of

**DISSEMINATION OF REPORT AND DRAFT BILL, SABATIA
CONSTITUENCY, HELD AT VOKOLI GIRLS SECONDARY SCHOOL**

ON

9TH OCTOBER 2002

By Lilian Bango
Final Copy.

**DISSEMINATION OF REPORT AND DRAFT BILL, SABATIA CONSTITUENCY, HELD AT VOKOLI
GIRLS SECONDARY SCHOOL ON
9TH OCTOBER 2002**

Present.

1. Com. Kavetsa Adagala

Secretariat Staff in Attendance

1. Vincent Wakato - Asst. Programme Officer
2. Patricia Mwangi - Verbatim Recorder
3. Agnes Ayuma - District Co-ordinator

3 C's:

1. Mr. Benard Chahilu - Chairman
2. Ms. Margaret Sabwa - Secretary
3. Jamen Andagalu - Member
4. Mrs. Mesceline Mirembe - Member
5. Mr. Wilson Saratia - Member
6. Mrs. Vukaya Kibira - Member
7. Mr. Joseph Vololi - Member
8. Mr. Ionui Isaiah - D.O.
9. His Worship Mayor J. Kivihya.

Meeting was called order 10.10 a.m.

Benard Chahilu: Commissioner Kavetsa, bwana D.O. na wageni ambao mmehudhuria mkutano huu, hamjambo.

Audience: Hatujambo.

Vincent Wakato: Nafikiri tumechelewa kidogo kwa hivyo tutaanza mkutano na maombi, nafikiri Mzee mmoja atatuombea

shule ambaye eh, kuja kuja mbele.

Prayer. Mzee Omwenyere: Tusimame tuombe. Asante Mwenyezi Mungu, tunakuomba wakati wa leo saa hizi siku ya Juma tano tariki wa tisa tushajua tunataka kutengeneza Katiba yetu ya Kenya iwe katika mkono wako la chini kabisa na umtajiri ambayo ulimpa Solomoni mtumishi wa kuadhamani na wote wataanzia nawaombea baraka ya Mungu ikae pamoja na hao na huu mkutano ijae kanisa hili, Mungu barikia kila mtu akiwa kwa njia akifika awe na amani na D.O wetu hapa, tunamuomba tena utakuwa pamoja naye na. Wote ambao Wakenya wote nawaombea baraka ya Mungu utawabariki nikiomba hii katika jina la Yesu Mkombozi mwema. Amen.

Benard Chahilu: Asante sana Mzee kwa maombi. Kwa niaba ya kamati ya Sabatia ya kutayarisha mambo ya Katiba, ninafuraha kukaribisheni nyote kwa kipindi hiki karibu cha mwisho kabisa katika harakati za kuunda Katiba yetu mpya. Hapo nyuma tulikutana hapa na tukatoa maoni yetu, na nina furaha ya kusema kwamba wale ambao mmesoma magazeti mmeona Katiba mpya imetoka. Hiyo Katiba mpya inaonyesha yale maneno ambao ninyi wenyewe mlitoa. Kwa hivyo wakati wa leo tutasikia Commissioner Kavetsa akitueleza ni namna gani walitayarisha hii na kutafsiri mambo fulani katika Katiba hii. Kwa hivyo leo ni kusikiliza na kutoa maoni na kusikia matafsiri za section tofauti tofauti katika Katiba mpya muwe huru kuuliza maswali, muwe huru kutoa maoni kwa sababu hii ni wajibu wenu kama wananchi wa Kenya. Kwa hayo machache nafikiri nitarudisha kazi hii kwa Commissioner Kavetsa atuongoze kwa sababu yeye ndio mwenyewe na sisi tutasikia yale yatatoka kwake. Asante sana Commissioner.

Com. Adagala: *(In Kiluhya)*

Audience: *(In Kiluhya)*

Com. Adagala: *(In Kilihya)* Vincent ni Programme Officer *(In Kilihya)* ni Patricia Mwangi *(In Kiluhya)* Verbatim Reporter. *(In Kiluhya)*.

Speaker: The tape should not be so far away.

Com. Adagala: *(In Kiluhya)* This is the other one, it's not bad, it's okay, I want to give them a background of the report. *(In Kiluhya)* give me one of your copies for Sabatia, do you have Sabatia? *(In Kiluhya)*. Chair, where is chair with your committee? Please come forward with your committee, I want to hand this over to you. I want to give you the report as you talked, as your people talked. Yeah, come the committee, take that camera where is the camera(?). *(In Kiluhya)* . Do you have a camera District Coordinator? Who has a camera? Ah, *(In Kiluhya)* report number one, one one.

Speaker: One.

Com. Adagala: Yeah, report number 165 Yeah, Sabatia. (*In Kiluhya*) your copy madam, yeah (*In Kiluhya*) District Coordinator (*In Kiluhya*) you want us to give them two or you want to remain with one? Yeah, (*In Kiluhya*) na do you have a place, a documentation center somewhere?

Vincent Wakato: Yeah.

Com. Adagala: (*In Kiluhya*). Tume yetu haina vikwazo baina sisi na nyinyi, hakuna kitu hakuna mtu kati ya sisi hati middle man au mtu ambaye tutapitia ni wananchi na nyinyi, peke yake. Kenya hii kuna vitu viwili muhimu pekee yake, na nataka msikie. Kuna vitu viwili muhimu peke yake, wananchi na Katiba. The people and the Constitution, wananchi wanatengeneza Constitution kuwalinda na wananchi ndio wanalinda constitution, muelewe. Hakuna mtu mwingine atalinda Constitution, ni wananchi. Kila mwananchi lazima alinde constitution kama ulitioa maneno iko hapa utayalinda na pia kama unaona kuna jambo hapa bado linakuinga maisha yako au kukusaidia kwa maisha yako, utakinga Katiba. Hakuna sio hii Katiba nani atafanya hii, hakuna nani, eh, (*In Kiluhya*) ni hapa tu, wananchi na Katiba, vitu viwili peke yake, okay. Tutazungumza hiyo baadaye.

Nataka kumpa chair hapa ah, come and hold the mic for me yeah, natakaI want to the photograph, did you get the(?) okay hii kamati imekuwa active (*In Kiluhya*). Hii kamati imefanya kazi, kamati ya Sabatia eh, you have to take like this. Take the date then you will take the picture. Hi kamati imefanya kazi, kazi yao tumeiona hata District Coordinator anatufanyia na pia watu wakwanza kupongeza commission tuliporudi Mombasa, District Coordinator alipiga simu akatuambia mmepokea ile Katiba ilikuwa kwa gazeti, ile report ilikuwa kwa gazeti kwa moyo wote na mmeona ni repiti nzuri iko na vitu vile mmesema na tulikuwa tumekaa kwa plenary, tulikuwa kama tumekufa moyo kidogo lakini kila mtu alifurahi hata Professor Ghai nilimwambia oh, District Coordinator has rang and said that the people are very happy with the report. Then akasema oh really, really this is very good. Akacheka kwa sababu hatukuwa tunacheka kwa hiyo plenary tulikuwa na kazi nyingi, mahakama wanatusumbua, wanasema tutaenda jela, tutasema tutaenda okay. Haya ndio hii Katiba, mchango wenu wa Katiba ndio huo na (*Clapping of hands from the audience*) na hata tumefurahi tumefurahi sana. Haya asante, au una kitu kingine.

Mr. Chahihu: Mimi kwa niaba ya kamati, ninataka pia kupongeza Commission kwa kututambua na kutupatia nakiri ya Katiba mpya na nataka kuandika nyote ambao mko hapa na wengine mje mbane documentation centre tutaweka nakala hii kule muweze kusoma yale maneno ambayo mnaenda na kufanya photocopy na mpeleke nyumbani mtumie. Asante sana, na hii nyingine photocopy. Kwa hivyo Commissioner Kavetsa tunashukuru sana kwa kutupatia nakala ya Katiba mpya ya Kenya. Asante sana. Commissioner kabla hatujaendelea ningetaka bwana D.O naye atukaribishe kwake. Bwana D.O.

Mr. Tonui (D.O): Okay, asante, yangu sina mengi nikukaribisha wageni wetu ambao wamekuja tuangalie draft constitution ambao mlipiana maoni yenu. Nafikiri mtaongea bila wasi wasi, wengine wenu wamesoma wengine bado, lakini nyote tuko nazo hapa so karibuni hapa Sabatia. Sisi hatuna shida mimi binafsi sijaona kitu kibaya kwa hiyo Katiba na bado nisoma area

zingine. So asanteni, karibuni.

Com. Adagala: Haya asante sana tumeshukuru. Chief ako wapi? Chief wa Odanga, ametoka? Okay. Njoo useme tuweke kwa..

Area Chief: Asante sana bwana D.O., Commissioner Kavetsa na wengine. Hamjambo. hamjambo tena.

Audience: Hatujambo.

Area Chief: Hamjambo tena.

Audience: Hatujambo.

Area Chief: Mimi nawakaribisha hapa kwa location hii, yote ambayo mtanena itakuwa ya manufaa ya Kenya nzima. Kwa sababu ningependa muwe free, mtoe maoni yenu ambayo itasaidia wote Wanakenya. Asanteni sana.

Com. Adagala: Headmistress hako, hajaingia? Headmistress ameingia wasichana? Okay akija mnijulize. Okay area officer ako wapi? Education Officer, A.E.O, ako wapi? Nilimtuma lakini nilitaka aende na hii gari. Sasa ako wapi? Ako Sabatia kuna mtu anaweza kwenda na Dereva amtafute huko Sabatia? Nilimtuma apelike Katiba kwa secondary schools. Who can go with him, D.O. who can go with him the driver to Sabatia? Who knows him? He is here? Call him please. Okay. Are you going? Just know, okay call my driver for me. Two copies for every high school, okay sasa tunaendelea na tutataka tuanze rasmi.

Hiki ni kikao cha Tume ya Kurekebisha Katiba hii ni mara yetu ya pili Vokoli, lakini ni mara tatu au inne hapa Sabatia. Sasa tumekuja hapa, tulikuwa hapa tukachukua (*In Kiluhya*). Wasichana mtakuwa kimya, wasichana okay, kazi yetu ni ngumu sana msifanye ngumu zaidi okay. Ni kazi ngumu sana ninaweza kuwaambia kwa sababu nimefanya kazi nyingi duniani hii, hakuna kazi ingine ngumu kama hii. Sasa mkikimia tukizungumza itakuwa sawa au to mtu yeyote akizungumza itakuwa bora.

Tulikuwa hapa tukafanya Civic Education, nafikiri Commissioner Kangu na Commissioner Baraza walikuwa huku wakati huo, pia tulikuwa kwa Province tukafanya launching mbeleni na tukafanya pia district civic Education na tukachukua pia maoni ya NGO's na CBO's mbeleni. Halafu tukaja tukafanya civic education nafikiri venue ilikuwa chamakanga na district coordinator, Chavakanga na Jivanzi na Kidondo. Yeah hapa hatukuweka na lakini tukipokuja kufanya hearings, nilisema watu wa Western ni watu wengi kuna population nyingi tufanye three venues kwa kila constituency. Na mahali pengine kulifanya three venues kwa kila constituency are the dry areas or the Pastoralists areas kwa sababu watu wako mbali mbali na pia wana maisha yao ya kutembea tembea na mifugo yao hiyo pia ikafanya hivyo, lakini hapa Western tulikuwa na three venues almost everywhere. I

think Vihiga constituency we had two but the other constituency here in Vihiga district we had three each, okay. Sasa tukaongeza Vokoli, tukasema Vokoli unaweza tu sign na watu wanakuja na kweli mlikuja kwa wingi.

Siku hiyo, siku ya Civic Education ilikuwa yetu ya kuzungumza na siku ya hearing ilikuwa yenu sivyo, kwa sababu inafaa mkubali ni nyinyi ndio mlikuwa mnazungumza, tuliandika sisi Commissioners tulikuwa na Professor Salim na Pheobe Asiyoy tukaandika halafu tukaweka kwa tapes, hizo tapes zote huyu ndio mkubwa wa hiyo section ya Verbatim Reporting, hizo tapes zote ziko kwa Library. Where are they stored?

Patricia Mwangi: In the Library.

Com. Adagala: In the documentation centre of the Commission, ukitaka kusikia sauti yako iko huko. Halafu huyu na department yake, huyu Patricia Mwangi na department yake wanaandika kila neno na waliandika kila neno, ukitaka kuona original utaiona, iko pia kwa report.

Sasa tumerudi, tulienda vile tulitoka hapa Western ndio ilikuwa ya mwisho na mnajua huko Western ukienda alphabetically Vihiga ndio ya mwisho, sivyo. Sasa hapa ndio ilikuwa ya mwisho tukaenda na tukachukua maneno mlichanga yote, hayo maoni, pendekezo na tukaweka pamoja tukaenda Mombasa. Tuliweka kwa computer hiyo mambo yote na ukiwa ulitoa maneno kuhusu elimu iliandikwa hapo, iliwekwa watu wa elimu wametoa, watu wametoa watu kadha na hakuna mahali pengine elimu ndio ilichangiwa kuliko ingine yeyote.

Hayo mambo mnasikia ya mahakama ya Judges, mlizungumzia hapa, sivyo? Yeah, Kenya nzima kwa kuandika hiyo maoni ni ukurasa elfu moja mia nane, ukurasa hivi yaani iko hivi. Hiyo ni kama 2000 ni kusema ni how many reams? 8 reams, hiyo 8 reams ya paper ndio maoni kuhusu mahakama. Na mnaona wanataka tusizungumzie, hiyo ndio walikuwa wanasema, Wakenya wasizungumzie hayo mambo. Na hiyo ni kupiga marufuku, unajua sasa Wakenya wote ni kama watu ambao wanahatia kwa sababu tunazungumzia na sisi wakasema tuende jela tukasema tutaenda.

Professor Ghai akasema vile nilizalia Ruiru, hata nikienda Kamiti Maximum itakuwa karibu na nyumbani. Haya, Hoteli ingine huko Five Star, Hotel Intercontinental ikasema mkienda tutawafanyia outside catering yaani watatuletea chakula. Sasa tulikuwa tu na moyo wa kuendelea na kweli tulikata mambo ya Mahakama kwa sababu Mahakama haina ruhusa kusimamisha mambo ya Katiba. Hiyo si jukumu yao, okay wao wako ndani ya Katiba sasa dhidi watasimamisha Katiba yote. Haiwezekani hao ni sehemu ndogo ya Katiba. Lakini pengine niwaeleza kwa sababu siku ya leo ilikuwa Wakili wote watasusia kwenda kwa Mahakama ndio tumevaa hii, hii imetoka kwao, kwa Mawakili wanasema ukivaa hii unakubali na mambo ya Katiba. Kama hukubali na mambo ya Katiba usivae, kwa sababu Katiba ni kitu (*In Kiluhya*) is something to be believed in, so if you don't believe don't wear it, na hatuwezi kukuforce, hata nitatangaza tena ili wale ambao wamevaa pale bila kujua watoe, okay. Na wale wamevaa mjue mnavaa uweke hii kitu vizuri sana, ukaweke uwe unavaa siku nyingi. Okay, haya so ndio hiyo

tutazungumzia ya Mahakama na tumweleze ni nini inaendelea hapo lakini hasa hawkutaka mtu yeyote azungumze mambo yao na nyinyi ndio mlituambia sivyo?

Audience: Yeah.

Com. Adagala: Sasa tulitoa wapi hayo mambo?

Speaker: Kwetu sisi.

Com. Adagala: Yeah, so mtu wa Vihiga akisema kama wanataka kutupeleka Kortini watupeleke sisi wananchi kortini, kwa sababu sisi ndio tulitoa maoni. Yeah, so anyway waliambiwa na kamati ya Parliament ya Bunge ambayo inatusimamia ambayo chairman ni Hon. Raila Odinga wakaambiwa wakitaka kushtaki, wasishtaki mtoto-Commission, washtaki mzazi Parliament, Bunge watoshane kwa sababu wanatoshana. Bunge mahakama na urais hiyo yote inatoshana, wao ndio brothers, sasa sisi tuko sawa kwa sababu yote inaenda kwa clerk of National Assembly. So, hiyo ni hivyo lakini kitu tu hawakutaka wawekwe kwa category moja na wananchi. Hawakutaka wakaguliwe ulikuwa unafanya kazi ipi? Kazi yako pengine una.. kustaafu ni miaka 74 lakini tunataka iwe 65 hiyo kitu.

Hatu huyo D.O. amekubaliwa kukaguliwa eh, na lazima kwa sababu ninyi ndio mlikuwa mnakagua na sisi tuliweka tulichanga pamoja halafu tukaenda Mombasa ilikuwa kwa hiyo story. Tukaenda Mombasa, Mombasa ilikuwa kazi ngumu sana, tulienda kukaa kwa Hoteli ya Peter Rudava alikuwa huko Manager. Si mlijua alikuwa Dish Lodge? Yeah, na tulifanya huko kazi hata wakashangaa hatujaona watu ambao wanafanya kazi usiku na mchana kama hii commission.

Halafu pia tuliko.. kwanza Bahari ilikuwa kama hapa barabara sikukanyaga hata siku moja mimi. Sikukanyaga hata siku moja kwa sababu nilienda nikichelewa kwa sababu tulikuwa tunamaliza mambo ya Mzee hapa na wengine wakaenda Mombasa sasa nilipofika kule nilikuwa na kazi nyingi sana ya kufanya, ya ku-catch up. So hata watu hawaku.. tulifanya usiku na mchana na pia tulikuwa hapo na majadiliano ya ajabu. Mnajua Commission iko kidogo kama coalition, ndio hiyo ya mseto eh ya National Unity, sasa hapo ndio mambo yote iko, arguments kila kitu kiko hapo. So tulikuwa tunajaribu na kwa Kiluhya mnasema (*In Kiluhya*) consensus (*In Kiluhya*) yes, hiyo ndio system Constitutional Review Commission na iko kwa act, iko kwa sheria yetu. Kila kitu tujaribu as far as possible by consensus, voting hata tukivote issue moja halafu watu wakaenda inje mseme kwa nini tumevote hiyo na hizi zingine hatukuvote tena tukaenda the whole afternoon tukasikizana halafu ikaendelea.

Inafaa hiyo iweko kwa mila ya Waluhya, Wamaragoli iko na inafaa kila mahali na maisha itakuwa hivyo, democracia iko hivyo ni kuzungumza mnazungumza mpaka mnasililizana sio unazungumza huyo anazungumza na unachukua fimbo eh, na mwingine anachukua shoka eh (*In Kiluhya*). So hiyo ndio njia, hiyo ya consensus tulimaliza hapo tukaandika report eh, is there a copy of the report? I had put it away I don't think it is here. Do you have a report? No no the short version, short version. Hii report

ilikuwa kwa tarehe nini ya tarehe 27 magazeti, kama mtu alinunua. Wangapi walinunua hiyo gazette? (*In Kiluhya*) na tano (*In Kiluhya*). Okay, ndio hii you have a right to information, ours was not to take our report to anywhere our law told us, the act told us, you will release the report to the public, haikupitia mahali kwingine kwa sababu Bunge ilijua, ikienda Bunge kwanza au iende hapa kwanza au kule kwanza itakwama, akasema direct to wananchi. Na tulilete ikawa kwa magazeti na pia iko kwa District Coordinator nafikiri anaonekana kadha atawapea.

Halafu tukarudi Kencom House na hatukuwa tumemaliza pia tukafanya hapo tulikuwa tunatoka ofisini saa saba, saa tano, saa tisa ya usiku, saa kumi na unarudi saa mbili na unaanza kazi tena kwa sababu tunakuwa na vitu muhimu ambavyo vinaitwa transitional and consequential provisions. Daraja ya Katiba ya sasa na Katiba ambayo imependekezwa ilifaa tufanye hivyo ilikuwa vitu ngumu sana, sana sana na nitawambia tukiendelea ilikuwa aje.

Sasa hiyo hazi yetu temezoe, tumezoe hata tulikuwa tunatoka kazini saa tisa, ilikuwa kama hata (*In Kiluhya*) unaenda unajilazimisha kulala kwa sababu ubongo bado unafanya kazi. Unajilazimisha kulala halafu ni kama mtoto ako kwa mtihani eh, halafu unaamka unaamka inakupiga ubongo emeamka umavaa nguo umeenda eh, kwa sababu ukikosa utapata wengine wameendelea na kazi. Sasa ilikuwa hivyo, na tulifurahi kwa sababu ilikuwa kazi ya kutia moyo kwa sababu tulijua tunafanya kazi ya Kenya, ya Wanakenya na tulijua pia tunafanya kazi ya maana ya kutengeneza Kenya mpya. Nataka watu wajue hivyo Katiba mpya ni Kenya mpya, okay. New Constitution, New Kenya na tutaeleza kwa nini hata hiyo kwa jina Constitution wale mnajua lugha Constitution, constitute so hiyo tutazungumzia.

Sasa tuko hapa kuwaletea reporti yenu na pia kumpletea reporti ya Kenya nzima hii short version ingine iko, hii ni short version long version iko four volumes. Sasa hiyo ni kitu kama hivi lakini tukaona wananchi sasa hiyo ni kitu kikubwa kwa wao kusoma tukaandika hii na pia tumewaletea Katiba yangu iko hivi lakini ile mnapata kila mtu anayo. Hebu tuone watu wangapi wana Katiba hiyo ya Newspaper. Kuna wengine hawana?

Audience: Wengine hatungali hatujapata.

Com. Adagala: Eh.

Audience: Wengine hatungali hatujapata.

Com. Adagala: Kama hukupata, haukuregister, mume register?

Audience: Tumeregister.

Com. Adagala: Please eh, how come people didn't get? District Coordinator, Chairman, how come people didn't get?

Benard Chahihu:(Inaudible).

Com. Adagala: Okay, okay gari itarudi inavitu vingine, gari letu ni office sasa viko kwa office ya gari. Msifikirie hili gari ni langu, hii ni office, natembea na offices hawa na mimi na vitu vyote na hii yote ndani. Sasa sio gari langu binafsi, haya tutapata haya. Haya nafikiri nawambia kwa ufupi, lakini nataka kumwambia tu kitu kimoja mkizungumza, excuse me District Coordinator kama wanazungumza wacha. Enza Agnes wacha, wacha wacha. Agnes stop please. Nataka heshima ya kuzungumza na nataka heshima ya kila mtu kuzungumza lakini mkitaka ngu, mkianza ngu! ngu! ngu! inanitatiza (*In Kiluhya*) kwa nini unasema ngu! ngu! ngu! hamtaki? Eh.

Audience: Hakuna kungangania.

Com. Adagala: Hakuna kungangania kwa Katiba, hiyo ni tabia ya 20th century, tuko 21st century. There are objectives of the Review, nataka tufanye hiyo sasa ni kama tunarudia. Kwa objective zetu kuna sababu fulani tumefanya hii kazi. Ya kwanza wananchi maisha yao waliona maishani mwao haindelei vizuri na iliendelea ikazoroteka na hukujua kwa nini. Halafu wataalam, kwa sababu watu walikuwa wananungunika vitu fulani wanaambiwa hiyo ni mambo ya Katiba na mwishowe tukafika wataalam wakatuambia lazima tusililize mambo ya wananchi, maisha yao haendelei vizuri hata kutoka 1963 tumeendelea kuwa poorer, poorer and poorer sasa hata watoto percentage fulani hawaendi shule, watu hawana matibabu na imeendelea kuharibika, sasa hiyo ni sababu moja kwa sababu maisha yenu yenyewe hayakuwa inaendelea vizuri.

La pili, tangu sitini na tatu maisha imebadilika hata ni Historia miaka arobaini inafaa tuko kwa enzi mpya, tuko kwa maisha mapya, sasa ilionekana lazima tuangalie tena Kenya inaenda vipi, hiyo ni sababu ingine. Hata nyinyi wenyewe, wazee wanajua maisha imebadilika hata vijana wenyewe wameona kidogo wale wako kama 30 years wameona kuna tofauti so it is responding to the modern times, to the contemporary times. What is going on in our lives now and how did things change from 63 na hiyo ni Historia lazima kila mara hata tumeweka kwa Katiba kila mara lazima Katiba iwe inakaguliwa iwe inakaguliwa, watu walisema tutasema iwekwe iko kwa report.

Na pengine hata tulichelewa kwa sababu nchi zingine zilipata Katiba zilibadilisha. They just got independence and set to changing the Constitution kwa sababu hii Constitution tunayo ni ya makaburu ya sasa eh, hata inasema Kenya is a republic lakinin haisemi kitu chochote kuhusu watu wa Kenya. Ni kama sasa ni ramani tu, ni map bas. Haya ndio hiyo pia tukaona tuchange na vile ilitengenezewa London na hatukushiriki sana tulikata uhuru sasa tukaona pia hiyo ilikuwa mbali sana na mwananchi. Watu walienda kweli wa Bunge fulani walienda hata wengine bado wako hai nafikiri hata Mzee Otiende alienda mara moja hivi na tukaona wachu turudishie wananchi ndio tukaja na Civic Education, tukaja na hearings, wachange tutengeneze Katiba yetu. Mkiangalia kwa Katiba inaanza na we the people of Kenya. Hii ingine ilianza na Kenya is a sovereign republic, mnaona sasa tulikuwa na haja ya wananchi kutengeneza Katiba yao, hii ingine hawakutengeneza.

Sababu nyingine ni Katiba ya sasa nafikiri pengine 10% of Kenyans ndio wanajua na pengine ni Wakili, hata hiyo Katiba ukichukua ukianza kuisoma chapter mbili hivi ah, (*In Kiluhya*) what is this? Kwa sababu ina mambo magumu, lugha ngumu halafu hata hauwezi kufuata vizuri hata Professor Ghai mwenyewe amesema, hii Katiba ni ngumu sana hata hii ya leo, hata yeye mwenyewe saa zingine anashindwa kusoma, sasa Mtaalam wa Wataalam anashindwa, wewe mwananchi utaweza?

Audience:(Inaudible).

Com. Adagala: Utaweza?

Audience:(Inaudible).

Com. Adagala: Haya so ikaendelea ikawa lazima tutengeneze Katiba ambayo wananchi wanajua, kweli tungeita Wakili kumi na kuwaambia ketini hapo na wangeleta Katiba kwa miezi mitano hivi, lakini pia tungekuwa hapo hapo kwa sababu ingekuwa sisi hatujui na hatukushiriki. Sasa ndio tukasema wacha wananchi wenyewe wachange watu Wakenya wana akili na vile Mswahili anasema, kila mtu ana nywele zake sivyo eh kila mtu ana nywele zake. Sasa kila mtu ana akili sio watu fulani tu ndio wana akili peke yake. Ndio hiyo aspect ikatengenezwa na tukafika kuwaelimisha, kwa sababu watu hawajui Katiba ni nini. Ni kama kuwa Mkristo na usomi bibilia, na hausikii mambo ya bibilia, hakuna mtu anakuhubiria, wewe ni Mkristo kweli?

Audience: La.

Com. Adagala: Au sema uki Muislamu na Quoran hujui, wewe ni Muislamu kweli?

Audience: La.

Com. Adagala: Mmni hatulinganishi Katiba ya Mungu na hii yetu, lakini tu hauwezi kuishi na hujui nini inapanga maisha yako, sasa ndio tulifika kwa nyinyi tukafanya hivyo. Parliament ilitengeneza hiyo act, sisi hatuna hata hatua moja tunaweza kuchukua kwa Commission bila kufuata hiyo sheria, hakuna hatuwezi watu wanatuuliza oh, lakini Bunge ikivunjika sasa Katiba itakuwa nini? Tunawaambia hatuwezi kuvunja Bunge au teseme isivunjwe, hiyo ni mambo ya Katiba. Katiba ya sasa inasema President ndio anaweza kuvunja Katiba ya sasa ile iko.

Katiba mpya ni tofauti inasema bunge itakuwa na calendar yenyewe, ambayo itasimamia vile wataendelea. Sasa pia ndio tuliona tubadilishe tuje tusikilize na nyinyi tulifanya application sisi hii ni kazi tumeajiriwa Commission na kutoka huko watu 29 na tunafanya kazi. Sasa vile mnaona ni haja kubadilisha Katiba, ubayo wenyewe ni wananchi hawakujua Katiba yao, hata nikiuliza hapa nani ameona Katiba ya sasa hata wakati huu na nini, na macho hivi, kuona tu, ni watu wangapi? No put up your hand

kama umeiona na macho tu hata si kusoma, kuiona tu na macho.

Speaker:(Inaudible).

Com. Adagala: Sasa vile tunaendelea tunajaribu kuwaletea Katiba na tumewaletea hii ya Kiingereza, ya Kiswahili iko bado hawajamaliza tafsiri, itakuja itakuwa kwa magazeti pia hala tutatuma nakala zingine. Vile mko hapa every constituency itapata tu 200 copies kwa sasa okay, sasa ukipata si yako maisha ya mbeleni sio ya kuficha information, don't put it in your house, it is for other people to read also. Mtu akija mnasoma uweke vizuri lakini watu wasome. Sasa kwa Kijiji kama umetoka kwa Kijiji, make sure people read, vile ni ile tumeachia wasichana hapa wasome na mjadiliane hii si mambo ya kuficha wala hautapata kitu juu yake, ni ya kujua watu wote wajue ile maisha yetu indelee vizuri.

Ah, what is this? Okay mtanisamehe sijui ni kunisamehe au nilipasuliwa macho hata nilipokuwa hapa sikuwa naona hata mazishi ya Mzee sikua naona (*In Kiluhya*) ni kama miujiza yeah, sasa nafikiri najua Yesu alakuwa anafanyi nini alipotema mate na kutengeneza hapa, alikuwa anatengeneza lense ya kuweka ndani na kutengeneza hiyo konia ya kuweka ndani lakini hii ni Mungu kwa udongo alitumba sivyo?

Audience:(Inaudible).

Com. Adagala: Pia kwa udongo anaweza kuumba (*endolo*) sivyo? Yeah na mimi nimeshukuru sana hata nimeona Mungu amenibariki sana sana kwa hayo mambo.

Ah, na shukuru kanisa la Vokoli na hospitali yao, nimeshukuru sana (*In Kiluhya*) hata operation, yenyewe ilikuwa twenty minutes na wakaweka wakatoa asubuhi nikaona, ni kama mujiza kabisa. Haya sasa mko na nakala, mko na nakala ya Katiba, okay Headmistress we are in your queendom, we are in your place please come forward. We don't have any nakala here let me give here photocopy,(?) give me photocopy moja. We are very hapy to be here, we are very happy to be here for the second time na mlitukaribisha vizuri tufurahi, tukatoa maoni na tumetoa constituency report, pia tumekupa nakala kadhaa ya wasichana wako. Hii Katiba hasa ni ya vijana, wasichana na wavulana kwa sababu sisi tuko njiani, lakini tuwawachie Kenya nzuri, tuwawachie Kenya ambayo ina maana waishi bora kuliko sisi sivyo?

Audience: Ndio.

Com. Adagala: I think that is what it is, the world should be a better place eh, na kuna vitu vingine hapa watu wanasema is idealism na utopia and romantism na tuliwaambia eh, you must dream in life eh. Hata when you fall in love you want that love to go on isn't it?

Audience:(?).

Com. Adagala: But when you get married you want that marriage to be good, it may not be good but you dream, isn't it?

Audience:(?).

Com. Adagala: That it should be good, na hata hivyo kwa bibilia tumeambiwa thy kingdom come, isn't it?

Audience:(?).

Com. Adagala: Hiyo ndio pia tunataka maisha yawe mazuri, Mungu atubariki Kenya yetu iwe nzuri, okay. Haya hii ni nakala ya Library inaweza kufanyiwa photocopies na mtu yeyote na lakini weka kwa Library you don't have a photocopier there, yeah okay, yes yeah. You can make some photocopies someone comes, we want this to be a centre also. Someone people come and you give them, yeah if you have a few you know how much it will cost, so do that okay. Thank you very much God bless, God bless thank you so much.(?) karibisha.

Theresia Mbelase (Headmistress): Thank you Commissioner Adagala, D.O. Sabatia, Wazee na akina mama na wanafunzi hamjambo?

Audience: Hatujambo.

Theresia Mbelase (Headmistress): Hamjambo tena.

Audience: Hatujambo.

Theresia Mbelase (Headmistress): Mimi niko na furaha ya kuwakaribisheni hapa Vokoli school tumekuwa na bahati kwa sababu hii imekuwa centre ya mambo ya Katiba mpya na tumefaidika kwa sababu imekuwa rahisi kuja kukaa hapa kusikia maoni ya watu wengine tumefurahia, na tunaomba Mungu aendeleo kubariki hii kazi ili vile watakuwa wamemaliza, yatakuwa maneno yenye Mungu amebariki tusaidie Kenya hii tuwe na Kenya nzuri. Kwa hivyo mmekaribishwa sana. Asanteni.

Com. Adagala: Mungu akubariki na wasichana wako na shule yako. Ulisema jina lako kweli, yeah put your name on here for recording and for(?) say your name and your(?)

Theresia Mbelase (Headmistress): Kwa jina naitwa Bi. Mbelase, Principal Moi Girls Vokoli.

Com. Adagala: Thank you very much.

Speaker: Commissioner Adagala.

Com. Adagala: Mzee tafadhali, tafadhali Mzee.

Speaker:(Inaudible).

Com. Adagala: Keti keti yeah, mkifanya kelele nitaenda.

Speaker:(Inaudible).

Com. Adagala: Nitaenda tu, mkifanya kelele kingi, nitaenda, tutaenda niwaawache. District Coordinator chairman, are there nakalas there Margaret, Margaret not yet Yeah. (*In Kiluhya*). Those few of you who don't have you can share (*end of side A*).

Kwanza ile nimesema kuna mtu yeyote ana comment? Is there a comment or a question kwa yale yote nimesema? Hii ni wazi.

Speaker: Comment.

Com. Adagala: Comment come forward. Kuja forward, come forward hapa. Committee Members, who is your youth on your committee.

Speaker: Commissioner Adagala.

Com. Adagala: Tafadhali Mzee, poa. Who is your youth, who can do this for me, I want someone (*In Kiluhya*). Mzee rudi hapa please, nataka upoe tu hapa. Nani, I want someone on the committee who can be very quick.

Speaker:(?).

Com. Adagala: Where is he Jamii hey, (*In Kiluhya*) vile tunafanya si ki nini (*In Kiluhya*). Okay, we have only one microphone, so you will move back and forward.

Hezekiah Chesi: Jina langu naitwa Hezekiah Chesi mimi ni jua kali facilitator wa Constitution ya Kenya Review Commission. Nimekuwa hapa tumefunza sana hata wakina D.O. wetu hapa anajua, na complain yangu sijapata kufanya namna gani hiyo,

hakuna complain ni kupata Constitution hii mpya, hii kupata tu kitabu ya Constitution hii mpya. Hakuna maneno.

Com. Adagala: Chesi, Chesi nimesema Katiba zitarudi share with that person. Two wewe kama mkubwa wa jua kali ungenunua Standard au Nation na uwe nayo kwa ofisi yenu, ulinunua?

Laughter from the audience.

Com. Adagala: Haya okay. (*In Kiluhya*). Wacha tuvumilie na Kiswahili kwa sababu wanasema Kimaragoli ndio the nearest language to Kiswahili, mlijua hivyo? It the nearest Bantu language to Kiswahili, hamkujua? Haya okay, so mkiangalia kwa table of contents, table of contents. Yes, Peter come forward if you have a question you just come forward, you have to speak from the microphone.

Peter Ludava: I think I will avoid protocol to spread up. Nilikuwa nauliza, ni clarification kidogo tu. Hii nakala ambayo tuko nayo, ambayo ilitoka kwa gazeti na umesema iko tena nakala zingine kama volumes, sijui kama nne. Sasa kuna tofauti gani ya hii nakala ambayo tuko nayo ya gazeti na zile nne ambazo unasema ziko. Asante.

Com. Adagala: What is your name?

Peter Ludava: Jina langu ni Peter Ludava, I am a businessman.

Com. Adagala: Ah, okay wacha nieleze. Kuna nakala, excuse me I am answering a question to Ludava. Kuna nakala nne hiyo ndio long report, it is in four chapters, ah four parts. Hiyo kubwa tulifanya short version ndio hii, tuseme popular version, tulifupisha tukaweka hapa, okay. Kwa hivyo sijui mipango sana kuhusu hiyo lakini nafikiri itakuwa kwa Libraries na documentation centres na iko na details nyingi lakini hii ni summary, tuseme hii ni executive summary hii yeah. Ndio hiyo tofauti, okay those are the things we have put out in the public, report hii hii iko in the public na hiyo volume nne itakuwa pia, hiyo itachukua muda kupublish.

Halafu tumeweka hiyo nakala mnayo ya Kiingereza ya constitution okay, ya Kiswahili wako karibu kumaliza tafsiri na itawekwa tena kwa magazeti na kwa documentation centres in every district okay and it will be distributed, mnaelewa? Okay.

For this constituency, we have 200 copies na probably people who will come here will get it and then it will be finished, so you should not keep it to yourself. You must keep, you must share it, si yako personal, you must share it okay. Later own tutajaribu na baadaye tutachapisha constitution ili kila mwananchi awe nayo, where is that kapocket please? Na pia baadaye hata constitution ya zamani public law institute ilikuwa imeakuwa imetengeneza nakala hizi, hii na hii ya Kiswahili na Kiingereza inaitwa pocket constitution hii, pocket constitution hii inaweza constitution kufupishwa iwe hivi, ili unaweka hapo au kwa pocket

hii ya nini, ya wanawake au kwa mahili yeyote au nyumbani for reference. So, mwishowe tutakuwa na kitu kidogo kama hii ya constitution ili kila mtu awe nayo lakini ile kubwa yote itakuwa pia pamoja okay? Okay.

Now imeeleweka Mr. Ludava? Yeah, hiyo four volumes will come, it is being published being done, inachapwa itakuja okay. Haya ile tutazungumzia leo ni hii kitu kiko pia kama South Africa tunayo na mtoto street child au chokora utaenda ukimguza au unfanye nini ukimpiga teke kwa sababu watu wengine wanampiga teke, wanachukua wanasema hii ni Katiba unanidhulumu mimi ni mtoto tena mimi ni mtoto ambaye sina makao unanidhulumu, na akikufanyia hivyo basi, imekuwa hivyo eh. He is protected in the constitution na anaweza kukupeleka kortini kwa vile unemdhulumu, so the constitution protects people in that way and you need to have it, you need to know it, you need to know it very well. Kwa sababu hiyo ndio ita control maisha okay.

Kuna sehemu nyingine iko controlled na maisha yetu yote jumla, iko controlled na Mungu lakini hii ni ya dunia hii. Okay sasa mahali kote Kenya watu wote wanafanya vile tunafanya. We shall finish next week halafu turudi, wacha nimalize hiyo turudi Nairobi.

Kuna National Constitutional Confrence ambayo inakuja mmefanya uchaguzi sivyo, yeah. Hiyo uchaguzi District Coordinator anaweza kueleza lakini National Constitutional Conference ndio inakuja. Hapo tutakuwa na all Members of Parliament 210 elected, tutakuwa na watu watatu kutoka kwa kila district, jana hao watu walikuwa Vihiga watakuja hapa? Yeah, uliwaambia? Wanafaa wajulikane, huyu atawaambia ni wakina nani.

Tutakuwa na representative ya NGOs, representative ya political parties kila watu watakuwa hapo NGO's, people with disabilities watakuwa hapo wanawake watakuwa umo kwa hiyo Confrence. The Confrence venue will be Bomus of Kenya, we had to make a decision you know tuliangalia, tukaangalia Kasarani, tukaangalia nini venues zingine tukasema tutaende Bomus. Itakuwa na watu karibu 700, hao ndio mkutano mkubwa ndio imekuweko hapa Kenya, watu 700 huko a Confrence najua kuna vitu vingine vinaendelea kama delegates ya hii au delegates ya ile, lakini hii nao ni wengi lakini yetu ni Confrence.

Kwa Africa nzima hii ndio Confrence ya constitution kubwa imewekwa. Cameroon walikuwa na 250 delegates, Uganda sijui ilikuwa 400. Wengine walikuwa there is another country which has 350 namna hiyo.. Mozambique pia walikuwa nayo na hivyo, South Africa therefore it was a 500 I think.

Sasa huu mkutano wetu ndio mkubwa sana, hapo role yetu kama Commissioners tutakuwa secretariat hatutakuwa na votes. Hapo tutakuwa tu secretariat, yetu voting ilikuwa kwa kutengeneza draft na hapo ndio majadiliano itakuwa sasa ya nchi na hapo ndio tunajitayarisha sasa, ili wa ofisi wenu wakienda watazungumzia mambo yenu.

So if you have a proposal to make, further proposals you will give them to your representatives. District Coordinator pengine ungetaja tu majina yao halafu wakija baadaye utawainitroduce.

Agnes Ayuma: Commissioner wetu na watu ambao mumejuja kuhudhuria huu mkutano wetu hamjambo.

Audience: Hamjambo.

Agnes Ayuma: Mimi ni Coordinator jina langu ni Agnes Ayuma na last month tulikuwa na uchaguzi kwa wale watu ambao tulikuwa tunataka waende watuwalikishe kwa hii National Constitutional Conference, Nairobi.

Tulikuwa na announcements over the radio na tukawa na, zikawa pia published kwa hizi Daily Newspapers ambazo sisi husoma kila siku, na walikuwa wanataka you pick nomination papers kutoka kwa ofisi ya District Coordinator unajaza, unakuwa na proposer na seconder na subscribers ama supporter, wale watu ambo wana support wewe. Wanasema ya kwamba wewe ni mtu wa character nzuri na unaweza kutuakilisha kwa njia ambayo inafaa. Sasa ilikuwa ni lazima tuwe na moja wa either seconder au proposer awe councilor to the county council.

Tuliweza kupata majina ya karibu watu 15, wanawake wasita na wanaume 9 na tulifanya uchaguzi siku ya Juma nne tarehe 17 mwezi wa September. Tulikuwa pale Vihiga county council na tuliweza kupiga kura na kura zetu ilikuwa kwa njia ya haki na huru, na tulichagua representatives watatu. Mmoja tulipata mwanamke anaitwa Evelia Rebbeca kutoka Hamisi constituency, yeye ndio atawakilisha wanawake kutoka hapa Vihiga district. Wa pili tulipata councilor Calleb Jumba, yeye ndiye Vice chairman Vihiga county council. Na councilor Jumba na councillor Calleb Iganji walipigana vilivyo na councilor Ijumba aliweza kumshinda councilor Iganji kwa kura moja, na akachukua hicho kiti cha Civic leader.

Na tulikuwa na another open seat, ambayo tulipata mshindi kuwa Mr. Charles ohare kutoka Emuhaya constituency. Nadhani mtawaona hapa, watakuja kujijulisha kwenu na hao ndio wale amboa tutatuma kutuakilisha kwa National Constitutional Conference ile ambayo mmesikia itakuwa Bomus of Kenya.

Mnaambiwa ya kwamba makiwa mtakuwa na moani yale mnaona ni lazima isikie Commission na pengine hamna njia ya kufika huko haraka hao watuwakilisha, ukileta hiyo maoni yako tutawapatia na watuwakilisha huko vile wataenda. Asanteni.

Com. Adagala: Asante, nafikiri mimi mwenyewe naweza kusema hiyo ilikuwa fair kwa sababu we are four constituencies in one district na nikaona Emuhaya iko hapo, Hamisi iko hapo na Vihiga constituency iko hapo. Halafu nikaona mimi mwenyewe ninatoka Sabatia pengine ni sawa hao wengine wamepata, sasa tutakuwa huko district nzima yeah. Lakini siku watu walikuwa wanafuata commissioners hata mpaka Mombasa, nataka kukuwa commissioner committee mama Omondi halah! People are voting, unajua the new system will be like that, I mean but people are voting at home why are you in Mombasa? ...oh nataka useme jina langu, tukasema hatuna influence kwa hiyo. Hatukuwa na influence kwa hiyo.

So ni vizuri wamefanya na nimeona ni watu wanatosheka hao ni watu ambao wananguvu kwa sababu kwa National Constitutional Conference itakuwa kama market place of ideas, pia itakuwa kushindana lakini itakuwa kushindana ya vita vya ideas. So I have seen that these are people who can argue and bring up a strong argument.

Ukienda huko na uko maziwa lala au ukienda uko na unatarajia watanipa kitu kidogo kwanza ndio nipige kura utawachwa nyuma. Haya..

Speaker: Are there more comment?

Com. Adagala: Any more comments? Come forward if you have a comment, you just come forward yeah. *(In Kiluhya)*

Heron Odongo: Fine, my names are Haron Odongo Mkangula and I come from Kigama sub location and mine is a question also a kind of observation, that already we are supporting the Constitutional Review Commission going on in Kenya and this is historical in our country. And that we are sometime very much hurt when we hear a create space few politicians say that this constitution is better suited for foreigners, but I have been going through and I found out, it is a very good constitution for our ages to come. It will benefit us and it will also benefit those who are coming a head of us. So my question is what is the role of the Constitution Review Commission? Are they able, do they have the ability to stop these politicians from making it naïve or trying to pre-desitinate it kind of something of that kind, yeah. That is my question.

Ludaga: Sorry I thought we were making a comment just on elections. I think on the on set mimi naona hawa watu tumechagua wametulet down, maanake kama huu mkutano ilitakikana kuanza saa nne na sasa ni saa tano na dakika kumi na tano. Sisi tayari tunapeana views ambazo hawa watu walichaguliwa wanatakikana wawe wakichukua notes na kuakilisha kwa ile confrence, na saa hii hawajakuja, tunaambiwa watajitokeza saa ile pengine sisi tushaenda. Mimi sioni kama hii ni vuzuri. That is one.

Two, nafikiri nationally pengine constitutional Review Commission, ingekuwa imefanya mipango ambao wale wakilishi tuliochagua wangekutana na watu wa hiyo district ili wawe kama wanabeba maoni yao kabisa wakienda huko ili tujue kwamba wakati wakienda, wameenda kutuakilisha kikamilifu. Asante.

Com. Adagala: Hii ndio forum wanatakikana wawe walikuwa Vihiga wakija utatoa hiyo comment eh. La pili, tulikuja kuchukua views kutoka kwenu, zile views tuliambiwa kwa sheria collect and collate. To collect and then put together na tuna database ina hiyo computer ambayo ina hizo views zote. Sasa, maoni yenu yote iko kwa hiyo computer lakini mkikubali nyinyi ni foreigners, that is what they are saying, you people are foreigners. So who are Kenyans? You need to answer because we got these views from you, kuna format ambayo constitution zote duniani zinafuata eh. Standard format, standard ways of writing them. So we have it that way, so if there is foreign views then you are foreigners. Nyinyi ni wageni si Wakenya?

Audience: Si wageni.

Com. Adagala: Views ya Wakenya ziko hapa. Mnajua kuna kitu kinaendelea Kenya inabadilika mtu mwingine alisema how can we silent the politicians, we shall not silent the politicians, their right is here, freedom of expression, uhuru wa kusungumza, uhuru wa kusikika uko hapa, okay. Lakini wamezoea wao ndio wanazungumza na watu wengine hawezungumzi hiyo ni mtindo wa 20th century. Tunaenda kwa 21st century, mkitaka twende 21st century, tuende, ukitaka ubaki 20th century eh, 1999, 1950, 1963, 1978, 1988, hakuna mtu atakukataza. Lakini tunaona tuna views ya majority hapa, hiyo ndio tulikuwa tunasikizana kwa hiyo mkutano Mombasa.

What did the majority of the people say, halafu extreme view ilikuwa hii na maoni nyingine ilikuwa hii na ingine extreme ilikuwa ile. Na majority walisema hivi, mimi ni mtafiti I am reseacher nimefanya researche more that 20 years, that is how you collate views. Views ile ilikuwa on the Judiciary ni 1800 pages, 90%, 99% even if I have one to say of those views are all negative ya Mahakama, vile wananchi wako treated mahakamani ni negative. Sasa tusema aje tubadilishe tuseme hao watu wakubwa watajiri sana hatuwezi, tungefanya hivyo mngeskataa mngesema hatukusema hivyo okay.

So we can not stop the politicians, the politicians have a right, you have a right okay, isipokuwa magazeti yetu inareport mambo ya watu wakubwa, lakini wangukuwa fair wangukuwa hapa wareport mambo yenu pia Yeah. So those views we can only take them and put them on record we cannot put much than that okay.

Katiba tunatengeneza Kenya mpya ukitaka kubaki kwa ile Kenya ya zamani ni sawa tu, your right. Politicians have a right of associantion eh, you have right of association. You can associate with your views and associate with them, it's okay. You can also associate with whoever you want to associate. Kenya huru inakuja na iko njiani, na mzoe kubishana sio kupigana lakini kubishana kwa maoni na kujadiliana hiyo ndio democracia. Unasikiliza huyu lakini ni pia ni democracia mila yetu (*In Kiluhya*) halafu unakwisha hapo eh, (*In Kiluhya*). Hiyo ndio haki, haki ya tovu, kuna haki ile ya tovu (*In Kiluhya*) hiyo mtu hawezi kukunyanganya okay. Haya basi tuendelee na hii basi.

Speaker:(?).

Com. Adagala: Ukiwa na swali Mzee unakuja mbele, sitaki kelele kutoka huko.

Speaker:(?).

Com. Adagala: Utakuja, utatembea na miguu yako uje hapa na ninaambia kila mtu.

Lazarus Samba: Jina langu ni Lazarus Samba, mimi natoka hapa Chavakali. Swali ile ningependa kuuliza wananchi au kuuliza commissioner ni hili hapana uliza commissioner.

Interjection Com. Adagala: Angalia huko, angalia(?)

Lazarus Samba: Kwa nini au tungekuwa na kufungu ndani ya Katiba yetu hii, ilikuwaaje mtu kama Rais wetu alikataa kutoa maoni yake kwa Katiba yetu. Na tena close up this space yeye amekuwa msitari wa mbele kulaumu Katiba yetu. Je mnaweza zozanaje na mtu ambaye hamkulima naye shamba? Mimi naonelea hivi, mtu yeyote ambaye hakutoa maoni yake hana haki ya kutoa makosa Katiba yetu. Mmoja akiwa Rais, anakosa sana.

Tukiendelea mbele hawa Majudge wanataka kushtaki Katiba yetu, mbona tunaona hii Katiba ya zamani ni mbaya sana sana, hata imefanya nchi yetu imefilisika mbona hawakuteta. Ni Katiba mbaya, sasa yetu ndio wanaona ni mbaya, hatutaki maneno yao, wao ndio wanaona tunataka kujua ufisadi wao, ufisadi inanzia mahakamani. Sasa tunataka kuzuia huo ufisadi isianguksha nchi yetu na wanaanza sasa kupeleka Katiba yetu kortini vipi!

Sasa mimi swali langu ilikuwa tukienda kongomano huko mnataka kwenda huko tukatae wile watu hawakutoa maoni mmoja akiwa Rais, asizungumze, asidhubutu kulaumu Katiba yetu. Sasa hii ya zamani yeye hakuenda Lancaster house.

Audience: Alienda.

Lazarus Samba: Alienda na kama alienda? Na kama alienda mimi sikumsikia akiteta, nilisikia some, nilisikia akina Tom Mboya, akina Muliro akina nani. Lakini Rais wetu sikusikia maoni yake. Ya Shikuku nilisikia, bas hivyo hivyo ni ana complain kwa kuwa wamemnyanganya Rais madaraka. Wasi ni hii, Katiba ilioko sasa, wananchi walifanya vizuri sana wakaweka Rais juu ya sheria ambayo vile vile ilikuwa ni kosa. Sheria ya kuweka mtu juu ya sheria ni, juu ya sheria ni Mungu peke yake.

Hata Katiba ya zamani ilikuwa na makosa, mtu kuwa juu ya sheria ni Mungu peke yake. Lakini mbona wananchi hawakuona hiyo Katiba ni mbovu. Sasa hii yetu ndio wanaona ni mbovu, inaheshimu Mungu wao wanasema hiyo ni mbaya. Nini hii?

Murmering from the audience

Basi, machache ni hayo lakini wakati nilisikia wanashtaki Katiba hata ugali mimi sishibi. (*Laughter from the audience*). Imefanana ni mimi ndio wanatengeneza hiyo, si hiyo hiyo mbaya kabisa.

Com. Adagala: Kuna haki ya kuzungumza lakini muda ndio imekwisha.

Lazarus Samba:(Inaudible).

Com. Adagala: Lakini tumechukua hiyo ni proposal yako, tumeichukua umeiandika, proposals yake? Asante Mzee, Samba asante. Ah okay, nafikiri hakuna mambo, ya maana ya ku nini hapo kwa sababu Mzee ni Mzee ambaye ana historia mnaona kwa nywele yake sivyo?

Okay tuendeleo, tutaenda haraka haraka kidogo eh. Haya angalieni kwa table of contents peke yake. Does this thing have table of content does it say so. Okay kuna karatasi ya kwanza hiyo table of contents eh. Tutasoma kidarasa. You don't have a driver.....(?). Okay tunaita driver alete gari tuchukua more constitution reports from it. Hapo, kuna kitu kinaanza table of contents eh, mnaona kuna kitu hapo preamble. Preamble ni utangulizi, mtaona kwa Kiswahili ni utangulizi, hiyo sehemu haiko kwa Katiba ya sasa, haiko ndani ndio hiyo tumeongeza kwa sababu wananchi walisema lazima tuwe na utangulizi na pia tuwe na mambo ambayo inatuongoza kwa Kenya hiyo iko hapo.

Chapter ya kwanza ni hiyo ambayo inaleta ile ukubwa ukuu, ile ni ya ukuu sovereignty. Ukuu Mzee amesema juu ya Katiba ni Mungu lakini hapa tunasema wakuu wa Katiba ni wananchi, hiyo iko hapo na ukuu wenyewe halafu kuna sehemu hapo tutazungumzia hata tutazumzia constitution ni nini hapo.

Chapter ya pili ni the republic, okay. Kwa Katiba ya sasa hiyo vitu tumezungumzia preamble na hiyo chapter ya kwanza haiko. Inaanza tu Kenya is a sovereign republic, kwa sababu Muingereza alitaka kutupea nchi yetu, sasa yeye alianza tu hivyo. Kazi yake ilikuwa kupeana nchi Kenya is a sovereign republic. Lakini hapo tumefafanua zaidi na tunazungumzia republic hii ni nini? Inaendelea vipi? Ina nani ndani? Na ramani yake ni nini? Where is the map of it, eh (*In Kiluhya*) okay, haya.

Chapter three ni national goals and principles, hatuna kwa Katiba hatuna kitu ambacho kinatuongoza sasa tumepata vile mlikuwa mnasema. Sisi tukiwa watu wa Kenya, nia yetu ni nini? Lengo letu ni nini? Ni nini tunaheshimu kwa maisha yetu? Hayo yako hapo yote na hiyo pia kuongozwa na Principal. Hiyo ni kitu muhimu unajua siku hizi ukiambia mtu lazima ufanye maendeleo hakuna lazima, hao watu wanafanya kwa hiari, wanafanya vitu vingine kupata kura, au kwa sababu wanapenda maendeleo kuna watu kama hao, wanafanya tu kwa sababu wanapenda maendeleo lakini hapa tukifika hapo lazima iwe na hiyo goal, tutazungumzia hizo.

Halafu inafuatayo ni uraia, uraia inafaa tusema mtu ambaye anaitwa Mkenya ni nani? Ni nani anastahili kuwa Mkenya? Eh, kweli mzaliwa na tena kuna vitu vingine hapo tutazungumzia. Halafu kuna hapa kwa nakala ya Kiswahili wameita Ukatiba hii ni bill of rights na ni chapter ndefu vile mnaona chapter ndefu na iko muhimu sana. Hii tunaweza kusema hivi ndio tutaishi Kikatiba, ni hii ndio inatuletea haki zetu wananchi. Na pia jukumu zetu kuna jukumu, we have rights and responsibilities okay, we have freedom and duties usifikirie tu ni freedom and rights peke yake, kuna responsibility na duties. Kama kukipa kordi ni duty, ukienda nchi zingine ambazo zinaishi Kikatiba, sisi hatuishi Kikatiba kwa sababu hata hatujui Katiba yetu sasa. Tunaishi tu

hatujui, sasa wale watu ukienda Amerika ukiwa hulipi kordi, jirani wako wote wanakukataa wanakukataa kwa sababu huchangi pesa zako ziende zichangwe pamoja zisaidie uma. Amerika ni kama umeua mtu kama hulipi taxes eh, haya tuendeleo hiyo yote tutazungumza hapo.

Halafu hii ingine, haya hapo ni representation of the people vile wananchi wanawakilishwa, unuakikishwa nguvu ni za wananchi. Kitu kikubwa mjue hivyo nguvu ni za wananchi, wataakilishwa vipi? Hapo hiyo inazungumzia hiyo ndio tutazungumzia mambo chemichemi hiyo ya election na vitu kama hiyo na ni chapter kubwa pia kwa sababu ni nguvu za wananchi.

Haya, kuna hapo tutazidi kuzungumza zaidi mambo ya Bunge, the Legislature. Kuna mikono mitatu wanasema, mikono mitatu ya serikali, hiyo ni legislature kuna mikono mitatu wanasema. Mikono mitatu ya Serikali, hiyo ni legislature hapo, Bunge la pili ni executive chapter 8, executive hapo ni urai stuseme.

Na tuendeleo halafu tutafika kwa Judiciary mahakama hao watu ndio wanatoshana hapo kwa Serekali. Kuna Bunge kuna urais, kuna mahakama, hapo chapter 9. Hiyo chapter nine ndio haifai tuzungumzie na nyinyi pia na msifikirie pia ndio mahakama inasema, okay.

Haya kuna kitu kinaitwa devolution of powers, hiyo ni chapter muhimu sana hiyo ni chapter 10 it is in, ya chapter 10 ndio imekuwa yaku..tafadhali ketini Mzee sitaki watu watembeo tembee hii kitu ni ngumu sana kama hauna nakala zinakuja na pengine hazitatutoshea kwa sababu ni mia mbili pekee yake kwa hii constituency.

Hiyo devolution tuliambiwa devolved powers. Na sababu ya hii ni vile tulipopata uhuru Katiba ya kwanza ilikuwa na governor ambayo alikuwa anaakilisha queen kwa sababu tulikuwa ndani ya commonwealth na pia ilikuwa, tulipopata nini tulikuwa dominion, hatukuwa republic. Sasa hiyo ilikuwa hivyo although walisema republic lakini kulikuwa na governor tukawa na Prime Minister. Lakini keshoye, 1964 kitu kimoja kilifanyijka kulikuwa na, kwa hiyo ndio sababu kubwa ya kubadilisha Katiba ya kurekebisha kabisa kwa sababu walifungua, walienda na spanner eh, wakaweka spanner kwa nini wakatoa, ya kwanza walibadilisha ni hiyo amendment ilifaa kila amendment ipitishwe na watu theluthi mbili 2/3, 65%, if you are making noise please go outside. Haya hiyo ilitolewa, ya pili ilivyopotolewa ni nguvu ya governor ilichukuliwa ikawekwa kwa ya ikachukuliwa nguvu ya Prime Minister ikachukuliwa President akaundwa. Hatukuwa na President tulikuwa na Prime Minister. Wakachukua nguvu zingine za Parliament pia na nguvu zingine za wananchi pia akaweka hapo ndio hiyo President mko nayo. Wakachukua baadaye wakachukua mahakama wakaiunganisha na President so sasa ilikuwa kama President ndio atakuwa anachagua Judges.

Na Parliament ilikuwa Rais ndio anavunja hiyo haikuwa jukumu ya Bunge ilikuwa sasa ya Rais. Hiyo yote ilifika sasa tuseme uraisi wetu ni kama ukizaa mtoto na vichwa na vitano, okay ndio inafaa turekebishe sasa mtoto anavichawa tano na mikono nane eh, ni mtu haya si kitu cha binadamu sasa hicho ni kitu kingine tofauti. Duniani, tunasimama vibaya sana kwa sababu hiyo

kind of Presidency kama hiyo haiko duniani na si democratic si republican, sasa hiyo ndio ilifaa tu-devolve power. Sasa hiyo tutazumzia kwa hiyo chapters zingine executive, Parliament na Judiciary. Lakini mama, table of contents hapo kwanza sio mbele, sitaki makaratasi inini namna hii nataka watu wasikie. Sasa hapo devolution ukifanya hivyo (*In Kiluhya*). Ni kama fumbo imefungwa sasa ukifungua inafunguka sasa hiyo ndio tulifungua hapa hiyo devolution.

Kuna kitu kinaitwa decentralization ndio sisi hapa tulifaidika kwa hiyo because decentralization tukapata districts na hiyo decentralization ni ya kulete Serikali karibu na watu, si ndio walisema hivyo? Bwana D.O. si ilikuwa hivyo? Bwana D.O.

John Isaiah: Ndio.

Com. Adagala: Yes to bring Government closer to the people that is correct that decentralization okay. Kuna kingine kinaitwa deconcentration kwa sababu unacconcentration kama hiyo maji ya quencher, ukinywa direct itakuwa aje, hata si tamu ni kama kali. Sasa unaweka kidogo, halafu unaweka maji ingine ndio inakuwa deconcentrated okay, sasa hiyo power iko nyingi sana katika kati kwa centre kwa sasa inafaa iwe deconcentrated. Halafu kuna devolution, hizi zingine zinaletwa lakini wananchi hawashiriki, lakini devolution lazima iwe na kushirika kwa wananchi. Hasa tulikuwa tunasema majimbo, lakini hata majimbo ilikuweco mbeleni ilikuwa na shirikisho ya wananchi. Sasa ah, kile kilitendeka local council haikuwa na nguvu. Mnalaumu councilors eh, mnalaumu councilors hawafanyi hivi hawafanyi kitu, walifungwa, pesa yao mtu akifunga hiyo tap akaweka (*In Kiluhya*). Councilors wako wapi? Councilors wako hapa kweli? Oh, ya councilor unaweza kufanya zile vitu ungeweza kutungeneza kama mwakilishi wa watu, Yeah kwa sababu nginyinyu iliwekewa kwa pesa. Sasa tutatoa hiyo pia hiyo ndio devolution eh, itoke hii tank imejaa maji sana tutafungua hii hiyo irudi pale ilikuweco, si mnaelewa? Yeah sasa hiyo ndio devolution na vitu vingi sana, vitu vingi vinafaa virudi kwa wananchi. Waswahili husema hii sasa ni shirikisho ni devolution ni federalism ya shirikisho.

Waamerika wenyewe wanajua, kuna capitalism lakini capitalism ikiweco bila federalism ndio tunaishi vile tunaishi, mnakaa tu vitu vinatendeka Nairobi orders zinatoka Nairobi D.O. analeta zingine na mna hata mnaangalia mnashangaa mara mwisho mnazoea lakini maisha haiendelei hata ukiwa na fikira huwezi kutoa hiyo fikira, okay. Huwezi hata kutekeleza wewe unaweza kutoa kwa councilor na councilor hawezi kutekeleza, halafu mnakaa tena. Halafu hata chief anakuja anaorder ingine kwa sababu hii constitution iko Katiba iko chief ananguvu nyingi imepunguzwa na IPPG lakini pia bado ako na nguvu nyingi.

Halafu chief anasema, hata akisema hamuwezi na tena hata mara nyingi hauwezi kumrudishia hau hata D.O. na arudishe apeleke kule kwa sababu hata hauna haki ya kurudisha. Sasa hiyo ndio shirikisho kushiriki kwa Katiba na kushiriki vile maisha inaendelea kuwa na jukumU na wajibu wa kulinda. Mtu akija hapa sasa akifunga nini au kama tusema hiyo Maragoli forest ilienda, wewe ulisema nini kwa hiyo ulinungunika tu, okay.

Hata ukijua hapa Vihiga kuna vile Mzee Otiende anasema kuna fedha hasa gold utasema tu lakini ukiwa na nguvu ya decision

making kutoa hiyo decision ya kufanya, utasema eh tujaribu lakini sasa unaona watoto wanaenda kwa hiyo mito wengine wanafarikia huko sivyo na (*In Kiluhya*) uchi, wanajaribu kwa sababu wanajua kuna kitu hapa lakini there is no exploitation sasa inakuwa tu kitu cha hatari kitu cha kupata kitu kidogo bila, sasa.

Interjection Speaker:(?).

Com. Adagala: Mzee usinijubu okay, tuko darasani nataka tuendeleo, ukifanya hivyo yule mwingine atafanya na yule, tutakuwa na nafasi ya kusema hiyo, okay. Sasa hapo ndio devolution, pia kufaidika devolution ni kufaidika you must benefit from your local resources from where you vote from natural resource na pia from national resource you must benefit. Sasa 50% of the resources national resources in Kenya are in Nairobi 50% na sio mimi mimi kazi yangu ni kufundisha hadithi lakini wataalam wa pesa wame calculate wanasema vitu vyote vinavutwa vinaenda Nairobi haviendi tu nikaona mtu akipanda gari anaenda Nairobi ni constitution, Katiba ya sasa ndio imemfanya hivyo. Mkiona mtoto ameenda ameishi Nairobi miaka kumi ni constitution imejenga hiyo, kwa sababu wanasema niende Nairobi nipate kazi. Halafu anaenda kula ile mshahara hata anakuwa na aibu kurudi nyumbani, sasa anaishi kula analinda maisha yake tu, sasa imevunja familia baba hamuoni, mama hamuoni, watoto hawamuoni. Mama anafunga safari anaenda kutafuta school fees anatumia 500/= kuenda, anatumia 500/= kurudi akirudi hana school fees. Imejengwa hivyo, maisha yetu imejengwa hivyo. Mzee Otiende pia alisema tuko maskini kwa sababu tumepangwa hivyo, planned poverty.

Tulipokuwa Mzee baba Solomon aliniambia ni 1963 Kakamega tulikuwa Kakamega wakati huo, tulikuwa Kakamega hii na Butere na Lugari na hapa eh. Ilikuwa the richest county council in Kenya. Buhungu Stadium ilijengwa na pesa ya county council. Nimesema uongo? Na Kakamega county council, sasa walikuwa wamefika hatua ya kusema oh sasa tunaweza hata kuanza kuinvest Abroad Ngambo, sasa niulize Mzee mlikuwa mnapata wapi hizo pesa akasema tu kwa maindi, ushuru wa maindi, ushuru wa vitu na hivyo, you know akataja pengine wanaweza kuangalia Jairo hapa ni mtaalam wa hiyo..

Interjection Speaker:(Inaudible).

Com. Adagala: Eh, Yeah na Mzee pia alikuwa anafanya hapo county council clerk alikuwa hapo. County council ya Kakamega was the richest, where are we now?

Audience:(?).

Com. Adagala: Yeah are low low down and where are we, we are sitting on gold. Hata choo watoto wakichimba wanaanza kutoa vitu sivyo? Haya tuko kama ile kama mmeona hiyo TV hiyo mambo ya Egoli ya South Africa. Egoli maanake ni a place of gold hata kwa TV wanasema hivyo eh, Egoli. Kuna mahali pengine panaitwa a place of gold inaitwa Ikolomani okay, a gold mind hiyo, na binadamu hafanyi kitu kwa ujinga wanajua wako huko na mine hata tulipokuwa watoto watu walikuwa

wanaanguka humo inakuwa story you know, Ikolomani place of gold sisi hapa tunaweza kuishi maisha ya wale wa South Africa sasa hapa ni place of gold okay. Sasa hiyo ndio devolution tunataka turudishe kwa sababu hakuna mtu ana develop tulikuwa na united nations report, ikasema there is gold in Western Kenya, hata huko Ndhiwa kuna gold. Kenya Government ikasema yes but it is not viable, hatuta-exploit, hatuta develop kwa sababu haina faida kwa Wakenya okay. Na pengine ilikuwa tu it was in the wrong province okay. Hiyo hatujui kwa nini walisema lakini report ya united nations ilisema hivyo na wao wakasema it is not profitable, na nimeona watu wakitajirika na hii gold ya, in the reverse, okay.

Haya tuendeleo hiyo ndio devolution kulete vitu you will decide what you want to develop hata Wapokot walituambia kwao kule we have rubbish and minerals and what but they are not developed, tukaenda mahali kwingine wakatuambia they are developed. So we end up all of Kenya is marginalized this short report of ours says that we went out and found a marginalised nation hii, iko hapa.

Okay Professor Ghai anajua kuandika vitu vizuri sana. What we found is everybody is marginalised, hata wa Kiambu wako marginalized. Everybody is saying we have been left out of this, we have been left out on that we are not in this. Nobody is doing development for us our children this so everybody is alienated, everybody hakuna mtu anajisikia mimi ni Mkenya, mnajua Watanzania wanajisikia Wakenya, Watanzania e Mtanzania nini Mtanzania ndugu eh wanajisikia. Lakini Wakenya hata sasa ile imekuwa kama(?) nchi unajitoka kwa mambo hayo yote hata ikiwa moto moto wakina mama wanasema eh, wacha iendeleo, si hivyo. Sasa wakina mama wanasema ah, ita ndio wanaume wanawacha, na wanaume wanasema hao watu wanachukua nguvu zote wamekuwa power barons hao wengine, hiyo ndio vile watu walizungumza. Haya hiyo devolution ni hiyo lakini tutafika kwa nini, huyu kijana ananisaidia kwa sababu hata hii jicho haisomi, sasa ananisaidia eh.

Haya tunakuja kwa mambo ya ardhi: ardhi na vile property is what... (?) mali mali, mali mali yako na unajua Wakenya mali yao ni ardhi sivyo. Please go and get District Coordinator and where are committee members? Go and get those, just get one bundle.

Sasa land, land are you listening? Msiangalie kwa dirisha watoto wanafanya hivyo halafu wanashika mkia. Land, ardhi hiyo plot yako hapa kuna plots si shamba eh. Kuna watu wengine wana mashamba makubwa. Wamaasai wamesema watu wamevamia mashamba kwao na wanasema hakuna idle land. Wanasema hivyo, wanasema tukiwa na ng'ombe huku usije huku unachukua land kwa sababu haina mtu, kwa sababu tutarudi huko ikinyesha eh.

So, that is how it goes. Wamaasai wamesema Mungu alitengeneza hii dunia na akampa kila kabila Mungu aliwaambia mkae hapa na kabila ingine hapa na kabila ingine pale. Sasa wanasema mtu asifikirie kwa kichwa chake we have idle land huko kwao, kwa sababu kwao sasa wako 48% foreigners watu ambao wanatoka, wanawaita foreigners na 52% Wamaasai. Wamesema it's too much eh wamelaumu councilors, wamesema these councilors just give away plots they sell them eh.

Kuna mahali kwingine huko Laikipia tulienda 800 acres, acres laki nane, tusema basi ni one million eh, ni za nani? Ni za

Wazungu 24, okay, na wamepewa lease ya miaka tisaini na tisa na huwezi kuwanyanganya kwa sababu Katiba ya ukoloni iliwapa. Sheria ya ukoloni iliwapa hiyo shamba. Sasa hiyo its coming up in 2000, walipata 1904 sasa inakwisha mwaka gani? 99 years 2003 and 2004, na watu huko wanaangaika wacha niwambie sasa hao watu there lease will be. Hold on Mr. Ndagaro. Ukipata hiyo usiseme kitu, upate tu upoke weka mkono juu kama hauna Katiba basi, hiyo imetosha. Andergaro peana.

Msianze kunungunika okay, hawa watu wa Laikipia wanasema lakini this was my grandfather's land tulikuwa na ukame huko, kulikuwa na ukame mbuzi zangu zikaenda hapo, polisi wakaja wakanishika nikaenda kortini nikakuwa fined kwa sababu nimeenda kwa shamba ambaye ilikuwa ya babu yangu eh. Na sio mtu, ni watu ambao wana akili. And that is actually the chair of the 3c's, the chair of the constituency constitutional committee. Anasema nilifungwa nikapelekwa kortini, sasa ni mtu kama Margaret hivi eh mwanamke kama Margaret hivi ndio alikuwa anasema hivyo. Sasa huyu mtu anaweza kusema mambo ya ujinga. Sasa pia wananungunika sasa itakuwa aje, wameweka stima huwezi kuingia lakini huwezi kuingia lakini saa zingine ndovu hupita na wanakanyaga kwa hiyo stima halafu wanakuja barabarani ukikutana na ndovu barabarani hauna mahali pa kwenda kwa sababu stima iko kwa wires uko, stima iko kwa wire huwezi, na wamewekea nyinyi hamjaona kitu wanaita barrier. Wamewekea barrier kwa barabara sio road block imejengwa ya ukoloni ilikuweco nakumbuka nikiwa mtoto ilikuweco, wanaweka. This is Mkogodo reserve, sasa Wamaasai wanasema vile tulikuwa tunaenda, ng'ombe zetu zilikuwa zinapita zinaenda kule zina, sasa tuko boxed in Mzee mwingine alizungumza mpaka karibu nilie, tuko boxed in, tuko boxed in na hatuwezi sasa hawana maisha kwa ng'ombe lazima zipite ziende kule inanyesha na zirudi. Na ukiuliza Mmaasai anasema nchi yetu inatoka Kitale inaenda Laikipia, inaenda Arusha hiyo ndio walikuwa wanatembea inapita Nakuru. Nikawauliza na Nairobi je, wakasema pia Nairobi ni yetu, wakafurahi wakasema pia Nairobi ni yetu.

Unajua kuna mambo imetendeka nchi hii kwa karne moja, mia moja imepita, inafaa irekebishwe kwa mambo ya mashamba. Hapa Maragoli nasikia mnasema na mlisema tuende tuwe tunasettle kila mahali, kila mahali mtu anaweza kwenda wengine wanasema wako wapi? Kiambu Central province nikasema mtu anaweza kwenda kusettle kila mahali anataka, na hapa hapa Tiriki tusikie kwa sababu sitarudia hii tena tukienda tutaenda tu kwa provision. Hapa Tiriki wakisema hatutaki watu waje wanapata misitu yetu na wanaleta watu wao kukaa huku. Unajua hapa wana haki ya hiyo, kulinda misitu yao na walisema hivyo, watu wanakuja tu wanasema hata wanakuja halafu wanaita Mahadi Mululu, sasa unauliza mlulu juna imetoka wapi eh. Na Wamaasia wamesema hivyo mtu anakuja haeshimu hafanyi anakuja halafu hata hapo anaita jina la kwao analeta hapo eh so ni kitu ambacho ni kitu muhimu sana kujua land has many problems. Many many problems hata watu walitoka huko wakaenda Lugari. Tulikaa huko ukisema eh watu walitoka walienda Lugari. Tukaenda Lugari mtu akasema niliua shamba yangu actare mbili nikakuja huko nikafika huko nikanunua actare kumi, sasa nimegawanya hiyo kwa watoto wangu kila mmoja ana acre mbili. Sasa nimerudi pale nilikuweco bila development ya Vihiga.

Sasa hao wanasema hakuna haja hata ya kuhama kwa sababu in one generation, unapea watoto wako what you had na pia haitatosha kwa sababu huko pia kabisa ni mashambani hakuni kutu kingine cha kufanya isipokuwa kulima. Hata wakasema hii

sub-division imaaribu kwa sababu it was large scale farming ilikuwa mashamba makubwa ilikuwa inatoa nini nyingi ndio ilikuwa inatajirisha Kakamega halafu anasema sasa atumedivide na tuko maskini. So, ni kitu kama hicho vitu vingi viko ndani property, property yako uliipata vipi, msione mtu ambaye amepewa shamba na mfanye kama oh, yeye ako laki yeye anabahati itachunguzwa inaitwa challenging first registration, hii shamba uliipata vipi? Kama nilinunua kwa huyu nitasema nilinunua kwa huyu. Huyu anasema nilinunua kwa ule, yule anasema D.O. alinipea na ni shamba la nani? Ya uma, wanakuambia tafadhali hilo shamba irudi okay, hiyo plot irudi ndio iko hapa.

Watu walisema ardhi ya uma irudi, na tukakubali. Wengine wakasema mambo iko hapo mengi ya wanawake na mashamba na land na mambo mengi iko hapo. Ah, okay which one? Okay, sasa tunakuja kwa mazingira na mali ya silia, kila mahali kuna kitu. Watu wengine wanatoka kwa high potential districts kama watu wa Kiambu wanasema kwetu ni high potential, unawauliza na wapi sio high potential? Kwa nini Kiambu iko high potential because somebody developed there. A hundred years ago Kiambu was not high potential, it didn't have anything, hawakuwa na kahawa lakini kwa sababu bei ya kahawa duniani ni kitu muhimu ndio wako high potential.

Watu wa North Eastern wako high potential, lakini hakuna mtu amewasaidia, pesa yao nyingi ilikuwa ya security eh, hiyo emergency yote ilikuwa huko pesa ilikuwa ya security na ilikuwa inalipa jeshi. Sasa hiyo allocation yao yote ilikuwa imeenda kwa security, sasa wanasema there not development. Hata maji ambayo iko kwa mto 3 kilometres away hawawezi kulete, sasa hiyo ni kitu cha muhimu kuona hapo watu wawe na nguvu za kulinda eh, ndio watu walisema wawe na nguvu za kulinda mali yao, hiyo ya mazingira na pia ya ardhi iko kwa sehemu yao. Na wafaidike kutoka nayo, sasa mimi najaribu kujenga hapa lakini kitu kinanisumbua ni kitu kinaitwa sand, mchanga. North Eastern dunia nzima, ni mchanga na tena nzuri sana. Nikawaambia kwetu hii ni mali, wakasema wapi? Nikasema hii ni mali hii tunatembelea na mtu mwingine akaniuliza nikamwambia alikuwa anasema maji ya hapa nikama ile ya kwetu. Kwanza alikuwa councilor, mama wewe niambie commission maji ya hapa ni kama kule kwenu? Nikamwambia kwetu inanyesha usiku na mchana na hiyo ni kanuni ya Mungu, hiyo ni Katiba ya Mungu, wacha tuwache hiyo ya Mungu tuzungumzie hii ya Kenya. Kwa sababu sasa nifanye aje? Inanyesha, nifanye aje, hainyeshi huko, unaona lakini wana mchanga wana nini hata they can do transporting. Beautiful, beautiful sand some of it white, some of it red, some it na ni mchanga tu.

Na kuna vitu vingi huku ambavyo havijakuwa developed na tena wameweka huko wild life sehemu nzuri ya gracing during the dry season, huko Ijara nafikiri ni Ijara. The area where cattle used to grace during the dry season imekuwa national reserve, sasa wakienda huko wanapigwa bunduki na people die eh. Sasa wanasema hii kitu hakuna kitu tunafaidika kwa sababu sasa security is on there is no tourism, wanasema watu wa Narok hao ni sawa kwa sababu tourists wanaenda huko halafu Narok county council inapata pesa lakini hapa kwetu hii kitu kitolewe ng'ombe zetu zi.. kwa sababu hawaoni faida yake, hawapati kitu kutoka hapo, ng'ombe zao zikienda uko zina.., hata hao wa Kajiado. Wakasema hapa hii mlima ndio tulikuwa tunapeleka ng'ombe yetu, ukienda hapo unapigwa risasi au ng'ombe inapigwa risasi au ukienda ndovu inakuwa au simba inakuwa au simba inakuwa au simba inaua ng'omba yako.

Boran mwingine akasema kama simba imeua ng'ombe yangu, nataka ruhusa niue hiyo simba hii ni Moran eh, na amefundishwa hivyo Moran unawaona vijana watu kabisa. Anasema nataka niue hiyo simba lakini siruhusiwi, inaua ng'ombe zangu tano na bado inaishi kwa nini? Wanataka waelimishwe hiyo simba inafanya nini hapo na wao pia wafaidike na vile inaendelea, hiyo ndio natural resources, watu wanataka wafaidike.

Hapa Lugari sand paper inachukua miti eh wakienda wanaambiwa but we are buying from private people. Sasa wanasema lakini councilors nazungumza mambo councilors wamesema lakini hatufaidiki na hiyo, wanaambiwa lakini si yenu. Wanasema lakini iko kwa county council yetu vipi, hata walikuwa na demonstration huko na wanataka wafanye ingine kwa sababu hawafaidiki. Pan paper inachukua karatasi yote inaenda wapi? Nairobi, ukitaka bahasha itatoka wapi? Nairobi hiyo ndio hiyo concentration, hiyo ndio concentration. So yetu ilikuwa kuzungumza hiyo mambo yote, yote inaingia kwa devolution, hata hii mambo yote tumezumza hata ya mbele ni devolution eh.

Haya kuna public finance na revenue management hiyo pia tutazungumzia hapo. Mnajua mambo ya mali ya pesa ya uma na vile inaendelea, okay. Kuna vitu vingi kuna barabara hapa zimekaa kwa vitabu inasema it is tarmacked. Na wenyewe mnajua mnakuama, wakati wa mvua mnakuama kwa matipe na wakati wa kiangazi inakuwa vumbi, public finance itakuwa hapo.

Okay public service sasa hao watu ni line hiyo ya wakina D.O. na wengine tuko kwa public service, hata mimi nikiwa mwalimu niko kwa public service ah hiyo pia imezungumziwa hapo.

Halafu chapter 15 ni hiyo ya kulinda nchi defence hawa ulinzi, ulinzi wa nchi na pia national security watu walizungumzia hivyo. Watu wako mpakani walisema Kenya haijali mipaka yake. Watu wa Busia wakasema kuna islands wengine kwa Lake Victoria watu wameuwawa hapo kwa sababu hawawezi kwenda. Watu wa Rarieda na Bondo wakasema kuna islands hapa tukienda Waganda wanatufukuza. Watu wa Turkana wakuambia we are the burbed wire of Kenya because the army is not taking care of the boarders we are the bubded wire of Kenya na wanataka walipwe kwa sababu wanalinda mipaka okay.

Wengine wanasema Kenya haijali sasa hata wengine kule unapata police wa kule anamshipi hivi na ingine hivi ya bunduki na wewe police, Kenya police reserved you have fire bullets. Wanasema sasa huyo tunazungumzia tu kama yeye ni mkubwa, kwa sababu Muethiopia amevaa hivi eh, Msudanis anahiyo analinda, Mganda ana hiyo sasa ukienda huko Kenya police reserve 5 bullets na pengine kwa mifuko imebaki tatu, na huyu mtu sasa yeye ni mkubwa kwa wewe, sivyo? Utasema nini mtu amevaa risasi mishipi yote na ana hiyo.....(?) eh.

Haya kuna ingine ya uongozi chapter ya uongozi hapo ni chapter gani hii? Sixteen ya leadership na integrity pia tumeweka hiyo ili iwe na code of conduct. Mtu anafaa awe leader anafaa awe nani? Nafikiri siku hizi tutachukua mtu akiwa tajiri anafaa awe leader sivyo? Hata Nairobi walikuwa wanatuambia vijana wa Mathare, we want someone to declare so that we know if they

have enough money to campaign. Wamebadisha hiyo declaration of wealth imebadilishwa sasa wanataka, will they have enough money to give us, nikaangalia hao vijana sikuwauliza nikawacha tu, nikasema wacha tuendelee. Lakini tunataka kujua yes, you want to be a leader, are you upright? Are you moral? What is your standing in the society? Unajina gani kwa society, hii mali unayo ilitoka wapi? Okay, declare okay.

Halafu kuna hiyo Ukatiba unaendeshwa iko hapo kwa chapter ile niliwaambia ya bill of right, lakini hapa kwa chapter 17 pia kuna commission imetengenezwa na ni commission kumi tutamwambia ni kumi na hatungetengeneza nyingi sana kwa sababu pia haziwezi kuwa nyingi lakini tutawaambia hata hapo mnaona orodha yenyewe na hizo ndizo zitasaidia kulinda Katiba. Hizo commission moja ya hapo itakuwa constitution commission okay na hazitakuwa hii ambayo zitakuwa hii ambayo itakuwa na watu nafikiri ni watu tano hivi, watu tano pengine watu kumi peke yake.

Na hizo commission zitakuweko human rights hizo zote zitakuweko halafu na pengine mlituambia. Iko hapa commission ya salaries and remuneration na nyinyi wenyewe mlisema Wabunge wanawezaje kujitajia, kujiamulia in twenty minutes salary rise ya millions na Waalimu hawana eh, hiyo kitu kilikuwa uchungu watu walikuwa wanazungumza mpaka maneno inaisha kwa midomo. Tukaweka salaries commission ya hapo okay na zingine ziko. Okay, sasa tumeweka pia vile constitution inaweza kuwa amended chapter 18 kwa sababu hiyo ndio shida tulikuwa nayo na hii commission, na hii Katiba ya sasa na hii ndio commission ikaja ili tuwe na review.

Kuna vitu vingine haviwezi kubadilisha isipokuwa wananchi waulizwe for referendum. Kuna vingine vinaweza kubadilishwa na Parliament, lakini sasa parliament ni nyumba mbili, sasa moja inachunga ingine okay, hivyo eh, okay. Halafu, turn off your mobiles please eh.

Interpretation inaonyesha tu vile kutafsiri kufafanua hii mambo yote halafu. Halafu na ile inaitwa transitional and consequential provisions, transition tuko kwa transition, mmesikia tukizungumuza transition transition, kuna transition ya utawala na pia kuna transition ya Katiba. We are living in a very very historic moment. Watu ambao wamekaa kando watakuwa na shida nyingi sana wakati huu mwaka ujao. Maisha yao hawatajua wanaelekea wapi awe na, sasa hii inafaa ifundishwe kabisa watu wajue, lakini kwa vile tunavuka kutoka kwa Katiba ingine kwenda kwa hii mpya na sasa hii iko proposed, tumekuwa na hiyo inatwa transitional ile daraja a bridge. Kuna vitu vingine lazima viwe bridged eh, ili (*In Kiluhya*). Na ukifanya transitional, pia kuna consequence kuna matokea sasa hiyo yote imekuwa hapa. Sehemu hii ndio ilitufanya tulikuwa tunalala saa tisa ya, sio kulala kwenda nyumbani saa tisa ya asubuhi, ya usiku ilikuwa ngumu sana. Lazima tulianza tena kutoka hapa nini inafaa tufanye iwe daraja, daraja kwa neno kila kila sehemu na hata hivyo Parliament pia itakuwa na jukumu la kuangalia utaratibu sheria ya Kenya ya zamani na hii iletwe iwe sawa sawa, harmonization eh, kwa hiyo. So hiyo ndio transitional.

Halafu mwishowe kuna sehemu ambayo iko huku nyuma inaitwa schedules, hizi schedules ni mambo, details ya sehemu fulani fulani tutamwambia, kama, msiangalie nyuma nataka tu muangalie hapa kwa list. Nyingine are just alphabet na numbers ina

sababu tutawaonyesha mtaangalia na mkisoma nitakuwa nawaambia refer to schedule two or refer to schedule eight. Kama hii ya provincial administration huwezi, kwanza provincial administration haiko kwa Katiba, sasa wakisema commission has abolished provincial administration it is not possible, kwa sababu huwezi kufuta kitu ambacho hakiko, na hiyo kilikuwa kitu kilitengenezwa kilitolewa kwa colonial times ikaletwa kwa independent Kenya na hakiko kwa Katiba hata mtu mwingine alisema kama provincial administration nzuri kwa nini queen hanayo kwao eh, ilikuwa hapa kwa colonialism. Sasa kwa nini queen hanayo kwa hiyo nchi yake? Hakufanya provinces ambazo ziko kama nchi za hapa lakini haiko kwa Katiba ya sasa, sasa hatukuweza kuabolish instead tuliweka hiyo system nyingine ya second chamber ili vitu vifanyiwe kwa njia nzuri mashinani na kuendelea juu.

Kwa ufupi hiyo chamber ya pili niwaambie sasa kwa sababu tutapitia haraka sasa. Hiyo chamber second chamber national council. Parliament ina nyumba mbili na mwanzo tulipoanza Mzee Mandevu hapa tulikuwa na nyumba mbili sivyo? Yeah, na hiyo nyumba ilikuwa seanate ya Parliament okay. Senate ika, hiyo ndio ilikuwa hiyo ya kunyakua nguvu pia ikatolewa ikawekwa mahali ingine hiyo nguvu na hiyo nyumba ikaanguka. Sasa kunayo mbili essentially, kwa ufupi tumechukua lile jukumu ya chief na ile ya councilor na tumeweka pamoja, sisemi muende kusema hivyo lakini nawaambia kwa urais kwa sababu mlituambia kitu gani chief akiwa appointed apigwe transfer kama D.O., kama D.C., kama P.C. lakini akiwa elected akae hapo okay, sasa kwa sababu ni watu mmempa hiyo nguvu, lakini mtu ambayo mlikuwa mnafanya election, mtu ambaye anaitwa councilor hakuwa na nguvu sasa tukacombine hiyo okay. Chief aweko awe elected.

Na pia watu wengine ambao mnawapenda sana Wazee wa vijiji wako hapo, sasa wazee kwa Kiingereza kigumu sana wanasema “they are now entrenched in the constitution.” They are a constitutional office, hapo ndio tumerecognize sasa hapo wamesimama imara lakini hawakuweko, chief alikuweko. D.O. hakuweko, D. C. hakuweko, P.C. hakuweko. Wazee wa vijiji wahakuweko, chief alikuweko. Wazee hao walikuwa wanaendelea kwa nguvu ya ya chief okay, haya lakini mlituambia hiyo, mimi nawasomea tu ile mtitupea.

Haya tuanze ukurasa wa kwanza, okay, tumefanya vibaya hapo? Ah, maswali comments fupi fupi, kunazo? Tuingie ndani? Okay, wewe hauna nakala umeketi tu hapa uliwacha wapi, unayo okay. Haya hii itatuchukua karibu four-hours niwaambie mjue (*In Kiluhya*) (*Mumering from the audience*). Itatuchukua karibu masaa manne matano hivi, okay nataka mvumilie hata ikiwa Daktari utaenda kumuona kesho okay. Nataka tukizungumza tutaenda chapter by chapter and you make comments kwa sababu najua commissioners wengine wanafanya tofauti wanasoma tu wanasoma halafu mwishowe ndio tuliambiwa mwishowe tutatoa maoni, lakini najua sasa hamna makaratasi mnaandika nataka tuzungumze sehemu mshiriki kwa hiyo mapaticipate halafu tuende kwa ingine okay, hiyo ndio niliona ni bora ili tuende pamoja okay.

Haya preamble utangulizi hauko kwa Katiba ya wakati wa sasa, kwa wale wameiona hakuna kitu preamble. Kawaida constitution huwa na preamble eh, huwa na preamble ili ijulikane ni nani, nani mwenye hii Katiba, na ana maono gani, what vision do they have. What vision do they have? What desire do they have eh, hiyo si kama national goals na hiyo ingine, hii ni

pendo, pendo la inchi ya Kenya ni nini? Tunaona Kenya ikae vipi? Ni inchi ya aina gani? Wakenya ni watu wa aina gani wanataka nini kwa maisha yao okay, na mlituambia. Wengine walikuwa wameona hiyo haiko kwa Katiba zamani wakatuambia haiko na tunataka hii na hii na hii na hii, na wengine wanasema tu weka utangulizi na wengine hawakujua kwa sababu hawajui, na hawakujua Katiba hukaa vipi.

Kwanza kuna Katiba ya India na ina utangulizi safi, hata niliangalia nikasema na ni about six sentences each section is one sentence, short sentence it is not even a full sentence that takes a page, half a page, I wish I had brought copies of that safi sana.

Kuna ile ya Amerika mnajua Amerika ndio walianza hii mambo ya kuandika Katiba, haya yao inasema we the people of the United States okay, na hiyo ndio iko famous kabisa. Lakini kuna zingine inaanza hivyo lakini Katiba nguzo zake, nguvu zako maana yaka inatoka kwa watu, sasa ndio inaanza “We the People of Kenya” we the people of Kenya, hii ingine hainge sema hivyo hata Mzee alisema hakusikia sauti ya watu wengi uko walienda some ten people huko, si mlijua ilikuwa ten au twenty. Hakusikia walikuwa wanaakilisha lakini vile tulikuwa nchi ambayo ilikuwa minyororo ya ukoloni hawakuuliza watu, watu walijua tu tunataka uhuru, tunataka uhuru Waingereza wakasema basi, pateni uhuru kama republic lakini ndani hatukujua, wale walikuweco tulikuwa na furaha nyingi tunapata uhuru kila mahali ilikuwa uhuru, uhuru, uhuru sasa pia iko uhuru uhuru lakini ni tofauti ndio mtoto akaitwa Uhuru, hata kuna wengi waliitwa Uhuru.

Basi hapa ni we the people of Kenya, sisi wananchi Wakenya jijue wewe, wewe ndio unatengeneza Kenya. Constitution to constitute (*In Kiluhya*) your are constituting it Madam Margaret it is not constituting una unga, una maji, una sufuria, una moto, una mwiko eh. Pia mwenyewe una nguvu unacostitute hiyo kuruga na lazima ufanye vizuri, sisi ndio tumefanya kwa maoni mlitupa, wachaniku kuruga eh, (*In Kiluhya*). Tunawashukuru sana wananchi ya Kenya hii ni yenu, msichukue commission hii ni yenu, tulipokuja hapa tulikuwa na vitabu blank, tulienda mimi nilienda na notebooks tatu kutoka hapa, tatu eh, sasa muone, muone hapo ni kitu cha maana sana hatukuwa na kitu ilikuwa blank, sasa ndio mara ya kwanza Wakenya wana constitute. We are constituting ourselves as the people of Kenya okay. We the people of Kenya okay.

Sasa kile cha kwanza mnajua mtu Muingereza alichora ramani hivyo, it is a very pretty country by the way, ramani safi sana sivyo, tena rahisi kuchora unafanya tu inaenda hivi inakuja hivi halafu inaenda hivi inakuja hapa eh. Hata Ocean iko hapa nzuri lakini ndani yake nyinyi, we are the people of Kenya. Sasa cha kwanza tumesema sisi tuna kabila nyingi tuna watu wa haina tofauti, kuna watu wazima, kuna walemavu, kuna akina mama, kuna wababa, kuna wa Turkana, kuna Wadigo, kuna Marakwet watu wengine wako huko Tana River wanasema we are not others, mnajua nini ya Serikali halafu inatajaa kabila zote halafu inasema other. They said we are not others, we are Marakwet, mmesikia watu wanaitwa wa Marakwet? Wako hapo Tana River, wakasema we want to be in the constitution. Sasa hiyo ya other hiyo ni bureaucracy ya Serikali wanaweza kusema hivyo lakini sasa hawataruhusiwa kwa sababu watu wamekataa they are not other eh.

Yaani kabila ndogo ndogo wanasema other, lakini kwa birocracy kwa ofisi ya, wanasema hatuwezi kutaja yote wacha tuweke hapa watu wa Dorobo wanaitwa Ogiek, walikuja Nakuru wakasema, we are not others, we were not numbered among the

people of Kenya, you said they are 42 ethnic groups we are number 43 Ogiek, okay, nawaambia kwa sababu sisi Waluhya ni kabila kubwa hatusikii vile kabila ndogo inajisikia. Sisi ni kabila kubwa, Wajaluo, Wakalenjin, Wakikuyu, kabila kubwa kubwa eh, nyumba nene (*In Kiluhya*) Ogiek 43, sasa ukianza Ogiek pia Marakwet, pia ingine, pia ingine inawekwa hapo. Sasa hiyo ndio tumesema diversity na tuliambiwa kwa sheria yetu angalieni diversity ya Kenya. What is the diversity of Kenya? Okay sasa hapa cha kwanza tumesema hata wengine tulisema we want to say we the people and people's of Kenya halafu tukasema wacha tuwache tuweke kwa kufungo hiki. Sasa hapo tunarecognize our diversity and..okay. Kuna individual hapo welfare ya individual, ya family, ya community. Kifungo kizuri, family mlituambia the family is important, wengine wakatuambia personal human rights hizo vitu viko hapo welfare of the individual. Sasa hii Katiba inasema, unajua hii ya sasa haisemi mtu hakutunze. Kama mtu amekutunza amefanya kwa hiari yake au amefanya kwa mila na mila pia ni Katiba, mtaona hapa mbele. Mila ya Waluhya, Maragoli sema kama hapa ni Katiba na tutaona vile wameweka orodha hapo kwa nini.

Sasa hiyo family community and individual welfare halafu, wanawake, we have done this? Okay values ya democracia uhuru social justice, hiyo ukweli wa haki ya mahakamani na pia kwa jamii na ukubwa wa sheria eh. Yaani kusimamiwa na sheria, mnajua sisi Kenya hapa tunajua sheria kwa sababu lazima tuwe hivyo halafu.

Haya sovereign: sovereign ni kitu ambacho sovereign rights, sisi pekee ndio tunaweza kusema Kenya itakaa vipi, hakuna mtu mwingine atasema ni wananchi, we the people of Kenya hiyo nguvu ni ya watu wa Kenya. Na hapa sovereign and in alienable nilimwambia kile kitu cha tovu eh. Nafikiri sijui Madaktari kama wako hapo, ukitoa tovu ya mtu nafikiri atakufa kwa sababu sasa ni kama hiyo ndio inashika nikama (*In Kiluhya*). Sasa hiyo kitu cha inalienable ni kitu ambacho mtu hawezi kukunyanganya kama maisha ya mtu ukiua mtu umempokonya kitu ambacho hauna haki kuchukua. Inalienable (*In Kiluhya*) hiyo hawatoa, kama sura yako inafanana ya mama yako au ni hiyo ni sura ambayo ulipewa na mama, mtu hawezi akakunyanganya hata akikutusi ni yako. Akikuambia una sura mbaya ni yako eh, sivyo isipokuwa siku hizi wanaenda wanarembesha kidogo lakini bado ni yako eh.

Haya sasa sisi wenyewe tumesema hii ni kama both, we adopt tunachukua and na tunatekeleza. Tutakapokubali hii sheria itatekelezwa na sisi ndio tutatekeleza itakapopitia mbinguni mahali ambapo tuna akilishwa itanza okay. Halafu na sisi pia tunajipewa, tunajipea wenyewe, sisi wenyewe (*In Kiluhya*). Vizazi na vizazi wakirekebisha hii Katiba tena miaka hamsini au mia moja ijayo, hawataanza na ingine wataanza na hii, kurekebisha. Pengine wakati huo pengine hapa itakuwa town na sky scrappers, hatujui. Lakini watatengeneza pia, watasema pengine tunafaa turekebisha wacheni hii kitu wazazi wetu huridhi hii ni uridhi sasa, tunaridhisha watoto wetu na vizazi.

Okay sasa mlituambia ubaya wa Katiba hii hata ubaya wa Kenya ni kitu Mungu hayuko kwa hiyo Katiba ya sasa, mlituambia. Na wengine wakasema lazima Mungu aweko wengine wanasema lakini hatuna hii, watu wengi waliseme hii nchi yote inazoroteka kwa sababu kwa nini yetu kwa kuwapa kwetu hata haiko kuwapa au nini, watu hawako na pia Mungu hayuko, tukasema Mungu ibariki Kenya. God bless Kenya, okay tulikuwa na versions nyingi hiki kitu kilikuwa kwa kamati hii

constituting process, hii karatasi hii hii hii moja hii kwa nini yangu ni karatasi moja lakini kwa nini, preamble ni kadogo hapo.

Tulichukua muda tukasoma Katiba za nchi zingine tukaangalia kwa mila yetu, tukaangalia maoni wananchi walipeana lazima muweke hii kwa Katiba lazima muweke ile. Hii ilichukua siku na siku na siku na hata sasa wacha niwaambie mambo ya Katiba yetu. Siku ya kwanza tarehe ishirini na saba siku ya kwanza kwa website hao watu wako na computers na nini, tulikuwa na, tulipowekwa kwa nation, tulikuwa na one hundred thousand down load yaani people copied all over the world one hundred siku ya kwanza.

Na hii wale waliisoma wale walienda kwa hiyo nini walikuwa 1.8 million. Siri ya Katiba ya Kenya hii katiba ndio number one in the world now. It's the one that people and watu wamekuwa wamengojea sikiwaambia katiba ya Kenya wanatengeneza wanaenda civic education, wameenda kuzungumza na wananchi wataweza kweli. Nakuambia tumeketi saa zingine tulikuwa tuko gizani hatujui kule keunda eh, kuna Pastor Ayonga huko, Pastor Ayonga anaomba halafu tunaona tu ndio hii ndio njia tutaenda na tunakubaliana ndio. Mungu alituongoza hata tumesema kwa hii report it is your prayers na najua mlikuwa mnaomba ndio imetusaidia kwa hii Katiba.

This is the best constitution in the world, not because tujidai wenyewe lakini kwa sababu tumeangalia kwa zingine na tumetoa best features eh, tumechanganya na maoni yenu, tumeweka hapa, the best. Mumeangalie preamble ya South Africa pengine hapo ndio wanasema ni ya kigeni sijui, tumeangalia preamble ya... lakini mnajua sisi hatuko highlands lazima tuangalie. Tulikuwa tunatafuta Professor Ghai ya nini? Kwa sababu ni mtaalam wa hizi vitu. Tumeangalia ya Ghana hata our consultant from Ghana, tumeangalia ya India, tukaangalia ya Australia, tumeangalia ya US, ya Canada, ya nchi nyingi. Ya hapa Africa, ya Uganda, ya Uganda walifanya yao ni ikawa nzuri sana lakini yetu sasa wanasifu, wanasema ni nzuri kuliko yao, wanataka sasa kurekebisha yao. Mmesikia wananchi?

Audience: Ndio.

Com. Adagala: Hii kazi yenu, God bless Kenya. Tulikuwa mimi nilitaka ianze na hiyo nini ya "Oh God of all creation" okay. Mwingine alitaka hapa katikati iwe supremacy of God kwa hii kifunguo moja na tulitengeneza tukatengeneza tukatengeneza mpaka ikaji hivi, hiyo vifunguo one, two, three, four, five na kwanza tulijua itanza na we the people of Kenya, na itamalizwa na God bless Kenya eh. Wa South Africa wako kwa yao God bless Kenya eh, (*In Kiluhya*) South Africa wameweka sikeleli okay haya hivyo ndio hata hii ya Amerika na Mungu ndani yake okay. Hiyo sio kusema tutazungumza mambo ya haki ya dini na mtaona inasema inafafanua zaidi ndio mjue.

Haya tuendelee sehemu ya pili nafikiri yenu inaendelea ya kwa colonies yeah. Yangu iko hivi kwa sababu ya macho yangu sasa they printed for me in bold ndio niweze kuona kidogo okay. Haya nchi hii ya Kenya kuna vitu viwili muhimu, there are two things only which are important, one the people, two the constitution. One of the people, two the constitution, wananchi ya

Kenya na katiba ya Kenya mwisho. Hizi vitu vingine vinatokea kwa hii. We are reconstituting Kenya, we are remaking Kenya muelewe na tutazungumza na nyinyi tena kuanzia from now na mtakuwa mumeona Kenya iko tofauti.

So sasa hapa ndio hiyo, sovereignty: sovereignty ni kitu ambacho sijui wametafsiri vipi kwa Kiswahili kwa sababu hatujaona hiyo tafsiri lakini ni ukuu wenyewe na pia wewe mwenyewe sijui (*In Kiluhya*) ya coast inaweka kutoka vipi? Tungoje tafsiri? Eh tutangoja tafsiri mtaona. Lakini hii ndio hakuna mtu anaweza kuguza Kenya na hakuna mtu anaweza kuguza Katiba ya Kenya. Mtu aliuliza jana je, watu wakija wakitioa Parliament itakuwa aje, na sema wakati huo umekuwa umefika kwa vita eh, hiyo ni vita sasa. Hii ikitolewa mjue, hii ikitolewa hatua ya pili hata hatua hiyo hiyo ni vita vya damu, msichukue ni kitu kingine ni vita vya damu hii ikitolewa.

Watu wa jeshi wakichukua nchi yao kama mnasikia mali au mnajua hapa hatujakuwa na military coup eh, tuko kama watoto wamelindwa nafikiri Mungu ametulinda. Lakini kama Uganda kitu cha kwanza Amin anafanyi hii kitu anatupwa nje, parliament inaisha wananchi sasa ni watu wake. Amri ya jeshi sasa hiyo ndio inamaana hiyo ya sovereignty watu wa Kenya ndio wenye Kenya. Katiba ya Kenya ndio yenye, watu wa Kenya ndio wenye Kenya okay.

Haya tutapitia tu juu juu, you have to check the sovereign authority the data you take for me. All sovereign authority belongs to the people nguvu zote za Kenya ni za wananchi. Tulikuwa hapa na Alfred Hamisi, amekuja leo kweli? Pengine ako Nairobi, akaketi akasema lazima muwe na the people, infact he was saying the fourth arm of the Government is the people, it is not the fourth arm of the Government, it is the fourth of the Government, hapo ndio serikali inatoka ndio unakuwa na hiyo three arms, the Judiciary, executive na Parliament okay hiyo, inatokana na people, the people of Kenya wananchi ndio wenye nguvu okay, nguvu zote za Kenya okay.

Na hizi nguvu wananchi watapiga kura elected leaders na hao watatekeleza. The servant of the people wao wanaakilisha lakini wao sio wakubwa kuliko nyinyi, nyinyi ndio wakubwa okay. Nafikiri tumekuwa na shida na hii kitu elected leaders kidogo sivyo na tumepeana kwa mahakama na kwa Bunge na kwa urais okay and the commission, hiyo commissions kumi liwaambia iko ndani hapa tutaangalia hiyo ya human rights na salaries commission na hiyo yote. Hata tunaweza kusema hapo bill of right itakuwa kwa human right na hiyo itatekelezwa hapo okay.

Huwezi kusema nguvu za watu wa Kenya mtu mwingine anaweza kuzishika, haiwezekani katiba hairuhusu hivyo. Kama military haiwezi kuja sasa na ichukue na isema sasa sisi ndio tumechukua nguvu za watu wa Kenya, ikifanyiwa hivyo katiba imetupwa kwa moto sasa hamna nguvu ndio mnaona Waganda walikuwa wanakaa na Waruanda hiyo nini ya kuchinja watu mpaka wanajaa kwa kiwanja hii ilikuwa imetoka okay endelea. Okay where are you know we could have finished here. Okay mengine mtasoma kwa kinaganaga.

Sasa kitu katiba kiko supreme hicho ndicho kiko juu, okay. Kila mtu, kila mtu ndio nilisema wale hawakuja kutoa maoni sasa

wale walitoa maoni wametoa nafikiri tulikuwa tunazungumza ya uma zaidi kila mtu anashikwa na Katiba, kila mtua ako mikononi mwa katiba, kila mtu okay.

Solidity: hii katiba hauwezi kusema itakuwa? Hiyo kutekeleza haiwezi kupelekwa kama vile Judges wamefanya haiwezi, katiba ni kuu haiwezi okay. Sasa ni hayo mambo ya utawala nzuri na kupata haki za kibinadamu na pia hiyo malengo zetu na pia vile tunataka kuishi na values zenyewe tunazo okay. Hiyo ndio muhimu hiyo ndio inalinda hiyo okay.

Courts wanafaa msikilize hii, courts wanafaa to enforce the constitution na sasa wao ndio wamepeleka constitution mahakamani unaona hiyo ni upside down. Courts shall enforce okay, Serikali yeyote ingine ambayo, hakuna Serikali ingine ambayo itakuja ambayo haiko chini ya Katiba hii. Ikifanyiwa hivyo ni marufuku au si halali okay haramu itakuwa haramu okay.

Where are we now here? Okay, hapa sheria ya Kenya ni hii, Katiba ya kwanza, ya pili hiyo sheria ambayo inatengenezwa na inapitishwa na Bunge okay. Customary law, African customary law or any other customary law because we have people who have the other customs of other races, so that is customary law there ndio niliwaambia in the constitution customary law is recognized, okay. Tuliangaika na hii sana wengine tulitaka iwe na chapter nzima wakataambia hii ikisemakana hapa ndio sasa mila zetu ilifadhiwa kwa Katiba.

Islamic and Hindu law; mnajua Waislamu wao wanachukua Quoran kuwa sheria, ni sharia law, lakini kuna sehemu yao amboyo imewekwa kwa Katiba hata kuna mahali imeandikwa chief Kadhi na hiyo, hiyo iko hapo okay. Na Hindu pia Waindi eh, haya. Tunaishi kwa sehemu ya dunia inaitwa East Africa na tuko community sasa hiyo pia ndio ina sheria hiyo pia tunaichukua kwa sababu tunashiriki hapo kuna Bunge ya East Africa sivyo, yeah hapo pia tutaingia hapo okay. Inland that is.

Tuendele mbele this schedule here, what does it say here, this schedule what does it say here? (*In Kiluhya*). Haya parliament itakuwa na muda, Parliament itakuwa na muda kwa sababu kuna sheria ambazo ziko na Parliament itakuwa na muda. Itakuwa na muda wa kuharmonize kulete pamoja sheria sasa na sheria ambayo imesimamiwa na Katiba hii. Hiyo ukiangalia iko kwa schedule six, hapo nyuma mkisoma sio sasa kwa sababu mnafanya *Kur kur*. Hapo nyuma itakuwa schedule 6 ndio inasema vile Parliament itafanya, how many years. Parliament itakuwa na miaka miwili ya kuharmonise sheria ya sasa na pengine hata pengine ya mila na Katiba hii okay. Two years, hiyo pia ni daraja miaka miwili. Mtu mwingine alifikiri hiyo ni yakureview commission, no sorry kureview Katiba au kureview hiyo sio ya review hiyo ni ya kutengeneza tu ili tuwe na smooth transition, na lazima wamalize kwa miaka miwili sasa kazi yao ya hii next Parliament actually the first work they will have, is to deal with this constitution.

Okay tuendele, you are not helping very well today yesterday you were doing very well. Haya, the republic Jamhuri ya Kenya. Jamhuri ya Kenya ni Jamhuri ya Kenya na ya wa Kenya na si ya mtu mwingine. Hiyo nchi zote ziko hivyo, mkiwaona Amerika imeenda kwa Afghanistan lazima wawe wametengeneza vita ndio waende hao. Hakuna mtu mwingine kutusimamia

vile tulikuwa tunasimamiwa ukoloni au mtu mwingine kuja kuchukua sehemu ya Kenya au kuja kutawala Kenya. Kenya iko sovereign ah.

Haya multy party democracy iko hapo and endelea. Multy party tulipigania sana multi-party iko hapo. Mlisema kuwe na parties eh, tutazungumzia baadaye vile tuliweka kwa hivyo lakini isiwe tena, iko sasa kwa constitution haiwezi kutolewa isipokuwa iwe na mjadala kwa wananchi, haitakuwa vile ilikuwa ilienda Kasarani halafu ikaenda Bunge mwaka wa tisaini na moja sivyo? Hiyo repeal ya section 1A ikawa 2A(?) 2A sasa itakuwa miaka yote itakuwa multi-party, itakuwa na parties nyingi, isipokuwa wananchi wasema tunataka party moja okay na hiyo itakuwa kwa referendum kura ya maoni ndio ibadilishe vitu kama hivyo, hii vitu viko kwa Katiba haviwezi kubadilishwa kwa Bunge pekee yake, lazima zifikishwe kwa wananchi vile tulikuja tukachukua maoni yenu okay. Ah, ah we have not finished here multi-party and democracy lazima iweko, wajib lazima kuwa na accountability lazima huwezi kufanya tu kitu fua fua hivyo na kiholele, lazima uwe accountable hasa kwa vitu vya uma. Lazima ujibu uende mahali kwa Parliament au kwa uma na ujibu nilifanya hiki kitu kwa sababu ya hii na hii.

Na transparency iko hapo wazi, hakuna vitu vya kuficha ficha oh, tulifikishana na nani fulani na nani na oh halafu akanipa shamba lile no kila kitakuwa wazi, okay transparency okay.

Hiyo separation of powers ni kitu muhimu mahakama itakaa tofauti na haitashikwa na urais au Parliament watakuwa kila mtu atatengwa na tutaonyesha vile imetengwa. Sio kusema ni Serikali kila moja ni Serikali yote ni serikali lakini mahakama iko hivyo na hiyo ndio separation of powers, na uraisi na nini na Bunge. Mpaka chini hapa mashinani iko hivyo, mpaka mashinani ndio inakuwa separate ndio mlikuwa mnasema lakini councilor na chief wanafanya kazi tofauti wanaingiliana hao nini na polisi pia wanaingia wanaenda wanashika, si mlisema hivyo? Yeah hiyo conseparation of powers, mjue hii kazi ya fulani na ikingwe na Katiba, hii kazi ni ya huyu na ikingwe na hiyo hiyo. Kushirikiana itakuwa kwa Katiba hawa watashirikiana na wao hivi na hawa pia na wale hivi, okay kwa kazi zao, okay.

Sasa itakuwa pia na human right hiyo haki za binadamu na sheria itakuweco kuongoza wananchi. Haya territory of Kenya ni kitu muhimu sana na hiyo iko kwa schedule one or schedule one, the first scheduled hiyo mtaangalia baadaye into details. Hii schedule inasema mipaka ya Kenya ya kimataifa ndio inakuwa Jamhuri, the republic of Kenya, itafika wapi, inapitia wapi hii yote iko hata kwa katiba ya, hii ndio kitu kimoja tulitoa kwa Katiba ya sasa, hiyo ilikuwa kwa details nyingi sana kwa hiyo Katiba ya sasa iko. Katiba ya independence sio ya sasa hiyo ilitolewa tena, katiba ya sasa na ni muhimu sana kujua, ilikuwa na descriptions ya district. Mlisoma Lamu district iko latitude fulani, longitude fulani inapitia fulani hapa kwa kijiji fulani inaenda hivi hiyo yote ilikuwa described na sasa hivi pia itadiscrive the republic of Kenya.

Sasa kuna kitu, is there anything I have left here? Kuna kitu kinaitwa capital of Kenya kwa Katiba ya sasa you have a right to say Vokoli is a capital of Kenya, tena unaweza kutangaza, isipokuwa Nairobi ni kubwa haiko kwa Katiba hati the capital, yeah.

Interjection Speaker:(Inaudible).

Com. Adagala: Oh sorry, yeah after the chapter let me do these ones and then we do, sorry, sorry I forgot that. Let me just finish this one and we do, okay. Sasa hapa imetambulika Nairobi ndio capital ya taifa letu, okay all hizo vitu vyote wizara na ofisi za Serikali zitakuwa Nairobi, you know, sorry zitakuwa Nairobi lakini inaweza(Inaudible) Nairobi ni capital lakini hizi mambo za wizara na Government department will be decentralized, hiyo ni part of devolution. Sasa tusema watu wa Western walisema wizara ya ukilima inafaa iwe pale wakulima wako. Na wakulima wa Kenya wako wapi? In the Western region kutoka hiyo sehemu ya Rift kufika hapa, kufika Nyanza hii huenda ikawa na sema tu huenda ikawa kwa sababu South Africa wamefanya hivyo. Kwanza South Africa Bunge iko kwa town moja, mahakama iko kwa town nyingine na rais ako kwa town ingine nafikiri ni Tritoria. Ndio watu wazunguke pia wakizunguka they are also distributing the wealth, you see that, also if Bunge is somewhere else like in Nakuru watu wa Nakuru pia wanapata kazi ya kufagia siyoy? Wanapata hii, sasa hiyo ndio deconcentration tunafanya isewe mahali pamoja ienee kwa republic, sasa wanaweza kuweka.

Watu wa Coast walisema hapa hapa kwetu inafaa iwe wizara ya yes, Utalii walisema... pia Wamaasai walisema pia sisi eh kwa sababu hapa wanakuja, ukimuona Mmaasai unajua picha ya Wamaasai si wa Hungary au sio France unawajua hawa ni Wakenya, walisema pia sisi tuwe na wizara sasa department inaweza kutawanyisha. Hii kitu ya vitu kuwa pamoja ndio imefanya Kenya kule kando kando pembeni ni umaskini pekee, hapa katikati ndio utajiri eh. There is something else(Inaudible) hata baadaye tutaone parliament inaweza kuamua sasa kikao hiki tutakaa Kakamega na parliament yote inakuja Kakamega hao wanasema sasa kwa hiki kikao tutaenda Isiolo na waende Isiolo mnasikia? Yeah vitu vitakuwa sio tight hivi, kuna vitu vimefungua sana nafikiri mnaelewa Yeah, okay. Wacha nimalize hii section, languages: languages lugha tulizungumzia lugha hata mimi nilizungumza mpaka kichwa kikaniuma, nikaumwa na kichwa kabisa likini ilikuwa lugha za Kenya rasmi. Kiswahili kwanza na Kiingereza na nataka kusema pole pole kwa sababu msemi lugha ya rasmi ya Kenya ni Kiingereza na Kiswahili, ni Kiswahili na Kiingereza, Kiswahili ni namba moja. Vile iko kwa Katiba ukizungumza usibadilishe, usisungumze, usiifanye iwe eh Kiswahili na Kiingereza.

Lugha ya taifa national language ni Kiswahili, sasa Kiswahili imeongezwa nguvu zaidi. Kwa Bunge ukifanya kama Nasir akizungumza kwa hiyo Kiswahili chake kizuri na hivi na hivi wanachukua unaweza kumuuliza Patricia alikuwa anafanya kwa Bunge. Wanachukua hiyo Kiswahili wanatafsiri kwa Kiingereza wanaweka kwa hansard, sasa record zote za hansard ziko kwa Kiingereza okay. Sasa sijasema unaweza kuzungumza lugha hata mnaifanya test ya Kiingereza na Kiswahili lakini records zenyewe ziko kwa Kiingereza na Kiswahili.

Notices zikitolewa kama hizi za Government forms na order, Kiingereza na Kiswahili. Ukienda mahali rasmi unahaki ya kusema nataka kuzungumza kwa Kiswahili, una haki ya kusema ni Kiingereza okay, yeah, si kitu tu kimeandikwa hapa. Tulikuwa na sehemu nyingine ya districts tulitaka kuwa na district languages lakini hatukufaulu tutazungumzia tukifika huko, tulikuwa tunafikiri kila district inaweza kuwa na lugha wanachagua wanasema hii ndio lugha yetu. Lakini unajua sasa kama

Luoland hizo district zote za luoland ni lugha moja sivyo, lakini ukianda hapa Mount Elgon kuna Wateso, Vasabaot na Wabukusu, watu wakasema la hiyo(?) tukasema wacha tuwache sasa tutawacha district zenyewe zitasikizana kwa district okay.

Haya lugha hii (*In Kiluhya*) na lugha zingine za Kenya na wataalam wa lugha wanatuambia tuna lugha sabini na mbili sio arobaini na mbili, lugha za Kenya hata zingine zinaenda zinazidi hapo. Sasa Wamalakat wakisema lugha yao si ya wakomo ni yao itaongeze, Ogiek nafikiri yao iko. Sasa 72 hizo lugha za Kenya zinahifadhiwa na Katiba, hiyo hiyo kifunguo hicho kinasema hivyo, sivyo? Be protected, promoted and respected, and you have the right to use your language. Hiki kitu pia kiko kwa Indian constitution, everyone has the right to use, promote, protect and develop their language. What says that?

The Indian constitution, India ina watu 1 bilions na hizo lugha zote Ghujarati na nini na nini zote kila mtu anahaki, kila every individual has the right okay. Sasa msisema oh ni Kiswahili na Kiingereza lakini hii kimaragoli wacha. Kwanza Wamaasai wanataka Kimaasai kifundishwe kwa shule zao, na pia sasa hiyo itakuwa mambo ya district mnaelewa? Yeah, lakini wanataka standard nursery up to standard four hiyo ndio lower primary iwe Kimaasai, halafu hizi zingine zifundishwe halafu baadaye tunaweza kwenda kwa lugha ya taifa halafu hizo officials zingine. Inawezekana kwa sababu watoto sisi tuli hapa mbeleni watoto wamechanganyikiwa kidogo kwa sababu tunafikiri mtu ajifunze tu lugha moja au lugha, mtoto kama hajafika miaka kumi na mbili hapa anauwezo wa kujifunza lugha kumi na tano, hii ni sasa scientific research lugha kumi na tano kabla haja lakini ukifika hapo sasa hiyo ability inapunguka Nairobi si tunaona watoto ambao wanazungumuza lugha sita saba bila shida mwishowe wametengeneza lugha ingina inaitwa “sheng”. Kwa sababu wanazungumza hizi lugha zote sasa sheng inatoka hapa.

Haya dini, mlituambia dini iheshimiwe kila mtu na dini yake vile anachagua uhuru, uko na uhuru wa kuchagua dini yako okay, tunasema hivyo kwa sababu kuna nchi zingine kama Iraq au Iran, those are they are, they have state religions Islam okay, unasikia? Lakini hapa tumesema the state is the Judiciary, the executive, Parliament we respect everybody, every religion sio.

Okay the next one there should be no state religion, hatutakuwa haitasemekana sasa Kenya ni nchi Katoliki au Kenya ni nchi protestant. Vatican, huko kwa Pope wako na state religion, Vatican ni state, Popeni head of state na religion yao ni Roman Catholic okay. Sasa sisi hatutakuwa na kitu kama hicho, yote inaheshimiwa halafu kila mtu anaweza kuchagua na Serikali itachukua kila dini ni sawa, hakuna ile inapita ingine. Haya kuna hizo vitu vinaitwa state symbols very important. Ah nini inakujulisha Kenya ni Kenya? Ya kwanza National flag ukiona hizo colours za bendera unajua Kenya. Kwanza hapo United Nations kuna hizo colours 180, ukiona tu na haa hiyo Kenya na haa hiyo Tanzania eh, hiyo ni ikisimama hivyo ni Kenya wale mmumeenda Nairobi kwa kila Embassy ina flag hiyo ni Switzerland, hiyo ni France, hiyo ni Brazil okay hiyo national symbols. National anthem hiyo ya eh Mungu nguve yetu, national anthem is a national symbol. Our court of arms I don't now how they call it in a translation lakini hiyo tunaona ni crown eh, nafikiri tunaita kikoloni lakini tutakuwa na nini na tafsiri nzuri. Na kuna kitu kinaitwa public seal ni mhuri wa Kenya okay, hiyo pia itakuwa hivyo.

Interjection Speaker:(?).

Com. Adagala: Haya hiyo yote imekuwa described, bendera ya Kenya iko described hiyo colour rangi zake na hiyo yote iko kwa third schedule, hapo mtaangalia baadaye nyuma mtasoma details na hiyo yote hapo na arms na kila kitu na seal.

Haya kuna kitu kuapa, ukiapa inasema aje? Okay ukitaka ofisi yetu itakuwa nini kuapa itakuwa aje na wale wako wa kuweka hapa mnajua sisi hatuapi kwa bibilia sasa hiyo pia iko kwa Katiba inaitwa affirmation, okay. Hiyo iko hapo na watu wengine wako pia kwa sababu hawaamini bibilia pia wao hawafanyi hivyo lakini pia quoran iko na nini yote hiyo. Affirmation iko kwa fourth schedule mtaangalia muone national oath ni nini na oaths hizo zote ziko vipi.

Haya kuna kitu national holidays, eh mlituambia there are too many holidays, there are too many days, there is that and this ni nini hiyo, tukasema tukaangalia maoni na tukaona ile ilichangiwa zaidi ni hiyo ya Madaraka Day, June one na December 12 Jamhuri Day. Hizo ndizo zilichangiwa sana na wakati Katiba itatekelezwa hapo Bungeni siku hiyo haijulikani kwa sasa lakini hasa tutakuwa na Katiba Day okay, Constiution Day okay haya. Wacha tuchukue questions tumeendelea sana sasa tutakuwa na dakika kadhaa ya questions. Kama una swali njoo hapa mbele, swali na si swali, hata ikiwa swali njia bora ni kutoa pendekezo lako, njia bora kuja tu hapo useme pendekezo langu kwa hii jambo ni hivi, usiende kwa maelezo marefu wala hadithi ingine hau kupigania sema tu pendekezo langu na huyu kijana ataandika okay.

Peter Ludava: Nataka kuzungumuzia kuhusu second schedule..

Interjection Com. Adagala: What is your name?

Peter Ludava: Jina langu ni Peter Ludava. Ile second schedule nafikiri pia kwa mapendekezo yangu hapa nilikuwa nimesema haya mambo ya provinces, na districts, inatakikana iwe na creteria ya kuzitengeneza, hivi sasa nafikiri mumeweka tu provinces na districts kwa schedule lakini haionyeshi vile inaweza kuwa created au kama zinaweza kuaongezeka au ni hizo, hizo zisiongezwe kwa sababu ya political expedience pengine wanataka kufurahisha pahali fulani, wanapasua pasua hizi districts na kuzifanya sehemu ndogo ndogo. Nafikiri inatakikana iwe na kitu ambacho kinaweza kuonyesha kwamba hizi districts hazibadilishwi kwa upendo wa President.

Halafu kwa ile third schedule, national symbols hizo mmesema kwa third schedule lakini mimi nafikiri kungekuwako na kitu kama picha ambayo inaonyesha hizo symbols, hakuna picha hapo. Asante.

Com. Adagala: Ngoja, kama una kitu cha kuongeza njoo hapa kwa sababu huyu akitoka ndio wa mwisho, simama hapa, usiketi papo. Ah asante kwa hiyo hata kuna vitu vingine inafaa may be the report is a better place may be you can postpone lakini inafaa iwe na kitu cha kuona, nafikiri hiyo ni kitu kizuri.

Ah, hii ya district, believe me hii ilikuwa argument kali, wengine walisema tuu origin of 42 districts. Wakasema original 42 districts we don't want to, na sisi tukasema no kuna districts which exists and they exist for a reason. So we shall go with what exist now on the ground kwa sababu tulikuwa na kitu ambacho tulitaka tulitaka tuwe na stability fulani. Tuwe na stability fulani ili tusingaike sana na kushangaa hii imeenda, oh hii, kwa sababu utasahau Katiba na utafikiria kile kitu kidogo kinaendelea. Sasa tulisema hapo the 70 existing districts are entrenched in the constitution, now they are in the constitution okay. Tukasema hatutabadilisha mipaka ya constituencies districts or provinces na believe me(Inaudible) don't be on this.....(Inaudible) all of it all of it. Haya tukasema wacha ramani ikae vile iko, ramani ya Kenya. Tugesema na watu wengi walitauliza lets increase say that the constituencies should be increased tukasema hiyo itakuwa amendment ambayo itaenda kwa wananchi baadaye. President hana tena hizo nguvu hana tena. Lakini tulisema imetendeka hatutaki kuwatatisha watu wa Suba, wacha wakae hivyo.

Hatutaki kutatiza watu wengine lakini tunajua matatizo itakuwa mahali fulani pengine kwa National constitutional Conference watu wa North Eastern watakuja na waseme, Garisa iko Coast province kwa sababu ya Tana River okay, na hawakupenda hiyo mipaka lakini tulisema wacha ikae hivyo halafu kubadilisha itakuwa referendum okay. Kuuliza wananchi sio mtu binafsi kubadilisha na tungechukua original 42 districts, Vihiga district ingekuwa Kakamega sasa vile na Kakamega na Lugari na Butere Mumias. Tukasema watu wameishi wamezoea Fulani, waliuliza districts kwa, kweli ilipeanwa na mtu mmoja administratively lakini watu wenyewe pia walikuwa na maoni ya kuwa na hiyo wacha ikae okay. Tena haitakuwa mtu mmoja atabadilisha watakuwa itakuwa watu wa Kenya kuzungumzia, Bunge kuzungumzia okay. Sema proposals.

Mudinya Asava: Jina langu ni Mudinya Asava, na naangaliwa katika hii symbol, national symbol, nataka kusema kitu kuhusu mambo ya currencies.

Com. Adagala: Proposals?

Mudinya Asava: Proposals naona kama pesa za Kenya ziziwekwe kichwa cha mtu, iwe symbol ya nchi kama bendera au nini. Lakini isije kawa jina la mtu au kichwa ya mtu.

Interjection Com. Adagala:(Inaudible).

Mudinya Asava: Haya la pili siku kama hizo national holidays, mwaka ukianza tarehe moja January ni siku ya muhimu sana na katika Kenya pia naona kama kuna dini karibu mbili za muhimu sana. Wakristo wanapenda tarehe ishirini na tano December, tena Waislamu wana siku yao ambayo ni Idi-il-fitri. Kwa hivyo ningeona hizi vitu viwili isishahaulike ndani. Asante.

Com. Adagala: Asante Asava kuna tofauti ya national holidays siku ya taifa na tofauti na Public Holiday, hizi ametaja ni public

holidays, hizi zingine hizi mbili ni national. umeelewa Asava?

Mudinya Asava: Ndio.

Com. Adagala: Hizi ni public holidays, na Wahindi wana yao wakikuwa na hizo firewax zao eh, na Waislamu na Wakristo na pia January one na hata ingine iko mahali pengine tena, you know vitu kama hivyo. Kuna vingine word food day, ingine hiyo ya HIV December one you know. Hiyo ni level ingine okay, haya.

Majanga Tom: Jina langu ni Majanga Tom, mapendekezo yangu yanahusu sehemu hii inayozungumzia sheria ambapo imesemwa wazi kwamba, wakati zile sheria ndogo zinazotoka na hii Katiba zinapochungwa, Bungeni yani acts of Parliament ikiwa haziambatani moja kwa moja na yale yaliyotajwa katika Katiba hii, basi hizo sheria sio sheria tena na nakubaliana na hapo na ni sawa.

Sasa pendekezo langu ni kwamba kumekuwa na matatizo mengi ambapo kumekuwa na act kama hizo ambazo zinaundwa zinatumika siku nyingi sana, kisha baadaye wale wenye uwezo wanapoenda kortini wanashtakiwa kwa kesi fulani, ndio anaweza kuuliza constitutional court ikae halafu iseme kwamba act fulani ambayo ilitengenezwa haiambatani sambamba na Katiba. Sasa pendekezo langu ni kwamba kuwe na standing commission ambayo wakati Bunge inapokaa kupitisha act, moja kwa moja inaangaliwa imeenda sambamba na Katiba au haijafanya hivyo. Tulikuwa tumependekeza kwamba hawa commissioners ambao wamefanya kazi wahusishwe katika sehemu hiyo isiwe ni kwamba baadaye ndio tunauliza, wakati wananchi walizungumza na nyinyi walikuwa wanataka aje? Shukrani.

Com. Adagala: Tutaendelea, asante kijana asante, tuelewane, we have new wine eh, mnaelewa hiyo? Inasema aje kwa Kiluhya new wine si iko kwa bibilia (*In Kiluhya*) New wine, new bottles we have a very serious situation here, kijana unasikia? Kijana unasikia? Yeah new wine new bottles, it is not old wine new bottles or what now, new bottle new wine. This is why this is very serious change the reason why provincial administration was a problem for people is because it was old wine come into a new bottle na ulisema itapasua isn't it yeah. Na provincial administration imepasua vitu vingi ya wananchi, lakini iliendelea okay kwa sababu mtu alikuwa na nguvu aliweka hapa. So, first we should remember we are making a new Kenya, with the new constitution and new ways.

Supreme court is there and the courts will deal with that but, we can also put your proposition of a standing committee but the Supreme Court will deal with that okay, okay umesikia? Court mpya inaitwa Supreme Court mmesikia hiyo tutazungumzia.

Juu ya high court na court of appeal kuna supreme court, that is why I am talking of new bottles and new wine okay.

Musungu Mugoha: Sorry, majina yangu ni Musungu Mugoha, mwalimu. Kwanza nataka kusema nashukuru kwa sababu

Katiba imeandikwa katika lugha ambayo inaeleweka na hili lilikuwa pendekezo langu kwa Madamu wakati alitumbelea iwe katika lugha ya wazi sio lugha ya wataalam.

Sasa chapter one, article 8 section 3 inazungumzia mambo ya kuleta tuseme utawala headquarters national department and national republic institutions in provinces. Nataka kuongeza kwamba kuna kitu katika ushawishaji wa industries kinaitwa national policy, tunataka Government policies, tunataka, viwanda vipya vikitaka kuletwa kila mahali kuangaliwe iwe ni lazima kiwe Nairobi ndipi kiwekwe Nairobi, lakini viwanda viwekwe kwenye towns zingine na hio ionekane katika constitution, ikitajuaya kwamba viwanda viwekwe kwingineko so that hakuna hii tunaita rural-urban migration nyingi.

Com. Adagala: You are right na hiyo tulizungumzia na kama wajaluo walilalamika factory ya omena iko Thika. Na hiyo sehemu yote ya bahari kutoka ya ya nini inaitwa aje? Hiyo naam yote kutoka Busia mpaka Bondo, Rarieda, na tuna sehemu ndogo Tanzania wana kubwa na Uganda wana kubwa, hakuna factory ya haina yeyote hapo, hata ile tu ya barafu haiko na walilalamika sana. Passion fruit factory is in Thika, passion fruit inatoka Western na Kisii iko Thika. How many milling (*In Kiluhya*) nafikiri maana yako ilikuwa hivyo kijana sivyo? Mwaalimu mwenzangu haya, ndio hivyo na lugha itaendelea ile mnafaa mnganganie nyinyi ni kuweka hii kwa Kimaragoli okay, Chairman, Chairman.

Benard Chahilu: Yeah.

Com. Adagala: Eh kwa Kimaragoli, pengine ya Kiswahili ikija Wamaragoli watafaidika sana kwa sababu lugha ambayo iko karibu sana na Kiswahili ni Kimaragoli. (*In Kiluhya*) kwa wataalamu wamesema kwa Bantu languages Kimaragoli ndio inaambatana na Kiswahili, haya. Mwenzangu mwaalimu simama kidogo, haya hiyo ribbon unayo ni kubwa sana okay.

Speaker:(?).

Com. Adagala: Yes enda wakupe hii ndogo kwa sababu hii ina humility ndani yake haina hiyo yes, wacha tuchukue hii, tena mtu mwingine hii ndio rasmi ya law society of Kenya walitupa ndogo hii ndogo ni kitu kidogo tu eh, haya.

Speaker: Ah jina langu.

Com. Adagala: Waalimu wenzako wako wapi?

Speaker:(Inaudible).

Com. Adagala: Mmh.

Speaker:(Inaudible).

Com. Adagala:(?) si waalimu wako wapi?

Speaker:(?).

Com. Adagala: Aah, nataka kwa hall hii Waalimu wako wapi?

Speaker: Si ndio hawa.

Com. Adagala: Nataka kuwaambia solution yenu, suluhisho ya vita mnafanya iko hapa okay. Sasa hata wangukuwa hapa kuliko kuwa kule nje. Hayo mambo mnangangania ni ya 1997, 20th century tunaenda 21st na iko hapa.

John Shiva: John Shiva ni Pastor. Ningependa sehemu ya chapter one number five the laws of Kenya, kwa sababu kuna sehemu imesema dini zote ni sawa itachukuliwa katika sheria, sehemu ingine ambaye inasema components of the constitutions sioni Christianity ikiwa touched ikitajwa pale.

Com. Adagala: Wakristo, hamkusema wewe ni Mkristo? Haukusema, ulisema? Hatukuweza kuandika mambo ambayo watu hawakusema. S.D.A. walingangania Saturday eh, halafu tukaweka days of worship. Waislamu walingangania na sheria yao iko hapa. You know nikukaa chonjo na nimefurahi umesema hiyo kwa sababu mimi nilipigania nikawa na bahati nzuri tulikuwa kwa seminar ingine ya Judiciary uko Nairobi ambayo walikuwa wanatu-serve na notices to go to court na tuliendelea na hiyo seminar walitaka ipigwe marufuku, nikasema Christian law mimi na kijana mwingine mjaluo alikuwa huko kwa hiyo seminar.

Christian law, where is it? Okay mnajua Waislamu think they live in a Christian country so wanangangania yao. Wakristo wanaishi tu, it is a very complicated very heavy things. Watu wa Kanisa wako wapi hapa?

Speaker:(Inaudible).

Com. Adagala: Ah ah wakubwa wa kanisa, mlisema chochote kuhusu sheria ya Musa, ya Yesu, Waislamu wanamwita Isa mtoto wa Mariam? Mlisema yeyote kuhusu sheria ya Paulo? Mlisema? Hiyo ni kujishtaki, hiyo kujishtaki kuna kitu muhimu kilikuwa kunaendelea na ulikuwa unalala. Wewe ulikuwa wapi John?

John: Halafu Mzee mwingine niliona, siku hiyo nilikuwa safari, halafu nikapata siku ya kwetu imekwisha.

Com. Adagala: Si ulimwambia siku hii ni muhimu ya hearing. The civic education tukasema ni muhimu sana mje msikie mjue

nini inaenda kwa sheria, tukawaambia mje kwa hearings ni siku muhimu haitakuwako another 100 years. Sasa siku ya leo pia haitakuwako muda mrefu sheria kuu nzima kuchunguzwa, itakuwa sehemu na sehemu ingine na sehemu ingine, hamkusema sheria ya Mkristo iko wapi kwa sababu tunaishi tu, Mkristo anaenda anafanya ufisadi, anakuja na pesa natoa funguo ya kumi, Pastor anapokea. Kweli, urongo?

(Mumering from the audience)

Com. Adagala: Pastor nashukuru sana kwa sababu ako na mtu amuheshimu kwa Kanisa yake, hata naanza kufanya mipango ingine huyu mtu ataleta wenzake wengine wakubwa wafanya sadaka takatifu na wanakuja na pesa zao pesa haramu na wanatoa hawamuwaulizi. Anatoa wapi hiyo pesa, sheria iko Mkristo ana sheria, Wakristo hawajasema walikuwa wanatusomea Genesis 3.16 inasema mwanamke mwanamume hivi hivi especially this lady huyo ndio alikuwako wanaleta bibilia wanakusomea hiyo wanachagua zile wanataka na nikauliza Reverend, Reverend na umesoma hiyo sehemu ingine ambayo inasema Christo ndio mkubwa wa mwanaume. Alikuwa ana-quote tu mwanamke ako chini ya mwanamke eh *(In Kiluhya)* umesoma hiyo ingine? Kwa sababu hasomi hiyo ingine ndio wanawake wanaumia sana wanawake wanakuja Kanisa, wanakuja wanaomba wanarudi nyumbani and he is a demon in the house who will never goes to church. Who doesn't have Christ for his head. Na Pastor anaona ni vizuri tu, si vizuri kuna sheria ya Wakristo nataka wewe ufanye proposal, mketi, mpigania sheria ya Wakristo. Hapa inasemekana kwa vile huyo kijana na mimi tulingangania, na nilikuwa nauliza na Wakristo mnakaa. Huyo kijana akasema Waislamu have a special place in the constitution the Chief Kadhi is recognized. Waislamu wamechukua hiyo ofisi ya chief Kadhi wamepanua, wamepanua, wamefanya presentation presentation kwa commission imekufa hata wao wa North Eastern wanasema wanataka, their law should be sheria law, no other law. Hata wakiwa wanatuambia mnamaliza wakati sisi tunataka sheria law kama hiyo ya Saudi Arabia na nini tukae na hiyo kwa sababu sisi ni Waislamu.....(?).

Na Wakristo kwa sababu tunaishi maisha ya hivi na hivi in the world and out of the world na nini na nini hamuoni. Hiyo sheria ya Waislamu unakaa vipi nyumbani na watoto wako? Umeoa ndoa hii ni ndoa ya haina gani? Ukifanya talaka unaifanya vipi? Hiyo ndio mambo inaenda mbele ya chief Kadhi, Wakristo hawana, lakini kwa vile huyo kijana na mimi tuliweka na iko hapa eh imesema Christian tribunals can be there eh. Nawaambia mmumerudisha kingdom of God behind as a Christian I want to tell you that, because the Kingdom of God is suppose to be on this earth na mumewacha wakuu wa Kanisa mjue hivyo. This it should come here, wengine wanasema hiyo ni sheria ya Mungu ikae hivyo, the Kingdom of God is suppose to come here, I am very happy you have brought that point but you have asked a question you have not made a proposal. Mimi niko hapa kwa proposals, I have given you the background.

Samuel Mahindi: Mimi ni Rev. Samuel Mwachindi.

Com. Adagala: Kijana ...(inaudible) you have not said a proposal, you ask a question.....(Inaudible) I can only go...(Inaudible).

Speaker:(Inaudible)

Samuel Mwachindi: So I was proposing that we heard in section H, ambayo itaasilisha Wakristo that the biblical of God has pertain to Christian faith shall also be part of the constitution.

Com. Adagala: Tukiongeza tutasema watu wangapi wamesema hivyo? You know we go by what we get, it means the Christian church I don't know how you will do it but by the time the National Constitutional Conference comes, you must have a proposal in. You must tell your representatives kosa kubwa lakini kosa kubwa sana, leaders of churches muangalie musiwe wafarisayo ambao mnapoteza kingdom of God. Me I say it all the time, this should be here it means you would have to sit down and find out how Christians live. What are you, I am a Christian, what are you, I am a Catholic, what you I am a Pentecostal na wanaenda tu na wanaenda tu, anaishi na sheria gani? Eh, wanawake Waislamu tuliuliza let me say this because it is a major omission. Wanawake Waislamu tuliwauliza sasa ukienda kwa court ya Kadhi halafu ushindwe hapo umafanya nini? Walisema, wale wanawake kawaida walisema haya basi hapo kadi imekwisha, wengine wakasema hasa wasomi wakasema but I can go to the court of appeal.

Ukitoka kwa Islamic law unaenda kwa court of appeal, you are no longer a Muslim. Okay, the Kadhi as there is a court of appeal goes as far as so we put so that there can be an appeal process. Kwa sababu we were saying saa zingine mnatuambia kitu halafu hiyo ndio ilikuwa kazi yetu sasa tukitengeneza hao wanawake hasa wanawake ndio walikuwa wanasema, itafika vipi au nini, where do they appeal? So we put the Kadhi(?) to go as far as the court of appeal, okay wanaita aje kwa Kiswahili?

Speaker: Court ya rufani.

Com. Adagala: Ya rufani yes, ya rufani was in my head, korti ya rufani ili wawe na mahali pa ku appeal na kweli Kadhi alipitisha hivi lakini hivi. I am dwelling on this thing because Christians we are living by the law of the world but the law of Christians should come in. And you would have to make a proposal, you will have to write and then I don't know which church will propose it, kwa sababu tulienda na watu wanazungumza tu, watu wanazungumza tu, wana, the only thing they were interested in was the oppression of women eh mwanamke ni mbavu, mwanamke ni nini and me I know very, well where it says there is neither you now gentile, neither man nor woman. Hiyo ndio sheria yangu naishi nayo mkiona nang'ang'ana na nafanya hivi na hivi, the Bible gives me the right. Yeah so you have....

Unterjection Speaker:(Inaudible).

Com. Adagala: Njoo hapa, so I don't know how you will do this, how will you put your proposals?(?).

John Siva: Okay, I am going to meet the Pastor of Vihiga district fellowship halafu we make it.

Com. Adagala:(Inaudible).

Lazarus Asamba: Lazarus Samba, haya kulingana na mambo ya uamini wa Wakristio mimi nilichangia tueshimu kitabu cha Bibilia lakini mimi ndio ningekuwa mstari wa mbele sana kutaka sheria ya kikristo Katiba itambue. Makosa ni kwamba hakuna dini ya kikristo hata mimi naweza sema la Kiislamu lakini siwezi kuingilia Kiislamu, hakuna dini ya kikristo ambayo wamejua mjadalal wa bibilia. Wanayeabudu Bibilia ki makosa, halafu singeweza kutaka Katiba itambue mambo ambayo mimi nilionelea wakristo wanaabudu bibilia. Bililia yenyewe ni takatifu, tena....

Interjection Com. Adagala: Sio wakati wa lecture.

Lazaro Asamba: Tena Mungu hana vitabu mbili lakini proposal yangu ya ukristo ingekuwa kitabu cha bibilia ya ukristo sheria zake ziheshimiwe kwa Katiba.

Com. Adagala: Utaungana nao Pastor.

Reverend Samuel Muhindi: Mimi ni Reverend Samuel Muhindi, ningependa kusema sehemu hii ni ya state and religions hapo chini ah, hapa inasema hivi state and religion shall be sovereignt.

Two, there shall be no state religion, three the state shall treat all religion equally, ningependa sehemu ya nne iwe ya kwamba na hakuna dini itakaokuwa nchini hapa Kenya, hakuna dini itakaokuwa hapa nchini Kenya itakayodhuru maisha ya Mkenya, maana tunaposema hapa ya kwamba, the state shall treat all religions equally hata wale ambao wanaabudu mashetani watakuwa ya kwamba wana uhuru wa kufanya na hii inadhuru wa Kenya. Kwa hivyo ninapendekeza ya kwamba ikiwezekana pawe na sehemu hapa dini yeyote atakayemduru mkenya haitakubaliwa, sawa.

Jambo lingine ambalo ningependa kusema nafikiri kufuatana na mambo ya ninayo imani ya kwamba katika memorandum, katika memorandum ni hiyo iliandikwa kufuatana na Kanisa la P.A.G. mimi katika hiyo memorandum tuna maoni maoni ambao wa P.A.G. walikaa wakayatoa tulisema ya kwamba tuwepo na administration ambao inaweza kushughulika na mambo ya wakristo hapa nchini, tukarefer ya kwamba uislamu wanamakazi, kazi anafanya kazi ile ile ambao hawa makuani wakikristo wanafanya lakini hawalipwi na Serikali. Kadhi wanalipwa na Serikali lakini Wakristo wanaofanya kama mambo hii ya devorce hawa wakristo wanasimamia wanatengeneza. Kama mambo haya ambayo inaweza kuwa ya kwamba ni registration ya marriage, hawa wakristo wanafanyisha na hiyo ni kazi ya Serikali, lakini hawalipwi kitu chochote. Ombi langu katika memorandum ikawa ya kwamba ni lazima wakristo wapate kulipwa vile vile Waislamu wanapolipwa kama Kadhi. Kwa hivyo ilikuwa ni

mapendekezo yangu, I refer you to our memorandum of P.A.G.

Com. Adagala: Wacha nikuambie vile SDA walifanya, sikizeni. SDA tafadhali hiki si soko hiki ni kikao cha tume ya kurekebisha Katiba, kama una jambo la kuzungumzia enda inje. Kama una jambo la ku-present simama hapa. (*In Kiluhya*). Nataka record ya hapa iwe clean (*In Kiluhya*) nataka iwe clean watoto wakisikiza 100 years from, now they will know this was a good team meeting.

PAG, watu wa SDA, Seventh Day Adventist, kila mahali tulienda ambao kuna SDA pengine hata Turkana walikuweco, Nyanza walikuwa tele hata Nairobi walikuweco. Si nimewaambia tumechukua ile (*In Kiluhya*) what a majority needs that is really part of the problem. Nafikiri nikisema kweli kuna mambo ile amboyo iko qualitative nakuja, lakini SDA everywhere we went we sat and listened to three or four people who said our holiday is Saturday, tunadhulumiwa hivi kwa shule na hivi kazini hata promotion hivi, hivi, hivi okay. So, inasikika inasika inasikika hii memorandum yako ingekuwa presented everywhere where there is Pentecostal, everywhere okay, lakini ni kitu qualitative, kuna quantitative hiyo ya SDA nyingi nyingi lakini unajua quantitative unaisikia unaisikia unaisikia mwishowe hata haiwezi kutoka hata ukiangalia kwa mariporti mengine SDA, SDA, SDA, SDA, SDA na kweli wanadhulumiwa. Nilikuwa Kenya High na Kenya High imesema imechoka na SDA hawatakuwa wa na-admit SDA watoto eh, na wakasema wanaweza kuaply kwa hizo SDA schools zingine.

Siku gani tulikuwa na hiyo mkutano wa PTA, Saturday sasa wazazi wa SDA hawakuweco unaona hiyo visious. Sasa ni vizuri umesema hiyo, tume highlight hapa hiyo ni kama qualitative. So here it has been mentioned lakini compose this thing for us he has said arbitration you know, arbitration what, okay but we shall look at your memorandum and highlight it here we have put okay.

Haya ya pili ilikuwa?

Rev. Muhindi: Ilikuwa ya kwamba nchi ya Kenya tumeweka ya kwamba states iheshimu....

Interjection Com. Adagala: Okay you are.. kutodhulu pengine hiyo ndio proposal nimesikia ambayo iko reasonable upande wa devil worshipers, kwa sababu kudhulumu eh, pengine hiyo ndio kwa sababu tulikuw tunauliza watu devil worshiper ni nani? Anafanya nini? Wanasema hao wanakutana usikua, nikasema sasa nikienda Kanisa nikikesha inakuwa devil worshippers? Ah, sasa or they maditate nasema kuweka meditate the other sasa hao ni devil worshipers, hakuna mtu alituambia vizuri na wakasema unajua reporti ya devil worship you know hiyo sasa hiyo haijatoka tunasema hatuwezi kuguza hiyo kwa sababu haijatolewa. Sasa ikawa kitu cha kushangaza lakini kudhulumu unajua wewe ni mkristo kudhulumu pia nikuoppress ujue kile unasema Yeah, kwa sababu dini ya wakristo sio bibilia lakini dini ya wakristo imechukua itadhulumu wanawake, mnajua hivyo, haya tutaweka hiyo.

Manoah Kiverenge: Jina langu ni Manoah Kiverenge nikiwa mwenyekiti wa makanisa hapa yetu ya division hii, na nikiwa tena mmoja viongozi tunatoka kanisa la(Inaudible) of East Africa. Ah, nilipoangalia katika state and religion nikaanza kuwa na wasiwasi kuhusu that wasi wasi yangu ni ya.....

Interjection Com. Adagala:(Inaudible).

Manoah Kiverenge: Nikaanza kuona ya kwamba vile mmoja.....

Interjection Com. Adagala: Mapendekezo.

Manoah Kiverenge: Pendekezo langu ndugu mmoja ametoa ni kwamba kila number tatu, kila region itakuwa sawa. Tumekuwa na society's act na ilikuwa pendekezo letu ya kwamba katika society's act, pengine sisi kama makanisa tungetolewa kwa hiyo ili tuwe religious organization kwa sababu kikundi kama Mungiki kwa mfano, tumewahi kuona wameingilia kama society's act na wamejiingiza katika kujiandikisha na wanasema ni kikundi cha kuomba Mungu ambacho ni kinyume cha maombi yetu kama wakristo.

Pendekezo yetu ni ya kwamba tungekuwa na kingo kuhusu societies act, vile society's act kuhusu religious.

Interjection Com. Adagala: Utueleze vile ungependa.

Manoah Kiverenge: Ningependa ya kwamba sisi tuondolewe katika society's act.

Com. Adagala: Mpelekwe wapi?

Manoah Kiverenge: Tuwe chini ya religious organization, Yeah.

Com. Adagala: Kwa sababu hata parties zimetolewa kwa hiyo ziko kwa ECK Electoral Commission okay. Kitu muhimu kuhusu dini, mlituambia dini zipunguzwe lakini sisi kama wanakatiba au makatibu wa Katiba hatuwezi kuweka limitation kwa freedom of expression and freedom of associations. Freedom huru wa kuongea, kuabudu au kuhubiri hata na hiyo uhuru wa kushirikian hiyo kwani hauwezi kutoa nikama roho mtakatifu wa Katiba, sasa hiyo hatuwezi kuguza. Pia parties mkatuambia hivyo tukasema hatuwezi yenyewe itaregulate.

Kitu kingine tulisema tupunguze, sijui ilikuwa nini, pia hatuwezi, kwa sababu ukitoa hiyo bas, Katiba imetoka okay. Na uhuru wa ku.. freedom of expression the highest freedom of expression ni the freedom of worship, the freedom to have your faith okay, hiyo ndio the highest, so hiyo haiwezi kutolewa. Ikiwa na devil worship na sijui kwa nini wanashinda watu wa kanisa au

Waislamu, hata Salim alikuwa akasema sasa ningesema watu ambao si wakristo, Professor Salim wakristo ni devil worshipers sasa yeye Muislamu ni devil worshiper. Tukasema pengine tungeweka kitu kama those worship the living God, sasa pia kwa devils worshipers the devil is here, God you know. Ni kitu kigumu sana, ni kitu kigumu sana lakini tikiweka usiodhulumu kwa sababu ikiwa unachinja mtu unatoa sehemu za siri, unatoa roho, unatao nini kuenda kufanya sijui ni uchawi au ni nini, umedhulumu umechukua maisha ya mtu eh, na unachukua ulimi na nini vitu kama hivyo lakini mjue pia wale ambao wanataka kuabudu dini za kiafrica pia ana uhuru. Mtu alituuliza eh, mpeleka wapi dini ya Msambua? Tukasema all religions okay, sasa ni nyinyi kwa nyinyi au sisi kwa sisi kuhubiri na kuleta watu eh. Wale pia wanahubiri na wanapeleka watu kwao okay, lakini freedom of association and freedom of speech we cannot touch.

Luyali Liyai Alex: Jina langu ni Luyali Liyai Alex. Pendekezo langu ni kuhusu viapo na kila Juma tatu na Ijumaa shuleni huwa tunalisha wanafunzi kiapo cha uaminifu hata ingawa hatutaji Mungu ama kuinua bibilia juu ua tunalazimisha wanafunzi kusema kiapo ninaapa kuwa muaminifu kwa Mtukufu Rais na Serikali namna hivyo na filosofia fulani. Ningependeza kuwa viapo hivi vyote vitolewe vibaki vile vya kiafisi na pia wanafunzi wasiwe wanaapishwa au mtu asiyeweza kuelewa kiapo hicho asiweze kuapishwa bila hiari yake.

Com. Adagala: Okay mnajua vitu.....(Inaudible) mnakiita hiyo plate mnaita kiapo kwa Kiswahili. Mnaambia watoto wana, they are taking an oath?

Vincent:(Inaudible).

Com. Adagala: Kuna kitu niliona nikiwa shuleni Amerika na niliambia, kwa sababu mimi si Mmerika niketi lakini wanasimama wanasema I pledge a legions to the United States of America for the republic of which it stands, I memorize because it was said very often. Lakini mimi, I was not an American I sat, okay and I didn't say it because I cannot pledge a legens.

Nafikiri mtu aliona na akaona hiyo ni kitu kizuri na akaweka ilikuja jusi sivyo? Yeah, so the pledge is there, the pledge hii ni wakili its not an oath that is one.

Two, I understand what you are saying vitu vingine visiwewe ambavyo nini, sasa unajua hapa oath tumeweka kwa hiyo schedule umeiangalia? Yeah, tumeweka hiyo pledge eh, unajua kitu kinawachishwa nje na Katiba. Katiba is like a positive thing so what is left out that will go to Parliament hapa watangangania but we have written it down that pledge is like that. If it is a pledge it should be national, you know we didn't have, actually let me tell you, leaders have had a diffucult time but they have had an easy time because we didn't have national goals, we didn't have national goal so they didn't even know what to do. There a vacuum someone said wacha tutengeneze hii eh, hata saa zingine Kimoli hapa anasema wacha tutengeneze national anthem nyingine na he is gifted I think he wrote nine different ones. Akandika ya OAU, akandika ingine, you know because our vacuum, but now tumejaribu kuziba hizo zote ili tuendele. So hiyo pledge sijui Wakili ana.....

Vincent: Pledges kama hizo sio kiapo, na katika Katiba hii mtu hatalazimishwa kuchukua kiapo, kuna pia affirmation which is a form of swearing.

Com. Adagala: Okay, so anyway we can put that, that it needs to be dealt with, it is something that exists so it needs to be dealt with.

Kile kilitokea na sikioni hapa na ile watu wengi, Wakamba wakasema, Wambere wakasema, wanini, Wadigo wakasema, Luhya wakasema, Wajaluo wakasema, wakasema hii mambo bibilia msakiliza waakilishi wa makanisa. Wakasema hii mambo ya bibilia hata inaweza kuwa kijiti kwa mikono kwa sababu mtu anasema tu I swear this and this anaweka chini eh. Hiyo ndio hata huyu kijana alikuwa anasema, when you are swearing like that and you tell lies, what does that mean? Eh, wengine walisema hiyo si kitu kwa Mwafrica si kitu, oh some wakasema ah lakini yetu inashika eh lakini wengine wakasema la hata wanasema na Islamu na haingii. Watu wakasema tuchukue kiapo cha Kiafrika na wanamajina yote tumeiweka chini lakini sioni nyinyi mkisema. Hata huku hata Wamaragoli hawakusema wale wa juu walisema wale wa sehemu za juu wa Luhya land. That it is the traditional oath that the people fear, watu wa kanisa, you know Christians have such a big job na tumepotelea kwa vitu vingine vidogo vidogo.

When someone takes the bible, Ee Mungu unisaidie halafu, hala, hiyo ni nini kwa Mkristo hiyo ni nini kwa kanisa ya Mkristo okay. That why quickers go to a point historically, where they saw people were just doing this and they didn't mean anything and they said ah, do not swear by this and that so tutaapa tu bila. Queckers walifika hiyo nasema ile ni muhimu ni kile unaamini, sisifu Wakueka lakini walifika wakati ule wa George Fox wakasema ah, hii imekuwa too much. So the Queckers are the protestants, protestant. Protestant against the Catholic because Catholicism come to meand nothing, so wakaleta wakaweka pumzi hiyo ya Holly, hiyo tena ya Holly spirit ya Christianity halafu wakapoteza tena, Qeuckers wakaja wakasem hii pia imepoteza ndio wakasema, you have to think don't just say tribunal when. Infact I have a big problem, Christians say they 80% of the churchers, 80% of Kenya is Christian isn't it? Isn't it:

Audience: Yeah.

Com. Adagala: Nataka wakuu pekee wajibu, it's true?

Audience: Yes.

Com. Adagala: Muslims say they are 40% inakuja a 120% of Kenya is religious, do you see what I mean?

Audience: Yes.

Com. Adagala: That is what they were telling us Muslims wako 40%, wa Christians wako 80% so you add Africans is more than the Kenyans are, it is 120% halafu nawauliza na ufisadi unatokea wapi? Uongo unatokea wapi? Wizi unatokea wapi, if we are 120% religious, okay, it is not a joke. Why do people swear on the bible and tell lies okay. So hiyo arbitration na tribunal inafaa itengenezwe iwe kitu, okay.

Haya tuendelee these other things we were coming across, I am just telling some other background we were coming across tundelee, tunaenda haraka. Why don't you continue.

Speaker: Msuadu huu wa Katiba pia una madili ya kimataifa ambayo yatahitajika kufuatwa.

Com. Adagala: All I was saying is other people have said the African oath is the one that people believe in and they were saying it should be in the constitution. You hear what I am saying?

Audience: Yes.

Com. Adagala: I can tell you background, I cannot make the proposals or write it down. That is not my job, my job is to hear and to put together okay.

Peter Ludava: Haya ni kama umoja wakitaif national unity, nitaenda haraka haraka. Maadili mengine ni kama diversity ama kusawa kabila na watu wa tabaka tofauti tofauti. Democrasia pia ni adili lingine. Kuna transparency na accountability ya usawa na uazi, pia Katiba itaweka vikwazo dhidi ya ufisadi ama vile Madaam Commissioner anasema zile tolerance to corruption.

Pia kutakuwa na independent courts ama mahakama ambazo ziko huru. Vyama vya kisiasa zitapewa uhuru wa kufanya uchaguzi na mambo kama hayo bila kuingiliwa na Serikali. Mashirika sio na Serikali pia yamepewa uhuru wa kufanya kazi zake bila kusumbuliwa. Wanawake pia watatambuliwa na theluthi 30% ama thelethi moja ya afisi za Serikali both appointive and elective zitashikiliwa na wanawake.

Katiba itaona kwamba Serikali inatosheleza zile haja za msingi primary needs to all Kenyans. Haja hizi ni kama maji, chakula, nyumba na vitu kama hizo.

Katiba pia inatambua kwamba kila sehemu ya Kenya itahitajika iendelee kwa usawa, equitable development of every part of the country.

Katiba inailazimu Serikali iwe Mwananchi nzuri wa bara la Afrika, a good citizen of the African continent, itabidi Serikali ama

Kenya kama taifa liwe mwananchi mzuri wa bara hili, oh, mwananchi bora ama mwanachama bora la bara hili la Africa.

Na ili kutekeleza maadili haya Rais atatoa riporti maramoja kwa mwaka jinsi maadili haya yatatekelezwa atato riporti hii kwa Bunge.

Pia sura hii inampatia mwanachi wa kawaida kama wewe na mimi juhudi Fulani, uko na wajib fulani na wajibu wakwanza ni kuulinda Katiba. Itabidi kila mwananchi asimame na kulinda Katiba.

Mwananchi pia atahitajika apige kura hiyo itakuwa haki yake, atakuwa na hiki ya kujenga boma, boma lake na familia. Atahitajika pia kuchangia katika maendeleo ya jamii ama community development.

Halafu mwananchi atahitajika kufanya juhudi kuona kwamba kuna umoja wa nchi, national unity, itabidi kila mwananchi awe anapigania umoja wa nchi tuwe kitu kimoja.

Maisha ya familia pia lazima izingatiwe. Mali ya uma kila mwananchi anapewa, kukaa mbele kuchunga mali ya uma, na itambidi pamoja na mashirika ya Serikali ambayo yanalinda usalama kila mwananchi atahitajika kuchangia katika usalama wa nchi, labda ukipata ripoti fulani au halifu itabidi uikabidhi ripoti hiyo kwa watu wanaostahili.

Pia kila mwanachi atahitajika kutojihushisha na mambo ya ufidadi, corruption. Itabidi pia.....

Interjection Com. Adagala: Unajua, wacha nieleza hapa kidogo, unajua corruption, watu wanasema polisi wako corrupt sivyo? Wanahusika na na akina nani? Polisi na Polisi, wanapata hiyo ruswa kutoka?

Audience: Kwa wananchi.

Com. Adagala: Yeah, corruption ni kama HIV kila mtu anafikiri yule ndio anayo eh, wale ndio wanayo mimi sina, ni yule. It is somebody else's disease na hapa ni zero tolerance ya corruption. Ikiwa unapeana na yule anachukua, unahusika okay. So msichukue ah, sasa wamepata hao police hao watu hao wakubwa. Corruption is a disease which even little children know how to do mpaka vijana dot com siku hizi their hero is Pattni, that is their hero, wanasema "Pattni amefanya eh eh, yeah ni kweli yeah". Akifanyia mtu unajua utaambia mtu unajua hii kitu walifanya hivi na hivi na hivi na unamwambia kosa iko na hii kitu kilitendeka nataka kujau walifanya vipi ili naye pia afanya. It is a disease which we have to stop, it has ruined Kenya na zero tolerance for corruption is just that, no tolerance at all.

Polisi akikuambia gali lako iko hivi hivi mwambie chora, andika, if I have done wrong I know the or I don't know the law chora niende kulipa fine, mwisho. Wananchi wakifanya hivyo Polisi wataogopa, na kweli akikata kumpa nini, anachora hata anaweka

hata makosa ingine, unamwambia sasa nitaenda kujitetea, lakini wananchi bas, 200/= basi anaenda. It is not right zero tolerance for corruption itakuwa hiyo, ndio nawaambia next year this time Kenya will be a different country. Because if you are one who is used to doint this and doing that and doing kichini chini na hii(?), itakuwa kila mtu, okay, imeharibu Kenya.

Speaker:(Inaudible).

Com. Adagala: Wacha tumalize citizenship, wekeni maswali yenu halafu tuendeleo hiyo ni national goals ile itatuongoza. Sasa corruption kama hiyo is now anti-corruption is in the constitution. Hizo national goals za the struggle for equality ziko hapo, hizo ya development sivyo, ziko hapo. Sasa lazima hizo vitu viweko, hiyo ndio nguvu za Katiba na kwa Katiba ya sasa haikuweko ndio hii vitu mnaona watu wanafanya oh, Mudavadi alijenga Vokoni nini, ilikuwa roho yake na kupenda kwake, au alifanyiza harambee halafu hii na hii, halafu hoa watu walijenga hii kanisa mwaka hamsini na saba,(?) ni moyo. Hakuna tofauti hii Kanisa na ile ilikuwa kwa ukoloni na hii kwa sababu kwa Katiba yetu hatukuwa na national goals, lengo, nia haikuweko ya hizi vitu.

Haya wacha tuende kwa urai, kwa sababu hizi vitu vyote sasa Mkenya ni nani okay. Mkenya ni nani?(?) Mkenya ni nani, citizenship, okay. La kwanza, what is this? Wa Kenya wote wanahaki ya kupata hizo haki zao na vile eh, what else, wanarighs pia wanaduties, msisahau hii kwa sababu najua watu wa civic education wengi NGO wanaenda round and tell the people mna haki una haki, mnarights, mna freedoms na pia mnaduties and responsibilities ndio nilizungumzia mwanzo hapa ndio iko. You have duties and responsibility. You have a right to have a family, you have a duty to take care of it, mnaelewa? You have a right to have children, you have a duty to make sure they go to school. Na hasa sasa kwenda kwa shule kwa hii Katiba ni kitu tofauti kuliko sasa.

You have a right to all property, you have a right for your property to be protected but you don't have a right to enproach on someone elses, okay, hizo kinds of things. You have a right to a passport, pengine hii itakuwa kitu nini, unajua ukienda, nani amejaribu kupata passport ya mtoto au yake hapa? Nobody, unang'anga'na, unang'ang'ana, unang'anga'na lakini sasa itakuwa right kama ID okay.

Botswana mtu akizaliwa wanamsajilisha right to passport so they travel freely. You know hapa watu wengi hawajaenda hata Uganda eh, because it has been difficult, hata Sudan tunasikia tu Tanzania wapi okay. Hata mpaka wetu hapa Uganda watu hawajaenda lakini passport inakupa hiyo freedom of movement internationally okay. I.D. inakutambua kama Mkenya hapa lakini sasa hiyo itakuwa huru na una haki za identification zingine, ID's zingine ambazo unastakabadhi hizo zote unazo haki.

Sasa wakati wa ukoloni walisema wale watu wote walikuwa wanaishi kwa Kenya colony Katiba ya zamani inasema sasa watakuwa Kenya citizens na hapa pia inasema wale watu wote walikuwa citizens wakati wa hii Katiba mpya hii, will retain their

citizenship. You have to say the otherwise if you don't say that then we shall all start applying for citizenship again. So sasa uko citizen utakuwa citizen, kama haukuwa citizens hauko okay.

Also those registered nafikiri wakili wanajua zaidi hapo lakini sisi nafikiri ni wazaliwa okay. Vile unapata citizenship ya kwanza ni ile ya huler eh, kuzaliwa okay hiyo nafikiri hatuna nini ukizaliwa Kenya wewe ni Mkenya, mnajua hivyo? Ukizaliwa Amerika wewe Mmrika, sasa nilipokuwa mwanafunzi huko nilisema ah, sitaki mtoto wangu awe Mumerika nakasema nitangoja niende nyumbani ndio nitazaa, nikachelewa hivyo ndio nikazaa baadaye.

As per hiyo, by registration, naturalization hiyo kuaply halafu unaapishwa wewe ni Mkenya, okay hiyo yote imeelezwa hapa okay. Okay kuna shida ambayo iko ya citizenship, kuna nchi zingine ukiwa citizen kama Kenya sasa, ukiwa citizen wa Kenya, uko tu citizen wa Kenya hakuna kingine, lakini watoto wetu wako ng'ambo wengi na hii ilikuwa ombi lao. Wengependa kubaki Wakenya lakini watu wa wengi wa Kenya wako inje, lakini Katiba yetu inasema huwezi kuwa Mkenya na pia Mjerumani na pia Mumerika kama hiyo. Sasa tumeweka unaweza kuwa citizen wa nchi mbili dual citizenship.

Kuna nchi zingine zina multiple citizenship unaweza kuwa na nyingi tatu, nne, tano okay, lakini sijui utakuwa unafanya nini ukiwa kwa nchi nne, tano, sita, saba. Na sasa hiyo ndio hiyo eh what is it? Unasema nini, unasema nini hapo? Okay sasa pia sio hao watoto wetu wako inje peke yao, watu wa mpakani Wadigo, Waturkana au watu wa Busia, wa Samia wanasema unaweza kuo halafu unakaa na mkee ambaye si Mkenya au mume ambaye si Mkenya miaka , watu wate wa mpakani walisema hivyo. Mpakani walisema tunaangaika sana, okay haya.

Okay hiyo mtu kama ulikuwa Kenyan citizen wakati wa hii constitution uko citizen, what is this one saying? Don't read it just tell me the(Inaudible). Okay, wale ambao walipoteza uraia wao sasa wanaweza kuipata, kama huyu msichana wetu Bilha alienda Zimbabwe anafanya Zimbabwe halafu akaambiwa lazima uwe kwa sababu sheria yao ni kama yetu, ukitaka kufanya hapa zaidi lazima citizen, sasa akafanya akawa citizen huko. Akiwa citizen huko akaambiwa na pia Kenya nini ikamwita ikamwambia huwezi kuwa citizen wa Zimbambwe na wa Kenya sasa utapoteza ya Kenya, pia mtoto waka akapoteza. Na alipoteza ya Kenya na pia ya Zimbabwe kwa sababu alichelewa ku.. deadline ikapita. Sasa ni kama she is stateless, this niece of mine she is stateless, sasa anajaribu kuwa resident US na si mtu ambaye anahatia ni mtu tu anafanya kazi anaishi. So there wale ambao walipoteza wanaweza kupata tena, okay.

Okay hayo mambo ya ufisadi, ukifanya ufisadi ni kwa mambo ya kupata, unajua wengine walinunua. Niliambiwa kununua citizenship siku hizi ni milioni tano eh na unaenda kwa wakili mnasikilizana naye anaenda anapitia kwa God father, inapita mpaka inapita kule halafu ina, okay hiyo itapokonywa sivyo. If you have required citizenship by fraud, itatolewa.

Okay mzazi wako aki....eh before when Yeah nikizaa mtoto nikifari huyo mtoto atakuwa Kenyan citizen, atachukua citizenship yangu awe hapa au ng'ambo. Okay hata hao wazazi wao walifariki, hii ni kwa watoto kwa sababu watoto wanahitaji kulindwa

na lazima walindwe kutoka wakati wanazaliwa sasa huwezi kumpunish, mzazi wako alikufa au alikuwa nani, alikuwa nani ni automatic okay.

Kama citizens, watu walikuwa nini wanaweza kuwa resident, foreign mwanamke wa nchi ingine akitoka kwa nchi ingine na wale pia wajane waliwachwa na hawakuwa citizens lakini wanaume wao walikuwa hivyo okay, na mtoto wa mrai.

Parliament sasa imepewa muda pia, muda wa wa mwaka moja, ishughulishe vitu ambavyo haviambatani hapo na Katiba kwa laws zilikuweko na cha sasa.

Halafu kuna hapo conditions na hapa inasema, kutakuwa na registration board ya citizens hapo ambayo itaregister citizens, okay questions. Tumesikia tu sauti nzito nzito, sauti nyororo ile nzuri ya wanawake hatujasikia. Okay any point mnasame muwe active msikae hivyo inatokea na mambo ya moyo(Inaudible) wanawake..... ndio hiyo tunaenda halafu unafanya.....(Inaudible)

Peter Ludava: Jina langu ni Peter Ludava. Niko na comment kwa chapter three section eight, sasa ya hapo inasema mambo ya violence na bribery. It says in state, that is to say avoid violence and bribery, I think it would be more appropriate to say devoid of violence and bribery, devoid. Because avoiding I think is not so strong enough it might not, you know somebody can avoid by doing it. Halafu.....

Interjection Com. Adagala: Section?

Peter Ludava: This is chapter three section eight, eight, eight article eight, article eight.

Com. Adagala: Okay I think it is not a devoid.

Peter Ludava: Yeah devoid of...

Interjection Com. Adagala: Which is to devoid there..

Peter Ludava: Devoid of violence and bribery, instead of saying avoid violence and bribery. Then chapter three twelve, I know this is a little bit controversial, lakini mimi naona mambo ya one third to be women is restrictive and too rigid. That is twelve, so I mean it is just, my personal feeling is that. It is also inconsistent with number 35 chapter five article 35 where it says that, the women will be given equal rights with men. So if they are being given equal rights to education to all the other things it's really not necessary to now make it so rigid and make it one third of all elective and appointive positions.

Com. Adagala: How will you propose then it can rime the other one, the first one you have pointed out twelve?

Peter Ludava: So I think, I mean I know this is affirmative action, and I think the constitution review has really balanced the affirmative action here in this constitution, the draft. But, I think tried to go alittle bit out of your way to again try to give women and disadvantaged members of the society a little bit I think too much of favour, because you are now, from this draft I see you are now kind of compelling the political parties or even the appointing authority to ensure that one third is women. If the women are going to elections with the same facilities as the men are going it means that if they fail, then the nomination must ensure that they nominate more people to the parliament or to the council to ensure that they reache the one third. And I think it would then probably also kind of a little bit discouraged also because the affirmative action shouldn't just look at women, it should also look at what will happen the repercussions of what we are doing. It will also not give too much courage to the women to fight for elective positions.

Com. Adagala: What will you propose for twelve:

Peter Ludava: For twelve, for twelve I would say I think may be if we reduce it to $\frac{1}{4}$, a $\frac{1}{4}$ instead of one third.

Com. Adagala: International, when we start there brobably, international converntions say one third and we haver signatories to that so it starts there. Women have the same especially this side, you know this side is much more obvous women have the same facilities, I think there are parent who don't sit down and say huyu ni mwanamke asiendelee, you know parents don't have such attitude, isn't it? Yeah, really unangangania watoto wote huku ya lakini kwingine kama Maasai land walisema watoto wasichana wanawekwa nyuma. So it is kind of now the whole universe of Kenya and what it comes down and they say the whole world. So let me start that there are international conventions we ara signatories to but also women has everything but the culture, the culture has certain restrictions which translate into attitude which translates into opportunities which are limited for women and so fouth.

So this, I think for us actually here you know isipokuwa ikifika kupiga line kupigia mwanamke kura wanaume wanasonga nyumba sivyo? Kwa nini? Kwa sababu ni mwanamke, na wanawake wengine wanasema (*In Kiluhya*). You know democracy is about voting for the person who looks like you and who is like you, this is actually democracy, zingine ni power game hiyo ya oh, huyu this is more powerful, he has more this and that, hiyo ni power game. Lakini democracy unapigaia yule mnafanana naye, so attitudes are the ones which bring about this.

For me personally, I think affirmative action makes women go past and men tell them oh, you don't need to do this, utachaguliwa which is very bad because it is turning the other way round abit of what you are saying, so for me actually women have a right to 50%, a right to 50% and I proposed in one of the nini, in council kwa sababu naona kuna Liguru wa wanawake wako hapo sivyo, na Liguru mwanaume ako sasa nikasema wacha tufanya wanawake wachague wanawake mpaka district

mpaka national council. Wengine, mwanamume commissioner mwingine akasema ah, itakuwa vita. Nikamwambia kwa nini ikuwa vita? Seventy men and seventy women, why should it be war? Because I may have the same ideas as this man here on a certain issue and be with this woman here on a certain and may be another woman, and may be another man, I am not going there kupigana. Wakakataaa ndio tulirudi kwa hii one third, hiyo ilikuwa kabisa ilikuwa confrontation na hata wanaume mmoja wao Nchuri Ncheke Commissioner, mnajua Nchuri Ncheke Yeah, wa Meru na mwingine wa Muislamu. Akasema wanawake wanastahili wakasema na mimi 50% lakini tukarudi kwa one third kwa sababu ilionekana kama itakuwa inconsistent with this.

So one third is suppose to be there lakini wanawake inafaa mpigania hiyo ingine izidishe. Eh, wanaume sasa wana 100%, why should they have 100%? Ama tusema kwa Bunge wako 98.something why should they be like that, mnaona.

Ludava:(Inaudible).

Com. Adagala: Education yeah, but ...

Interjection Ludava:(?)

Com. Adagala: So we are putting it in because Kenya is a signatory, that is one. Two hiyo one third is part of affirmative action is also a civic education that the women who goes there are the women who would have made it in any situation, who would have made it but for the glass feeling. The invisible feelings that unaenda unajigonga unarudi chini, unaenda unajigonga na hiyo ni culture na attitude.

So wale ambao sio wanawake wote, mimi nina, you know they do that and then they put any woman, is the ones who would have made or let's say the one from minorities, the ones from minorities who can then speak for that voice of a minorities but this is what we decided but we can put down that it is proposed, we are taking proposals now, mine ni maelezo sio kupinga. Mine ni mealezo tu halafu tuendeleo lakini tumeichukua. Mambo mengi ya hii one-third lakini for me naona hii one-third ni nzuri lakini (*In Kiluhya*) therefore wanangojea, lakini kwa nini wasiwe hapa, kwanza wanatunza nyumba sivyo? Na mmekubali watunze, Ukikuyuni walitambua wanapenda tukasema na nyinyi si muweze kupenda, wakasema hiyo ndio kazi yao wapande. Sasa tukasema lakini wale ambao hawana wanaume si wakuje, wakasema no those ones cannot come here they are not married. So if you are married unapanda, if you are not married hauna ruhusa, mnaona hizo attitudes, Yeah. You are not Wakikuyunitu wanawake watatu kutoka kwa market.....(?).

Musungu Mugoha: Nanaambiwa nirudie jina nilikuwa nimesema Msungu Mugoha na nataka kusema hivi...

Interjection Com. Adagala:(Inaudible).

Musungu Mugoha: Narudia sawa, nataka kusema hivi kadili tunavyozungumzia kuhusu jambo Fulani ama tunakubaliana ama kukataa jambo hilo labda ndivyo tutakuwa tunawasaidia hoa. Lazima nirudie hili neno la one-third kwa sababu nimeliguziaguzia everywhere nimelipata kwa hii constitution kwamba ukisema unatenga kiwango Fulani wa wanawake watakuwa elected one third. When you come back now practically, kwanza utaamua ni wapi pale wale wanawake watakuwa elected. Swali la kwanza kama ni Parliamentary utasema Sabatia iwe part of the one third, ama itakuwa ni Emuhaya?

Com. Adagala:(Inaudible).

Musungu Mugoha: Okay sawa sawa kwa hivyo hilo ndio lilikuwa swala langu na lingine ni hivi citizenship. Citizenship and marriage that is chapter four article 20 section two. Citizenship is not lost through marriage or the desolution of marriage. Wakati tulizungumza na wenzangu waliniambia nikifika hapa, niulize three years kuna ewezekano mtu akitaka citizenship three years is such a short time. Mtu anaweza kuja afanye urafiki kama ni mwanamke wa Uganda anatakakuwa citizen wa Kenya, anaweza kuja afanye urafiki nami miaka tatu halafu mwaka wa nne atapewa citizenship on application. Halafu mwaka wa tano ndoa inavunjika, yaani ule urafiki unaisha, urafiki ndoa unaisha na tayari ameshapata citizenship.

Sasa walioniambia tena walikuwa wakutoka mipakani, wakasema kuna uwezekano watu wa mipakani watatumia kifungu hiki kuingi katika nchi yetu, kwamba miaka matatu ni michache sana. Labda wangeangalia miaka zaidi.

Com. Adagala: Nitasoma hiyo lakini hiyo ndio njia moja ya kuwa citizen. Inge is by marriage, so mwanamke, mwanaume ako na tofauti. Lakini inafaa wewe mwenyewe usidanganyike wewe ni mwana Kenya usidanganyike, ukichukua hivyo inaonekana by the fifth year the marriage is out it means that this person was clever than you, isn't it. Sasa utaangalia ile inaitwa love kwanza, sio nimepata mwanamke wa sura fulani fulani. Kama mimi naweza kwenda tukutane na Gachogi, eh, mnajua Gachogi tajiri wa matajiri halafu nifunge ndoa na yeye, halafu aje miaka tatu ako citizen. Na hauenda akawa alitaka kuwa President wa Kenya okay. Muangalie hiyo mambo tukifika kwa sehemu ya President nini anafaa awe rais. It can be even more that, you know na even in the US many of our sons and daughters have done that, tunaoka Muamerika halafu mnakaa halafu uko zitizen, hiyo inafanyika lakini hiyo inafanyiwa kusudi hata yule Muamerika anajua huyu anatumia lakini anafanya halafu anaenda zake na huyu anaenda zake. Lakini wewe ni mwanakenya ulinde Kenya ya kwanza na ujue hii ndio ni ya nini lakini pia hiyo tumeandika what protection is there, pengine ingekuwa ni miaka zaidi okay.

Huenda utakuwa na mwanamke umeoa au mwanamume umfanye mtumwa kwa sababu atataka kuwa citizen ya Kenya na Katiba inakataa utumwa ni kwa vile uko hapa na mimi lazima ufanye vile nafanya kwa sababu ukikosa kufanya hautakuwa citizen wa Kenya, unajua iko upande mbili. Okay anything else?

Muhenge Lugano: Okay mimi ni Muhenge Lugano na tume ya Ghai ilopokuwa ikikusanya maoni nilipendkeza,....analalamika.

Com. Adagala: Analalamika anasema ni.....(?).

Muhenge Lugano: Naam kwa hivyo tume ya kurekebisha katiba ilipozunguka na kusanya maoni ya wananchi, mimi nilipendekeza ya kwamba, iwe haki kwa mwananchi wa Kenya kupata kitambulisho na pia passport, na nikafurahi katika nipoangalia kwa draft report ya kwanza jambo hilo likawa limeshughulikiwa ingawa mimi kwa mapendekezo yangu nilitaka itaje, itaje wasi wasi kwamba mda utakaochukuliwa kupata stakabadhi hizo mbili muhimu utakuwa ni mda upi? Mimi nilipendekeza ziwe wiki mbili. Lakini sasa katika hii final report ambayo tunachunguza, sijaona pahali ambapo mambo yao yametajwa pengine nitasaidiwa.

Com. Adagala: Hiyo ni kazi ya Bunge okay, hiyo ni kazi ya Bunge. Yetu tumesema you have the right, yetu ni principle, kazi ya Bunge sivyo Wakili? Kazi ya Bunge ni hizo details okay. Wao pia watakuwa na access ya hii na sio wewe peke yako umesema, hii ya Kanisa nimesema hawakucoordinate lakini yako watu walisema kila mahali, sasa usawa iko hapo hizo ni details za Parliament okay.

Haya Mbunge wako umshawishi.

Lazarus Asamba: Mimi ni Lazarus Asamba ah, kipengele cha..

Interjection Com. Adagala: Unazungumza juu ya nini?

Lazarus Asamba: Nazungumzia kuhusu citizenship. Hii...

Interjection Com. Adagala: Toa pendekezo.

Lazarus Asamba: Pendekezo langu ni hili, katika Mungu kuumba binadamu alimuweka Mume na mke kuwa kiti kimoja na.....(Inaudible).

Interjection Com. Adagala: Usihubiri.

Lazarus Asamba: Hapana suhubira na ikawa...

Interjection Com. Adagala: Sasa Mzee soma pendekezo lako.

Lazarus Asamba: Taifa la mtu linatokana kwa mume. Na mimi nataka kujua Katiba haikufafanua yule mke ambaye hakuolewa, mtoto wake atahesabika kwa kabila gani.

Com. Adagala: Ikiwa hivyo Yesu hangekuwa Myawahudi kwa sababu alisimama mama wa mama, wa baba baba, mama yake alikuwa Ruth. Hii kiti Mzee kinaitwa patriarchy okay kwa Kiingereza kinaitwa partriachy ni phylisiphia ya partriachy na partrianry ukitaka kujua zaid enda Janet Mwenesi atakuambia ni historian, lakini hiyo ni mpango wa utamaduni pia utamaduni wa bibilia of old testament okay.

Lazarus Asamba:(?).

Com. Adagala: Usinijibu sikukujiba kama unazungumza unaturudisha nyuma nyuma sana, na kweli wewe ni Patriach kwa miaka wewe tunakuita partiach, kama Mzee Solomon Adagala tulimuita Mkurundu, partriach okay una haki ya kukinga hiyo kwa sababu inakupendelea lakini sasa tunazungumza usawa na haki za kila mtu. Na katiba za dunia, dunia is becoming a glable village ndio wewe unajua mtu ako mtoto wa hapa ako Amerika eh, sivyo (*In Kiluhya*) kuna mtoto wa hapa anaishi huko na atazaa huko watoto, kulikuwa na Mzee mwingine alisema yeye alizaa wasichana sasa kwa Katiba ya sasa hao wasichana wameolewa nje na wakiolewa nje sasa wakizaa watoto hawatakuwa wa Kenya, sasa yeye line yake ya Kenya imekwisha hatakuwa na wakenya tena okay.

Hii vitu vingine vitasuhulishwa kwa district lakini kimataifa tumesema mzazi ambayo ni Mkenya mtoto wake ni Mkenya. Hiyo nini hiyo attitude unayo si wewe peke yako lakini iko kwa mila zetu, hiyo ndio inafanya wanawake wanakuwa hata si citizens. Unajua mwanamke si citizen ikiwa hivyo, ni mtu tu (*In Kiluhya*) . Tunajaribu kuleta usawa na utamaduni ambao una usawa, lakini mimi siwezi kubadilisha nini zako tutaweka hapa okay, na kueleza civic education peke yake.

Peter Ludava: My name is Peter Ludava, sorry I had not said something about citizenship, on duties of a citizen I think we should have included personal indeavour to becomes bread winner and store food, you know to have a food reserve in the home because..

Interjection Com. Adagala:(Inaudible).

Peter Ludava: You know there is at D that is 15 D I think it does say something about somebody trying to make something for himself but really it does not cover a personal endeavour for somebody to become a bread winner, you know because otherwise people just sit back and expect the state to provide them with food.

And then I think the question of birth certificate, I know you have indicated that it ia a right but its should be an automatic issued at the hospital, at the hospital automatic issues that is when you know when a person is being given a birth certificated, that is

number 16.

Com. Adagala: Sixteen what?

Peter Ludava: I cannot remember the clause, of course I think it is sixteen..

Com. Adagala:(Inaudible).

Peter Ludava: Yeah, yeah.

Com. Adagala: Haya(?) endelea.

Peter Ludava: Then I support somebody who said here about the citizenship it should be increased to five years. Yaani (*Kiluhya*) we should increase tuongeze ile muda wa mtu kupata citizenship kutoka miaka tatu kufika tano. Maanake ni ukweli kwamba mimi najua naweza kupeana mfano mmoja wa Switzerland, kuna wanawake wengi na wanaume wanaolewa Switzerland kwa purpose specifically kuwa citizens wa Switzerland na mtu anaweza kufanya njama akaolewa ili ikiisha miaka tatu wanawachana hata anamlipa hata anakuwa citizen.

Halafu nilikuwa nimependekza pia na ningependa kama tungeangalia hiyo pia ni ile citizenship for special abilities, kama vile kuna athletes watu kama yuko mmoja alienda nafikiri ni Kipketer, alichukulia hapa akafanywa citizen wa nafikiri ni Netherlands, Holland au akafanywa kwa sababu ile special ability yake ya kukimbia na mimi nafikiri kama sisi tuko na vitu fulani hatuna tuseme kama rugby sisi hapa hatuna wachezaji wazuri wa rugby. Tukipata wachezaji wazuri kutoka kama Srilanka ambao wanacheza vizuri nafikiri ingekuwa bora kama tunaweza kuwapatia citizenship na kuwaweka kwa national team kama tunaona inawaza kusaidia nchi, asante.

Com. Adagala: Girls you do whatever you are doing with as much silence as possible as little of throwing bottles tops as possible. Sitaki kusikia chupa. La pili, nimesema kama una mazungumzo enda inje, (*In Kiluhya*) haya tutawacha wacha tukae.

Benard Chahilu: (*In Kiluhya*)

Com. Adagala: (*In Kiluhya*) mnungunike, kama mnajambo la kusema (*In Kiluhya*) mara ishirini na tano or mara ishirini na tano elfu, hiyo ni haki yake. Kama hauna la kusema ni sawa, kama una la kusema njoo mbele useme. (*In Kiluhya*) hatutaendelea naweza kusimamisha mkutano huu kwa sababu hiyo, ingine naweza kusimamisha hii mkutano ni kwa sababu kuna wanawake wachache. (*In Kiluhya*) we are stoping. (*In Kiluhya*) we are stoping(?).

Benard Chahilu:(?) wananchi(?) tuendelee.

Com. Adagala: Watoe hii soda hapa, wasichana soda yote inje na mikate hii yote, yote inje dakika hii, peleka inje na mwache kufanya kelele, toa, but they just.....(?).

Speaker:(?).

Com. Adagala: You will drink your soda till you finish, rudisha ndani wakunywe soda kwa sababu soda ni muhimu kuliko Katiba.

Murmering from the audience.

Com. Adagala: Leteni ah ah. *End of tape III*) *Noise from the audience.* Msifanye kelele, no they are hungry watakula wamalize,(?) wacha wakule. Wanaume Wakamba wanacheka wanasema wanaume Waluhya wana njaa kila saa yeah, (*In Kiluhya*).

Speaker: You are not okay, do you have an opener? Oh sorry.

Speaker: Me? You didn't give me, why don't you give me?

Speaker: You have not taken, are you okay?

Speaker: Just one, just one,(?) just open it for me so that I can drink it.

Speaker: Fine.

Speaker:(Inaudible) the sodas(Inaudible) that is the(Inaudible).

Com. Adagala: Haya hii chapter inafuata ndio chapter ya chakula. Hii chapter ya five bill of rights (*In Kiluhya*) soda eh. Sasa wakati wa maswali mmechukua kunywa soda. Haya hii ndio chapter ndefu sana. So you are the one, who was telling me soda ni muhimu.

Speaker: Njaa haina haibu.

Com. Adagala: Ina aibu.....(?) ina aibu(?)

Elly Mugoha Muhandi: Jina langu ni Elly Mugoha Muhandi. Wakati tulizungumuzia nina comments tu, nina comments..

Interjection Com. Adagala: Pendekezo, pendekezo.

Elly Mugoha Muhandi: Pendekezo langu lilikuwa kati corruption na vile imeandikwa hapo hainipendezi kwa sababu corruption is the worst in Kenya.

Com. Adagala: Pendekezo.

Elly Mugoha Muhandi: Pendekezo ilikuwa waweke kifungu.

Com. Adagala: Sema kifungu hicho.

Elly Mugoha Muhandi: Kifungu si kiko na court, kiwe..

Com. Adagala:(?) useme ndio.....(?).

Elly Mugoha Muhandi: Niliandika is nikuwa si nilipeana hapo...

Com. Adagala: Nimesema uweka hapa.

Elly Mugoha Muhandi: Iwe na kifungu na sheria ya kusema mtu akipatikana anapeana hongo au anachukua, afanyie jambo fulani, afungwe au atolewe faini, sawa sawa. Pengine ilikuwa ya juu ya court, korti huwa inachukua muda karibu miaka mitano, miaka sita kuangalia kuchunguza mambo ya mtu ndio nilisema corruption hapo hapo ndio inaingilia, mimi nilipendekeza iwe one year, mtu aone makosa yake na afungwe au achiliwe kuliko kuchukua pesa nyingi na mnapoteza mpaka kuwe na kufungu.

Com. Adagala: The next parliament ndio mchague Wabunge wenu mkijua kazi yao ya miaka miwili, mitatu itakuwa ya kuweka details.

Speaker:(Inaudible).

Com. Adagala: Shauri yako ni wewe ndio unawapigia kura.

Speaker:(Inaudible).

Com. Adagala: (*In Kiluhya*).

Speaker: Nafikiri ni vizuri kuelewa mambo Fulani. Ah mapendekezo ya Katiba yako na sheria za Bunge pia viko, hiyo ni kitu ambayo itapitishwa kwa Bunge.

Com. Adagala: Hiyo sheria Bunge itakuwa na maoni haya yote na itatoa watu wamesema iwe mwaka moja, wengine miezi sita, wengine miaka mbili, wengine hiyo yote. Na mkumbuke jambo moja hairekebishwi bila lingine kurekebishwa ndio hapa tunasema hii halafu tunasema people of integrity can be judges. Mtu anaitwa judge, hakuna mtu ambaye anaspot yeyote ya tabia ya uhalifu, au ufasidi ndani yake. Hizi details zote zotatengenezwa na Parliament. Parliament ndio inaweka hiyo kufunguo sisi tunawapa Parliament two years kuweka hiyo vifungu vya sheria. Lakini katiba ni principals, they are principles so the katiba will deal with principles ina hiyo lengo na nia iko kwa Katiba muelewe. Ukija tutaandika lakini ukufanya ni vita au nikukasirika bas, pigia Mbunge bora kura aende kurekebisha hayo mambo okay.

Haya bill of right kwa tafsiri ya kuchapter five, kwa Katiba ya Kiswahili kwa nakala ya Kiswahili imeandikwa Ukatiba hapa ni Ukatiba, kuishi na Katiba hii ndio bill of rights. Hii bill of rights ndio chapter ndefu sana kwa Katiba na hiyo ndio mambo mlizungumuzia zaidi mambo ya elimu, mambo ya chakula, mambo ya human rights, mambo ya vitu vyote viko hapo, mahitaji kwa maisha. Wacha mbali hii mambo ya Bunge hata hiyo iko the right to vote iko hapa.

Sasa hii chapter ni ndefu tutaguzia tu juu juu ndio mtajua principal yenyewe ni nini na mambo fulani ndio iko muhimu. Basic needs are basic rights, okay basic needs are basic rights iko hapa. Kama kuna need basic inaandika hapa.

So remember we are talking about principles, sheria yenyewe itatengenezwa na Parliament okay, na usifikiri commission ina nguvu kuliko Parliament sisi na watoto wa Parliament, commission ni mtoto wa Parliament sasa kama walitengeneza sheria ya kutengeneza hii wataigeuka tena okay, au wakigeuka ni wenda wazimu au ni nini, okay haya.

Bill of rights you just give me this one let me start it off. Hizi ndio msingi wa constitution, hizi ndio nguzo na pillars msingi yenyewe ya Katiba. Hizi ndio kwa maisha mtakuwa mkiishi eh, tutakuwa tukiishi mambo yako hapa ya msingi. Okay, kila mtu anahaki kufaidika na hizi rights hizi rights ziko hapa. Ana haki ya kufaidika na haki hizi. Serikali, I think it is states, serikali lazima isimamie hizi na kuzilinda okay, hiyo ndio principle yenyewe.

Halafu tunaenda kwa the (*In Kiluhya*) okay justeh, kuna international obligations, vitu vingi tunataka zinatoka kwa international, vitu vya international. State lazima eheshimu na kutekeleza mambo ambayo wanasikizana kitaifa.

Okay watu wa NGO's watakuwa na uhuru wa kufanya vitu vyao mnajua walikuwa wakipingwa huku na huku. Okay haya,

hiyo kukatiza au kupengaza hizo rights hizo haki unaweza kufanyiwa na sheria pia ikiwa, isn't it. Ikiwa kitu kinatokea ambayo sisi hatusii cha democrasia au kitu kinatendeka au mtu anatenda jambo ambalo is la demokrasia ambali halifikiri watu wengine hiyo rights hizo zinaweza kupunguzwa au kwa kitu hicho. Na ina wengi sana hapo kwa hiyo.

Kitu kinaitwa maisha hakuna mtu ana ruhusa ya kuchukua maisha ya mtu mwingine sasa right to life is there in the constitution, you have a right to your life, hakuna mtu mwingine anaowns your life hii kila mtu anayo na kila mtu hiyo imepewa na Mungu au na natural right.

Kitu cha kunyongwa ukiwa gerezani hiyo ukiwa umefanya makosa imetolewa iko kwa Katiba ya sasa, nasikia Ochuka ndio alikuwa wa mwisho kunyongwa, sijasikia mwingine. Lakini kunyingwa kifu, kukumiwa kifo imetolewa .

Kila mtu anahaki mbele ya sheria. Kuna uhuru kutobaguliwa kwa upande wa jinsia au mwanamke, mwaname hiyo tulizungumuzia sana ya dini, okay. Kuna hiyo(?) religion and sex not race. Okay hiyo ya ukabila ya Kiingereza au Kiafrica au ngozi, hii ngozi ya hapa ni kitu cha kuzaliwa nacho hakuna.. Na hiyo ulemavu, hiyo mambo ya fikira zako vile unaamini na pia hakuna mtu anaweza kukubagua kwa sababu wewe ni Mmaragoli na yeye ni Mteso kwa hiyo ukabila au kuzaliwa.

Hizo ni vitu muhimu sana kwa sababu vingi za hapa ni vitu ambavyo mtu hana chaguo, kuzaliwa mmragoli hukuchagua, kuzaliwa muafrika hukuchagua, kuzaliwa Mzungu hukuchagua hiyo ya colour. Kwa sababu mtu anakukataa tu, anakata kukupa kazi kwa sababu uko na rangi fulani okay.

Okay na hiyo pia ya kuwa mwanamke mwanamume si kuchagua. Hiyo ingene ni ya kuwekelea tu juu yake eh. Okay wanawake kwa vile culture vile tumezungumuzia inawabagua unapata iko treatment vile tume zungumuzia vile inagongana na maandishi wengine.

Okay, kuna urithi na watu wengi walisema wanataka wasichana wao waridhi, hata wa Kimaasai walisema mtoto yeyote akizaliwa anakuwa ng'ombe inepeana na hizi vitu vyote ng'ombe itazaa ni vyake, ni kama urithi kutika kuzaliwa.

Hayo mambo ya utamaduni wa kubagua sasa impigwa marufuku. Okay tuko kwa number, which number is this, tuko kwa number six, older members of society elderly wale wakongwe wanapewa haki zao kushiriki kabisa kwa mambo ya uma, kwa sababu walikuwa wanasema wanatupwa kama gunia ambayo imeraruka eh, wanasahauliwa. Unafanyia Serikali kazi halafu Serikali inakutupa tu, hata hiyo pension unapata sio kitu na kama hukufanyia Serikali basi hupati. Kama ulikuwa mkulima hawachukui huyu mzee au Mama Mzee anafaa alindwe sasa hapo watakuwa na ile haki ya kushiki kwa nini na kuendelea na personal development, nafikiri hiyo ndio Oludava alikuwa anasema hiyo ya kuendelea na mambo yao, hoa ndio wazee wakongwe.

Lingine hapo, hawataki wabaguliwe eh, na wawe na uhuru kujusikia wao ni watu sio sehemu ya mtu mwingine. Watoto hiyo sheria iko hapo, hiyo sheria pia imeambatana na ile iko kwa katiba ya sasa, children's act 2001, yeah wako na usawa na usawa wao kwa sheria okay. Na vitu vingi viko hapo, okay haya. Wana haki ya kusomesha au kusoma wana haki.

Let come here okay, right to okay wako na haki ya kuwa na taifa. Yaani mtoto hatajikani azaliwe na hana taifa, hana mahali yeye ni mtu wa nchi gani, huenda ikawa hivyo hasa kwa upande wa kuhama hama ama ile ya ukimbizi kama ile ilikuwa wa Ruanda.

Wana haki kulindwa na wazazi, hiyo ni haki sasa yule mtu ambaye anawacha watoto wake hiyo ni hatia, mtoto anaweza kukupeleka mahakamani lamima umlinda. Shule ya msingi lazima kwa watoto wote lazima. Hawawezi kubaguliwa kwa njia gani, kwa vile kwa saa vingine kuna watoto wanabaguliwa kwa njia ya kitamaduni hiyo pia haiwezekani.

Kule kazini pia hawataki watoto wawekwe hiyo ni child labour na hapa imekatizwa , sasa kama unachukua mtoto unampleka aenda kelea mahali na wewe unapata msahara hiyo ni child labour hiyo ni kutumwa na hautakikani.

Wanafaa wapate chakula kizuri na wawe na afya nzuri na makao mazuri. Okay hiyo mambo ya kupiga watoto imepigwa marufuku tena iko kwa Katiba ya sasa. Hauwezi kwenda kupigania vita nafikiri mumeona kwa television saa zingine au kwa magazeti child soldiers, sisi kwali hatuna lakini ititokea mambo ya vita hasa vita vya kindani saa zingine watoto wanawekwa huko kwenda kupigania.

Hawezi kushikwa na polisi mpaka iwe kitu chenyewe cha mwisho ndio anaweza kushikwa na kupelekwa mbele na akiweko awe tu kwa muda mfupi na sio na watu wazima okay. Haya endelea hiyo ni haki za watoto.

Lazima wawe na Mwakili kortini ambaye anawasimamia, okay na hizo tunaenda hapo. Sasa tuko kwa watoto walemavu na watoto ambao wako na special needs kama eh, kama myatima au wakimbizi au hawana makao watoto ambao hawana makao, lazima Serikali iwalinde, lazima Serikali iwalinde. And mtoto ni nani, mtoto ni mtu ambaya ana miaka chini ya miaka kumi na nane okay. UNICEF inasema mtoto ni mtu ambayo ako chini ya miaka thelathini na tano na wanasababu ya kusema hivyo. Lakini hapa kwa nini ni kumi na nane okay. What is the old constitution(?) hii Katiba ya sasa haina watoto walilalamika walitoa maoni yao na walilalamika hakuna jina mtoto au child kwa Katiba ya sasa hakuna mahali mtoto anatajiwa kama haki zake. Anatajiwa kama mtoto wa mtu au you know hiyo kwa child custody lakini kwa haki zao hawakutajwa. Okay hapo tumemaliza ya watoto eh, okay.

Sasa familia tuliwaambia imewahidhiwa hapa. Family lazima ipate heshima kutoka kwa Serikali. Mtu ambaye ana miaka kumi na nane ana haki ya kufunga ndoa na kutengeneza familia yake kuunda familia yake. Watu wa familia yote wana haki sawa.

Hiyo ndoa ya kimila inahifadhiwa hapa.

Haya watu walemavu wana haki zote kama watu wengine wote na unajua hii inakuja pia kwa sababu ya mila tumekuja hapa tumekuja hapa lakini tunapita walemavu na watu ambao hawaoni tunawachukua ni kama hawahitaji ile sisi tunahitaji. Na kwa vile watu wanawawacha nyumbani au saa zingine hata wanawafungia ile wasienda mahali. Wanawafungia nyumba saa zingine wanawaweka kamba.

Wana haki ya elimu, na hizo shule zoa kama za wale hawaoni na wengine wote wale ambao hawasikii na kuzungumza. Na mawasiliano buses, matatus public hiyo ya nini itatengenezwa kwa wao.

Kitu hicho kinaitwa sign ambayo wale hawazungumzi wamehifadhiwa hapa pia. Na wanafaa washiriki kwa kutatua mambo na kushiriki kwa mambo yote kwa sehemu zozote kutoka mashinani mpaka juu.

Haya parliament, legislation hiyo watu wa legislators watafanya ili iendelee. Watu walemavu wanamsuada mbele ya Bunge na msuada huo una vitu Fulani na pengine mmoja yao inaweze kusema lakin parliament hiyo Bunge itasaidisha hapo, itatengeneza hapo.

Okay kuna kitu ni heshima, heshima au nini dignity esteem kwa Kiswahili, what it is?

Speaker:(Inaudible).

Com. Adagala: Heshima ni heshima hadi pengine kwa eh,

Speaker:(Inaudible).

Com. Adagala: *(In Kiluhya)* Eh hakuna madharau, hiki kitakuwa kitu kingine kwa sababu, watu wengine wajichukua mimi niko hivi niko, mimi niko hivi niko eh, na wengine wanajuskia mimi niko mnyonge niko hivi hakuna ruhusa ya hiyo pia.

Kila mtu ana haki ya ulinzi, kulindwa na kuwa na maisha ambayo haina matatizo matatizo ndani, hii tuliambiwa sana kama hii mambo ya uhalifu ya usiku eh, watu kuiba, watu kubomoa bomoa nyumba za wengine kuingia hiyo hairuhusiwi lazima mtu kila mtu akae kwa utulivu.

Uhuru waku hauwezi kuchuliwa bila sababu, kama pengine umeua mtu ndio hiyo sababu utachukuliwa au kama umeiba ndio uhuru wako unachukuliwa unakuwa unawekwa pingu hiyo ni uhuru wako umechukuliwa lakini haiwezi, uhuru wako una haki ya uhuru wako.

Kitu kilikuweco kilitatiza sana kilikuwa detention, kitu cha kushangaza Kenyatta ambaye alikuwa kwa detention ambayo alishikwa, yeye ndiye alirudisha hiyo detention kutoka kwa ukolini akasema inafaa iwe detention bile kufikishwa kortini. Na pia wa kwanza kufungwa na yeye ndio alipitisha na Kenyatta alikuwa Oginga Odinga na yeye ndio alikuwa wakwanza kwenda ndani. Sasa muone eh, (*In Kiluhya*) haya lakini ilikuweco, ilikuweco iliendelea mpaka wakati wa mwakenya na ya hivi vingine watu walikuwa wanachukuliwa tu wanaenda kabisa. Ni kama alikufa kama ako hai, haijulikani miaka watu walikuwa mwingine alikuweco siji twelve years akaendelea hivyo hivyo vitu kama hivyo haiwezekani. Lazima kila mtu akiwa na hatia apelekwe kortini tusema hivyo.

Okay, kuna maisha ambayo haitaki kuwa na vita vita, everybody should live like that na sasa na hatusemi vita tunasema vita vya Serikali hiyo na hata vita vya nyumbani hakuna hiyo ni haki unafaa kuishi bila hiyo. Mtu hawezi kukuchukua na sasa anakudhulumu kwa sababa yeye mwenyewe anataka kudhulu hii utoe kama hiyo ya Polisi mlituambia wanapiga watu ili watoe ushahidi au kwa sababu ingine yeyote.

Haya hiyo corpral punishment ni punishment ya mwili, corporal hii ni corporal mwili ya nyanya hiyo yote imetolewa iwe gerezani iwe mahali yeyote hiyo imetolewa iwe nyumbani corpral punishment. Haya utumwa na force labour, utumwa umetolewa endelea na hiyo inasemam, ya hakuna mtu anafaa awe mtumwa au awekwe mahali yeye ni mtumwa, hiyo pia kila mtu anahaki ya siri ya kibinafsi ili msiingiliwa hata ikiwa hiyo ya polisi kuja kusema fungua wawe na warrant lazima iwe imetoka kwa court sivyo, (*In Kiluhya*) hakuna mtu kukuingilia kwa ubinafsi wako wa kimwili, nyumba okay tuendelea. Why, okay hiyo inafaa hiyo ya nyumba sorry, hiyo ya nyumba hiyo property, mali yako haiwezi kukaguliwa bila hiyo mambo ya court au vitu vyako vichukuliwe okay bila, what is this. Okay and what is this? Okay hiyo mambo ya wasilimiano kama unataka kuwasilimiana na mtu kwa njia ya kibinafsi haiwezi kuja unajua saa zingine wanaweka tape hapo eh halafu unazungumza na tape inachukua vitu kama hivyo au saa zingine wanaweka kwa telephone hizi simu, hata hizi za mobile unaweza kuwekwa kitu ili na hiyo ni private, hiyo ni private mawasiliano private, (*In Kiluhya*).(?) inside okay.

What, okay sasa kuamini dini na pia mawazo hayo ni kitu kama kinatoka sehemu moja eh kwa fikira na kwa amani. Hiyo yote imehadhiwa hapa okay hiyo yote imebadhiwa kama huwezi kusoma pengine watu wa dini msome hapo muone kama kuna kitu eh.

Huwezi kulazimishwa kama vile mwalimu alisema, huwezi kulazimishwa kuwapa bongo unaenda unachoka eh. Huwezi kuchukua kiapo ambacho kulazimishwa kuchukua kiapo ambacho kinakiuka dini yako au kupata amri ambayo haimbatani na dini yako. Haya hapo kuna hiyo freedom of expression na hiyo ni huru wakuzungumza au pengine hata kwa wanasanaa ile ya kutengeneza kile unataka.

Hiyo ya magazeti iko hapo, ati what, kupata na kutoa habari pia una uhuru haya au hiyo ya wanasanaa ikoa hapa hiyo ya kujuskia mimi nataka kutengeneza sanamu Fulani au nataka kufanya nguo inaangali hivi au tie dye au kuchora mchoro hiyo pia

iko hapi au kuandika kitabu au hadithi au kusema hadithi hiyo yote iko hapo.

Mambo ya shule ya wasomi pia iko hapi pia imehifadhiwa academic freedom na hiyo ya kufanya utafiti wa kiscience.., haya hizo zote ziko lakini pia kuna masharti hapo. Huwezi kuenda kuanzisha mambo ya vita na uvumi kwa vita au kuanzisha kufanya watu waanze vita ya kupigana au uanze kusema mambo ambayo itafanya watu, hatred chuki hiyo chuki huwezi kwenda na kuanzisha nini ya kufanye watu wawe na chuki baina yao. Yeah, au kile ambacho kinaweza kufanya maisha ipotee au watu wapoteze maisha hiyo hairuhusiwi. Una uhuru lakini sio wakudhulumu. Nafikiri Mzee mwingine alisema hapa dini isidhulumu pia hiyo uhuru uko lakini si wakudhulumu.

Kuna vitu vimefika hapa hii vitu vya dot com hii vitu vya IT lazima vina uhuru pia hapo imetengenezwa wacha tupite hapo lakini Serikali haitaingilia mambo ya computers na nini na nini na hii mobiles waweke kitu cha kusiliza au kuangaisha watu.

Mambo haya ya state owned nafikiri KBC ndio iko state owned kwa wakati huu lakini mbeleni pengine kutakuwa na zingine lakini hii inafaa hata ikiwa ni ya Serikali lakini kwa uhuru lazima isishikwe sana, iwe na uhuru wa kutoa habari, you finish here ...haya.

Uhuru huu wa magazeti na TV na radio na mawasiliano mengine watu wa KBC walikuja commission kwa kazi mengine lakini tukawaambia tumeandika hapa, wakasema really where did you get that, tukawaambia wananchi walituambia, eh wananchi wanajua? Eh so he wanajua na wao wenyewe hawakutoa maoni, mnaona. Wao wenyewe hawakutoa maoni lakini wamefaidika kwa maoni yenu, hii ni kufaidika kubwa sana kwao, kuwa independent kutoa habari kwa sababu sasa hawako independent lazima watoe ile Serikali wanataka watoe okay, what is this? Okay hii mambo ya license hakuna tena Serikali kukua na sheria hati lazima wawe na license ndio waendeleze kazi zao au watu wa magazeti na TV na radio.

Political parties, vyama vya siasa lazima vitakuwa na nafasi ya kutosha, nafasi sawa kwa hii vyombo vya, ambavyo viko owned by the Government. Kwa uchaguzi ni ukagui fulani reasonable ile ambayo ina maana sio ile ambayo mtu anataka tu na anapiga marufuku ile lakini ile ambayo ina maana.

Kila mwananchi, kila mwananchi mtoto hadi mzee mkongwe kama huyu Patriach, kila mwanachi ana haki ya kupata habari na kuwa na hiyo mambo anataka ajue okay. Kama kuna habari yako ambayo Serikali inayo unahaki ya kuipata kwa sababu ni yako, haki ya kuipata. Mfano wanafunzia wa shule wa University kawaida hawajui kama walipata 59 au 52 na hiyo yote ni second class, lower second class. Lakini unajua ukiwa umepata 59 utakuwa na hamu ya kupata 62 sio, ukiwa na 51 utajirekebisha au ujue hii course siiwezi, okay sasa wanaambiwa tu upper class hobours, lakini wanafaa wajue. Na pia mtihani yao hawaioni okay, hawaioni huko nafundisha huko najua na lazima inafaa waone ilikuwa marked vipi kwa sababu hiyo ni information yao. Hiyo ni kama siri naonyesha tu mifano huo ndio mfano mmoja ambayo inafaa iwe uhuru. Sijui kama wengine wanaona mtihani yao ya National sijui.

Haya freedom of association, freedom ya kushiriki na wengine, freedom ya ku, huo uhuru wa kushiriki au kushirikiana na wengine iko. Ah, NGO hiyo civil society watakuwa na uhuru okay na ingine ni kutekeleza hiyo. Hiyo ya mwisho inasema(?) okay freedom of assembly nafikiri pengine wanafikiri ni hiyo assembly ya shule na pia hiyo assembly ya nini, ya kanisa. Lakini freedom hiyo, uhuru wa kukusanyika pamoja na kujadiliana au kufanya maandamano au ki nini, au kukua unataka kitu Fulani kitendeke hiyo yote imehadhiwa hapa kwa sababu kwa ile Katiba ingine ilikuwa three people eh, mkiwa watu watatu, saa Fulani ni saa Fulani? Mlikuwa mnahitaji license nafikiri hata hapa ni ya funeral pia eh, hiyo ni lazima muenda mpate license halafu mje ndio muanze mambo ya kuomboleza hiyo pia imetolewa, mumefurahi hapo? Waluhya wana.....(Inaudible).

Haya kila mtu ana haki ya kuunda chama, sikizeni hapa ndio mko kabisa kila mtu ana haki ya kuunda chama cha siasa na kushiriki kwa vitu vyote ambavyo viko hapo, campaign, na hiyo ya fair elections, hiyo ya elections ambazo hazina kudhulumiwa au kuwafuraha au kuwa eh, mtu anakuambia lazima uvote hivi au vile au hata kuhongwa. Kuhongwa sasa ubaya Waluhya hasa wanawake mtu akikupa kitu lazima niende nikampigie na hiyo pia ni kufuraha mtu, lazima wewe mwenywewe ufikirie wewe ni mtu mzima utapiga kura yako wapi bila kitu chochote na hongo na nini na kuwapushed around hiyo siasa ya kupusha around na kufanya elections iwe violent hiyo yote imetolewa eh.

Una haki ya kujuandikisha kama voter na hapa nataka kusema lazima mtashangaa kwa sababu kuna hiyo lakini nchi kama Australia lazima ujiandikishe kama mpigaji kura na lazima upige kura. Na hapo ukikosa kupiga kura unafungwa unaenda kortini lakini hapa ni uhuru okay, haya lakini muwe mnapiga kura ni kitu kizuri.

Okay, hiyo ya freedom, uhuru wa kutembea na kuishi umehifadhiwa hapo, kila mahali Kenya(?) haya hiyo iko. Haya mambo ya wakimbizi iko hapa pia na pia inatokana na hizo mambo ya kitaifa kwa sababu ukiwa mkimbizi umevuka mpaka, umetoka Kenya umeenda Ethiopia au Sudan unakuja Kenya sasa hiyo ni mambo ya kitaifa na wao pia wanahaki okay.

Eh, Bunge ina mwaka mmoja ya kuweka sheria kuhusu wakimbizi okay. Wakimbizi huku hatuna wakimbizi lanini watu wa Northern Kenya wali (*end of side A tape four*) Turkana hata imejengwa International Airport ya kuwaletea chakula na nguo na hiyo yote nilikuwa huko. Na Kenya Airways inaenda huko kila siku, yaani haifiki Kisumu lakini inaenda kule kila siku.

Kuna NGO's 200 kwa hiyo town na wanalalamika wao kwanza watalalamika hii sana kwa sababu NGO's ilikuja kwanza airport wanasema hii mambo watu hawakuliza mtu hati tuna airport inakuja sasa wamejenga airport na walichukua ardhi yetu unajua Serikali ilikuwa na haki hiyo, haiko tena kuchukua ardhi bila kuuliza watu. Wamejenga airport kweli zinakuja lakini hatufaidiki sisi, wa Turkana wanasema, an wanasema pia NGO's ziko hapa na walikuja tu wakachukua plots, wanajenga plots na hakuna mtu aliulizwa sasa nikama wako hapo hiyo NGO's kwa niaba ya kusaidia wakimbizi lakini hawakuliza watu wenyewe. Hiyo ndio devolution lakini lazima hao watu waulizwe na mwishowe hii ikitekelezwa wataulizwa mlischukua ardhi yetu.

Compensation leteni nataka kufaidika mllichukua bila kutuuliza na bure sasa lazima irudishwe. Na pai wanasema hao wakimbizi wanaharibu mazingira, wameharibu utamaduni, wameharibu wamebadilisha vitu huko sasa maisha iko tu, you know maisha kiaina ingine hawajui. Sasa wao ndio watakuwa kwa hii mambo huko Dadab na Liboi nilikuwa huko wanalalamika na huko Turkana, Kakuma na ingine ya mwisho ina airport inaitwa aje? Nimesahau likini nilikuwa huko.

Lakini sasa hao ndio watafanya hivyo. Lakini Wakenya mnajua hatujakuwa na sababu kuvuka mipaka, mnajua hivyo kwa sababu hatujakuwa na vita sasa hao wengine wamekuwa na vita hata hao watu wengine wanasema waende watengeneze nchi yao, kwa nini wanakuja huku lakini ukiwa mkimbizi wewe si ndio ilisababisha hiyo vita eh.

Kama hao wa Ruanda hawakusababisha sasa ni serikali na watu wengine walianzisha sasa watu wanakimbia na mtoto na nini hata mwingine anasema mtoto wangu alienda tu kukojoa pale halafu tukapotezana. Ni hali ngumu sana, mtoto amepotea kwa sababu sasa watu walikuwa wengi wanaenda wanaenda na mtoto akataka kukojoa hapo na mama akaendelea kwa sababau anasukumwa halafu mtoto amepotea okay. Pengine tuseme hapo kwa sheria ya watoto iko mtoto ambayo atapatikana kwa mipaka ya Kenya ambaye ana miaka nane au anaonekana kuwa miaka nane atachukuliwa kuwa Mkenya, kwa sababu mtoto hana hatia. Na kwanini tulisema hivyo? Kwa sababu mtoto akiwa karibu miaka nane na elimu ni ya lazima, lazima aende shule hawezi kwenda shule akiwa si Mkenya, mnaona hapo? Mnaona sasa watoto pia pengine kwa hii sehemu ya wakimbizi anatokea hivyo.

Okay hiyo kufanya biashara, kufanya kazi imehifadhiwa hapo. Hiyo ya mali iko hapo paia unahuru ya kuwa na mali yako. Mali yako haiwezi kuchukuliwa bila kulipwa lazima ulipwe kama hao watu wa Turkana watasema hili lilikuwa shamba langu au hii ilikuwa mali yangu. Na pia si hao peke yao, pia huwezi kuchukua mali ya mtu mwingine bila kumlipa okay.

Okay, hii ni ya labour mumesikia Atuoli alisema hatukuwapea nafasi nzuri kwa constitution lakini hii ni ya labour hapa hebu tufanye hiyo. Mumesikia mambo Atuoli akisema kwa magazeti? Okay lazima uwe na mshahara wa kutoshana na kazi ile unafanya, na pia pale unafanya iwe na mazingira mazuri.

Una uhuru wa kuwa kwa chama cha wafanyikazi, na kuwa na strike waalimu mumesikia. Employers waajiri pia eh,.....waajiri wana pia right ya kutengeneza hivyo uhuru ya kutengeneza unions zao na pia kushiriki huko na kufanya pia vitu vinavyohitajia kwa union. Haya hapo pia labour pia hiyo, kwanza mnajua kuwa na right ya strike kila mara strike iko iko nini?

Audience: Illegal.

Com. Adagala: Illegal, hapa right iko. Ndio naambia waalimu kujeni hapa tuzungumuze wacheni ya 20th century ikae. Na pia

hapa upande wa wafanyikazi, kama sisi sote hivi wengi tuko wafanyikazi au tulikuwa wafanyikazi, kuna hiyo compulsory primary education na nafikir education ingine itakuwa subsidise hiyo ya secondary na post secondary kitu kama hicho, sasa si mzigo mkubwa imetolewa na hiyo inahusu wafanyikazi sivyo? Kuna sehemu ambayo zinaingiana na hii lakini kikubwa hiyo right ya kuwa kwa union na ya kustrike iko.

Social security inaweza kuwa nini sasa, kila mtu anahaki akistaafu, eh akistaafu, okay wacha nifanye background ya hii watu wengi walilalamika mtu akistaafu hapati ile, hako na usalama sana au na kujiskia yeye ni binadamu tena lakini hiyo sasa haki iko hapa na pia kama ana watu ambao bado wanamhitaji au wanamtegemea pia hapo imehifadhiwa hapa.

Kuna haki kwa kupata matibabu ya afya, hiyo ya elimu iko hapo bila malipo na lazima okay. Hii what is this, hii vitu mlisema kwanza mimi nafikiria wakinfunga watanifunga hii vitu viwili afya na elimu. Hizi vitu viwili vikikosa kutekelezwa tutakuwa na mabishano na mapambano makubwa Kenya, kwa sababu hata sijui ni views ngapi vilipewa kila mahali watu wengi watu kama tisaini kutoka kwa mia walikuwa wanazungumza hii na wengine walikuwa wanataja tu. Lakini wengine walikuwa wanasema sehemu hii na sehemu hii, hii kitu kimedhulumu wananchi sana kwa sababu kinatokea walisema watajiri wamejitengenezea watoto wao ndio wanasoma, wetu kuna shida wanaenda wanarudi nyumbani mwishowe wanarudi wakipita mtihani hawawezi kuendelea, hii ni uongo?

Speaker: Hiyo ni ukweli.

Com. Adagala: Yeah, halafu wakasema wanataka hasa primary education iwe bila malipo nikisema bure mtafikiri haina maana eh, iwe bila malipo na iwe lazima. Hata lazima kwa sisi, kwanza ikiwa bure hapa kwetu haja ya lazima haiko lakini upande wa Umaasaini, Uturkana walisema muweke watu walisema muweke lazima kwa sababu wazazi hawajui maana ya elimu. Nikawaambia kwa nini ikiwa bure si mtapeleka tu, wakasema no wazazi wanaweka watoto nyumbani waende ku..

Interjection Speaker:(Inaudible).

Com. Adagala: Yeah kwenda kwa ng'ombe kuchunga ng'ombe na lazima waende shule okay. Na mambo ya afya ilikuwa pia, matajiri wamejitengenezea watoto wao wanaishi wana afya nzuri na maskini mtoto wako mgonjwa unamleka hapo health centre wanakuambia enda utafute 200/= ukiwacha mtoto ameshikwa hapo unaenda unaomba huku na kule unakuja na 200/= unapata mtoto amefariki, eh. Au unaenda nyumbani na mtoto, mtoto anafariki sasa hiyo mnajua mambo kuhusu watoto ni mambo ya vita. Sasa mimi vile nimeona maoni yangu sasa si Commission naona hizi vitu viwili ni vitu ambavyo wananchi wanataka kabisa okay. Haya mtasoma mengi hapo lakini free primary, primary education free okay, hapa walisema primary lakini nursery kwenda juu na waalimu wa nursery walipwe okay, si tulisema hivyo?

Makazi au makoa au nyumba, unahaki ya hiyo pengine hapa haina maana sana lakini mjini inashida nyingi sana kwanza Nairobi

wanaishi tu ili walipe kordi ya kuishi kwa nyumba ili waishi tena waendele ni maisha mbovu sana. Say what it says, okay huwezi kufukuzwa kwa nyumba yako. Parliament itatengeneza hapo sheria ya kuhusu mwakazi.

Maisha ya watu mjini ni mabaya sana, mbovu ambayo hata tukianza kuzungumzia utashangaa kwanini wanatoka huku wanaenda kuishi huko. Okay chakula, Mzee wa chakula alienda wapi? Chakula lazima kuwe na uhuru dhidi kitu kama hicho dhidi ya njaa okay, una haki ya chakula. Endelea, una haki ya kuwa na, no here yes here I want to know, chakula cha kutosha quantities mnaona vijana wakigoma kwa secondarys schools, wanataka helpings tatu, sio wasichana, wanasichana wanajifanya hivi na hivi likini mimi siwezi kulaumu mtoto akigoma kwa shule kwa sababu ya chakula, kwa sababu wanahitaji chakula cha kutosha okay. (*Laughter from the audience*). Na tena sio quantity lakini chakula bora, na ile ambayo inaambatana na utamaduni okay. Tukichinja mbwa mtakula, tukichinja snails tukikamata mtakula?

Audience: No.

Com. Adagala: Yeah, hiyo sasa ni kulingana na utamaduni. Mnaona vile utamaduni unahifadhiwa sasa mnajua walipelekea wa Ethiopia vyakula vingine hata hawakujua kuzipika na walikuwa na njaa. Waliwapelekea mchele, waliwapelekea ng'ano na unga ngano na walikuwa na njaa, lakini yao chakula chao ni taste eh, hiyo ni tofauti sana hawakujua hata kupika, sasa hiyo ni kuweza na hata hawakukula hawakujua inakuliwa vipi na unga ya maindi hawakujua. Lakini ilienda kwa ndege nyingi, nyingi ikapile ikapile halafu walikuwa wanaliangalia tu halafu Mzee anazirai anakufa. Hawakujua kufanya nayo lakini vile kuna hizo vitu kama watu wengine hawakuli nguruwe, okay. Na huwezi kuwaletea sahani hivi ya nguruwe na waseme hiyo ni chakula bora na chakula kingi kula, una haki lazima ingie kwa utamaduni.

Maji pia hiyo inafaa kila, huku mnajua kuna mvua lakini town miji hasa na pia sehemu kama Ukambani wanawake wanatembea masaa sita ndio, wanaanza saa kumi na mbili saa sita ndio amefika mtoni halafu anachota maji nyungu moja halafu na tene arudi na hiyo si yakutosha.

Halafu haya mambo ya usafi, usafi wa kutoka kwa uchafu, uchafu wa takataka na pia hata takataka ya mwili hiyo pia. Tulikuwa na wanamagazeti halafu moja akasema lakini hii ni ndoto hii haiwezekani kwa nini mnaweka vitu ambavyo haviwezekani na ilikuwa na ile madharua ile naweka. This utopian, it is romantic why are you putting there, nikamwambia msichana wewe ungependa jirani wako awe na maji na wewe hauna? Ungependa awe na chakula na wewe hauna? Ungependa awe mtoto wake aende shule na wako aendi? Hiyo yote ni ndoto, ni ndoto lakini inaweza kutimizwa okay. Na kikristo hii ni part of that kingdom of God which should be on earth mfanye bidii eh, tufanye bidii hii iwekwe watu wasiwe na kuangaishwa.

Na let me tell you kama kule Amerika kila mtu ana maji, hata Los Angeles ilikuwa ina desert it was a desert, wakalima wakabadilisha mto ikapita, inapitia Loss Angeles ndio ikawa city, it is more than 30 miles wide kutoka Kisumu mpaka huku city moja. Na ilikuwa jangwa, ilikuwa desert hakuna kitu kilikuwa hapo lakini walilima hiyo ndio political will inatakikana kwa vitu.

Kama watu wa North Eastern wanaishi hapo lakini maji hawawezi kwa sababu hakuna hiyo ya kusema lazima hiyo maji uwe kwa watu wote. Walisema hata mtulete te mifereji ifike hapa. Watu wa Rarieda, watu wa Rarieda walisema haya maji yako hapa tunatembea tunatembea ndio tunakuja kuchote lakini huwezi kuwek mifereji kutoka hapo iingie ndani ya Rarieda constituency watu wawe wanapata vile tunapata huwezi kwa sababu kuna sheria ingine inaitwa Nile Water Treaty ya 1928, huwezi kuguza maji ya ziwa la Victoria kwa sababu waliandika na British na watu wa Misri. Sasa watu wa Misri wanapata hii maji na watu wa Rarieda hawawezi kupanda mboga hapo wakitumia hiyo maji, mnaona sasa hiyo right to nini, is very important na pia hapa tunazoe maji hata ukikosa mvua itanyesha na utaweza, hata utaenda (*In Kiluhya*)

Audience:(Inaudible).

Com. Adagala: (*In Kiluhya*).

Audience:(Inaudible).

Com. Adagala: Watu wengine it is half a day pengine wanaenda wanalala huko ndio wanaleta, sasa unaweza, sasa mtu yeyote anaweza kuoga vile anaoga hapa? Sasa inafa iwe hivyo kwa sababu nikuchimba na ku...(?). Na wacha niwaambie hii mambo ya bill of rights imezungumziwa sana imekuwa mchezo, mtu akitaka kuwa councilor anasema maji, mtu akitaka kuwa nini anasema oh nitawaletea elimu itakuwa hivi. Mtu akitaka hiyo anasema hivyo imekuwa mchezo, lakini sasa iko kwa Katiba hakuna michezo tena okay. Najua mnasema ah, lakini tumesikia haya yote, haikuwa kwa Katiba sasa iko kwa katiba free education ilikuwa directive, eh ilikuwa directive ikawa policy kidogo kidogo lakini ni ya Serikali.

Tuliuliza watu wa KANU walipokuja kutuleta maoni kwa nini hamzungumzi mambo ya bill of rights, wananchi wanakuwa tu hapo kama voters lakini wao watafaidika nini? Wakasema oh hiyo ni policy ya Serikali kila Serikali itakuwa ikisema na sisi tukasema oh, tukawacha halafu tulijua wananch wanataka iwe hapa. Hivyo si kupinga KANU lakini ni kusema tu watu wengine wanafikiri Serikali Fulani ndio itafanya na hii ndio inafanya. Amerika mtoto lazima akae kwa shule mpaka ako 16, apende asipende anaenda shule, mzazi apende asipende anaenda shule iwe serikali ya republican au democratic anaenda shule.

Akikaa nyumbani, social worker anakuja kukagua ni nini inatendeka hapa. Ikiwa unaweka mtoto nyumbani wanachukua wanaenda naye eh, ukimuweka hati atakuwa akifanya hivi oh, au atalea mtoto wa dada yangu, wanachukua huyo mtoto humlindi vizuri, anaenda shule anaenda kuishi kwa nyumba ingine anaenda shule. Sasa hizi vitu viko kwa Katiba hii ndio maana ya katiba hakuna kitu kinaanguswa na nguvu kama katiba.

Haya hiyo sasa ni ya mazingara, mazingara safi, mkienda Line Saba ndio mtajua mambo ya, mumeenda Line Saba?

Audience: Ndio.

Com. Adagala: Yeah hiyo ndio inafaa iwe safi na mnafaa nyinyi wenyewe pia muhifadhi kila mtu anajukumu hiyo na haki hiyo kuhifadhi mazingara hiyo pai. Na hiyo mnajua kuna vitu vinatendeka sio Mathare peke yake kuna misitu imeenda hapa, mliifadhi vipi?

Speaker:(Inaudible).

Com. Adagala: Mliifadhi hiyo msito vipi? Hamkuwa na haki sasa mnahaki, hata hiyo kesi mnaweza kuleta msito yetu ilienda vipi? (*In Kiluhya*) ilienda wapi? Eh, (*In Kiluhya*) wa Kikuyu ilienda wapi? Sio environment peke yake kuna vitu vingi ni environment hii mazingara okay haya. Mzee nakupa kwa nywele yako nyeupe nakupa heshima.

Language na culture, lugha na utamaduni wacha tusome hapo ndi mjue, kila mtu anahaki ya kutumia lugha yake na tulizungumza hiyo nikawaambia itakuja baadaye. Promote language(?) yeah nakushiriki kwa maisha kitamaduni, mliona tukiunda hapa Vihiga Cultural Festival eh, tulijua. Haikuwa kwa katiba lakini tulijua hii ni muhimu. Watu wa kanisa wakatuambia mnaturudisha Misri tuawaambia haigongani hata mila ya Waluhya ya *mirembe* iko hapa na iko pia kwa bibilia tafadhali tuendeleo tukabembeleza tukabembeleza ikaendelea pia kutohara sivyo? Ya wanaume sivyo iko kwa bibilia na pia iko kwa utamaduni sasa tunahaki ya hiyo nakupaticipate kwa hiyo, unajua mtu angekuja hapa na atufunge pingu hapo kabisa kwa sababu haiko kwa Katiba lakini sasa iko kwa katiba.

Na unahaki ya kuchagua kile unataka na utamaduni unataka. Najua mnasema kama Mzee amesema hakuna mtu anachagua nini yake maumbile ile ya jinsi ile kama uko mwanamke au mwanaume ndio kuzaliwa kwako inaambatana na baba lakini unajua sasa watoto wanazaliwa eh, nani hana jamii ambayo amefunga ndio na mtu mwingine wa kabila nyingine. Ukienda ukienda utapata mtoto wa msichana wa(?) amoa Mkamba sivyo. Sasa hapa pia kuna hiyo chagua na pia kuna kitu, mila zote haziambatani Mzee pengine anatuambia hivyo kwa Wakikuyu watoto wako hivi, upande wa mama upande wa baba vile wanaitwa majina. Na saa zingine hata ikifikiwa vita mtu anangoa wake anaenda nayo anawacha hao wengine. Wale wameitwa jina la baba ya mama na mama ya mama na dada ya mama wanaenda na mama okay sasa mila zote sii hivyo, si vile tuko hapa, lakini mtu anahaki ya kuchagua.

Okay anaweza kufanya vile pia hapa kwa Katiba imekaa, hiyo lugha una haki ya kutumia lugha yako mtu hawezi kukuambia Kiswahili ndio lugha ya taifa usizungumze lugha ingine, lugha ni la taifa na pia lugha yako unahaki. Yes na pia kushirikiana kwa dini na mambo ya kitamaduni huru uko.

Hayo mambo ya tohara na ndoa na hayo mengine. Next okay hakuna mtu anaweza kukulazimisha andika hapa kama wewe ni Mluhya ama wewe ni Mkamba, vile inakuwa kwa stakabadhi sio, anasema sivyo, Yeah hiyo haiko tena.

Haya watu consumer, wateja, wanunuzi au vile tunatumia vitu lazima kitu unauziwa kiwe kitu bora sio tu kitu bila quality bila maana ndani. Na unajua unaweza kuuziwa mahindi ambayo imeoza lakini una haki ukipata hiyo mahindi ilikuwa imeoza unahaki ya kusema ninataka mahindi bora. Kama jusi nilinunua hii kadi ya simu ya kutembea nayo na it was wrong and I rang them, nikawaambia naenda polisi kwa sababu ni mara mbili kwa hiyo duka nimenunua kadi ambayo wanasema is invalid. Wakasema why should you go to court, why should you go to police? Nikawaambia ni haki yangu na kwa vile mumejanya watu si wengi mmenunua na haina pesa, haiko halafu unaenda unanunua ingine sasa mimi tunaenda nao court kwa sababu hawakunipa kitu kizuri. Niliwaambia hii ni rotten meat nataka good okay.

Unahaki ya kupata huduma na pia bidhaa ya, kuna haki pia ya kuwa na afya yako kilindwa na usalama yako, na pia yes unahaki ya kama umepata kitu kibaya ulize malipo kuwa compensated nafikiri ni malipo okay parliament itapitisha hiyo ile iambatane na Katiba.

Right to fair administration, sasa hao watu wa eh, si utawala ni utawala, administration ni utawala haya okay haya. Okay kitu kimesumbua watu na utawala ni ile, come tomorrow eh, come next week, file imepotea sivyo na mlisema hayo. Sasa tumesema lazima hiyo huduma iwe ya sheria ifanyikane kwa muda ambao unahitajikana na iwe ndani yake na bila upendeleo, okay. Si mtu mmoja anaweza kwenda na apate, na mwingine kwa sababu si jamii ya huyo akose kupata sio, au si rafiki yake au si, lazima iwe fair. Haya Parliament itatengeneza hayo zaidi.

Mtu akija akakwambia this is higher authority na haiko haimbatani na sheria, una haki ya kukataa. Mtu akija akisema I have been sent to your home to take this and this by higher authority, hiyo nafikiri hii pia Liguru wameshiriki hapa kidogo, unaweza kukataa, una haki ya kukataa, au orders zingine unafaa ufanye hivi au uende pale na haiambatani na sheria una haki ya kukata.

Unahaki ya kuwa na,(Inaudible) what is this? Kufika mbele ya mahakama bila kukuwa na vikwazo mbele yako unaweza kwenda kwa mahakama kama una kitu cha kunini, wait wait. Okay na lazima watu wa mahakama wawe watu wa kutopendelea, watu ambao wanashiriki na sheria bila kuivunjavunja.

Na pia hapa tutasema haki ingine iko hapa kweli, eh pengine itakuja. Unahaki ya Wakili na Serikali itasimamia malipo ya huyo wakili correct. Okay ukiwa, ukifungwa, ukishikwa na polisi unahaki ya kunyamaza, kuzungumziwa kwa lugha ile uanelewa na usijifanye unaelewa Kiingereza au Kibukusu na huelewi. Useme lugha ninaielewa sana ni hii, na lazime wapate mtu atakuzungumzia kwa hiyo.

Hiyo ya kulizimishwa kuandika statement au kukiri si ni kukiri au kufanya nini, hiyo hakuna mtu atakulazimisha. Sasa hii kiboko watu wanapigwa ndio utatoka huko unapigwa chini ya miguu ndio utoe statement hiyo haiko tena.

Haya kushikwa lazima upelekwe mbele ya court kabla ya masaa arobaini na nane kwisha. Mlisema hivyo au la?

Audience:(Inaudible).

Com. Adagala: Mtu asiishi police cell wiki mbili masaa arobaini na nane, na hapo pia ya masaa arobaini na nane na tena tutaona baadaye kwa mahakama, tutakuwa na mahakama mengine ya vitu vidogo vidogo, mtu ameiba kuku yangu, na hiyo itakuwa hapa mashinani, ili sasa isiwe kitu sasa kitu kimepelekwa mpaka Vihiga eh, itakuwa hapa hapa mashinani. It is called small claim courts.

Na tena mlisema ikiwa trial, trial ni nini kwa lugha yenu. Hukumu itolewe haraka okay, parliament ita...(?) okay hiyo ya bail inaitwaje kwa Kiswahili na bond?

Speaker: Rufani.

Com. Adagala: Rufani hiyo pia una haki sio utakaa tu huko, sasa kama una nini unatoa hiyo ha bond rufani halafu unaenda inje mpaka uje kortini tena kumaliza kesi yako. And mtu kama kuna offence, kama umefanya makosa au hatia ambayo inahitaji kulipwa pesa peke yake, huwezi kuzuiliwa kwa cell.

Haya, hayo ya case mbele ya Hakimku ambayo hana mapendeleo, kila mtu lakini watu walikataa hii. Hata kama umeonekana umeua au umeiba court mbele ya court, court haijui uliiba au la, lazima wakili yule au mtu yule ameibiwa approve aonyeshe uliiba okay. Watu walikuwa wanasema lakini mtu kama ameiba ameiba si inajulikana, lakini pengine iliibiwa usiku halafu unasema ule mtoto wa nani ndio anaibanga eh. Mnasema anaibanga, mnasema anaibanga huyo Mlughha lakini pengine si yeye, akienda mbele ya court, court haijui yeye huwa anaiba kila siku. Lazima kesi itolewe mahakama itasikia bila upendeleo na itoe hiyo. Na yule ambaye atasimamiwa pia.

Pia utakuwa na muda wa kutosha, you want us to in detail like that? Kuna vitu hapo mtasoma ambavyo vinaambatana na hiyo lakini hiyo wananchi walizungumuzia sana. Wanashida nyingi sana na hii mambo ya kushikwa na court na kesi, sasa nitaisoma vile mtapata Kiswahili pia mtaisoma. Hiyo ya rufani, (*Kiluhya*). Hiyo ya court ya rufani unaweza, okay.

Mnajua ubaya, ubaya na watu wetu wanasema ah, hata nikipeleka hii kesi court ni nini itatokea, ni Serikali tu ndio itafaidika hao nitapata nini kitu kama hicho, au mtu ameua anasema ah, si ameuwawa hiyo kesi itarudisha. Kuna haki isio unaweza kusema maisha itarudisha atafufuka, enda kesi isikike mtu atakuwa hapo mwakili kama huyu ma Serikali wakukusimamia na uendelee.

What is this, watu ambao wanaenda kwa court hapo una haki ya kutopigwa, kutoulizwa hongo au kunajusiwa hapo ukiwa mwanamke najua hiyo inatendeka sana. Na pia ukiwa hapo ukiwa mwanafunzi unahaki ya shule yako. Ukiwa mtu ambayo ni

mtu mzima utapata kazi ya kufanya hapo to return for reasonable, Yeah. Kama wamekutoa kazini ikiwa mwanalimu amekupeleka na pia, hiyo ndio hiyo ya remuneration hiyo? Na unatoka na hakuwa na hatia lazima ulipwe, hiyo pesa umepoteza. Mnajua mtu mwingine ameenda ndani wakimkata mshahara nusu kesi ikwishe ndio akirudi ndio watamrudishia lakini sasa amenda jela na hiyo kitu kama haukuwa na hatia utarudishiwa. Wacha ni vitu vingi mtasoma, what is this?

Haya, hayo mambo ya emergency, hali ya hatari kama hiyo ilikuwa ya ukoloni au hiyo ilikuwa North Eastern, eh watu wa North Eastern wamelalamika walikuwa uhuru two weeks in 1963. December 12th, by December 26th walikuwa under emergency sasa christmas sasa haikufika 1963, na walikaa kwa hiyo mpaka 1991 or 1997, 1991 wanasema wao walipata uhuru 1991 when things were now being talked about to change this to do that ndio wakasema hiyo emergency itoke mpaka 1997 nafikiri IPPG ndio ilitolewa sana. Lakini walisema sisi uhuru tulipata 1991 kwa sababu hawakuwa kama Kenya, hawakuka kama Kenya na ni maisha mabaya sana. Mtu anakuja kwako ikiwa na lorry anachukua anaenda nayo, ukiwa na ngamia anaenda nazo na ukiwa na nini, you know akinajisi mtoto wako bas hiyo ndio hiyo, akiua mtu the state of emergency kitu kibaya sana.

Haya hiyo itakuwa, they will be declared when? Okay kuna masharti hapo ya kudeclare. Parliament ndio itakuwa inadecclare sio mtu, lazima iwe Parliament lakini nafikiri ile ya North Eastern ndio ilikuwa declared na Parliament kwa sababu walitaka kwenda wawe na wasomali wenzao Somalia. Walikata nchi yao ifike Tana River na iende hiyo North Eastern yote walitaka iende lakini Kenyatta akawaambia mkitaka endeni na ngamia zenu na ikiwa sasa vita na walifanya referendum kuna vitu ambavyo vinatendeka lazima mlinde katiba. Walifanya referendum na wakaambia hiyo referendum wakitaka kwenda waende (*In Kiluhya*). Na hiyo haikuwa sawa kwa sababu walitaka nchi yao iwe kula lakini ilikuwa na vita vita vya shifta eh.

Na pia wanasema walidhulumiwa sana kwa sababu kila Msomali alitwa shifta mpaka sasa wana hiyo cheti cha pink card wao si wakenya halisi. Wana ID's mbili na sisi tuna moja, yaani lazima juu ya ile ya Kenya waongeze ingine tena okay. Okay hiyo ni mambo ingine vile itatekelezwa.

Haya hii Ukatiba bill or rights itatekelezwa kwa mahakama ya na itatengenezwa na mahakama na haitakuwa hii mahakama ambayo tunayo. Na itabidi Bunge na urais wafuate hizi, okay haya, haya.

Kuna commission ya human rights iko hapa pengine tutaizungumuzia tena likini, fanya tu hapa ponyeza tu hapo kidogo, fanya dondoa. Hiyo vitu vyote vimefanyika vya human rights vitaenda kwa hii commission. Watu kuuwana hiyo tribal clashes, mtu kukudhulumu, kukufanya usijiskie binadamu hiyo yote, iko hapa kwa Katiba.

Unaweza wewe mwenyewe kulalamika au kupitia kwa mtu ambaye anakuwakilishi au kwa group kama hao Wasomali wanasema wanajiskia wao sio Wakenya. Sasa kama group au mtu mwenyewe anaweza kujifanya au mtu ambaye kama NGO ambayo(?) au member kama NGO pia.....(Inaudible).

Okay kuna rights hapo za chief justice na hiyo yote, vitu ambavyo chief justice anafaa afanye. Okay korti lazima isikie hizo vitu vyote. Okay kuna kufafanua hapo ziadi ya human rights hizo ni vitu vya kusomwa ukiwa emeketi mahali kabisa okay.

Huo ndio Ukatiba na kuishi vitu mliuliza wananchi hii ndio waliuliza zaidi, walitaka haki na haki na haki hiyo sasa iko hapo chapter nzima. Tupite maswali, kuna maswali sio mashwali pendekezo kuja hapa mbele na iwe pendekezo direct. Kuja hapba mbele kama unapendekezo una haki ya kupendekeza.

Omboko Milemba: Jina langu ni Omboko Milimba in the bill or rights. Mambo ya inheritance inaconflict na customary law. Tutoe inheritance ya wanawake, let it be done according to customary law or to traditions whatever it is.

Com. Adagala: Kwa nini tusitoe customary law? Conflicting inagongangana, wewe unataka kimoja kitoke, na wengine wanataka kingine kitoke. Kwa nini tusitoe customary law?

Omboko Milemba: Customary law imekuwa na watu since time of memorial, the greatest, sisi tumeona nyuma ya customary law, ikiwa ina conflict na hii mpya wacha customary law i-prevail it is our law, ilikuwa.

Com. Adagala: Customary law ya attire ya wamaragoli ni nini?

Omboko Milemba: *(In Kiluhya)*. Eh.

(Laughter from the audience)

Com. Adagala:(Inaudible).

Omboko Milemba: I don't know much about what you want to go into, but customary law let it be protected.

Com. Adagala: Customary law attire ya Wanyore ni nini? Hii ni kinywaji cha Wanyore customary ni nini kwa sababu unanuka kitu Fulani. Haya tuendeleo, tumeandika pendekezo lako.

Patrick Chesara: Kwa majina ni Patrick Chesara.

Com. Adagala: Okay.

Patric Chesara: Ninapendekezo kuhusu urithi ambapo tunaangalia usawa kwa wavulana na wasichana. Tunaona Katiba

ingezingatia mambo Fulani katika urithi wa wanawake kwa sababu kuna watu wako kwa viwango tofauti tofauti. Wengeweka vipengele chini ya hiyo Katiba ili ijulishe watu ni mwanamke gani atakayehusika katika urithi.

Kwa mfano wangeangalia..

Interjection Com. Adagala: Toa mifano.

Patric Chesara: Kwa mfano wangeangalia...

Com. Adagala: Sio mfano.

Patric Chesara: Kama vile basi...

Com. Adagala: Ah ah sio mfano proposal yako.

Patric Chesara: Proposal ni kwamba wangeangalia kama msichana katika jamii Fulani kumezaliwa wasichana pekee, hapo tunawapatia uwezo wa kurithi. Na kama kuna wavulana basi hapo tuwe na tofauti kidogo kwa sababu itamaanisha kama msichana ataolewa upande ule, atakuwa na mashamba mawili basi uwezo wake utazidi ya mwanamume.

Com. Adagala: Pia mke wako atakuwa na mashamba mawili. *Laughter from the audience*. Haya lengo la Katiba ni usawa.

Musungu Mugoha: I am Musungu Mugoha. Political rights ningependa kupendekeza kwamba kwa sababu constitution imekubali right ya kupiga kura na kupigiwa kura, pasiwe na kuzuizi kwamba ukitaka kuwania kiti chochote eti kwamba ustaafu kwanza iwapo upo na kazi mahali pengine. Iwe kwamba tunastaafu baada ya kufaulu kwa sababu ukiambiwa ustaafu kabla haujapigiwa kura....

Interjection Com. Adagala: Pendekezo lako.

Musungu Mugoha: Pendekezo langu ni kwamba kila mtu awe huru kuwania kiti chochote irrespective of whether yuko employed elsewhere or not. Resigning, resignation after you have been voted in.

Com. Adagala: Okay this is the next chapter now. This is the next chapter, ambayo inasema representation of the people, no it say Yeah elections ziko hapo.

Lazarus Samba: Mheshimiwa ya ni kwamba..

Com. Adagala: Jina.

Lazarus Samba: Lazarus Samba, Mheshimiwa yangu ni kwamba katiba imechambua utamaduni na nilikuwa nataka ipige marufuku kabisa kutahiriwa kwa wanawake.

Com. Adagala: Okay.

Kiburu Jackline: Ni Kiburu Jackline under chapter five number...

Interjection Com. Adagala:(Inaudible).

Kiburu Jackline: A student from Moi Girls high school Vokoli under number sixty....

Interjection Com. Adagala:(Inaudible).

Kiburu Jackline: Form four. Article sixty-three no person may compel another person to perform or observe or undergo any cultural or religious practice or right. In this, do you encourage the female circumcision to go on? Because it is a cultural belief?

Com. Adagala: Who are you asking?

Kiburu Jackline: The constitution does it encourage?

Com. Adagala: You know okay you have not read it, sema pendo lako.

Kiburu Jackline: I would just like to say that under this other cultural practices should be abolished like female circumcision.

Com. Adagala:(Inaudible).

Odongo Fibian: My names are Odongo Fibian a student of Moi Girls Vokoli and a form four student. My proposal is about education.

Interjection Com. Adagala:(Inaudible).

Odongo Fibian: Fifty-eight. I propose that every student should have a right to see his or her examination paper, may it be KCSE or KCPE paper, this because human being can make errors during marking so they may be shown to people responsible so that they might be rectified before releasing them.

Then another one ..

Interjection Com. Adagala: Okay you just want arise using the informations(?) whether rectified or not, you have a right,(?) is not for every individual you have a right, okay.

Odongo Fibian: Another....

Interjection Com. Adagala: If you rectified so that you can even knowing so that you can be.....(?)

Odongo Fibian: Another proposal is that the people selected to mark examinations, should be selected, then given their number of papers to mark everyday not that they are paid according to how they mark the examinations, they can mark more examinations that they can mark so that they can be paid more.

Com. Adagala: So you don't have.....(?) okay.

Odongo Fibian: Yeah.

Com. Adagala: Yeah hiyo inawezekana. Hiyo sasa ni Parliament education act eh, unaelewa msichana? Education act hiyo details inaenda kwa education act unasikia? Ah unaelewa hiyo ya nini, ile ya Katiba nikusema you have the right, ile ya Parliament ni kuweka hizo details okay, yeah lakini umesema pia Parliament itakuwa na access kwa hii okay, yeah lakini umisema pia Parliament itakuwa na access kwa hii okay.

Pamela Ombalo: My names are Pamela Ombalo; I am in Moi Girls High School Vokoli I am in form four. Yangu ni kuwa on that constitution, the family kuwa mtu kama ako namiaka kumi nane anafaa kuwa anaweza kuwa na familia. Kwa maoni yangu mimi nakata hiyo kwa sababu, most of us sisi tuko wengine wako kwa mfano nini 18 years, sasa kama mtu ako 18 years halafu akuwe na familia hiyo inawezekana kweli hawezi.

Com. Adagala: Familia ni nini kwa wewe? 18 years kuwa na familia ni nini?

Pamela Ombalo: Kuoama ama kuolewa eh.

Com. Adagala: Right sio lazima okay, ukiwa na right inakuambia ufika umri huu na huu unaweza kupiga kura, ukifika miaka kumi na nane unaweza kuoiga kura. Ukiwa na miaka kumi nane unahaki ya kuoia ama kuolewa au hiyo yote. Sasa yako inaambatana na nini? Sema wazi ili tujue kwa sababu nafikiri unakitu hapo na.....(inaudible) kwa sababu una(inaudible) wewe na mimi tusaidiane kumbuka hiyo ni ya hao.....

Pamela Ombalo: Yaani ukiwa na, ukiolewa kwa mfano kama uko youth, uko exact 18 years old halafu ukuwe na familia halafu nini kwa mfano uko na watoto sasa huwezi kulinda hao watoto kwa sababu hauna kazi na kazi mara mnasema Kenya hakuna pesa.

Com. Adagala: Unakubali na hiyo au la?

Pamela Ombalo: Nakataa.

Com. Adagala: Kwa sababu(Inaudible).

Pamela Ombalo: Nakata hiyo.

Com. Adagala: Unakataa?

Pamela Ombalo: Ndio.

Com. Adagala: Kama wewe unakataa(?). Okay ngoja ngoja mama usiwe hao watu wasikutatize wewe na mimi atunazungumza commission njoo hapa. Ukiwa na miaka kumi na nne na unazaa, utalinda aje mtoto huyo. Okay au unafunga ndoa na unajua pia hapa wasichana wengine wanalazimishwa kufunga ndia wakiwa bado wachanga, unaona hiyo.

Upande huu wetu wazazi hawalazimishi au wanalazimisha? Baba anakuambia lazima ufunge ndoa lazima, lakini kama Umasaaini huko Samburu alikuwa na machozi kwa macho akasema sisi wasichana tuna, na hata hao wazazi wanatuza tu kama hatuko wanachukua ng'ombe wanakuza kama bado uko mtoto na kwa sababu wanategemea ng'ombe hawategemei kama mwili yako imefika wakati wa kuzaa au kwa maisha yako una ile. We have something called children giving birth to children, okay sasa kama unakataa hii umri gani wewe ungependa?

Pamela Ombalo: Mimi naonelea kama mtu ako na 25 years.

Com. Adagala: Watu walipendekeza hiyo, watu walipendekeza hiyo na huyu msichana ni mwerevu, kwa sababu kuna kitu

kinaitwa adolescence yani ile umri wa kutegemea mzazi kwa wataalam wamesema hiyo umri imeongezeka kutoka miaka kumi na sita imeenda miaka kumi na nane sasa inafika miaka ishirini na tano. Na wanasema adolescence extended as adolescence, mtoto akiwa college si bado ni wako?

Audience: Ndio.

Com. Adagala: Yeah, lakini wanasema una uhuru ukiwa na miaka kumi na nane una uhuru lakini hawataki watu wawe wanalazimishwa ndoa wakiwa na miaka kumi na sita au mtu anatoka shule au wapi anaenda anafunga ndoa na bado hata hajafika umri wa hata kulinda huyo mtoto. Wewe unaweza kuendelea mpaka ishirini na tano lakini fikiri wengine watakuwa wamemaliza high school eh, wako tayari. Si uko na miaka kumi na nane wewe? Yeah wengine wataendelea University watakuwa bado hawa.. na hiyo tu lakini unaweza kufanya mjadala hapo tutaweka hapa maoni yako. Wengine watu wengi walisema miaka ishirini na tano ndio watu wafunge ndoa na wewe pia umechanga hapo okay. Lakini jadilieni hiyo mambo ya extended adolescence kwa shule eh.

Peter Ludava: Hina langu ni Peter Ludava eh.

Com. Adagala: Uchoki kusema?

Peter Ludava: Mimi sichoki kusema naona ni nzuri tuseme ile mambo yetu iwekwe ndani. Iko ile section 37, nafikiri haiku-address street children sawa sawa.

Com. Adagala:(Inaudible).

Peter Ludava: Thirty-seven.

Com. Adagala: Endelea toa mapendekezo.

Peter Ludava: Naona kwamba street children ni menace ambayo inasumbua sisi sana na mimi naona ingekuwa pengine tuanze kuweka responsibility kiasi kwa wazazi kwamba kama mtoto amepatikana na anaonekana kwamba ni mtoto wa mtu fulani na amemuwachilia kuwa street children, hao wanaweza kupata punishment fulani.

Halafu kwa upande wa freedom of trade occupation the commission should have addressed aspect of licensing maanake naona hasa hapa Kenya mtu anaweza kuwa amesoma amekuwa daktari lakini mpaka ataenda kwa process ya kuwa registered na Kenya Medical Association na inakuwa ngumu anafanya bidii mpaka afanye bidii sana alimaliza kuwa Daktari muda mrefu na inachukua pengine miaka mingine miwili kama bado anaenda kwa hiyo mambo ya licensing mpaka ndio akubaliwe ndio anze

kupractice.

Com. Adagala: Pendekezo.

Peter Ludava: Pendekezo langu ni kwamba kama mtu amepata professional training na yuko na professional certificate that alone should infact allow him to practice. Mimi naona namna hiyo, yaani.

Com. Adagala: Okay hiyo pengine ni details pia kwa sababu ni medical association kama(?) ina-register. Yeah so pengine hiyo pia ni sheria ki upande wa Parliament. Sijui walifanya nini(?) medical association(?) but I know they are talking of

Peter Ludava: All profession sio kwamba hiyo peke yake, maanake kama Mwalimu amepata degree yake ya ualimu haendi kuwa registered tena au aulize license tena ya kufundisha yaani hiyo ndio kitu mimi nasema.

Halafu pia at article 55 on labour relations I think there is a problem you have addressed the right of employees to form an association, to join a union. You have also addressed the right of employer to join an employer's association but there is problem which is always left out and that is the management staff. The employers always use the excuse that your management and they expand the band of management to even heads of department and tell them they cannot join unions, and in the end exploits them. So and there was an association that was registered called Kenya management staff association which was then proscribed by the Government for the very reason to exploit high cadre of employment so I think it is important that there has to be mention of management of staff and heads of staff where they belong. I mean either to be possible for managers and heads of department to also join a union; they must have a right to join a union also.

Com. Adagala: Ni kama hiyo situation ya headmasters sivyo?

Peter Ludava: Yeah.

Com. Adagala: Yeah.

Peter Ludava:(?) Yeah so pendekezo langu ni kwamba contitution inatakikana i-address aspect ya managers na heads of the department on their right to form a management staff union, maanake there is an hakuna there. Halafu pia iko problem pia kwa employer ile double representation in one industry like for example event he teachers at the moment they have KNUT and they have KUPPET I mean it is not possible for the employers to deal with two unions in the same industry.

Com. Adagala:(Inaudible).

Peter Ludava: It should be by the industry I think this is something that was always addressed the industrial court and it was always kept in strict compliance with the representation with the industry but I think they have now relaxed it and it is definitely going to cause a lot of problems in the industries.

Then there is also on an aspect of enacting a law you have indicated in the Bill or rights you are saying the parliament may not enact a law, I think we should say shall not enact a law that permits or authorizes arbitrary eviction, this is housing, the aspect of housing. It say may not but I think we should say shall not because it should compel them not to do that, Yeah. I think I can let somebody say then I can come back, so.

Com. Adagala: Okay, yeah.....(Inaudible), okay tumeelewa hiyo(?) endelea.

Kadimba Mark: I am Kadimba Mark. On education because of the open discrimination taking place in post secondary education...

Interjection Com. Adagala: Proposals.

Kadimba Mark: Colleges, I will give an example of teacher training college.

Com. Adagala: Ukija hapa uwe umetengeneza proposals, ndani ya proposal hako utatoa hiyo example.

Kadimba Mark: Okay, the female student in teachers training colleges should not be made to discontinue their course because of pregnancy the way it is happening in Universities. They are being discriminated openly.

About private institutions of late we have had so many coming up, laws should be observed here strictly so that we don't end up with a low quality institutions like the ones people talk about in India if we are not careful soon we shall have many institutions some which have low standards.

Com. Adagala: Both is for the education act, lakini hiyo ya discrimination it is true there is only a directive not constitutionalize about being pregnant and going on with your education it is only a directive. I think I am right principle, is principle here?

Theresia Mbelase: Yes.

Com. Adagala: Yes it is a directive Yeah, it is not constitutionalized so there should be no discrimination on that issue. And then hiyo ingine pia itakuwa kwa education act, okay. Termination of school should not depend on, eh hawa ndio wanaishi

hapo.

Haron Odongo: Haron Odongo Mukangula from Kigama sub location. Mine is a proposal on education act that I would like to propose that from now hence forth the head of states or the President should not have the power of dictating to the people of Kenya the type of education system that they should undergo.

Com. Adagala:(Inaudible).

Pastor Japheth Ngalisi: My name is *(In Kiluhya)*.

Com. Adagala:(Inaudible).

Pastor Japheth Ngalisi: Oh my name is Pastor Japheth Ngalisi Amukune from Sava location, it is okay. Ah mimi proposal yangu ni kwamba kwa Katiba yetu wakiweka kitu hiki kinanisumbua sana kwa maisha yangu.

Com. Adagala: Pendekekezo.

Pastor Japheth Ngalisi: Pendekezo yangu inasema hivi, hatutaki wasichana wetu wawe wakitembelea long trousers. Tena wanaume nao wawachange nywele zao zikiwa kubwa kwa vichwa vyao hii is very very *(In Kiluhya)*. *(Laughter from the audience)*.

Com. Adagala: Hiyo ni culture kwa sababu hakuna watu wote wana nywele nzuri kama wanaume wa Maasai, hiyo ni culture sasa okay. You deal with it in the district.

Pastor John Shiva: I am Pastor John Shiva. Pendekezo ni kwa the family part eight, number four hapo ningependa ielezee the parties to the marriage as between a man and a woman kwa sababu as we are coming up in these days with international laws some other area other countries are allowing homo-sexual and lesbianism.

Com. Adagala: Not marriage between a man and a woman okay.

Jesse Kisachi: I am Jesse Kisachi, and my proposals goes to education fifty eight two which says the Government shall institute program to implement the right of every child to free and compulsory primary education. With me I propose that we should also urge the element of quality, it should not only be free, it should be qualitative education.

Com. Adagala:(Inaudible).

Jesse Kisachi: Yeah.

Com. Adagala:(Inaudible).

Peter Ludava: Yeah just a small item seventy two four it is not very clear. It says when you apply a provision of a bill of right to a natural or a person. I don't know what that means.

Com. Adagala:(Inaudible). A company of natural is a natural person.

Peter Ludava: Or a person; I think you would better read the whole thing if you read..

Com. Adagala:(Inaudible).

Peter Ludava: Okay then just a small remark I mean this bill of right is fantastic but I don't know if the commission has addressed the aspect of cost because it is very expensive.

Com. Adagala: Rights are expensive democracy is expensive, image is expensive most of all life is expensive. But akina mama mkija mje mapema I want to(?)

Rose Atsiaya: Na ningependa.....

Interjection Com. Adagala:(?).

Rose Atsiaya: Rose Atsiaya. Ningependa kupendekeza juu ya haki za watoto kama hatutakuwa na free education, kuna wazazi ambao wanaweza kuwa na uwezo na....

Interjection Com. Adagala: Pendekezo.

Rose Atsiaya: Eh, napendekeza. Na hawapeleki watoto wao shuleni kuwe na penalty fulani ambaye itatolewa kwa mzazi ambaye itatolewa kwa mzazi ambayo hapeleki watoto shuleni.

Com. Adagala:(?) Katiba hiyo sasa itakuwa Rose, hiyo itakuwa sikiza njoo huku, njoo huku uandike jina, lakini usikize, hiyo itakuwa ni vitu vya Parliament okay. Sheria ile kwa education act, unaelewa. Ngoja asikize, ngoja asikize hapa ni principal okay, ukivunja kitu kinaitwa Katiba uko tabaani kubwa sana, yes.

Haya wacha tuendeleo nataka mtupe nafasi kwa sababu watu mvumilie nataka kuwauliza mvumilie sasa we are going we shall just pass but the important things zile za legislature na ya Presidency na hiyo yote ni muhimu wacha kijana apitie haraka haraka, don't go to too much into details give them a chance.

Vincent Wakalo: Sasa tuko katika sura wa sita ambayo inaongea juu ya wakilishaji wa watu. Kuna maadili muhimu ambayo sura hii inatupatia. Hadili la kwanza ni jinsi ya kupiga kura, sasa Katiba inasema kwamba kura zote zitakuwa za siri. Na pia kutakuwa na kura ambazo zitakuwa huru.

Com. Adagala: Inamaanisha haitakuwa na mlolongo tena.

Vincent Wakalo: Kura zitakuwa za huru na za haki, na kila mwanakenya itahitajika awakilishwe katika kila kiwango.

Katiba pia inatoa mwongozo wa uteuzi, uteuzi wa wanachama bunge, uteuzi katika mtaambiwa baadaye bunge sasa litakuwa na milango miwili. Sasa sura hii inapeana mwongozo jinsi utuezi huu utatendeka.

Sasa katika katiba hii pia kila mkenya ana haki ya kupiga kura ni haki, ni haki yako kupiga kura na pia haki ya kupigiwa kura iwapo unatekeleza masharti ambayo yamewekwa katika Katiba kama wewe labda umefikisha umri ambao unahitajika katika kiwango kile fulani kama ni kia urais ama chochote kile, uko na haki ya kusimama na kupigiwa kura.

Na utakuwa na haki ya kusajiliwa kama mpiga kura na usajili utaendelea utakuwa continuous utaendelea bila kusimama ama bila kusimamishwa. Bora tu uwe Mkenya unaishi kakita Kenya, uko na haki ya kusajiliwa na pia haki hii itaondolewa iwapo utakuwa na tashishi iwapo labda utapata wanakenya wako kudanganya unawezu poteza haki hii.

Sura hii pia inabuni tume ya uchaguzi. Tume hii itakuwa na mwenyekiti na wanachama ambao ni kati ya kumi na nane ama kati ya nane na kumi.

Na qualifications za watu hawa pia zimeandikwa utapata fursa ya kupitia. Qualifications hizi ambazo ziko katika kifungu cha themanini na tatu. Wajibu wa tume hii pia umewekwa katika katiba, kama kusajili watu, kuendesha referendum iwapo kitahitajika.

Pia itawajibika kuelimisha wapiga kura, civic education pia itafanyua na hii tume. Mipaka ya maeneo ya wakilishi pia yatatolewa na hii tume ni tume hii ambayo itakuwa inabuni eneo ya wakilishi ikiwa ni wakilishi bungeni ama ndani.

Sura hii pia inamuongozo juu ya vyama vya kisiasa, sasa vyama vya kisiasa itasajiliwa na tume, hii tume ya uchaguzi. Vyama

vya kisiasa pia itahitajika vifuate masharti fulani, masharti kama usajili chama ambacho kina representation throughout the country, kina watu kutoka kila pembe ya jamhuri. Pia Serikali sasa itabidi itoe fedha, serikali itatoa fedha kwa hivi vyama vya kisasa. Fedha hivi vitagawiwa vyama hivi na kutakuwa na utaratibu ya kuona kwamba kuna usawa katika kupata fedha hizi lakini usawa humanishi kwamba kila chama kipate fedha sawa lakini kutakuwa na usawa kulingana na uwakilishi katika bunge.

Lakini vyama hivi havita ruhusiwa kupata fedha kutoka kwa wageni nchi za kigeni. Havitaruhusiwa kuenda huko inje kuomba omba fedha. Inasemekana kwamba hizi pesa ndio huwa zinaleta migogoro ndani ya nchi.

Kuna pia mwingozo wa matumizi wa fedha hizi, itabidi fedha hizi zitumiwe katika waswala ya chama peke yake na sio kuwamanufaisha wale maafisa ya chama.

Pia tume hii itakuwa na ile, itakuwa na haki ya kuzivivagua vyama na kuangalia kwamba vinafanya mambo ambaye yanafaa lazima zizingatie discipline ama kile ni damu ya kutumia fedha za uma. Hayo ndio mambo muhimu muhimu na natumai mtapata usawa kupitia halafu mjisomee wenyewe haya mambo.

Com. Adagala: Okay hiyo ndio mambo ya hapo, watu ambao wataakilisha wananchi na wacha tuendelee kwa sababu maswali mengine pengine itapata majibu kwa hii legislature na okay.

Peter Ludava: Jina langu ni Peter Ludava mimi nafikiri qualifications for registration 79 nafikiri imeandikwa kimakosa. Kama ninaweza kusoma hiyo inasema a citizen qualifies to be registered as a voter for elections if, at the date the application for the registration the citizen is 18 years of age and above, that is alright, has been ordinarily resident in the republic, that is alright. But now the mistake comes from for a period of less than one year immediately perceiving that debt, that would be alright if the other one didn't fall. For a total poll, that is poll for a total period of not less than four years in the eight years immediately receiving that date.

Now, here they have allowed you to register if you have been there for one year, in the next one they are telling you not less than four years, in 8 years. And in the next one they then allow you to register for a period or periods amounting in the aggregate not to less than five months in twelve months so I mean there is a lot of inconsistency.

Com. Adagala: May I talk about it here in detail.

Peter Ludava: Yeah.

Com. Adagala:(?).

Peter Ludava: It is inconsistency.

Com. Adagala: You have noted.....(inaudible).

Peter Ludava: And then of course the other one my fifth project is where they say they are talking about women, that the Government will make sure fair representation of women, I mean how can the Government do that? Elections shall ensure fair representation of women; there again I think it is going a little far.

Com. Adagala:(?), usijifanye upingamizi wa affirmative action iwe kupinga wanawake lakini; I can see what you are saying here, you see that what you are saying how can the Government insure, isn't it earlier on in the constitution? Yeah, political parties are you know is it a Government or ECK which should ensure? Anyway tutaangalia hiyo pia, wachatuendelee asante sana. You know mtu mwingine akiangalia ndio anaona sivyo? Unaweza kujinyoa mwenyewe halafu tukiwacha tu tutakuwa tumejinyoa wenyewe. Lakini tunakuja ndio watu watuambie hapa na pale.

Tuendelee na legislature haya.

Vincent Wakalo: Sura ya saba inaongea juu ya legislature ama Bunge, katiba hii kwa inapatia bunge mamalaka zaidi, mamlaka ambayo inalingana na kama sasa bunge..

Com. Adagala:(Inaudible).

Vincent Wakalo: Nguvu za kupitisha sheria itakuwa wajibu wa bunge na bunge pia itakuwa na wajibu wa kutengeneza au kutoa sheria ambazo zinaonekana hazitajiki. Bunge pia itahusika katika uteuzi wa watu muhimu katika serikali kama vile majaji wanachama wa judicial service commission, wanachama wa zile commission ambazo ziko katika Katiba mtaziona hapo, ama uteuzi wa Prime Minister, Deputy Prime Ministers, utakuwa approved Bunge lazima itawakagua hawa watu ione kwamba ni watu ambao wanafaa kushikilia hatamu hizo.

Katiba hii imebuni nyumba mbili ama milango miwili ya bunge. Kutakuwa na national council na National Assembly ambayo iko saa hizi. National council itakuwa nyumba juu ya bunge la sasa ambayo itakuwa na wanachama sabini ambao watachaguliwa kutoka kila wilaya na wanachama wengine thelathini ambao watatoka katika vikundi vya wanawake na vikundi za walemavu na vingine kama hivyo na minorities.

Halafu kila mkoa utakuwa na wakilishi wanne, Nairobi naye itakuwa na wakilishi wawili ambao ni wanawake katika kikao hiki cha national council. Qualifications za wanachama wa national council lazima watakuwa watu ambao wanaelimu ya form four na zaidi ama kidato cha nne na zaidi. Watakuwa ni watu ambao wametimiza umri wa miaka thelathini na tano.

National Assembly itakuwa kama ilivyo saa hizi itakuwa na wanachama mia mbili na kumi ambao watachaguliwa kutoka sehemu ama maeneo ya Bunge. Na pia kutakuwa na wanachama wengine tisini ambao watawasilishwa ama watateuliwa na vyama vya kisiasa ambavyo viko bungeni.

Na watu hawa itabidi pia wawe na kiwango cha elimu ya kidato cha nne watakuwa ni watu ambao pia wako na miaka ishirini na moja, wako na kiwango cha elimu cha O'level ama kidato cha nne lakini watu hawa lazima wawe na simamo. Wawe na watu ambao wanaweza kulipa madeni yao. Lazima wawe raia wa Kenya hiyo ni lazima.

Na kura zakuwateua wanachama wa Bunge, kwa national council kura zitafanyika baada ya miaka mine na kura hizi zitafanyika angalau siku arobaine na tano kabla ya mwisho ya term yao bungeni, ilhali kura za National Assembly ama bunge lilioko sasa itafanyika baada ya miaka mitano kama ilivyosaa hizi. Na pia kura hivi zitafanywa angalau muda wa siku arobaini na tano kable ya mwisho wa tamu yao.

Katiba hii pia inabuni ofisi za Maafisi wa bunge, mtajionea hapo kuna ofisi ya speaker wa National Assembly speaker hizo nyumba mbili national council kuna qualifications zao hapo. Kuna pia afisi ya clerk ambayo pia iko katika Katiba. Katiba hii imeleta mabadiliko katika mishahara ya Wabunge sasa mishahara ya Wabunge itaangaliwa na tume ambayo iko kwa Katiba, tume hii ndiye itaangalia mishahara ya wafanyikazi wa Serikali wote. Sasa Wabunge hawetakuwa na uwezo wa kuongeza mishahara wao kiholela holela.

Pia wananchi watakuwa na uwezo wa kuwaita Wabunge kuwafuta kazi Wabunge iwapo Wabunge hawa hawasaidii, itabidi wacollect signatures awapetition watu hawa wafutwe kazi iwapo hawafullfill matakwa ya wananchi.

Com. Adagala: Hizo signatures zitakuwa za Electoral Commission kukagua whether there is a case okay, hiyo za signatures halafu inaangalia inachunguza.

Vincent Wakalo: Taratibu za Bunge pia zimeandikwa katika Katiba kikao cha Bunge kirasmi kitakuwa Nairobi lakini bunge linaweza kaa katika sehemu ye yote vile ya Kenya vile commissioner alitueleze hapo awali iwapo panahitajika.

Na kikao cha bunge katika nyumba zote mbili zitakuwa wazi kwa umma. Mwananchi yeyote anaweza kukaa na kuhudhuria bunge bila kunyanyaswa na mtu yule yeyote. Lakini iwapao patahitajika kuwe na siri fulani basi wananchi wataambiwa watoke inje ili Bunge lijadili maswala haya hasa maswala ya ulinzi.

Wabunge pia wamepewa immunity wakati ule wanajadiliana katika bunge wakati ule wanapendekeza ama wako katika mjadala yao bungeni, hataweza kushtakiwa mambo yote ambayo watawanya ambayo yanaambatana na utaratibu bungeni hayata

shtakiwa.

Halafu Bunge sasa liko na uwezo n kutoa kalenda ya kazi zake. Unajua kwa sasa bunge linaweza vunjwa wakati wowote, sasa kwa katiba ilioko sasa Rais peke yake ndio ako na uwezo waku, anaweza kuvunja bunge wakati wowote, lakini kwa katiba hii bunge linawapea uwezo wa kujitengenezea mambo yake bila kuingiliwa na Rais. Hayo ndio mambo muhimu muhimu. *(end of side A tape 5)*.

Com. Adagala:(?) wacha tuendele.

Speaker:(Inaudible).

Com. Adagala: Watu wangapi wanataka tupendekeze hii na iwe pendekezo. Okay, pendekezo ya Bunge na elections, chapter ya pili *(In Kiluhya)*.

Omboko Milemba: Finding of political parties, ningependekeza let the tax payer not fund them, wacha political parties ifund zenyewe na mambo yao ya pesa. Ningependekeza tena political parties ipatiwe allowances ya kupata pesa hata kutoka nje, iko hapo. In the same chapter kuna mambo ya elections kwa wanawake. They say a political party lazima ikuwe na percentage fulani of women, that is beating democracy in itself. Hiyo kitu itolewe tukuwe tu na free election anybody can get in achaguliwe and so on, so on.

Number three, mambo ya who can be elected, kuna kitu hapo inasema you have to be in Kenya six months, mara one year there is a confusion there it needs to be clarified.

Pendekezo number inne, the two houses let one house be senior, niliona controversy pale iko mara hii ikijadili hizi, tena tuende kwa hii, let the big house be senior. Unaweza amua kitu ambacho ile assembly ilikuwa(?) ime....(inaudible).

Com. Adagala: Sawa kwa elections it is very well that anybody can stand but you are the same one who is saying women cannot inherit, hiyo ndio inaleta hii ingine. We need to work out things in a modern way. I agree with you with the second one but kile kinaleta hii affirmative action ni hii attitude ilikuwa kwa wanawake earlier so we need to work it out not just you alone all of us needs to work it out.

Secondly, kuna kitu kinaitwa cheques and balances, we have the upper house which is the national council, lower house is National Assembly. Itakuwa na cheques and balances lazima iweko tukikosa kuwa na hiyo, itakuwa shida hata hii ingine inaangalia hii ingine lazima tuwe na hiyo kwa sababu wanaakilisha kwa njia tofauti.....(?).

Joseph Nabela: Jina langu ni Joseph Nabela na nina mambo wawili hapa katika upande wa membership of Parliament. Ningeomba,

Com. Adagala: Proposals.

Joseph Nabela: Ninaweka proposal kwamba tuwe na candidate ambaye anaitwa independent candidate ambaye hategemei chama. Independent candidate.

Jambo la pili ikiwa vyama vitakuwa vikiwa funded na wananchi kama vile ilikuwa proposed, ningependa hivyo vyama viwe viki, kwa sababu ni public funds. Hizo funds ziwe zikiwa audited na statement iwe ikitolewa kwa wananchi.

Com. Adagala: Unajua hii kitu cha funding, jusi ndio tulikuwa na case Amerika democratic party ilipata pesa kutoka China na mwishowe ikatoka ni Government ya China, walikuwa watu lakini watu walikuja wakapeana pesa hao watu wakapokea lakini ilikuwa kama influence from the Government of China.

Kitu cha pili this money which is received here by NGOs most of it come from other parliament, 1% of the Swedish revenue is vetted for development activities so mfikirie, do you want your Parliament to be sovereign or not. Do you want your party to be sovereign or not. How will they sovereign? If you give them the power, wananchi. How will this happen if you are funding them then you can control okay. Lakini pia pendekezo itaangaliwa.

Kitu kimoja kuhusu Electoral Commission, hii Electoral Commission iko, itakuweco for the purposes this is again transitional measures, schedule gani this is just transitional measures. Schedule eight ukiangalia, it will be there for the purposes of the next elections whenever it is because we don't have any control over it. Halafu it will be inexistence to find up this business 90 days, halafu uchaguzi because by 90 days we will have the assembly into, we hav the assembly existing, all these other things and they can also now begin to look at the new or enact a new commission. You see that, those are the bridges hiyo ndio bridges.

Mvumilie hii mambo muhimu, you have to explain it to people.

Lazarus Asamba: Pendekezo langu ni kwamba Katiba imeruhusu mwananchi kurudisha mjumbe wao nyumbani anaenda mrama lakini...

Interjection Com. Adagala: Power of equals.

Com. Adagala: Yeah, lakini nataka kujua kama chama ile kimechukua mwongozo wa kuendesha serikali ikiwa kutakuwa na mismanagement kitaitwa pia?

Com. Adagala: Hiyo pia ni power of Parliament ingine Mzee asante, inaitwa vote of no confidence, unaelewa? Vote of no confidence.

Luyali Liyai: Luyali Liyai, section ninety-eight four tumetaja party discipline tukasema Mbunge akijiuzulu na pendekeza tuongeze au akikubali uteuzi au mwadhifa wowote kwa chama kingine apoteze kiti, kwa sababu hawa wabunge wetu mnajua hawawezi kujiuzulu.

Com. Adagala: It is okay, new wine into new bottles.

Peter Ludava: Jina langu ni Peter Ludava mimi naona hii the whole legislature na hizi nyumba mbili zimefanywa in a manner that is not very clear maanake inatakikana inazungumza parliament or somebody can introduce a bill if either of the houses or whatever, you that nachangia yule aliyesema mwanzo inatakikana iwe complete separation of duties of each one of these houses, na when you are referring to a particular house we should be completely friends to that house not just parliament and not really knowing whether it is the Lower house or the Upper house. If you talk like this system is being borrowed I think from the states for example.

If you talk of the senate you are talking of the senate, if you talk of the national it should be a National Assembly and not Parliament not knowing which house it is and not knowing which speaker which house.

And there has to be as we said, one is superior house there has to be a system may be of introducing bills of a certain nature in a particular house and the other one dealing with the bills of another nature and completely making it autonomous so that we may know which houses we are talking about.

Com. Adagala: Asante, hiyo umeeleza vizuri in partly borrowing na partily endogenous kwa sababu watu walitambua village elders, wakatambua election of this eh, wenyewe walikuwa wakisema. So it is partly borrowing because many constitutions is a universal kind of, but here also is what was the felt need of the people so we will up top, we will separate it. Haya tuendelee na executive hii ambayo.

Vincent Wakalo: Halafu kuna sura ya nane ambayo inaongea juu ya executive ambayo huu ni mkono ama tawi la serikali ambalo ni la Urais. Katiba hii imeleta mabadiliko kadhaa kwanza kutakuwa na Rais. Rais atakuwa amri jeshi mkuu, bado atahifadhi hayo mamlaka na pia atakuwa kuelelezo ya umoja wa kimataifa, symbol of unity. Na atakuwa mtu ambaye atipigania na kuilinda katiba.

Mamlaka ya Rais yamewekwa katika Katiba hii, mamlaka haya ni kama kwamba kuhutubia bunge kwa kikao cha kwanza.

Kuna eh, kwa sababu Fulani Rais pia ako na uwezo kuna tu kifungo kimoja ambacho kinapatia Rais kuvunja bunge, kigungo hiki ni cha mia moja arobaini na mbili, lakini kifungu kikali kitabidi pia mkisome ambako kinahusu mambo ya hali ya hatari.

Pia Rais atakuwa na uwezo wa kumteua Waziri Mkuu kutoka kwa chama chenye wanachama wengi wa bunge ama wabunge wengi bungeni. Pia atakuwa na uwezo wa kuwateua wazaidizi wawili wa Waziri Mkuu, maafisa wa mahakama majaji lakini utuezi huu lazima uidhimiswe na bunge. Atakuwa pia na mamlaka ya kuteua wanachama watume ambazo zimebuniwa katika Katiba, lakini itabidi bunge yaadhinishe.

Rais pia atakuwa na mamlaka ya kuuliza bunge jadili swala fulani ama ataliuliza mahakama kuu itoe rai yaku kuhusu swala fulani ama opinion kuhusu swala fulani. Katiba hii pia unatoa muongozo ya qualifications za Rais lazima awe mwanakenya, mzaliwa wa Wakenya, awe na umri usiozidi miaka sabini au usiopungua miaka thelethini na mitano, awe mtu mstahiki mtu wa moral integrity, awe na shahada ya degree kutoka kwa chuo kikuu lakini sharti hili haitatumika katika uchaguzi hii, mtasoma katika transition provision.

Pia haitahitaji Rais awe mwanachama awe mbunge, ama ashikilie mamlaka mengine ya uma ama katika chama cha kisiasa, uchaguzi wa urais itatekelezwa na tume ya uchaguzi ambaye iko ndani ya Katiba.

Maswala ambayo yanahusika na uchaguzi wa urais yatafikishwa na korti kuu ambayo pia imebuniwa inaitwa supreme court. Na Raisi huyu atahudumu kwa vipindi wiwili kwa miaka mitano baada ya vipindi hivi hatakuwa na uwezo wa kuendelea kuhudumu ama kusimama kura tena.

Rais huyu anaweza kustakiwa na Bunge iwapo anafanya uhalifu ama mambo ambayo hayafai Bunge linaweze kumuimpeach na wakati huu ama, lakini Rais kama ilivyo sasa hatapelekwa kwa korti ya kawaida kwa criminal offense ama kwa swala la jinahi ama kwa civil offense, apart from a civil offense of a private nature.

Iwapo rais atakuwa katika ofisi, Katiba hii inabuni pia ofisi ya Makamwa wa Rasi, Makamwa wa Rais atakuwa running mate wa Rais katika uchaguzi mkuu lakini hatahistajika kupigiwa kura, atakuwa tu running mate, atamsaidia.

Com. Adagala: Hiyo ni ticket sasa, watu hao wawili watapigiwa kura kama watu wawili ni ticket moja. Sasa mtu akitaka rais, sio kama sasa unajua hasa vijana walitumbia we don't want the President to appoint and disappoint the Vice President, okay. Sasa hao watu wawili watakuwa pamoja mapacha okay, watu wakipiga kura wanajua tunapigia hii ticket watu wawili sio mmoja. Napigia President na Vice President ni team moja hiyo team.

Sasa ndio ukichagua na itakuwa mbele kuchaguliwa kwa VP, itakuwa mbele ya election, haitafanyika election inafanyika halafu inakuja. Itakuwa watu wajue kwa sababu huo Umakamu unamaanisha Rais akienda inje huyu Makamu ana-act. Bahati mbaya

Rais afariki huyu Makamu anamaliza tamu yake sasa lazima apate vote kutoka kwa wananchi, hiyo ndio power of the people.

Vincent Wakalo: Pia mbali na Makamu wa Urais Katiba hii inabuni afisi vya Waziri Mkuu, Waziri mkuu atatoka katika chama kilio na wabunge wengi zaidi bungeni. Lakini iwapo Waziri huyu Mkuu atatolewa katika kiti chake, chama ambacho kiko na wanachama wachache bungeni kinaweza kutoa mto mmoja ambaye atachaguliwa mbunge kama Waziri Mkuu.

Waziri Mkuu atasaidiwa na wasaidizi wawili ama manaibu wa waziri mkuu, na Waziri Mkuu atateua Ministers ama kabinet yake ambaye yatakuwa na wanachama mawaziri kumi na tano. Mawaziri hawa watahitajika kuwa wabunge bali watakuwa wataalamu katika nyanja tofauti tofauti, wakiwa labda wizara ya afya kutakuwa na Daktari pale kama waziri.

Com. Adagala: Hiyo inatokana na vile mlisema hamtaki general kuwa waziri wa Mkuu Na pia hawa waziri wakuu, hii cabinet sasa pengine haitwa kitu kingine lakini haitakuwa na Members of Parliament. Mlituambia watu wanapotelea kwa kazi kubwa, wengine wakasema wakiwa wakubwa wanapeleka vitu vyao kwao eh, sasa pengine wale watu hawajakuwa na waziri ndio wanaona hao vitu vinaenda kule na wale wanasema wametusahau wameenda kwa hiyo kazi.

Sasa ukisimama Member of Parliament ujue wewe ni Member of Parliament okay. Hawa wa carbinet ni watu ambao, turn off your mobiles please, hao watu watakuwa watu wa utalaamu, Daktari vile mmesema Daktari awe Mkuu, Waziri wa health na pia iwe ati mtu ambaye anawatalamu au anakaribia hiyo utalamu ndio watasimamia.

Wale deputy secretaries, wacha niendeleo kidogo, wale district secretaries watakuwa watu ambao watatoka kwa Parliament. MPs watakuwa deputies ministers, halafu itakuwa kitu kama ni deputy ministere haitakuwa hati atakuwa akiakilisha minister. Deputy atadeputize.

Vincent Wakalo: Yameelezwa sasa mambo ya deputy minister sitaongea. Mishahara ya watu hawa wote, mishahara ya Rais, mishahara wa waziri mkuu Makamu wa Rais itaangaliwa na tume ambayo imebuniwa katika Katiba hii kama ilivyo mishahara ya Wabunge wahatakuwa na uwezo wa kujiongezea mishara wao. Pia makatibu ya wizara wataendelea kuwa katiba wizara lakini kila wizara itakuwa na katibu mmoja. Kwa sasa wizara mmoja inaweza kuwa na Katiba wawili ama watatu vile Madam Commissioner amesema lakini kwa sasa katiba hii inasema kila wizara itakuwa Katibu mmoja.

Na kitu cha maana sana ni kwamba afisi hizi zote ambazo zimetajwa zitaajibika kwa wananchi. Haya mamlaka yote yataendelezwa kwa niaba kulingana na matakwa ya wananchi na sio kujinufaisha kibinafsi.

Kitu cha mwisho ni kuhusu viapo vya mawaziri, Rais na waziri mkuu na watu ambao wanashikilia wadhifa tofauti tofauti katika Serikali ziko katika schedule zetu uko nyuma, mtaangalia schedule one. Uku nyuma iko viapo ama informations mnaweza angalia baadaye.

Kama mtaniruhusu nitaendelea na sura ya tisa ambayo inaongea juu ya makakama na maafisa ya mahakama, kwa sababu tuko nyuma ya wakati sasa nitaendelea na sura ya tisa.

Speaker: Tatauliza maswali(?).

Vincent Wakalo: Mtauliza, mtaifadhi maswali hayo halafu mtayauliza na pamoja na ya sura hii. Sura hii imeleta mabadiliko, badiliko la kwanza sura hii imebuni maadili kwamba mamlaka ya mahakama na mamlaka ya korti zote yatatekelezwa kwa niaba ya wananchi wa Kenya sio ya mtu binafsi, lakini ni kwa niaba ya wananchi.

Na katiba hii inawesurukisha maafisa wa mahakama kupitisha uhumuzi wa kesi zao kwa muda mfupi. Pia itabidi wafuate sheria, wawe watu wastahiki ili kunufaisha wananchi na huduma za mahakama. Msuada wa Katiba hii imebuni mahakama tofauti tofauti, sasa kutakuwa na mahakama ambaye itaitwa Supreme courts ndie itakuwa mahakama juu zaidi kuliko mahakama wengine.

Mahakama hii itafuatiwa na ile ya Appeal ama ya Rufani na pia kutakuwa na ile ya High Court na korti zingine kama Magistrate Courts na Kadhis court.

Mahakama ya supreme court itakuwa chini ya Mkuu wa Mahakama ama Chief Justice ama Jaji Mkuu kwa sasa atakuwa anasaidiwa na majaji wasiozidi sita. Mahakama hii itakuwa na mamlaka ya kusikiza mambo ambayo inatokea katika uchaguzi wa Rais. Pia itakuwa na mamlaka wa kwanza kwa maswala tofauti, maswala kama kuondolewa kwa Rais katika Bunge. Na pia itasikiza kesi ambazo zinatoka katika Mahakama wa rufani.

Katiba hii pia inatoa masharti ambayo itabidi yatekelezwe na watu ambao watachukua afisi katika mahakama hii. Itabidi hao watu ambao wamekaa kwa muda mfrefu katika Mahakama wawe na experience ya fifteen years, lazima wawe na professional qualifications wawe na shahada ya sheria mbali na mahitaji mengine.

Court of appeal ambayo itakuwa na Rais wa court of appeal sio President na atakuwa na majaji wasio chini kumi ambao tasikiza kesi hizi. Watazikiza rufani kutoka kwa korti ya high court.

Pia watu ambao watachukua wadhifa majaji wa rufaa watakuwa watu wastahiki people of professional integrity. Na pia qualifications zao iko hapo lazima wawe watu wamedumu zaidi katika nyanja ya sheria, labda wawe waalimu ama waakili wa muda mrefu au mwalimu wa chuo kikuu ama mawakili wa muda mrefu.

Chini ya katiba kuna high court ambayo iko sasa, itakuwa na mamlaka ya kwanza kusikiza kesi za jinai na kesi zingine za civil.

Pia qualifications za watu hawa ziko hapo.

Sasa tuangalie uteuzi wa majaji, majaji hawa na majaji mkuu watateuliwa na Rais lakini uteuzi huu utaidhimiswa na Bunge. Bunge itakagua watu hawa ikiwa ni watu wanaostahili, watu ambao wako na hiyo experience ama wako na qualifications hizo hawana rekodi ya ufisadi wataweza kuchaguliwa kuhudumu katika nyathifa hizi.

Mapendekezo haya pia yako katika transitional positions katika schedules na mambo haya yameleta controvasis mumesikia katika magazeti hata ma-commissioners wetu wanatishwa na kushikwa.

Majaji itabidi wastahafu baada ya miaka sitini na mitano ama wale ambao wamefikisha miaka sitini wanaweza staafu kwa hiari na wapewe marupurupu yao. Lakini majaji yalioko sasa wale ambao watakuwa wemefikisha umri huu na hawataki kustaafu itabidi wachunguzwe na kamati ikiwa itapatikana walikuwa watu wa ufisadi wataondolewa afisini.

Katika maslahi ya Waisilamu, ndugu zetu Waislamu korti ya Kadhi imepewa mamlaka zaidi kutakuwa sasa na chief Kadhi. Na mamlaka ya hizi korti ya Kadhi yamestahiswa kwamba kesi ambazo zinawahusu Waislamu peke yao, kesi za familia mambo ya ndoa, mambo ya maswala ya biasara commercial, lakini sio mambo ya jinahi, mambo ya hatia, mambo haya, okay mambo haya niliyataja yatafikishwa na korti tofauti kadi tofauti ambazo zimebuniwa katika sura hii.

Maafisa wa korti hii wale wa chini itabidi pia wawe na professional qualifications, wawe na qualifications kama maafisa wa kawaida wa sheria, wawe saada ya sheria, na pia wawe na elimu ya sheria ya Kiislamu.

Bali na mapendekezo hayo pia kuna mapendekezo juu ya appointment ya maafisa chini ya majaji watu kama magistrate nao watakuwa watateuliwa na judicial service commission na mishahara yao itachunguzwa na remuneration commission ambayo ndio itakuwa na wajib wa kuchunguza mishahara ya wafanyikazi wote wa uma.

Afisi ya Mkuu wa sheria pia imebuniwa katika Katiba hii lakini imenyanganywa uwezo Fulani sasa kuna afisi ya Mkurugenzi wa prosecution ambayo sasa ndio atakayoendeleza maswala ya kuwastaki watu ambao wako na hatia. Swali hili sasa limetolewa katika afisi ya Mkuu wa sheria.

Pia kumbuniwa afisi ya public defender, sijui nitamwita aje kwa Kiswahili. Afisi hii itaangalia mambo ya watu ambao hawajiwezi kuajiri mawakili kuangalia kesi zao, watu hawa wataenda, watatoa malalamiko yao kwa afisi hii ili wapewe usaidizi.

Msamaha wa Rais kwa watu ambao wapatikana na hatia na mahakama bado upo na Rais atakuwa na mamlaka ya kumsamehe mtu ambaye labda anaona anastahili kusamehewa. Pia taaluma ya sheria imebuniwa mwongozo wa taaluma ya sheria imebuniwa katika Katiba hawa ni kama mawakili itabidi sasa mawakili wawe wekipigani kuhitimiza katiba hii, they will fight to

uphold the constitution na pia itakuwa wajibu wao kuangalia kwamba maslahi ama haki za binadamu zinadumishwa.

Watayasidia mahakama kuona kwamba haki inadumishwa kwa muhutasari tu. Hayo ndio mapendekezo yaliyo katika msuada huu kuhusu mahakama.

Com. Adagala: Haya kuna transitional provision upande wa uchaguzi wa Member of Parliament hiyo ya national council na pia hiyo ya President. Hapa kuna provisions kwa wakati huu hiyo (*In Kiluhya*). The bridge daraja ya kuvuku kutoka kwa moja kwenda kwa ingine, kwa wakati huu na wakati huu pekee, yule mtu ambaye aluyekuwa qualified kuwa Mbunge kwa Katiba ya zamani lakini hako qualified kwa hii. Yule mtu ambaye alikuwa qualified kuwa councilor, Mbunge wataendelea wanaweza kusima hatusemi utachaguliwa tunasema anaweza kusimama, kwa sababu tuliona inaweza kuwa hilo wanaita draconian au inaweza kuwa kali sana tukisema hii ndio itakuweko hii katiba mpya.

Umri wa Member of Parliament ni 21 up to 70, ukisimama mwisho Parliament uwe na miaka sabini okay. Ukiwa umepita unaruhisiwa, pia kiwango cha elimu kama hii mpya imezidi utaweza kusimama.

Yule ambaye alikuwa Mbunge na yule alikuwa councilor, kwa sababu kitu kimoja wana experience eh. Nataka hiyo transition.

Kwa President vile katiba ya sasa inasema President atakuwa na mihula miwili two terms, isn't it? Hiyo inasema mtu ambaye amekuwa president two terms or more is disqualified. Wake wako seventy years and above wanaruhusiwa wakati huu pekee, kusimama. Wale ambao hawana kiwango cha elimu kwa wakati huu wataruhusiwa kusimama lakini next election 2007 hii ndio itakuweko hii katiba.

Tuliona tusitetemeze vitu vingi sana kwa sababu unaweza kuwa na mabadiliko ambayo ni ya kupindukia sasa ndio tumeweka hiyo transitional provision. Kama hawa Judges pia wana hiyo watakuwa hivyo, ukiwa mto hataki kustaafu sasa itakuwa okay we bring up, tutaleta jina lake na tuseme tuchunguze tabia yake lakini akistaafu itakuwa rahisi kidogo. Lakini unaona vile walikuwa wanastaafu miaka sabini na nne mtu amepanga maisha yake, nitastaafu akifikwiwa seventy four. Sasa hapa ni sixty five ndio wanachukua nini, lakini tumesema wao pia ni professional na wanafaa pia miaka yao iwe nini, na magistrates wako wengi wanataka kuwa judges na pia wangependa kuendelea.

Ukisimama President, MP au councilor, the time you are going for election you should be seventy maximum okay. Hiyo ya national council mliambiwa ni miaka thelethini na tano sivyo kuanzisha miaka thelethini na tano.

National Assembly hiyo ni twenty one, mtoto anaweza kusema yeye atakuwa mwanasiasa it is professional sio mtoto hata ni mtu mzima aanze hivyo. Pengine hatapita mara ya kwanza au ya pili atapita au aende arudi, aende hivyo kama halafu iwe profession yake, hatutaki kunyuma watu kuwa na hiyo profession. Unajua sasa mtu anaendelea halafu anastaafu kutoka kwa

public service halafu anakuja anasimama, halafu hiyo pia inaweza lakini mwisho uwe 70 years old, if you are 72 you will be disqualified in 2007. Sasa ukitaka vitu zako fanya sasa, swali? Hiyo chapter tatu kuna maswali. Au tunataka kwenda kwa kitu muhimu tena.

Omboko Milemba: Omboko Milemba kwa hiyo executive kitu nilionelea I don't know why we retained it, prerogative of mercy ingetoka kabisa. Hiyo peke yake nilichelewa kukuja, mambo ya dual citizenship ni taabu bure we would have done without dual citizenship kwa sababu wanasema mtu akiolewa anakuwa citizen, watu wata-abuse that thing very much, particularly North Eastern.

Com. Adagala: Well hao wa North Eastern wamesema wamebaguliwa lakini that also some people have given, anyway tutaandika chini mimi sikuweko kwa mazungumzo hiyo siikatai lakini siwezi kueleza zaidi.

Vincent Wakalo: Prerogative mecy iliitajika kwa sababu huwa kuna nyakati zingine labda mtu anaptikana ako na hatia halafu evidence inatokea baadaye kwamba huyu mtu ako na hatia saa zingine polisi huwa wanashika watu wasio na hatia, na inaonekana labda huyu mtu ameuliwa anapelekwa mahakamni anahukumiwa. Lakini inaonekana baadaye kwamba mtu huyu hakuwa na hatia ikiwa hakutakuwa prerogative mercy mahakama haitakuwa na uwezo wa kumtoa huyu mtu kwa sababu tutapitisha sentence inakwisha sasa ni President peke yake.

Com. Adagala: Nafikiri unaona abuse hiyo, nafikiri yeye anaona kumechiwa hapo kitu mtu akiwa mfidadi awekwe korokoroni sivyo, halafu president atasema nimemsamehe, sivyo.

Speaker:(?).

Com. Adagala: Una maoni mazuri tutaendelea tu hivyo.

Joseph Nabera: Jina langu ni Joseph Nabera, hapo upande wa office ile executive, mbali na hiyo ofisi na maoni yangu ni kwamba Serikali inge-establish office ya parliamentary commission au kwa language ingine inaitwa ombudsman, kwa sababu kama vile mnasema polisi anaweza kuuwa mtu halafu anatuma CID kwenda kupeleleza na yule CID ni polisi pia.

Com. Adagala:(?).

Joseph Nabera: Yeah, okay. Halafu tena court of appeal upande wa ile court of appeal, mimi ningepokeza kuwe na maximum ya three appeal mtu anaweza kufanya kwa sababu mahali pengine kama hapa kuna kesi ingine kama ya location hii tangu ninety nine mtu mmoja anaendelea ku-appeal ku-appeal mpaka sasa hiyo kesi haijaisha, kwa hivyo ningependa kuwe na maximum of appeal mtu anaweza kufanya kortini na mimi ninapendeza tatu. Na upande wa citizenship mimi ningependa mtu

akiwa ni raia ya Kenya hii passport apate bila vikwazo, okay.

Com. Adagala: Public defender iko, appeals hapa Mdetee tuliangaishwa sana, mwishowe ikawa na uhalifu na nini kwa sababu mtu aliendelea ku-appeal hiyo ya assistant chief.

Peter Ludava: Jina langu ni Peter Ludava kuhusu mambo ya executive ...

Interjection Com. Adagala: Okay okay.....(?) Sauti kwa tape lazima ionyeshe jina sio huyu mshirazi wangu anajidahi au anajitangaza lazima ionyeshe kwa tape, eh ya ni sawa.

Peter Ludava: Mimi naona kwamba ijapokuwa tulikuwa tumesema tupunguze powers za president, hii draft imepunguza powers za president sana na inaweza kufanya watu wasiwe na interest kwa hiyo position ya president kwa sababu mwishowe atakuwa kama mtu ambaye hana maana sana. Sasa nilikuwa naona pengine kufanya balance kidogo tunaweza kusema kwamba President awe anachiar cabinet, hiyo inakuwa responsibility yake manake pia kama ni mtu alichaguliwa na wananchi anatakikana aonyeshe kitu alikuwa anafanya na tunaweza, we can strike a balance ingine kama Vice President pia apate responsibility awe ni pengine leader of Government business na zile responsibilities zile in the house, government business in the house.

Na Prime Ministe anakuwa ni mtu yuko responsible for implementation of Government decisions and what comes from the parliament halafu tunaweza kuwagawanya zile responsibilities za chief secretary, maanake chief secretary sio mtu ambaye anachaguliwa na chief secretary kwa serikali yetu huko very powerful na zile positions zinaweza kuwa shared.

Com. Adagala: Okay the transition we are making is also from power politic to public service, the transition we are making is that people oriented. Tuliuliza wananchi tulipokuwa tukienda round kwa nini President sasa itakuwa na haja gani kwenda kwa election na lile hali, wakatuambia yule mtu atataka kuwa president atakuwa interested in public service. Itakuwa kama president tofauti, ndio wananchi walituambia pengine tukiangalia hata kwa notes zetu tunaweza kupata hii, tuliuliza sana why you are reducing the powers then why, they said the person who is President would be elected by wananchi for public service. Sasa pengine tutakuwa na watu haina ya ingine watakuwa wakisimama President.

We will put your proposals down, but I don't know how it will be, but we will put down the president should chair cabinet and VP should be incharge of Government business and then we shall see how itaambatana kisheria au ki..

Peter Ludava: Just to make a rejoinder mimi nafikiri watu wengi walikuwa wanasema the president is very powerful, na wengi walikuwa wanarefer to the two presidents we have had before. Na hasa wengi hata hawakupeana proposals kabisa zile powers zinatakikana ziwe reduced, na I don't think I want to have a president who is so weak that is not in a position to hold

the nation together, yaani hiyo ndio kitu mimi naona ni muhimu.

Halafu ile qualifications degree not necessary that is what I think especially if you are reducing the powers of the person moral less ceremonial status why are you asking him to have a degree also, that I mean it is just a proposal I am trying to make.

Then the cabinet if you look at it properly and try to count and try to work out how you could condemn the cabinet to fifteen and my feeling is that I think it would be better to have it to about eight. I mean that is just..

Com. Adagala: Kile ungefanya pengine, ungeangalia Prime Minister na President wa Tanzania, Prime Minister na President wa Uganda, angalia halafu sikisizeni but we need to how will our President deal with these other Presidents hapo ndio naona tunafa tufanye. Lakini watu waliandika memorandum really divided the powers what should go to Prime Minister, what should go to this, wengine walikuwa tu sema reduce limit lakini wengine walisema kabisa kinaganaga vile inafa ikae. There was another point you had Ludava.

Peter Ludava:(Inaudible).

Com. Adagala: Okay hii ndio qualifications tulipata na walisema iwe alittle bit above Member of Parliament ndio walisema na wengine walisema but a Member of Parliament is a spiring or even of national council is aspiring somewhere to be President, sasa wakasema hiyo ndio mchujo sasa sijui. Na pengine vile ilikuwa ilikuwa mambo yamekuwa magumu sana, a lot of information and dissemination, a lot of analysis, a lot of things that have to done lakini hiyo ndio ilitokea wengi walisema hivyo. Sasa sijui tumekuwa na Prisedent yes, the way the two President we have had but pia people were looking at what should be and how it should be, so pia tutaweka hiyo pendekezo iende.

Peter Ludava: Okay halafu pia ile aspect ya Ministers mimi nilikuwa naona ingekuwa bora pengine kama tungesema half wawe ni Members of Parliament na half wawe kutoka kwa business communities. Maanake pia that way utakuta watu wengine wanakata pengine wanasema hawataki kusimama kwa Parliament kwa vile they will disqualify themselves for appointment as ministers, we may not be able to tap the resources which we want. And it is not correct what you had mentioned about deputy ministers because what is written in the the report is that, the president can not appoint a Member of Parliament as deputy minister but it says that in the report.

Com. Adagala:(Inaudible) for the President for a(?).

Peter Ludava: No because you had said that a deputy minister can be a Member of Parliament it does not say that.

Com. Adagala:(Inaudible).

Peter Ludava: No it says at 175 article 3.....

Interjection Com. Adagala:(?) you see when people discussed I was no there na kijana ako hapa atausadia pia.....

Peter Ludava: But it says the President cannot appoint of a member of Parliament as deputy minister actually.

Com. Adagala: But yes,(?) of the President is on the minister who has the credentials.

Peter Ludava: What it means is that a minister and..

Com. Adagala:(Inaudible).

Peter Ludava: No, but it is also saying a deputy minister cannot be a member or parliament. So which means all ministers and deputy ministers would have to come from outside.

Com. Adagala:(Inaudible).

Peter Ludava: Yeah and then on the legal system I think the appointment of Attorney General they are saying the qualification for the appointment would be similar to that of an officer going to the high court. I think this is lowering the office of the Attorney General and I think the Attorney General should be a person of the caliber that can be appointed to the Supreme Court. And again it is the same thing for the director of prosecution, they were saying that it can also be a person who is eligible to be appointed as a high court judge. That can should also maybe be changed to court of appeal, I mean level at that level.

Com. Adagala:they should not be.

Peter Ludava: It should not be a lower officer, and then the Supreme Court you have not addressed the past inconsistent decision that had been taken by the court of appeal before would that Supreme Court have the jurisdiction to deal with matters that were inconsistent the judgements that were inconsistent, I mean that is a question that you.. And then also,...

Interjection Com. Adagala:(?).

Peter Ludava: And then also look at what is the relationship between the supreme court and the East Africa courts, I mean at the moment there is and hakuna, there I mean we are setting up this institutions and we really need to know what relationship

they would have. Thank you.

Com. Adagala: May be the difference I don't know, I think Ludava bought the Newspaper isn't it or just gotten, it here but the actually we need to be alert in that way. Tumekuja kwa nyinyi ili tukinyoa tuwe tunanyoa vizuri okay? So you really need to be alert don't just sit for instance women issues are prosecuting so you really need to be aware you know here has been left or here we want law so you really need to talk about it all the time.

Now, as the chief Kadhi those who are talking about Christian part, the Islamic people said Christians don't have laws so how can they incord them, and you know poses is time of grace, so what we need to talk about probably is principles okay whatever things you ara creating you need to have principles. There the law of Moses but in the end it says that it is a time of grace so you need talk much more about principles than a nini, but you see what the Kadhi court does is what is called personal law okay. You may need to do more but you know it is that personal law which the chief Kadhi court does. And actually in places where there are populations large populations of Muslims there will courts at that level to settle disputes more disputes and all that okay?

Fibian Odongo: My names are Fibian Odongo from Moi Girls High School Vokoli and student of form four and my proposal is about the issue of impeachment of the president. I propose that the president impeachment should start at the High court then to the court of appeal, then it goes to the Surpreme court because when it goes to the high court the Judges and the at the high court may be able to hear about the cases then it is taken to the court of appeal the lastly to the supreme court.

Then another thing was about the reducing of power of the President. They have reduced the powers of the President until he look like a Member of parliament so the president must be given some powers in that he is able to be differenciated from the ministers and himself, because he is to lead people of the whole country not like the Ministers they have to lead a ministry only. That is my proposal.

Com. Adagala: Ya kwanza ilikuwa reducing powers, ya kwanza ilikuwa?

Fibian Odongo:(?).

Com. Adagala: Okay, the high court deals with criminal issues, wait wait mama you know if you walk I am going to write your name but wait. Kwanza it very nice to hear these nice voices because me I am getting old so when I hear these nice young voices it makes me feel good.

Make sure you are very vocal in this process, msikike kabisa muambie wengine wasikike wajue hii mambo kabisa. So that we have your children being brought up on the constitution not again finding out when you are like that Mzee there that you know

kuna mambo ingine ya constitution.

Supreme court deal with constitutiona matters and impeachment of a president I think is that level isn't it? Yeah and constitutional we though to forming a constitutional court to deal with constitutional matters then we put it in the supreme court but still we will take your proposal forward.

Then second one was?

Fibian Odongo: It was a bout the reducing of power.

Com. Adagala: There is no Member of Parliament who is commanding chief, one hiyo ni post kubwa sana ulinzi wa taifa. It is there is no ceremonial president here, ceremonial president in other countries they receive international visits, mliona Banana in Zimbabwe? If you go to parties you receive people it PR, that is what a ceremonial President is, but if you read this a lot of powers of the President mpaka inafika huyu anasema tutoe clamancy hiyo ni mercy. This a very powerful president, but still we will take your proposal forward and you have made a real good effort I hope utajion a hii profession eh hii inaitweaje layer, but you must be getting A's in everything.(?) you cannot wait hamuwezi kukaa na mnakungoja ndio.....(?) tuendelee lakini hii mambo inaweza.....(?).

Ruth Mwanesi: My names are Mwenesi Ruth from Moi Girls High school Vokoli I am a form four student. My first proposal is that the president should be given an opportunity not when he has committed a mistake there should be an allowance of a certain number of mistakes that the president should commite before he is taken to the court.

Another issue is that the president, those people who commite criminal the president before he has much sober those people who have committed offense they should consider the mistakes which those people have committed. They should specify in the constitution that a person should have committed this particular so that the president can pardon her or him, not just any mistake to be pardoned by the President to those criminals.

The last one is that the issue of the President Kenya serving for five years it should be reduced, it should be the president should serve for four years and then another term is taken by another president.

Finally, the issue of the minister and the prime minister, or the ministers retiring from 65 years it should be all of them like the president they should just retire at 70 years, not at 65 years.

Com. Adagala: Okay those are proposals, ngoja ngoja ya kwanza or some more.. ya kwanza ilikuwa?

Ruth Mwenesi:(Inaudible).

Com. Adagala: Yeah hiyo kweli inafa iwe na categories hiyo ingene the crimes which the President comitts, unajua ukija mbele ya constitution you have really done something really bad, really bad, infact some people were saying what about if president does armed robbery should he not be taken in that kind of thing or if he rapes, should he not be taken? so those ones are there.

Then there was another one on the..what I am surprised is that you are not taking gender issues here, wale wanawake wamezungumza at the highest level tulikuwa na proposal Vihiga lakini sijui mnataka hii ikae vipi, kijunsia may be someone can answer that. But I think you have good proposals. There were many proposals that hasa kutoka kwa vijana wamesikia mtu mmoja alikuwa president wa 15 years, another one 24 years wanafikiri eh hao wazee they want people to serve one term and out, one term and out, one term and out, but sometimes there is something to do with programmes okay na kitu kama hicho lakini sasa itakuwa inaenda haraka, kwa sababu wengine there no guarantee you will go there for the second term, jaribu tena they can vote you out okay. How would you like gender to be at the top? Fikiria.

Lazarus Asamba: Kwa majina ni Lazarus Asamba proposal yangu ni kwamba nataka kujua kama katiba iliadimia katiba ya sasa ilikuwa na mnyanya mingi ambao viongozi walitumia hiyo mnyanya kupora mali ya uma. Na nataka katiba ipitishie au iazimie yaani kuna mali ya kitaifa au yaani kesi ya kitaifa ambazo katiba ilioko iliziba vitu vingi isijulikane au isitafutwe. Kwa hivyo ningependa hii katiba iazimie mambo ambayo yalifichwa na katiba ilioko sasa, na ilikuwa ya kitaifa ifufuliwa upya.

Com. Adagala: Hiyo inaitwa transitional justice na iko kwa transitional provision kwa schedules. Hakuna kitu kutafichwa na mambo isipokuwa kusema how many years back you can go as we talked about you can go to 1895 hiyo karne ingine, au unaweza kuanza na 1963 au uanze na 1920 au 1963 au 1985 au twelve years back. I think something like that about the law, lakini hakuna kitu kitafichwa okay.

Lazarus Asamba: Lakini mkiweka mnyanga itabiria wengine ya nyuma ile ambayo waliharibu ziadi.

Com. Adagala: Sasa iende mpaka 1895?

Lazarus Asamba:(?) ilitokea.

Com. Adagala: Okay. Nataka ute mapendekezo sio.....(?).

Nixon Kiverenge: Jina langu ni Kiverenge Dickson. Pendekezo langu ni hapo kwa state functions of the president, section 172 section two. Two deputy prime minister nominated by the President as for provided of the acts. Mimi naonelea hapa

ikiwuwe na one deputy Prime Minister sio waweili.

Com. Adagala: Okay.

Musungu Mugoha: I am Musungu Mugoha. My first proposal nikukubaliana na mwenzangu kwamba kwa sababu ministers could be, somebody could be an elected MP but could also have termed a very good minister if that one done then the constituency can go for a by election.

Two on article 107 there is this issue of National Assembly membership. We have 210 Members elected and proposal is made in the draft there is 90, I think that 90 is suppose to be nominated but it is written here elected. Yeah it is written that shall be 210 shall be elected on the basis of single member constituency and 90 Members shall be elected on the basis of list of candidates submitted.

Com. Adagala:(Inaudible).

Musungu Mugoha: It is a mistake.

Com. Adagala:(?).

Musungu Mugoha: It is an election also.

Com. Adagala: Yeah.....(Inaudible).

Musungu Mugoha: By parties. So could this be the bone of contention of 90 nominated?

Com. Adagala: It is not a matter of elected, they are elected but have said they are nominated but there will be if there is an election proportion among the political parties but they will not be hand picked, they will not be hand picked there will an election at party level. So that may be if a party decide that all these there is proportion of five members are all un-opposed but still they have stood okay.

Musungu Mugoha: So we don't have nominations?

Com. Adagala: We don't have nomination, we don't have nominations the contention is because it is being interpreted as nomination, but it is not nomination.

Musungu Mugoha: There is no problems because if it is election there is no problem because if it is nominated that would water down elected members.

Com. Adagala: Yes it is an election.

Councilor Kirihia: Jina langu Kirihia, jina ingine Councilor, jina la Mayor. Na vile naona hakuna councilor amekuwa hapa mimi naomba sister yangu akubali mimi nasema pendekezo moja mbili halafu ajue kwanza councilor wa upande huu alikuweko mmoja.

Com. Adagala: Na councilors wako wapi?

Councilor Kirihia: La kwanza, chief council Muslim amepewa uwezo na korti yake na kila maneno na mimi nataka naomba, napendekeza commission hii ikubali wakristo nao wawe na yao ya kumaliza maneno yao kwa sababu hawa watu wanachukua maneno ya Christianity wanapeleka korti ya raia. Na hii korti ile Muindi anafanya hiyo kesi hajui hiyo dini, sasa tafadhali tuletei spiritual heart in churches. Watu wakristo wakubaliwe korti yao ua wawe wakifanya manano yao inje ya ordinary court. Hiyo itakuwa nzuri kabisa kabisa.

Na la pili, mtu kuwa judge kweli, wakati wa akina Odanga wako wanatawala hapa watu walikuwa wanakata kesi ni wazee hapana vijana. Nakumbuka wakati mmoja sorry sitachukua muda mrefu, Orengo alikuwa the youngest advocate in the high court na yale maneno alifanya hayakuwa mazuri, kwa hivyo tunasema hivi judge asiwe wa miaka hiyo mnasema napendekeza jaji a retire akiwa 70 years au zaidi kwa sababu ndio atakuwa makuwa na experience ya kutosha kufanya kukata kesi kama mzee.

La mwisho sikusikia wakisema mishahara ya judges, si civil service si nini. Itapendekezwa na kamati ingine, lakini sijasikia na wa-councilors nao mishahara yao itatengenezwa na nani?

Com. Adagala: Mishahara yote ya uma ilitakwa kwa commission ya salaries okay, yote, yote itakuwa hapo. Hiyo commission itakagua itaangalia, itapiga huku macho na kule na kule tutatarajia commissions itakuwako itakuwa nzuri. Okay commission mishahara yote itakuwa hapo.

La pili, judges inaweza kuwa hivyo lakini unataka waanze wakiwa na miaka mingapi? Hiyo haukusema, ameandika jina lake kweli huyu councilor? Okay, mnafanya mbeleni.

Councilor Kirihia: Nataka wakianza waanze na miaka..

Com. Adagala: Judges, judges.

Councilor Kirihia: waanze na sitini.

Com. Adagala: Okay, haya okay hiyo proposal 60 –75 I think seventy what?

Councilor Kirihia: Seventy five.

Com. Adagala: Okay na pia kuna kitu kilikuwa kingine..

Councilor Kirihia: Dini.

Com. Adagala: Wacha niwaambie na nilisema ulikuwa hapa, wakristo walizubaa, hii kitu cha Kadhis ilikuwa na ilitengenezwa lakini wakristo walikuwa na haja ya kudhulumu wanawake ndio walikuwa wanatusomea. Wachache kama PAG walifanya proposals lakini walizubaa, sisi hatuwezi kuandika mambo ambayo hamjasema, ingekuweko submission tunasikia hii submission kutoka Nyanza, hii submission kutoka Western, hii submission kutoka Eastern, hii submission kutoka, na SDA wakawa tu kwa mambo yao ya Jumamosi ndio walisabmit nyingi sana kuhusu hiyo. Mfanye bidii mrekebishe national constitutional confrence izungumzie hii mambo kwa sababu ni personal law, na mumesema vizuri sana vitu vingi vya kikristo vinaenda mahakamani.

And the Muslims said the Christians don't have laws vile nimesema hiyo ya grace halafu pia wakasema, anyway it is a Christian state so these things go to state. Tuliwauliza hamuwezi, mnang'ang'ania huku mnaweza kung'ang'ania wakasema la, sisi ni Waislamu hatuwezi pigania mambo ya Isa bin Mariam.(?).

Francis Chogo: Jina langu ni Francis Chogo, pendekezo langu ni hii, hizi shamba za kuinherit hii permite hii mambo ya mashamba hii imetuletea tabu kwa maana tuna watu wale wazee lalituwachia mashamba, land ilifanyika mwaka wa sitini na tisa watu wengine kama bado watoto. Na wale wazee ambao walipeana mashamba hao wamekufa. Na sasa hii pesa zile zinatakikana sasa kwa kubadilisha majina hayo yamechukua sasa watu tunakaa kama refugees. Hatuna pesa ambazo hizo..

Com. Adagala: Commission ilifanyiwa eh, umeelewa ameandika jina okay okay haya. Asante hiyo iko kwa land okay, kwa land, hiyo mambo iko kwa chapter ya land unasikia mzee? Na watu wengine waliuliza wewe hukuwa hapa mara ya kwanza ungekuwa umesema hiyo, watu wengine wamesema demarcation ifanyiwe tena, vitu vyote wacha niwaambie vitu vyote vitachunguzwa, ikiwa hiyo pia itakuwa kwa district. Na tataka kusema mambo tuna mambo ya inheritance kuna lable ya watu walisema village elders, hiyo imerudi kwa village elders. Walisema hao ndio watu wanatujua, watu wazuri, watu hivi hivi, saa zingine kweli wanachukua pesa lakini kwa sababu hawana mshahara. Sasa wako hapa na watakuwa na mishahara na waendeleo na kazi yao okay.

Wacha tuendelee kwa devolution tumezungumzia mambo ya devolution sana na nilieleza hapo mbeleni sasa tutapitia tu, lakini ni stage muhimu sana hii ndio ilikuwa kazi yetu kubwa sana hapa.

Vincent Wakalo: Sura ya kumi inaongea juu ya devolution of power ama kuzambaza mamlaka katika mashinani. Na katika juhudi hii ya kusambasa mamlaka katika mashinani, juhudi hii ilikuwa katika ile hali ya kupata equitable distribution of resource na pia ile hali ya kutaka wananchi wa kawaida washiriki katika maswala ya utawala.

Sasa katika juhudi hizi kutakuwa na serikali ya mtaa ama village government ambayo itawachagua wazee wa mtaa ambao hawatakua zaidi ya kumi ama chini ya sita. Wazee hawa ndio watao tawala kijiji ama ndio atakaofanikisha uongozi katika kijiji na mashwala ya kijiji yataendeshwa na wazee hawa.

Locational government itakuwa na representatives ama waakilishi wawili na mmoja atakuwa ni mwanamke na pia kutakuwa na administrator wa kijiji hicho, wa location hiyo ama kata ambayo atachaguliwa na wananchi. Inabidii tufahamu kwamba sasa afisi ya chief haitakuwa, huyu administrator ndiye atakuwa kama councilor tena ndiye atakuwa kama chief.

Kutakuwa pia na district government ambayo itakuwa na waakilishi ambo watachaguliwa, waakilishi karibu ishirini wasiwe chini wa ishirini na wasiwe juu ya thelathini watakuwa wakichaguliwa na wapiga kura ndio sasa wakilishi hawa ndio watakaokadiriwa ama ndio atakaosimamai maswala ya wilaya.

Pia kutakuwa na, katika Mikoa ni kutakuwa pia na serikali pale mkoani ambayo itakuwa na waakilishi wawili ambao mmoja atakuwa mwanaume. Na wakilishi hao watakuwa wanachaguliwa na wakilishi wawili watakuwa wanachaguliwa kutoka kwa wilaya na pia kutakuw na mkuu wa mkoa ambaye pia atachaguliwa.

Kutakuwa na uhusiano, itabidi kuwe na uhusiano wa karibu kati ya serikali kuu na serikalu ya mashinani. Serikali ya mashinani itakuwa na uwezo wa kuajiri maafisa na pia watatarajia serikali kuu iwasaidie katika kuajiri maafisa Fulani Fulani ili kuendesha maswala yao.

Serikali ya mashinani pia itakadiria na kunufaisha wakaasi wa sehemu hiyo kutokana na mali ya asili ama mali yote ile ambayo inapatikana katika sehemu hiyo. Itabidi watu wa sehemu hiyo wanufaike na mali hiyo, kama ni madini lazima watu wa sehemu hiyo wanufaike na mali hayo.

Maswala ya fedha: serikali hii ya mashinani itakuwa na uwezo wa kupokea ushuru kutoka kwa wananchi na pia serikali ya serikali kuu pia itawasaidia kwa kifedha inapohitajika.

Lakini yafaa muelewe kwamba kijiji hapa hakimaanishi kile kijiji, lakini kinamaanisha location sub location, kijiji village ama kijiji katika katiba hii itasimamia location. Sasa serikali hiyo itakuwa imeundwa katika sub location, pahali ambapo saa hizi inatawaliwa na naibu wa chifu ama assistant chief.

Com. Adagala: Location ama sub location?

Vincent Wakalo: Sub-location, sub location Yeah ndio kijiji. Haya ndio maswala ya muhimu kuna maswala mengine ya muhimu ambayo yako hapa lakini kwa sababu ya wasaa hatutapitia kila swala lakini tutatarajia mtapata masaa huku kusoma maswala haya.

Com. Adagala: Tusema uongozi ambao unabuniwa hapa ni uongozi ambao uko na tofauti kuliko hii ambayo tunayo sasa. Kama hao village elders, sasa kila kijiji kuna village elders, village elders lakini sasa itakuwa na hiyo representation sasa kijiji ni sub location. Na piea tutakuwa pengine itakuwa tofauti kidogo kuliko sasa, lakini pia hapo kama tulizungumzia rais na MP na, hii tunabuni uongozi wa tofauti na nafikiri pengine tukifikiria hapo tufikirie tulikuwa tunafikiria old wine, tufikirie. Maisha yenu iko old wine na new wine in old skin. Lakini pengine kuna hapo ingine ina new wine in new skins. Lakini tungeendelea kufikiria old wine in old skin sasa hakuna haja ya kurekebisha.

Tumeweka transitional and provisions kwa hiyo ili tuendelee mbele. Haya wacha tuendelee, just hold on lets do this one together, a new chapter.

Vincent Wakalo: Katika sura ya kumi na moja ambayo inahusiana na maswala ya ardhi na maswala ya mali. Kwa kifupi sura hii ilibuniwa kwa juhudi ya kuona kwamba maswala ya mashamba yanarahisishwa land transfers sasa zitakuwa rahisi kuliko hapo awali. Pia sehemu hii inatambua umilikaji wa shamba katika matawi manne, shamba itakuwa inaamilikiwa na mtu binafsi ama shamba itakuwa ya familia, itakuwa ya jamii ama itakuwa ya umma.

Mashamba hayo, mashamba ya umma yatamilikiwa na tume ambayo imebuniwa katika kifungu hiki. Tume hiyo itachunguza na kuwapokonya watu ambao wamepewa mashamba pasipo halali.

Mwananchi wa kawaida pia amepewa ile haki ya kisheria kwa Kizungu inaitwa locus stand, ya kushtaki mtu ambaye amechukua ama amenyakua shamba la umma kiholela ama ya msitu. Na mashamba ya umma yatalindwa na tume hii tulioongea. Pia sehemu hii inawanyima wageni watu wasio wananchi wa Kenya kumiliki ardhi, hawatakuwa na uwezo wa kumiliki ardhi nchini lakini watakuwa na uwezo kukodesha tu, na wale ambao saa hizi wanamiliki ardhi, itawabidi mashamba wayashikilie kwa muda wa miaka tisaini na tisa a ninety nine year lease. Hizi ni provisions za transition.

Hayo ndiyo mambo ya muhimu ambayo yako kuna mengine muhimu zaidi lakini kwa sasa haya ndio tunakuguzia.

Com. Adagala: Jambo la muhimu zaidi, pengine lile ambalo limekuwa kabisa mabadiliko kubwa ni hiyo iko kwa 233, article 233 ambalo linasema “all land in Kenya belongs to the people of Kenya collectively as communities and as individuals” okay. Sasa hii imetoa hiyo inaitwa “crown land au saa zingine “government land” inatolewa kwa sababu hiyo ilikuwa kitu cha ukoloni ilinyakuwa sehemu nyingi sana na Wamaasai hasa walisema they are the ones who lost the most and regained the list. Sasa hawaoni ni kitu kizuri. Na hiyo mambo ya communal na communities and the religion hiyo watu wengine walisema wanataka vyao kama pia Wamaasai walisema individuals have sold land and have now deprived the community of land. Sasa ukiwa kwa Wamasai land kwanza itakuwa ya community halafu utauliza community ndio utauza okay. Au sasa itakuwa title deed sasa itakuwa ya community halafu hii ingine ni yako. Hata hivyo kuna hiyo sehemu ya madini chini ya ardhi pia inasheria yake lakini wacha tuseme hiyo ndio, mambo ya ardhi ilikuwa ngumu sana, ngumu ngumu sana. Na tukaweka hivyo ilikuwa majadiliano ngumu na watu, kila mtu alizungumzia kila mahali hii mambo ya shamba. Devolution na land proposal si najua mmechoka, proposals.

Peter Ludava: My name is Peter Ludava I think this is an important aspect so it is important that we look at it. Looking at the proposals put there, I think the village councils should elect a chairman. Because basically it is just talking of a council, but how do they deliberate if they don't have a chairman.

Then, I was proposing that the locational council should be composed of two Members, one of which should be the chairman of the village council and one woman if the chairman of the village elders is not a woman. In other wards you will start going up and then the district council again the locational council should again elect a chairman. Or, if it is the locational administrator you have the locational administrator now, the question is, the location administrator, the chairman of the location council, becomes a member of the district council and one woman if the chairman is not a woman and then it goes the same way also for the provincial council to provide that continuity from one step to the other.

You have a gain, a provincial administrator, the question is whether he is being elected or appointed. Now, then there is also the question of relationship, what relationship do you have between the provincial council and the government, I mean it does not show, it just ends there. It doesn't show to which authority or if it is local authority, then the old days it will be local government, whatever it doesn't show where that person goes.

Com. Adagala: Haya.

Peter Ludava: Then on land, you should include a provision where a Kenyan company can also own land in order to promote investment. This is because if you talk of foreigners not owning land but if somebody forms a legal entity, a company here in this country it is as good as Kenyan company and whoever is the owner of that company whether he is a foreigners company or a foreigner person they can own that land for purpose of investment, otherwise you will not attract investment. Thank you.

Com. Adagala: A place like Norway, I was there and they told me I can never own land there because foreinger don't own land. Okay tuendelee.

Levine Mbelase: I am Levine Mbelase, form three student. First of all please allow please me to back tract a little.

Com. Adagala: What do you want to back track on?

Levine Mbelase: Chapter ten.

Com. Adagala:(Inaudible).

Levine Mbelase: Yes, Chapter ten part two, under qualifications for election as president. I think a president should be a happily married man who has lived in Kenya for at least 30 years so that he is a person who knows about Kenyans and their problems.

Then under chapter eleven, land and property, I think that incase of desolution of a marriage the party which is granted custody of the children should be allowed to own land, incase the couple had ownership of land before the desolution of that marriage.

Com. Adagala: And other properties?

Levine Mbelase: Other properties should then be devided into equal halves to both parties.

Com. Adagala: Okay, you have convicted that the President should be a married man, no woman can be a president?

Levine Mbelase: Sorry, if the president is a lady she should be happily married as well.

Com. Adagala: Okay marriage for Muslims means four wives.

Levine Mbelase: In the case of Muslims, they are allowed to go by their sheria which means that the president should then have atleast four wives and if she is a lady she should be the first wife I think.

Com. Adagala: There is something called ask a question(Inaudible) the other one(Inaudible) okay then the land, okay.

Francis Chogo: Kwa mahali pa shamba....

Interjection Com. Adagala:(Inaudible).

Com. Adagala: Jina langu ni Francis Chogo kwa hali ya shamba ningependekeza serikali ingetuaonea huruma itupe free title deeds, halafu ingetoa sheria ambao kulingana na hii hali ya mashamba kwa sasa, ndipo mwananchi awe uhuru kwa nchi yake kulingana na vile mambo inaendelea kwa sasa.

Com. Adagala: Kwanza Chogo unaishi kwa 20th century kitu hapa muhimu ni katiba na sio serikali, okay hii ndio inapeana nguvu na hakuna huruma hapa ni haki. Hakuna mambo ati mtu akuhurumie ni haki tunazungumza na haki hizo zitatokana na wananchi sio serikali.

Pili hiyo ni mambo sasa ya Parliament, vile tutatekeleza title deeds okay.

Walter Mugoha: Walter Mugoha Muhenge, on village elders I think we should have age limit and period to be in the office and at provisional status I think...(Interjection).

Com. Adagala: If you want to make a proposal, do it.

Walter Mugoha: Okay, age limits should be above 55 years and period in the office should be atleast three years.

Com. Adagala: And at most?

Walter Mugoha: And at most five years.

Com. Adagala: What about maximum, age?

Walter Mugoha: Maximum for age should go up to 75 years.

Com. Adagala:(Inaudible).

Walter Mugoha: The other one is on provincial administrator, I think the provincial administrator, after having been elected by his members then he should also not be a representative. Where he or she came from, they should be given another chance to bring another person.

Com. Adagala: Okay when you give minimum give maximum. Sasa hawa elders watakuwa kweli wakongwe kama mimi, mimi nita-qualify, I am 55 nita-qualify.

Nyakisi Kisia: (*In Kuluhya*). Mimi nasema hivi, mimi ni Mzee wa mtaa.....

Com. Adagala: Anaweza kuzungumza Kiswahili?

Speaker: Eh.

Nyakisi Kisia: Nasema hivi mimi nataka mtukubalie sisi wote katika nchi ya Kenya katiba katiba hii, tukae mahali popote. Unaweza kununua shamba mahali popote na tuishi vizuri. Mimi nataka mtusaidie namna hiyo.

Com. Adagala: Wewe unataka tukusaidie hatuwezi kukusaidia hakuna hiyo ndio nakuambia watu wengine tumbaki katika ile karne ingine. Ile itatokea ni watu wakitoa maoni ndio tunaweza.

Nyakisi Kisia: Eh, hiyo ndio ninasema tuishi mahali popote katika nchi ya Kenya eh.

Com. Adagala: Tuna haki hakuna mtu atakuruhusu uko na haki, okay utakaa wapi wewe kama unataka kukaa mahali popote tena.

Nyakisi Kisia: Kukaa mahali popote hata ikiwa Mombasa, ikiwa wapi tuishi namna hiyo, eh.

Speaker: Okay.....(?).

Com. Adagala: It is already there, lakini mjue Wamaasai wamechoka na nyinyi.

Joram Evelia: Jina langu ni Joram Evelia, mimi pendekezo langu nikuomba kwa sababu kuna jamaa wengine wazazi wao pengine wamekufa na hao watu pengine walazaliwa pia pengine unaona chokora hana mama, hana baba.....

Com. Adagala: Pendekeza Mzee.

Joram Evelia: Pendekezo ni shamba tu, yaani wale ambao hawana nguvu za pesa kupata pesa ya kununua shamba ningependa Katiba ipitishie ya kwamba waandike majina yao ili wawe wakigawiwa mashamba kwa kupendekeza kwangu.

Com. Adagala: Ni lazima mtu awe na shamba?

Joram Evelia: Shamba ni lazima mtu awe nalo kwa sababu ukikosa shamba wewe hautakuwa na namna yoyote, unaweza kufa na, unaweza kufanywa kama mwizi.

Com. Adagala: Kule Uingereza 3% of the population ndio wanamashamba, kwa sababu inafaa wafikirie Mzee naweza kununua flats pahali na niishi, mimi sitaki shamba sitaki ukulima, pia inaweza kuwa kazi yangu inaitosha okay. Kitu kinafanya unagangania mashamba ni kwa sababu kazi hazitoshi, sasa mtu anasema sasa nituaje hata kwa uzee wangu nitaende wapi hata hii ifanywe hiyo ndio nini. Lakini pia ujue the richest man in the world owns a piece of the sky, Bill Gates.

Inafaa tuwe hapa tunasikia mambo ya sasa na mambo ya usoni na hapa Vihiga ditrict half of it, ni town mnajua half of it ni town sasa mfikirie hiyo pia lakini nitaandika maoni yako.

Joram Evelia: Okay maoni mengine ni kwa upande wa wafanyibiashara, wafanyibiashara vile niliguzia, wakati tulikuwa tunahojiwa katika hii katiba.....(Interjection).

Com. Adagala: Pendekeza.

Joram Evelia: Pendekezo, ilionekana ya kwamba kuna wafanyibiashara kama watu ambao wako na maduka anaweza na wholesale na anafanya pia vile vile retail. Sasa utaona yule mtu anaenda kununua sukari kwa wholesale, yule pia wa whole sale utaona anachukua ile sukari pia anafunganisha anauza kwa bei ile ya retail na tayari pengine hiyo unanunua kwenda kuuza retail na yeye pia atauza retail halafu hiyo inakuwa ni hasara. Hiyo inaua biashara. Pendekezo hawa wasipewe license ya retail, wapewe kama retail na tetail. Asante.

Com. Adagala: Na hiyo ni kama one person one job, tutaweka hiyo kwa sababu it is un ethical haina maana mtu kuwa wholesale na retail na ni najua imetendeka mimi nimeiona hapa sivyo.

Mrs. Mbelase: My name is Mrs. Mbelase, I would like in the constitution the village to be clearly defined, the way it is written it looks abit confusing.

Com. Adagala: How should it be written?

Mrs. Mbelase: It is just the village and you know to my understanding the village is something smaller than the sub location.

And another proposal is, I have not clearly understood the council, I am still looking at it, but I have fears that we may have the same people right from the village to the national council, is that the case? Because if that is the case, I should be against that. Where you have one person who is on the village council will be representing on the district council, will be on the provincial

council, will be on the national council, I would be very much against that.

Com. Adagala: Okay, because they are elected, they elected other village then they don't proceed. There is an election for the district, a different election Yeah. If you want to be leave the village then you give up and stand for at the location and then the district okay. They should be different elections, na sasa mnajua tutakuwa na two elections, one would be five years and the other one would be four years mnaelewa hiyo.

Haya tuendee, public service kitu muhimu itakuwa na code na kuna hiyo nini ya integrity, what are the integrity, commission of integrity eh... leadership and integrity. Tutakuwa na ya public service hapo itazungumziwa hapo nafikiri hiyo mnaweza kusoma pengine watu wa public service hao ni hao ni wasomi watajua.

Halafu chapter fifteen ni defense and national security, hiyo umuhimu wake pengine ni vile the head of state, I don't know why we are calling him the president. The head of state, will be the head of the commander in chief and should also be established, this 274, there is established and defense force council na iko hapo the president, vice president then minister incharge of defense, the chief of general staff, army commander, navy commander and air force commander council eh, ili isewe mtu mmoja anaweza kufanya na kuna hizo vitu vya kutekelezwa hapo eh.

Halafu kuna hapa leadership and integrity: tutakuwa na commission na pia hapo kuna vile itaundwa na vile itaendelea, declaration of wealth. Kitu kikubwa watu walisema nataka, uko tajiri ndio, au uko maskini ndio una nini ulipata vipi na kuendelea, declaration of wealth, which is very important. Hiyo personal conduct is very important. Nini ingine hapa iko important.

Then we have constitutional commissions hiyo pia mnaweza kusoma na kunazo kumi, kunazo kumi ya salaries iko hapo, ya human right iko hapo, ingine ah zimeelezwa na nini itakuwa zikifanya tafadhali kagueni mkiona kuna kitu, andikeni mpe district coordinator mpe hao waakilishi wenu itakuwa muhimu sasa. Halafu what have I passed left out.

Okay haya halafu hapa tukiendele mwisho ni, what is the next chapter there, interpretation ni tu vile msome na vile mnaweza kuelewa zaidi kufafanua. Halafu kuna amendment of the constitution hii ndio kitu kumeleta matatizo makubwa sana kwa constitution hii kwa sababu kwanza waliweka spanner wakafungua njia ya kurekebisha ya kufanya amendment kwa constitution na hiyo ndio ilileta shida nyingi lakini sasa imesema vile itakuwa amended na pia referendum iko hapo sivyo? Referendum iko hapo theluthi mbili two third na hiyo yote iko hapo ya Parliament na vitu vingine haviwezi kubadilishwa, na parliament bila referendum ya nyinyi, kuja hapa na kupiga kura ya maoni halafu tu we have a intepresentation I had mixed them halafu hapa transitional measures pengine ile inasumbua watu sana ni provincial administration ndio watu wamezungumzia sana. Hapa tuna hiyo bridge watu wa Provincial administration tumesema simply they will report to the national government na hata niliuliza D.O akasema yes I was employed by the public service commission nafikiri, public service commission, chief pia employed hivyo na

kadhaa kwa sababu wanakuwa interviewed wanakuwa employed. Sasa chief atakuwa elected okay, itakuwa council hiyo ndio itakuwa council, chief atakuwa elected okay.

Sasa huko wataenda provincial administration watakuwa diploid hiyo sio yetu kuingilia wacha wawe na mwajiri wao watazungumza nao na itakuwa transitional period. Lakini wacha niseme niliambai D.O. hii niseme all these people kama D.O.'s are about three hundreds D.C.'s na about 70, hao watu wanaujuzi watastaafu au wataendelea na wapatiwe kazi si watu wengi eh. P.C.'s ni ngapi? Nane okay, sasa hapo tuliona watarudi mwajiri wao na yeye atadeploy.

Kitu kinaweza kufanyika ni transition period, mtu anaweza kufikiri ah, sasa siko kwa ofisi hii method ilikuwa nzuri sana niende nayo au hii nyingine hii, vitu vyote vitakaguliwa okay na hakuna kitu hiyo ya mikono mirefu itakubaliwa.

Na hii vitu vya district headquarters provincial headquarters hiyo vyote vitajadiliwa na parliament na pia waajiri wao okay. Haya ingine ya transitional tulizungumza tukiendelea na pengine kuna moja au mbili hivi lakini hivyo ndivyo hivyo hatukuzungumzia mazingara land and environment. Environment una haki ya kulinda, unahaki ha kushtaki, una haki ya sasa kama hii ya Maragoli forest nilumuuliza nani, nani kwa nyinyi mliistaki au mkafanya hamkuwa na uwezo kwa sababu haikuwa kwa katiba, lakini lazima mazingara ilindwe na iendelee.

Kitu kimoja kimedhuru watu kabisa hapo kwa ziwa la Victoria ni hiyo 1928 treaty, hiyo 1928 treaty imekuwa kitu kama kufungwa ni kama ukoloni. Watu wa Rarieda walisema ni Arab colonization sasa wakasema hiyo 1928 treaty iangaliwe na pia tumeweka hizo treaty zote zitaangaliwa, kwa sababu hawawezi kutumia maji ya hapo.

Sondu-Miriu ilijengwa na ruhusa ya Egypt na haingejengwa kwa sababu inasema hamtaguza hiyo maji ya Lake Victoria kwa sababu they depend on it, lakini pia inafaa tujulishe watu wa Egypt we need to reciprocate eh, mvua ya Marakwet, mvua ya Elgon, mvua ya wapi ndio inapeleka maji, we have 60% of the waters of the lake comes from Kenya. So they need to help us preserve the environment this side. Pengine waajiri watoto wetu kwao ili watu wasiwe na hii shida Mzee alikuwa hapa alisema lazima uwe na land pengine hiyo ndio inafanya tunalima mpaka mpaka (*In Kiluhya*) ina-disappear watusaidie kuhifadhi mazingara pengine, na mimi siwezi kupropose hiyo pengine mtu atafikiria naona.

Maji, water from the sky is a resource, sunshine is a resource mnaona sunshine inaleta Wazungu wanalala kwa Lisa Lodge Beach kama makaa ambaye eh, hiyo ni resource na tunafaa tujue resource yetu ni nini, na tulizungumzia hapa resource zetu hapa za district na zinajulikana sasa kama hii forest watu wa Kakamega walisema hii ndio inasafisha hewa ya Kenya. Hii ndio lungs ya Kenya inasafisha hewa usiku, inasafisha.

Wanataka pia wawe na tax wa hiyo ambayo inawasaidia kuhifadhi hiyo forest okay. Sasa hivyo watu walizungumza watu wengi kila mahali lakini nataka kusema watu ambao wanaonekana wana free land maisha yao ni tofauti na wanasema tafadhali,

ni kama they don't exist, sasa mkisema hivyo mjue ni shida. Na pia watu wanaenda kuko wanabadilisha mazingara ya huko wanaweka mipaka wanaweka seng'enge, you know hiyo kitu ya land sasa wanasema hao pia wana haki zao.

Ningependa kusema upande wa mazingara tufikirie sana development of our resources, hiyo ndio devolution sasa itakuwa, kwanza natural resources ndio devolution, hii ingine ya national resources ni to be shared so that things are equitable. Hi ya natural resources you have to develop your own all natural resources hiyo ndio imetokea hapa na hiyo ndio inakinga.

Haya mwisho, tutakuwa na ten minutes, ten speakers. Dakika moja moja tu tuende au hakuna tuseme asante tuende, ten people ten minutes(Inaudible).

Joseph Anabere: Jina langu ni Joseph Anabere na mimi nataka kusema kitu kimoja tulikuwa tumesahau, kuna hii habari ya devil worshipping tulikuwa tunataka kutunga sheria ambayo itazuia kabisa kile kitu kinaitwa devil worshipping, maanake kinaguzia hisia za watu wengine, raia wengine.

Com. Adagala: Lakini hakuna mtu ametuambia devil worshipping.

Joseph Anabere: I can form one if I want.

Com. Adagala: You don't know what it is, you don't know the queckers...hatujui hakuna mtu ametuambia hata nimesema waquecker wanameditation na watu wanasema watu wanameditate ni devil worshippers. Kuna kukesha watu wanatuambia, watu wanashinda usiku wana abudu wao ndio devil worshippers. Sasa hatuna defination.

Joram Everai: Pendekezo langu, mimi naitwa kwa majina Joram Everia, mimi pendekezo langu ni hili upende wa ile sheria iliwekwa na mkoloni ya mwaka ishirini na nane juu ya maji ya Lake Victoria kwa upande wa Arab, hiyo mimi naonelea Mungu atatupatia sisi maji, na maji inatiririka inaenda huko kwa upande wa Arab, na Arab nao wakapewa mafuta sasa hayo mafuta hawa wanapewa sisi wanatuuzia na maji haya ambayo wanatumia pia vile vile inatakiwa waifanye nini, wajaribu tuwauzie maji, kwa sababu wanatuuzia mafuta na sisi pia tuwauzie maji kwa sababu Mungu aliwapea mafuta na sisi akatupa nini, maji. Kwa hivyo sheria ya 1928 hiyo ningependa katiba hii pendekezo langu itolewe na hiyo iwe ya kwamba wa Arabu wanunue maji yetu na pia sisi tununue mafuta yao. Asanteni.

Speaker: Si hiyo pia ilikuwa pendekezo langu sasa sitaongea.

Com. Adagala: Mnaona Wazee wanajuana kwa vilemba.

Speaker: Haya.

Speaker: Katika devolution na suggest kwa sababu haijaonekana watu wale watakuwa kwa councils mpaka juu, haikuonekana watakuwa wanalipwa na nani. Kama sio central government labda taxes.

Com. Adagala: Commission, salaries Commission watu wote, including village elders.

Speaker: Lastly kumekuwa na watu ambao wamekasifu katiba kabla hawajaisoma, kuna draft report, kuna report halafu, draft constitution, tulianza kusoma kitambo hata hatujamaliza kusoma tangu ziwe kwa magazeti. Wakae chini wasome, ndio wakasifu wasichukue kipengele kimoja.

Com. Adagala: Hakuna cha(?)

Davis Ambogo: I am called Davis Amboga, I would want to say something about the appointment of commissioner of the Kenya police service. It has been written that he should serve, that the commissioner should serve for ten year, I would wish to reduce that to three years, because that is very long and we shall be encouraging corruption.

Com. Adagala: Appointment of who?

Davis Ambogo: Appointment of the commissioner of the Police Service.

Com. Adagala: By?

Davis Ambogo: By the President for one term of ten years. I want us to reduce that to may be three years, that would be a bit reasonable because ten years is very long.

Com. Adagala: Appointment by the president?

Davis Ambogo: Yeah it is okay but it should be veted by parliament which is already there, yeah, I have said appointed by the president but veted by the Parliament.

Com. Adagala:(Inaudible).

Davis Ambogo: Yes.

Com. Adagala: Haya asante.

Japheth Kawai: My name is Japheth Kawai, I have got one thing to say, that last time the commission was here we talked about devolution of development in this country. Now, we see that if you go to Kiambu there are roads which are going up and down, I mean some are the gorofas others are down, when you come this way we are traveling in mad. I am therefore, still saying to the commission that we would like the natural resource the development to be spread so that we development going into the rural areas so that we come to almost an equal level, we have equality of the country's cake.

Com. Adagala: It is equitable development Mzee, alright it is called equitable development and it is here many times, here.

Two, you should not admire people of Kiambu, they were favoured, listen, they were favoured when the president wa a Kikuyu and half the cabinet from Kiambu and it is true, the roads are everywhere tamarked but now they are all pot holes, it is terrible they are now pot holes, that is why we don't want someone who takes development to one area. We want it equitable, now they are saying we are the ones who are producing coffee look at our roads and they don't remember how those roads came to be done that way. And then they say they are high potential, we tell then Yeah because you have the infrustrure because North Eastern has three kilometers of termack on a road that is 1000 kilometres Garissa, Mandera. I have seen it, if a child in Mandera wants to see what termack is they have to travel all the way to Garissa okay, three kilometres. So equitable development is a constitutional principle.

Levine Mbalase: I am Levine Mbalase first of all, I would want to urge the Commissioners to include in their report something about desolution of marriage because you are not so clear about what happens in such cases in the report.

Secondly, I would like to urge them also to include in their report this, that, in case of any intention to set up a building or any such premises, at least one tree and a patch one by one metre of grass should be maintained so that as much as we are building our country we are also maintaining it's beauty.

Com. Adagala: The second one, that is now parliament they will do those measurements okay, but here it is the principle.

Two, the desolution of marriage there are many types of marriages and they are dissolved differently. The Muslims have put their here, that is what we are saying, the Hindus have said Hindu law, they have said African. Nafikiri in the African one, there is no divorce so it is here. The one that has problems is the Christian one, na kwa sababu wakristo wamezubaa.

Levine Mbalase: Okay lastly it is about students, is more of a question there are some school rules, which are a contrary to what we have in the constitution, so what can I do as a student to ensure that the school rules are in agreement with whatever is written in the constitution?

Com. Adagala: For example.

Levine Mbalase: For example, some schools insist on student speaking English and yet the constitution allows us to use both English and Kiswahili.

Com. Adagala: This constitution, the other one English, this constitution. Now under this constitution, you have the right hata pengine vitabu, other things you are saying also is the education act hiyo itakuwa ya parliament rules on that. But here, it is Kiswahili now it will go even to what made a curriculum(Inaudible) hiyo itaenda bungeni okay. Sisemi itakuwa hivi ama vile but, we cannot ruhusu you if student are not saying it for us, it is not a matter of permission, it is a not matter of mercy kuhurumia, it is a right that you say. When you say tunaomba, you are still in mould of your parent of your parent of the 1999 and back, hii ni 21st century, it's right okay. Ita huyo.

Liyali Liyai: Liyali Liyai I am a teacher. I would propose on devolution of power, devolved government iko na power nyingi. In one area kuna mahali ambapo tumeproposiwa ikiwa watamake sheria na parliament itengeneze zi-convict sometime desolved government itachukua it would be favoured. Sasa ningependa ku-propose also we make checks such that a devolved government cannot make laws or cannot make decision that are inconsistent with the national unity. Kwa mfano, wakiamua kusizi then watakuwa wanathreaten national unity, kwa hivyo they should be curve yards so that they don't make excessive laws that are not consitent with national goals.

Com. Adagala: Okay, we cannot do that because it is unconstitutional, you cannot over ride nation, they are here they are written. You know before they have been saying national goals but there was nothing they are here.

Two, hayo mambo meingine ni ya parliament, parliament is the one that can do what you are saying about regulating.

Lastly, nyinyi ndio mlisema nataka devolution, na hiyo devolution haikusemakana kwa jina devolution all the time, ilikuwa barabara zetu ilikuwa our environment, ilikuwa our natural resources, ilikuwa equitable development nyinyi ndio mliuliza devolution iwe ili wananchi wa benefit. You must benefit life has to get better, you must agree that we are a rock bottom life has to get better at the grassroots. Okay, asante. So, devolution people asked for it even the ones who were saying unitary government in Kiambu I was there. They were saying our roads, we the ones who grow coffee, we are the one who.. that is devolution, okay it is people who worked for it.

Now you are saying there should be some balance, more balance okay, so you want people to benefit less, you want someone else up there.

Liyali Liyai:(Inaudible). but in the constitution we.....(Inaudible) it should not be allowed

to make laws.

Com. Adagala: You are not allowed to make laws which are inconsistent please, that would be unconstitutional it cannot work. I think I can imagine what you are saying.

Benard Chahilu: Basi wananchi nafikiri mumekuwa very patient na wakati imewadhia tufunge na kabla, hatujafunga na maombi, ningependa kusema machache tu, kuhusu wakatu huu. Kwanza kabisa, nashukuru Madam Commissioner na wenzake ambao wamefafanua kwa urefu katiba mpya na sisi ambao tumekuwa hapa nafikiri tumelewa zaidi kuliko wale wengine ambao hawakuwa na nafasi ya kufika hapa. Itakuwa sasa ni sisi tutaenda nje kuwafunza wale wengine wenzutu ambao hawangewza kufika na pia kuendelea kusoma zaidi yaani zile sehemu zingine za Katiba ambazo hatukuweza kuzungumzia kwa kirufu.

Na kwa hayo machache ninaweza kusema kwanza kumaliza kabisa kushukuru nyinyi ambao mumekaa na mumevumilia mpaka wakati huu, na headmistress wa shule hii ambaye amekura karibu kwetu wakati huu na wakati ule mwingine, alitupatia Hall hii tukazungumza na leo akatupatia tena tumezungumza na tumerefuka nafikiri amekuwa akifanya kazi nzuri katika kuendeleza mambo ya katiba ya Kenya.

Watoto pia wameparticipate vilivyo katika mambo ya katiba na hiki ni kitu kizuru sana kwa watoto wetu kujua ni nini inafanyika katika nchi yao. Mwisho mwisho ni yule Mzee alituombae vile ameenda nataka Mzee mwingine ama Mama mwingine aje na atuombee, inaonekana kabla hajakuja coordinator anajambo kidogo.

Agnes Ayuma: Ningependa pia kuwashukuru kwa kuvumilia mpaka wakati hii, pia ningependa kushukuru commissioner Adagala kwa juhudi zake za kutufundisha mpaka amevumilia mpaka wakati huu ndivyo anataka kuondoka.

Lakini kabla tutoke hapa kuna wale ambao walikuwa asubuhi niliwaambia tuko na delegates watatu ambao tulichagua tarehe kumi na saba September, watuwakilishe kwa ile stage ya Review ambayo inaitwa constitutional conference. Tungali tuko na kwa wawili hao three delegate mmoja hakuwasili na kabla tuondoke hapa ningependa kuchukua jukumu ya kuwajulisha kwenu.

Kwa kiti cha wanawake, tulichagua Mrs. Rebecca Evalia kutoka Tirika Hamisi constituency. Wacha awasalimu.

Rebecca Evalia: Commissioner, my colleague the CC na watu wote nawasalimu hamjambo.

Audience: Hatujambo.

Rebecca Evalia: Siku ya leo ni shukrani kwa kuvumilia kwenu kukaa na kusikiliza hii hutuba huu mzuri. Niko tayari tusaidiane vilivyo na ninaona kwa sasa tungali na maoni ama tuna proposals ambazo tungali nazo ama mngali nazo, we welcome you anytime to give us your proposals or if you find I am not nearby, the coordinator is there, my colleague is here, though

another one has not come, but he is available.

Com. Adagala: He is sick.

Rebecca Evelia: Anytime alikuwa mgonjwa, commissioner amesema hivyo. So, please don't stay with your proposals, we are still here and we want this constitution, whoever will read and the next 100 years will know that, really we made something that could be helpful for all these years. Thank you.

Agnes Ayuma: Asante sana Madam Rebecca Evelia. Tuko na Mr. Charles Muhare kutoka Emuhaya constituency alishinda kwa ile slot ya open seat, karibu uwasalimie.

Charles Muhare: Commissioner, na wananchi hamjambo.

Audience: Hatujambo.

Charles Muhare: Hamjambo tena.

Audience: Hatujambo.

Charles Muhare: Sitazungumza mengi nadhani Ms. Evalia ameshaambieni, tuko huru kama kuna mtu yeyote atakuwa na jambo ambalo angependa atuakilisha kule Nairobi wakati utakapoadia, basi tafadhali mtuletee. Mimi niko upande hule wa chini pengine hamuwezi kinifikia lakini utamfikia yeye au yule mwenzangu mwingine ambaye anatoka Vihiga. Mimi nasema tu asante sana nyinyi ambao mlivumlia mpaka sasa, nataka tu kuakishieni jinsi niwaakishia wale ambao tulikuwa nao Vihiga jana ya kwamba tutajaribu sana sana kuona kwamba maoni yenu tumefikisha kule and we shall wakilisha nyinyi very effectively. Asante sana.

Agnes Ayuma: Thank you very much the two of you, wamesema watatuaakilisha kwa njia iliyo mwafaka, si ndio? Na tumeambiwa huko sio kulala ni kupigana ni discussion and critical debate.

Com. Adagala:(Inaudible).

Agnes Ayuma: Yeah tutapigania haki zetu na nyinyi nimeona in this venue wa wale watu wamekuja forward na proposal they are very good proposals na we don't want them to be watered down, we don't want them to be left a side. Sasa ni jukumu wa hawa waende waseme hizo proposals si ndio? Wasipofanya hivyo, they will have let us down, we will not be happy with them, that is a challenge to our delegates. Thank you that is all I wanted to tell you. Mimi na Agnes Ayuma mimi ndio coordinator in

care of Vihiga District.

Com. Adagala: Kitu kidogo tu si kidogo kwa nini nataka kuwashukuru (*In Kiluhya*). Mimi nikushukuru Mungu kwa maisha ya Mzee na namshukuru kwa sababu nilimwita baba miaka kwa hamsini na tano, si kitu kidogo, hawa mayatima tunazungumza kwa katiba hii alikuwa na maoni kwa hiyo ya elderly na pia food security, alisema nafaa tuwe na kila boma iwe na chad na store ya chakula.

Nafikiri aliona vile yeye mwenyewe alikuwa yatima na alikuwa mzee na pia vile watu wanaangaika. Alisema mayatima wanaangaika sana na pia Wazee wakongwe wanahangaika.

Sasa pia mimi mwenyewe niliona nikajufunza kwa vile tulikuwa tunamlinda na nikaona kweli anatakikana ulinzi na (*In Kiluhya*) ya asante, (*In Kiluhya*). Haya mambo ya power huko juu lakini pia inatakikana hiyo irekebishwe.

National constitutional conference (*In Kiluhya*) November hata hiyo itatangazwa msilale mmelalia masikio. (*In Kiluhya*) saa tano hadi saa saba na (*In Kiluhya*). Tunahudumia kila watu, saa nane mpaka saa kumi (*In Kiluhya*) 17% peke yake ndio ilipeanwa na wanawake na tukiketi huko kwa commission hata saa zingine, nasema hati nijuzulu nitoke huko kwa sababu, if we don't have support from below tuko tuu, we are just on our own carriers up there that have no meaning.

If wanawake are not supporting us, and we are there as wanawake eh, sasa hukuna haja kuendelea heri nirudi nikafundishe huko University, niendele. We are not supported, we are not supported please bring women na hilo sio jukumu la wanawake pekee, ni jukumu ya wanaume pia. Mnatoka nyumbani mnawacha huko mtu anafanya kazi ya lazima na imepigwe marufuku hapa. Anafanya sasa wewe utarudi tu chakukula kiko wapi? Umedhulumu huyo mtu, wacha akuje nusu siku wewe ukuje nusu siku ikiwa kulinda nyumbani, siku moja tu hii sasa sijui niseme nini, kwa sababu tutaenda mahali pengine lakini kule niliona ni Luo land Bondo ilikuwa fifty fifty, Rarieda walikuwa fifty fifty, hiyo ndio Luo land nilitembea hata Nyakach. Nawanawake hawakuja tu kujionyesha wanamalalamiko mengi, wana maoni mengi na wanataka maisha ya ibadilike. Sasa msije tu kukaa okay. Haya asante (*In Kiluhya*).

Basi tusimame tupate kuomba..

Prayer Manoah Kiverenge: Mungu Baba, Roho Mtakatifu twaja mbele zako jioni na leo ambayo ilikuwa ni baraka zetu. Twakuombea Commissioner wetu ambaye anazunguka Kenya nzima akitaka tuwe na Katiba ambayo inaweza kuleta amani na manufaa kwa kila mwananchi. Mungu tunasema asante kwa wakati huu ambao tumebarikiwa hapa Sabatia, wanapoenda tena katika mazungumzo ya kila kikao, twaombea wale ambao watatoa maoni yao, twaombea wale ambao haata zaidi parliament na president, wanapochangia na kuwa na mahitaji ya wananchi waweze kuchangia na waweze kutusaidia. Mungu ni asante tunapoachana uwe pamoja nasi, hatuwezi tena kuombea nchi yetu iwe na amani tukiwa na amani, kila jambo litafanikiwa na

