

**CONSTITUTION OF KENYA REVIEW COMMISSION**

**CKRC**

**VERBATIM REPORT OF**

**CONSTITUENCY PUBLIC HEARINGS, KISAUNI CONSTITUENCY,  
HELD AT BALUCHI HALL**

**ON**

**CONSTITUENCY PUBLIC HEARING, KISAUNI CONSTITUENCY, HELD AT BALUCHI ON 6<sup>TH</sup> JUNE 2002.**

**Commissioners Present:**

PLO Lumumba  
Com. Mosonik Arap Korir  
Com. A. J. Hassan

**Secretariat Staff In Attendance**

Tereza Apondi - Programme Officer  
Mr. Okeyo - Asst. Programme Officer  
Mr. Mutui - Sign Language Interpreter  
Aisha Mohammed - Verbatim Recorder

The meeting was called to start at 9:45 am with a word of prayer from Ustadi Saggaff.

**PLO Lumumba:** Tulitatzwa kufika hapa kwa hivyo tunaomba msamaha lakini kabla hatujaanza nitamuuliza mzee Maalim Saggaff atufungulie kikao hiki kwa maombi tafadhali.

**Maalim:** (Arabic) Jamaa wanaonitakia niombe Mwenyezi Mungu kwa basi wanirabu. (Praying in Arabic). Tunamuomba Mwenyezi Mungu aijalie. Hatulaa hii yenye baraka, mambo yatakayozungumzwa yawe yafaulu yawe ni mambo mema yenye kusaidia watu yenye kuleta furaha na raha. (praying in Arabic).

**PLO Lumumba:** Asante sana Muthesalam. Kwanza kabla hatujaanza mwenyekiti wa kikao hiki atakuwa ni commissioner Daktari Mosonik Arap Korir. Nitamsaidia katika kikao cha asubuhi. Jina langu ni Lumumba, mimi ndiye katibu wa tume hiii ya kurekebisha katiba. Mwezangu bwana Hassan atafika hapa baada ya dakika chache, bado anatatizika kutafuta njia lakini atakuwa nasi asubuhi hii. Baada ya kujijulisha nitawauliza wale ambao ni wanachama wa kundi letu la P.C ambao wanasaidia katika sehemu za wakilishi bungeni nafikiria mwenzangu yuko hapa awajulishe kisha tuanze kikao rasmi.

**Mr. Aidarus:** Katika kila constituency, Kisauni, Likoni, Mvita, Changamwe kumechaguliwa watu kama mimi sita sita, saba ambao tunashughulikia mambo bala ya kuweka mkutano huu wa kutoa maoni ya katiba. Sisi hapa pande za Makadara na

Kisauni mimi nipo Bwana Aidarus ambaye huenda mbio, tusione mbaya ingawa twasikitika mpaka sasa watu hawajafika lakini inshallah leo watafika. Asante.

**PLO Lumumba:** Katika kiswahili ambacho ni cha ki bara Dr. Mosonik ataendesha kikao hiki, kwa hivyo mtamuwia radhi lakini kiswahili chake kitaeleweka. Asante bwana daktari. Kwaheri.

**Com. Mosonik:** Habari

**Audience:** Mzuri

**Com. Mosonik:** Kuna...(inaudible)...mkutano wetu wa leo. Kikao hiki rasmi cha tume ya kubadilisha katiba ya Kenya tunaomba radhi kwa msukosuko huu. Ningependa kuwaeleza masharti ya hii kazi yetu. Leo ni kutoa maoni, tunatoa maoni kwa njia mbili. Kwanza kutoa maombi ya maandiko yaani, memorandum kama hii sasa. Nipe hiyo memorandum kama una memorandum kama hii ya Wamiji foundation, unaweza kupeana tu. Lakini kawaida tunapenda mueleze kwa ufupi kuna nini kwa memorandum inaitwa kwa kiingereza, 'to highlight the points.' Na tunawapea dakika tano kufanya hivyo. Kama mtu angependa kutoa maoni yaani bila maandiko wakati mwingine tunaweza kusema oral submissions, nampa dakika kumi na lugha ni kiswahili au kingereza na kama kuna lugha nyingine tungependa tueleze mapema ndio tutafute watu wa kutafsiri. Tungependa kila mtu akiwa kwa microphone aseme kwanza jina lake. Kwa hivyo tunawaita kulingana na vile mumejiandikisha nyinyi wenyewe number one, two, nikiwa naangalia list.

Lakini mukija, mutaje tena jina ndio, uingie kwa hiyo machine. Na kama unasema kwa niaba ya kikundi fulani, useme unasema kwa niabi ya kundi fulani. Ningependa tena tufunge simu zetu zote ndio tusiharibu mitambo. Tunaandika hapa sisi wenyewe na ma commissioners kuna watu wetu wanarekodi yule yuko upande ule mwingine anaitwa Aisha Mohammed, ni verbatim recorder na tunataka iingie kwa machine. Kwa hivyo wacha kwanza niwajulishe watu wa kutoka kwa tume ya kurekebisha katiba.

Huyu kama alivyo sema huku upande wangu wa kushoto ni katibu wa tume anaitwa PLO Lumumba, saa zingine munamuona kwa television na kumsikia kwa radio. Mimi Commissioner Mosonik arap Korir ama Dr. Mosonik, namtaraji Commissioner Ahmed I. Hassan, au yuko ameingia Com. A. I. Hassan, halafu verbatim recorder wetu ni Aisha Mohammed. Tuna Programme Officer ambaye ameenda upande ule mwingine anaitwa Teresa Bombi, halafu kuna Assistant Programme Officer hapa anaitwa Mr. Okeyo na yule anaye interprete upande ule ni kama kuna watu hawasikii anafanya hiyo ishara anaitwa Mr. Mutui. Nafikiri ni hao hao tu. Sasa ningependa kama hakuna swala tuanze na Mohammed Shali wa Pewa MCET. Please dakika tano ama kumi...(inaudible).....

**Mr. Mohammed:** Asante sana, niko na memorandum .....(inaudible).....naisubiri .....(inaudible).....inarekebishwa na watu .....(inaudible).....baadaye.

**Interjection:** Go to the next person.

**Com. Mosonik:** Okay S.N. Nadhir Kuze Self Help

**Mr. Nadhir:** Asante watu wote wa ....(inaudible)....Sisi leo ndio mara ya kwanza kupata nafasi kama hii kuleta proposal zetu katika Review Commission. Mimi naitwa Sherrif Nadhir nawakilisha Kuze Self Help Society na hivi sasa mimi nimefika na proposal zangu ambazo ningependa kuweka.

Moja, proposal ya kwanza ni kuhusu President. Kama mjuavyo u-President wa Kenya watu wote wanaukimbia. Kila moja katika Kenya sasa yeye anataka kuwa President wa Kenya. Na sababu ya kutaka kuwa President ni ya kuwa zile powers ambazo alionazo. Kama sasa utakuta kuna vyama, kama NDP wameungana na Kanu, sijui (inaudible)wote wanakimbilia kuupata upresident. Na ikiwa zile powers za President hazitatumika kwa njia sawa sawa ndio unaona matatizo tunayopata sasa. Kuna matatizo mengi sana kwa sababu ile power hazijatumika kwa njia sawa sawa.

Sisi proposal yetu ni kusema ya kwamba hizi powers za President sasa ziondolewe, President asiwe tena Executive President, bali awe ni ceremonial President. Hii ndio proposal yetu ya kwanza. Pili, tuondoe hili fujo la watu kukimbilia upresidency, maanake ukisha ona ya kwamba huu upresidency sasa ni ceremonial, hamna tena powers za ku appoint huyu, ku appoint commissioner wa polisi, ku appoint commissioner wa land, hii kazi sasa itakuwa si yake tena bali itakuwa ni kazi ya parliament, hivyo ndiyo proposal yetu ya kwanza.

Proposal yetu ya pili, sitaji jina lake...

**Interjection:** .....(inaudible).....

**Mr. Nadhir:** Isitoshe

**Interjection:** ....(inaudible).....

**Mr. Nadhir:** Sasa tunataka, proposal yetu ni kwamba kuwe na Prime Minister, Executive Prime Minister na Prime Minister awe ni leader wa party ambayo imekuwa ikipata viti majority ndani ya Parliament, awe yeye ndiye Executive Prime Minister. Na kuwe na serikali za mseto yaani kama Prime Minister angekubaliwa yeye na team yake kidogo aweze kuungana na vyama vingine waunde serikali moja, iwe serikali ya mseto. Hiyo ndiyo proposal yangu ya pili.

Proposal ya tatu nasema kwamba Prime Minister au President, kuwe na mpango wa kuweza kum-impeach President au Prime Minister ikiwa atakiuka constitution ya Kenya. Na hivi sasa inakuwa ni problem sana mambo kama haya hayawezi kupatikaniwa maanake Executive hawezi kushtakiwa hata kama amefanya makosa na si sawasawa mwanadamu au wanadamu wote wanafanya makosa hakuna mwanadamu yeyote ambaye anaweza kuwa perfect 100%. Kwa hivyo ikiwa President, au Prime Minister amefanya makosa au amekiuka sheria ashitakiwe, Parliament iwe na motion ya impeachment, na akiwa

impeached asiruhusiwe tena kusimamia katika public office for the rest of his life.

Kama mjuavyo ni baada ya miaka 38 kuanzia tupate uhuru sisi. Sisi particularly hapa Coast Province, tuna matatizo mengi sana na matatizo yenyewe ni kuhusu central government, kile kitu ambacho sisi twataka lazima twende central government, twende Nairobi yaani ukitaka ardhi yako hapa huwezi kupata mpaka Nairobi. Hakuna kitu chochote ambacho wewe utapata maanake mambo mengi sawa lazima uende Nairobi. Hii maneno, matatizo makubwa sana katika mikoa mingi hususan ni mkoa wa Pwani. Na kwa hivyo kwa sababu hiyo sisi proposal yetu tunasema kwamba tunataka hizi powers za central ziondolewe, zipelekwe katika regions, kama Coast Province iletwe hapa tuwe na powers ya kuweza kupeleka mambo yetu sasawa. Kisha kuna matatizo mengine ambayo tunayapata kwanzia miaka mingi sana, miaka 38 na matatizo yenyewe ni kazi. Watoto wetu hawaandikwi kazi katika idara za serikali.

Katika Coast Province leo ukizunguka katika idara za serikali utakuta wafanyikazi, 90% ya wafanyikazi hawatoki katika Coast Province wanatoka province nyingine za nje. Watu walioko hapa hawana kazi, wanazunguka ovyo ovyo wana degree, wana diplomas, wana kila kitu. Kwa hivyo sisi tunataka katika constitution mpya kuwe na kitu kama, wa place kitu kama District Employment Opportunity Commission, ambayo chairman wake ni mayor wa hilo jiji, na members wawe ni members of parliament wawe katika hiyo commission.

Hii commission iwe itaangalia ile list ya wale ambao wame-apply kazi katika district zote, sio district zote za Coast hata district nyingine vile vile. Kwa sababu district nyingine vile vile zimewekewa watu kutoka province zingine na watu wao hawapati kazi. Ndio utakuta watoto wanaingia katika drug abuse, mimi hiyo wanaingia katika crime kwa sababu ya kuwa hawapatiwi kazi. Kwa hivyo itakua set up hii District Employment Opportunity Commission na chairman wake awe ni mayor wa ile district, na members wawe ni members of parliament hawa ndio watakao authorise ile district baada ya kulifungua kwa ministry. Ministry zozote na hazina nguvu ya kuandika mtu bila ya hiyo list kuwa authorized na district head.

Na kitu kingine ambacho nataka nizungumze ni kuhusu ardhi. Kama mfano hivi sasa katika katika Coast Province katika Kilifi district kuna about 100,000 acres of land ambayo walipewa wazungu 990 years ambayo hivi sasa wanapanda sisal na mazao mengine hayana faida. Watu walioko humu katika Kilifi district leo hawana ardhi na hawana mahali pa kukaa, kwa sababu hii ardhi imechukuliwa na hawawezi kutumia ardhi hii. Kwa hivyo tunataka kwambia mambo ya ardhi yachunguzwe katika ardhi ya constitution mpya yaandikwe kwamba, hii mambo ya kuchukua ardhi kuwapa watu ambao ni wageni kwa 990 years na watu wetu wanakaa bila ardhi, isiweko kabisa.

Na kuhusu mambo ya local government, sisi proposal yetu tunasema kwamba hawa ma-mayors au ma-chairman wa county council hizi wachaguliwe direct na watu, na wawe ni executive mayors au executive chairmen or chairpersons wa hizi councils wasimamie badala ya mambo ya administration kusimamiwa na District Commissioners na Provincial Commissioners, baadala yake wasimamiwe na mayor. Mayors wachaguliwe kila miaka mitano, kwa sababu mara nyingi huduma huwa hazipatikani

ukienda kwa District Commissioner ukienda kwa D.O. hupati huduma, lakini ikiwa yule kiongozi amechaguliwa huduma zitapatikana kwa sababu asipotoa huduma baada ya miaka mitano atatolewa. Lakini leo sisi hatuwezi kung'oa watu baadhi ya Administrators wanafanya watakavyo, waweza kuwa wasituhudumie lakini hatuwezi kuwang'oa. Kwa hivyo tuna propose kwamba hawa mayor wachukue nafasi za District Commissioner na chairman wa ma councillors wachukue nafasi za District officers.

Kuhusu fundamental rights za freedom of the individual. Hii napenda kusema ya kwamba, hii constitution yetu ya zamani mara nyingi sana tumeona ukiukaji wa sheria za binadamu. Mara nyingi watu wanashikwa bila sababu kwa kusingiziwa kwamba wana threaten security. Mambo kama haya yakome katika, constitution mpya. Ikiwa mtu amefanya makosa yoyote apelekwe kotini, asiwekwe two or three weeks, within 24 hours awe produced ndani ya koti madamu mnaweza kumshika mtu lazima muwe na evidence mumpenyeke kotini ahukumiwe mara moja. Mtu asishtakiwe na kuwekwa ndani miezi sita, saba, mwaka bila ya kupelekwa kotini, kwa sababu sheria yasema aweza kuwekwa ndani. Hii sheria iondolowe kabisa. Hakuna ruhusa kuchukua mwanadamu mwenzako umtie ndani, unafanya utakavyo. Sheria gani wewe itakuhukumu wewe. Kwa hivyo hiyo hatutaki na iondolowe mtu akiwa na makosa apelekwe kotini kutolewe ushaidi.

Kisha vile vile sisi tuna propose katika new constitution, kitu kama devil worship iwe outlawed kabisa kutoka constitution yetu. Hatutaki kusikia devil worship au mambo ya prostitution, ya homosexual, lesbian hii mambo kama haya yawe considered immoral na yasiweko kabisa katika constitution yetu. Hatutaki kusikia mambo kama hayo kwa sababu ikiwa mtu anadai anasema ana freedom of expression yaani anaweza kufanya kitu kama kile sisi vile vile tunataka freedom ya kutoona mambo kama yale. Usisahau ikiwa wewe una freedom ya kufanya uchafu na sisi tunataka hiyo freedom ya kutoona ule uchafu.

**Interjection:** Sawa sawa

**Mr. Nadhir:** Nini

**Interjection:** Hiyo ya kutoa.

**Mr. Nadhir:** Vile vile tunazungumza habari ya mambo hivi sasa yaendelea watoto wetu wameharibika kuhusu mambo ya ulevi, kuhusu hizi nyumba za uchafu, sisi tuna proposal ya kwamba ulevi wa aina wowote, hizi vilabu visiwewe karibu na residential areas. Ziondolowe kabisa na ziwewe hata kama ni ten miles away from residential areas. Sababu katika residential areas zinaharibu watoto wetu, wanaharibika mambo ya drugs hii yanaendelea hata watoto hawaendelei na masomo, na kisha badala ya kupata wananchi ambao watajenga nchi, tunapata mazeze tu inazunguka ovyo ovyo yakiwa round ovyo ovyo sisi twataka sheria iwe ngumu katika na mambo kama haya. Iwe mambo ya ulevi yasiletwe hapa makadara kwa sababu utakuta ma bar ya kila aina na karibu ya nyumba zetu watoto wetu wakipita kwenda skuli wanapita kwenye bar, night club na miziki zinafunguliwa fujo kila mahali. Kwa hivyo tunataka katika constitution mpya mambo kama hayo yaondolewe.

**Interjection:** .....(inaudible).....

**Mr. Nadhir:** Vile vile tunataka katika election rules, tunaomba ya kwamba katika new constitution, independent candidate waruhusiwe. Sio lazima mtu awe katika chama. Independent candidate vile vile pia aruhusiwe aweze kusimama kaitika vyeo vyote. Na Electoral Commission tunataka hiyo commission iwe independent vile vile, sio Electoral Commission ya kuamrisha fanya hivi, fanya vile, lile fanya. Tunataka Commissioner wa Electoral Commission awe yuko free na tenure of office na hakuna mtu aweza kumtisha kumfuta kazi, anendelea na kazi yake, hana...(inaudible)...yake inaweza kuingilia kama umekwenda vibaya au kufutwa kazi.

Vile vile tunazungumza habari ya misuse of power ku acquire properties, business firms na karakana. Tunasema kwamba katika miaka 38 tunaishi katika Kenya tukaomba uhuru tumeona abuse of power, tumekuta watu ambao walikuwa hawana kitu, masikini kabisa, lakini leo wamepata utajiri mkubwa kwa njia ambazo hazieleweki, hawezi kutueleza. Utakuta mtu alikwa Permanent Secretary au alikuwa mwalimu, mshahara wake elfu kumi, elfu ishirini, lakini leo ni multi millionaire. Kwa hivyo mambo kama haya ya ku misuse power ya cheo chako, hii constitution mpya iangalie mambo haya. Naona commissioner ananiambia time imekwisha lakini sijamaliza, lakini nawapa hii proposal yangu mtaendelea. Asante sana (clapping).

**Com. Musonik:** Asante.....(inaudible).....

**Interjection:** Ni wewe, ni mimi, Asman Kibwana (Arabic)

**Audience:** (Arabic)

**Mr. Kibwani:** Kwa majina naitwa Kaya Asman Kibwani, niko hapa kuwakilisha memorandum ya akina mama kutoka upande wa Makande ambao ni kina mama wa Kiislamu. Kwanza kabisa ningependelea kuanzia na upande wa watoto, kwa vile sisi kina mama ndio tuna lile jukumu la watoto. Kwa hivyo kina mama hawa wameonolea ya kwamba yaani mwaname anapomwacha mwanamke jukumu lake ni kutimiza kisawa sawa ni kutazama wale watoto. Ingawaje hivi sasa iko hiyo sheria ya watoto, lakini haitekelezwi kabisa. Kwa sababu mtoto atakapokuwa, baba atakapokuwa amemuacha yule mama na wale watoto huwa hawashughulukii kwa mambo manne. Kwanza kwa mambo ya shelter, mambo ya nguo, elimu na afya. Basi kwa hivyo tumeonelea kama akina mama, ni jukumu lake yule bwana kuchukua hizo na ikiwa amekosa kufanya hivyo ni huyu mzee mwenyewe ashitakiwe na sheria ipitishwe ya kwamba kwa mshahara wake ashikiwe mshahara kwanza, ama kama hana mshahara pengine ni mtu wa biashara zake awe atafuatiliwa na hii sheria iwe ni sheria ngumu.

Jambo la pili tunapitia kwa upande wa raping. Tunaona kuwa hizi kesi za raping zinaendelea sanana kwa upande wa polisi tunaomba kuwe na women's desk. Hii women's desk itatusaidia sisi kina mama kupeleka malalamiko yetu. Kwa maanake mtoto anapo rapiwa hivi sasa mwanamke huwa aona aibu sana kuenda pale polisi, na anapofika huwa anafanyiwa kitu kama tunaitwa histizai ama kama ni kitu ambacho wanafurahia. Maanake akienda pale na case ya raping kuwa mtoto wake ama mtu fulani ama pengine ni yeye mwenyewe, akijieleza hivyo kuwa wale wanachukuliwa utasikia wanaitana Kamau, sijui Njoroge, hebu njoo sikia haya maneno. Huwa wanayaonelea raha sana basi kwa hivyo security tunaomba iwe tight sana kupitia upande

wa raping.

Na kwa constitution hiyo mpya sheria yetu twataka kuona anayefanya kitendo hicho, adhabu yake iwe ni kifo ama kifungo cha maisha. Na vile vile tunaomba katika afisi ya Chief Kadhi kuwe na women's desk, kwa sababu tukiwa na malalamiko yetu saa ingine maneno yetu ni ya ndani zaidi kuwa kuelezea kiwazi wazi huwa kidogo tuna hofu. Basi kwa hivyo ikiwa kutakuwa na women's desk katika ofisi ya Chief Kadhi itatusaidia kina mama.

Na jambo jingine mwanamke anapokuwa na mimba hupewa maternity leave na ile maternity leave huwa ni paid leave, kwa hivyo tunaomba na sisi waislamu tunapofiliwa na mabwana huwa na msiba wa miezi minne na siku kumi. Basi twaomba huu msiba ambao tunaita eda ya miezi minne na siku kumi pia mwanamke ikiwa ni mfanyi kazi apewe hiyo paid leave, iwe ni leave ya eda kama vile maternity leave.

Halafu kitu kingine ni upande wa uchumi. Kina mama sisi sana huwa tunajitahidi sana kiuchumi kwa maanake mwanamke siku hizi hawezi kuka hivi hivi mpaka ajisimamie. Basi kulingana na serikali yetu ama baraza letu ama vile tulivyo hapa coast hasa sisi wanawake wa kiislamu nitazungumzia, ni kwamba tunagandamizwa sana. Basi kwa hivyo tupewe nafasi hasa ikiwa tunafanya biashara zetu za kijua kali, maanake mwanamke sana huwa kanunua ni kama biashara za kijua kali anapika mahamri, kaimati, viazi na kadhalika. Kwa hivyo tupewe uhuru kufanya biashara zetu ambazo ni za kihalali. Halafu kitu kingine...

**Interjection:** Kazana sana.....(inaudible)....

**Mr. Kibwani:** ...hapa kwetu Pwani naweza kuzungumzia Pwani kwa mashirika mengi sana ambayo yaleta rasilimali ama ambayo yaleta mazao mengi sana, lakini kitu kilioko ni kwamba masikitiko, mashirika haya hayatufaidi sisi kama wapwani. Basi kwa hivyo serikali ama hii sheria ya sasa tunayoitaka, tunataka kama asilimia themanini ya hii rasilimali iwe itabakia hapa hapa kwetu Pwani na itufundishe sisi wapwani. Na upande wa kazi vile vile watoto wetu hawana kazi. Kwa hivyo mashirika yaliyoko hapa ni makubwa ni mengi basi hivyo tunataka pia watoto wetu wapatiwe first priority za mashirika haya yaliyoko hapa.

Upande mwingine hapa sisi tuna mambo ya utalii. Naona utalii ni pato kubwa sana ambalo lafaidisha nchi yetu ya Kenya. Lakini masikitiko yaliyo kwamba hapa kwetu Pwani huu utalii hautufaidishi hata kidogo. Ukiangalia, hiki chuo cha Utalii, kwanza kiko Nairobi, hakiko hapa kwetu Pwani. Pili kule Nairobi intake wanayoichukua ya Utalii utakuta kule huwezi kupata watu wa Coast. Utasikia ni mtoto atoka Coast lakini ukiuliza jina lake huwezi kuambiwa ni Ali ama ni Hafswa ama ni Mohammed, wasikia Njoroge, ama ni Otieno ama ni Akinyi. Basi kwa hivyo tunataka haya mambo ya utalii kwanza tufaidishwe sisi wenyewe wa Pwani.

Halafu kitu kingine nikigusia ni upande wa wabunge kama viti wanavyopewa ministers ama viti fulani vinavyotoka katika mashirika ya kiserikali. Utakuta kuwa mtu amepewa wadhifa pale kwenye kile kiti, ama pengine ni minister basi kwa vile ule wadhifa aliyopewa amepewa tu ule wadhifa kwa sababu yule aliyempatia ambaye ni mkubwa yuko kule juu ni jamaa yake. Kwa hivyo sisi tunataka anayepewa wadhifa mahali popote ikiwa ni mbunge upande, wa ministers ama ni upande wa mashirika ya kiserikali, awe na ujuzi wa ile kazi, sio mtu hana ujuzi hata wa mfano kama vile ni daktari, yaani hakupitia hata kwa ile tuseme mambo ya chini kabisa ya kupita kwa udaktari yeye awe atapewa ule minister wa health, yaani haelewi kitu chochote.



Twaomba hiyo constitution inayokuja itilie maanani sana, kwa anayepewa wadhifa awe na qualification kikamilifu. Halafu kitu kingine ni kwamba tuko na janga kubwa lililotingilia katika tuseme ulimwengu mzima. Kwa hivyo janga hili nafikiri liko wazi ni kwamba kuna HIV Aids ambayo yaendelea. Nikitoa mfano kama kwa upande wa Uganda, kuna clinics ambazo ni za HIV Aids na kule janga lilikuwa ni jingi sana lakini kwa hivi sasa wamefika mahali pazuri sana na ule ugonjwa umeshuka hali ya chini sana. Kwa hivyo hapa kwetu sisi tunaomba kuwe na clinics za HIV Aids, nikizungumzia hivyo ikiwezekana, katika kila division kuwe na clinic za HIV Aids. Hii itasaidia sana wale wagonjwa wanaougua ukimwi.

Mwisho kabisa ningependa kutoa maoni yangu au ya wenzangu niliokaa nao ya kuwa, mayor wa mji tunataka achaguliwe na wananchi. Halafu tuna mambo ya drug abuse. Mambo ya drug abuse yanadhiri watoto wetu sana. Katika hii constitution mpya tunataka hivi ya kwamba ile drug abuse tunaona ndio njia kubwa inayopitia ni hapa. Tunataka wale watakaoshikwa na mambo haya ya drug abuse, wale wenyewe hasa wakubwa wahukumiwe kifungo cha maisha. Kwa sababu hii drug abuse inatuharibia watoto wetu hapa kwetu Pwani. Naona hapa kwetu Pwani ndio zaidi. Kwa nini mambo kama haya huwa hayapitiki huko juu. Na wale wale wa huko juu ndio wanatuletea hizo balaa zote hapa. Kwa hayo, kwa niaba ya kina mama wenzangu natoa shukrani kwa kupata nafasi hiyo. Asante.

**Com. Mosonik:** Asante sana. tungependa na kumtambua na kumhakikishia mbunge wa sehemu hii mheshimiwa Karisa Maitha.....(inaudible)....., Mohammed Mohammed .....(inaudible).....

**Interjection:** .....(inaudible).....

**Mr. Mohammed Dor Mohammed:** (Arabic) Mimi jina langu ni Mohammed Dor Mohammed. Niko hapa kwa niaba ya makadhibu wote wa msikiti wakanuku na .....(inaudible).....kwa kuchunga wadhifa kama vile tuliambiwa tukita mbunge ndio kwanza ningependa kuunga mkono yote yaliyozungumziwa na Shariff Nadhir na hivi pia anajaribu kusisitiza hivi.

Itabidi nizungumze yale ambayo Shariff Nadhir aliwacha kuzungumza na mengine ambayo tutamalizia tutawapa commissioners wetu memorandum yetu ambayo iko hapa tayari, ili waipitie kwa urefu. Kama tunavyojua kila kiumbe...(inaudible)...yake ikiwa ni mwanachama, ikiwa ni serikali kuna kitu ambacho kinaitwa Katiba. Na ile Katiba ikiwa ni nzuri basi maisha ya wale watu huwa ni mazuri. Ni kama Uisilamu, Koran ndio katiba yetu lazima kuwe na nguzo ya kuishi. Kuwe na katiba ambayo watu wamekubaliana ili yawekwe yale mambo ambayo watu wamekubaliana katika serikali. Hii katiba yetu mpya ambayo twaitarajia sisi...(inaudible)...twaoto maoni.

Katiba hiyo iwe inalinda haki ya mwananchi kupata elimu ya lazima na bila malipo mpaka kiwango cha chuo kikuu. Katiba pia tunayoitaka sisi iweze kuhakikisha wafanyikazi wote wanapewa haki za kuakilisha katika vyama vya wafanyikazi, na pia kuwe na haki za wanawake bila kuvunja sheria za dini zao. Na ilinde haki na masilahi ya walemavu kikamilifu.

Katiba tunayotarajia sisi ni ambayo itampa matumaini mwananchi ya maisha bora. Katiba twatarajia itaheshimu na kulinda

mikataba yote ambayo serikali ya Kenya imetia sahihi kama katiba ya Lancaster House wa October 1963. Pia daraja la katiba mpya iweze kulinda na kuruhusu uhuru wa dini sio uhuru wa kuabudu peke yake.

Katiba mpya anatarajia na mapendekezo yetu ni kuwa katiba hii ihifadhi afisi ya Kadhi na isiweze kuondolewa tena kwenye mkataba huo, kinyume na maktaba uliyoko sasa iwapo madiwani wapewa zaidi thuluthi mbili waweza kuiondoa mahakama ya Kadhi zote kona nne kwa siku moja. Twaiomba katiba mpya mahakama ya Kadhi iwezwe kulindwa na kuheshimiwa wala isiweze kuondolewa.

Pia twatarajia katiba hii itatambua kuwa mali ya waislamu waachiwe watu wenyewe waislamu wahifadhi na kutumia vile wanavyoona ni sawa. Pia tunaomba mwenyekiti wa watu asiweze kuchaguliwa na serikali, wala ikiwa anachaguliwa na serikali basi ni lazima awe ni mwislamu kwa sababu mali hizi ni za waislamu viongozi wote wawe ni waislamu. Katiba hii pia tunatarajia itatota mpango mpya wa kuweka siku za Idi mbili za waislamu, kwenye mwaka iwe ni siku kuu kikamilifu kama siku kuu zinginezo, nasi mbili za mwezi wa Ramadhani na dini waliosimamia.

Mengine sitaweza kuyasoma kwa sababu ya wakati, lakini nambari nilizozitangulia ni (Arabic) mahakama ya Kadhi. Maoni yetu ni kuwa katiba mpya iweze kutia kama tulivyosema ilinde na iheshimu, isiweze kupotoshwa. Mahakama ya Kadhi isimamie mambo yote ya kiislamu iwapo mume na mke ni Mwislamu na hasa iwapo mmoja katika hao ametoka kwa Uislamu. Kipande hicho kisiwaangaishe ndio mfumo uliopo sasa wale wasio waislamu huja wakadanganya madada zetu wakawaoa kwa jina la Uislamu baada ya kukaa nao, na kuzaa nao wakatoka kwenye dini, halafu yule mke mwislamu akawa hana uwezo wa kwenye dini halafu yule mke mwislamu akawa hana uwezo wa kwenda kujitetea kwenye mahakama ya Kadhi kwa ajili mume amehitaji kuelekea kwengineo.

Tunaomba kwanzia sasa mwanamke wa kiislamu hata ukiwa mume amehitaji ahukumiwe na mahakama ya Kadhi. Mambo yote ya kiislamu kwanzia ndoa, talaka, torati, haki juu ya watoto na utesi wa aina yoyote unawahusu waislamu, au mwislamu ya kidini au ya kidunia zihukumiwe na mahakama ya Kadhi. Twaomba katiba mpya ofisi za makadhi ziongezwe kutoka kona nne hadi ishirini na nne, na iwapo kuna haja ziwezwe kuongezwa zaidi. Kuwepo na mahakama kuu ya Kadhi yaani, Kadhi's High Court na pia iundiwe mahakama ya Kadhi yenye mamlaka zaidi ya kupokea rufani ya Kadhi. Kesi za waislamu zisisikizwe kabisa na high court, ziende mahakama kuu ya Kadhi. Mwislamu mume au mke asiruhusiwe kuhukumiwa na mahakama yeyote lakini iwe ni mahakama ya Kadhi. Nikizungumza juu ya bunge, maoni yetu ni kuwa kazi ya ubunge iwe sasa ni ya kila siku nne kwa wiki wala isiwe ni ya masaa maalum kama hivi sasa. Wananchi wapewe haki ya kumregesha nyumbani mbunge wao iwapo hakutimiza majukumu ya ubunge na hawakushughulikia waliomchagua. Wabunge wafanye kazi kutegemea maagizo ya wananchi waliowachagua. Wabunge wa kuteuliwa wawe wa kutoka kila mkoa wa nchi sio mikoa fulani tu. Iondolewe kwa wabunge uwezo wa kuondoa mamlaka ya nchi kupita kura ya kutokuwa na imami. Mfume huu iondolewe, wasipewe nafasi wabunge wakuweza kumuondoa aliye kwenye utawala, kwa kupitia hao watu mia mbili na kumi kuondoa utawala wa nchi hii. Usiwepo uwezo wa rais kuwa na kura ya turufu kuzuia sheria uliyopitishwa na bunge.

Mbunge lazima awe mwananchi wa lile eneo na lazima awe ni mtu ambaye hajafanya kosa la jinai wala hajawai kushitakiwa kwa kosa la ufisadi wala utumiaji mbaya wa ofisi ya uma. Wabunge wasiwe na uwezo wa kubadilisha kifungu chochote cha

katiba kabla ya kuchukua maoni ya wananchi. Kuwepo na ruhusa ya kupigania viti vya bunge au udiwani bila ya kibali cha chama. Uwezo wa bunge wakifika idadi ya zaidi ya theluthi mbili kubadilisha katiba iondoshwe kwenye katiba hii mpya.

Uraia uwe ni wa kuzaliwa, yeyote aliyezaliwa na wazazi wawili ambao ni wa Kenya basi na iwe ni mkenya kama wazazi wake. Yeyote ambaye amezaliwa na mmoja katika wazazi wake ikiwa ni wakenya basi na yeye awe ni mkenya. Yeyote ambaye amezaliwa nje ya Kenya na wazazi wake ni Wakenya basi hivyo naye awe mkenya. Bunge lisiwe na uwezo wa kuunga mtu uraia wala uwezo wa kumpokonya mtu uraia wa Kenya. Watu wa Pwani wachukuliwe na kuheshimiwa kama wakenya vile vile kama wenzao bara, sio kuonoa kwa kwenye kupata vipande ID card au kupata shahada ya kuzaliwa. Na upande wa shahada ya kuzaliwa kwa certificate, twataka katiba mpya iondoe maneno walioandika kwenye birth certificate upande wa shato hii, yaani nasema kuwa hii karatasi si ushuhuda wa wewe ni mwananchi. Maneno yale yaondoshwe kwenye katiba mpya. Anayepewa birth certificate wampe wakijua kuwa mi mkenya na akisha kupokea ajue kuwa yeye ni citizen.

Twaomba katiba ilinde sheria ambazo zimewekwa hususa sisi watu wa Pwani tunapotaka kwenda kuomba passport mpwani au mwislamu wambiwa apeleke birth certificate tatu, yake, ya baba na babu ambapo mkenya mwingine ambapo si mwislamu huambiwa apeleke birth certificate moja peke yake. Haya tungependa yaondolewe kwenye katiba mpya na zishikiwe sheria ambazo ndizo zimewekwa kwenye katiba mpya. Ikiwa kuna wakati nataka kuwasomea maktaba ambao ulitiwa sahihi baina ya serikali ya Uingereza, Sultan wa Zanzibar na serikali ya Kenya na Serikali ya Zanzibar October, 1963.

Mwaka wa elfu moja themanini na tano kulikuwa na mkutano ulioitwa Berlin Congress. Mkutano huu wa Berlin, mwaka wa mnyang'anyiro wa Afrika ndipo Mwingereza alitangaza kuwa Afrika mashariki iko chini ya utawala wake. Mwaka wa elfu moja mia nne themanini na sita, dola ya Ujerumani na ya Uingereza walitambua haki ya utawala wa ufalme wa Zanzibar, juu ya mkoa wa Pwani na maili kumi kuingia ndani. Serikali yeyote isipofuata mkataba iliyotiwa sahihi huwa imekwenda kinyume na sheria ya Kenya ambapo wao wamekiuka sheria za umoja wa mataifa, na ambapo Kenya ni moja wao. Nimeandamisha hapa kwa kufanya kazi kama commissioner iwe rahisi mkataba uko ndani hapa ambao watausoma.

Alipokuwa akikimbilia .....(inaudible).....haya. Na jambo ambalo sisi waislamu mara nyingi huwa twapeleka mambo yetu kwa amani twataka katiba mpya uwe, ikiwa hatukupewa haki zetu kulingana na mkataba uliotiwa sahihi na serikali ya Uingereza, Sultani wa Zanzibar, serikali ya Kenya na serikali ya Zanzibar, basi katika katiba mpya msemu wa wapwani na waislamu ni kuoana kwa wema na kuwachana kwa wema. Maana kabla ya 1963 Pwani ilikuwa si Kenya. 1963 katiba ikiwekwa sahihi Pwani....(inaudible)...Kenya na ikiwa haki hii ya mkataba iliosahihi na serikali nne haukutimizwa kwenye katiba mpya basi twawambia serikali ya Kenya, kwamba Pwani tutaomba na sisi kujikomboa kama East Timor ilijikomboa na Indonesia, na sisi tuwe na ....(inaudible).....kwa upande wetu kwa sababu (clapping) ndiyo njia ya kuweza kupata haki zetu. Ikiwa tuko ni kuoana kwa vyama na mkataba umewekwa sahihi hasa tutawambia kuachana tuachane kwa wema tuweke sahihi kwa tuwachane kwa njia ambao ni hali ya amani (clapping and laughing).

**Interjection:** Eleza .....(inaudible)....kwa ufupi

**Com. Mosonik:** Just one

**Mr. Mohammed:** Thank you. Nilikuwa nataka oni la mwisho. Nataka kuwasomea maoni yetu maongezi juu ya elimu na taasisi zake. Naomba katiba mpya ifanye elimu zote mbili zifanywe ni lazima kwa watoto, elimu ya dini na elimu ya dunia. Shule za nursery ziwe ni miaka miwili tu, na mwanafunzi aanze nursery mwaka wa tano si mwaka wa tatu ili miaka miwili apate madarasa. Iwe hakuna maneno ya kusoma hadi vyo vikiu. Wapwani twataka turegeshewe mashule yetu yote tunayoyajenga kabla ya kupata uhuru, kama Mombasa Polytechnic, Khamis Secondary School, Shimo la Tewa Secondary School na zote zilioko mkoa wa Pwani.

**Interjection:** Philip (clapping)

**Mr. Mohammed:** Kusiwepo masomo ya ziada siku ya Jumamosi, Jumapili na siku ambazo shule zimefungwa. Tupewe nafasi za kuwasomesha watoto wetu kwenye ma college na mashule zilizoko kwenye Pwani kama Kenya Medical Training College ilioko Port Reitz, Mombasa School of...(inaudible)...., Mombasa Polytechnic, Shanzu Teachers Training College. Hivi sasa katika hizi skuli zote nane wapwani walioko ndani ni wanafunzi asilimia tano, 5% peke yao. Asilimia tisini na tano wako wabara. Kusiweko kulazimishwa wanafunzi wa kiislamu somo la C.R.E. Wanafunzi wa kiislamu siku ya ijumaa wapewe ruhusa mapema kama saa tano ili waweze kuenda kutimizia ibada ya swala ya siku ya ijumaa. Na mwisho wanafunzi wasichana wa kiislamu waruhusiwe kuvaa rijab zao ama mitandioo kwenye mashule yote ya Kenya. Si kwa ...(inaudible)... (clapping).

**Interjection:** Shukrani ...(inaudible)...

**Com.Mosonik:** Nilikuwa tu nina swali moja. Nilisikia ukisema kuwa...(inaudible) Kadhi's Court, parliament wasipewe ruhusa ya kufanya any ammendment kuhusiana na mambo ya Kadhi. Does that mean that you want the people to decide on any changes concerning the Kadhi's Court? That is the first part of the question. The second part is on the Kadhi's Court again. I did not hear you talk about the qualifications. What qualifications do you think that they would possess before the Kadhis are appointed and how should they be appointed? Judges are appointed by the Judicial Service Commission. What is your proposal? How should they be appointed? And whether their powers which they now have, which is on marriage, divorce and ...(inaudible)....whether that they should be maintained or you wanted the powers to be enhanced or it is.....(inaudible)....

**Mr. Mohammed:** Asante bwana commissioner kwa maswali yako matatu. Kwanza jibu lake ni tukisema kuwa katiba ihifadhi na ilinde, naiheshimu mahakama ya Kadhi, na lengo yetu hapa ni kuwa kama vile katiba inavyolinda na kuheshimu rabati inayoitwa Tax Bill au Khamni. Ikiwa tutafuata haki ya...(inaudible)....bunge haiwezi kuenda kusoma leo sisi tuko zaidi ya elfu mbili tutampokonya Sheikh Abubakar wa nyumba yake wa haki yake kwa sababu mabunge wameona (Arabic). Hapa twasema mahakama ya Kadhi isiweze kubadilishwa na wabunge theluthi mbili au wabunge wote.....(inaudible)....la kumi bali ibakie katiba kama vile katiba zingine.

Pili umeuliza kuhusu hizi qualifications. Kwenye memorandum tumeziandaka. Lakini sisi tungependa kuandikwa kwa makadhi, wasiandikwe na serikali bali wapewe nafasi vyama vya kiislamu na maulana wetu na masheikh wetu iundwe commission maalum ambayo itakuwa ikiwa interview na kuwawet wale ambao wanataka kazi za ukadhi.

La tatu umeuliza...

**Com. Mosonik:** Qualification za Kadhi.

**Mr. Mohammed:** Qualification...

**Com Mosonik:** ....(inaudible)...

**Mr. Mohammed:** Hakika tungependelea sisi mtu awe ajua zote mbili, awe anajua sheria ya kuingia nchi na ajua sheria zetu za kiislamu. Asiwe Kadhi aijua sheria ya chuo, sheria ya dini haifahamu atapaswa ajue. Mwanzo awe ni mtu ambaye ana shahada zake za kikamilifu kwa elimu ya dini amepita kwenye kiwango cha kujua sheria ya kiislamu.

Ya tatu umeuliza kuwe je uwezo wa makadhi wapewe mpaka kiwango gani? Pia kwenye memorandum tumeeleza, tumesoma hayo kwa njia, dakika kumi na tumesema kuwa makadhi wapewe uwezo zaidi, tukasema wawekewe Kadhi's Supreme Court na pia tumesema kuwa isiwe tu mashtaka ya waislamu ni kuona, talaka na unafida. Tumesema ya kuwa maswala yoyote ikiwa ni ardhi, ikiwa kuna utesi wa aina yeyote basi kesi hii iende ikahudhuriwe na makadhi.

**Interjection:** ....(inaudible)....

**Mr. Mohammed:** Kesi yeyote ya kiislamu iwe ni ardhi, iwe ni habari ya kazi, iwe ni habari ya pesa, iwe habari ya ndani ya nyumba, kuhusu watoto, lolote linamsumbua mwislamu twaomba katiba mpya iwe itaapisha mahakama ya Kadhi.

**Com. Mosonik:** Asante sana. Sambur Nassir.

**Mr. Stabuli Abdullahi Nassir:** (speaking in Arabic dialect) kwanza

**Com. Mosonik:** Utaje tena jina please.

**Mr. Samburi Nassir:** Kwa jina naitwa Samburi Abdulahi Nassir. Mimi ni mwana harakati wa haki za wenyeji halisi wa sehemu hii ya Pwani. Sehemu ambaye inajulikana zaidi kwa jina la Mwambao wa Pwani. Napenda kumshukuru mwenyezi Mungu kwanza na pia kuwashukuru ma commissioners muliokuja kusikiza maoni yetu na wazee, mama zangu na dada zangu mulioko hapa.

Jambo la kwanza mimi ningependa kusisitiza zaidi ni kuhusu dini ya kiislamu. Dini ya kiislamu, ndugu ma commissioner

muliokko nyuma yangu hapa, katika sura ya thelathini na tatu aya ya thelathini na sita inasema hivi, “Haiwi kwa mwanaume aliyeamini wala kwa mwanamke aliyeamini mwenyezi Mungu na mtume wake wanapokata shauri wawe na hiari katika shauri yao, na mwenye kumuasi mwenyezi Mungu na mtume wake hakika amepotea upotefu ulio wazi kabisa.” Kwa maana hii dini ya kiislamu ni mwenendo wa maisha uliyo kamilika ambao hautumii mpaka ujisalimishe kwa mwenyezi Mungu na umutii. Analotaka yeye utafuata hata kama wewe hautaki na asilotaka utawacha hata kama wewe walipenda.

Na kwa sababu hii nasisitiza jambo moja naisifahamike ubaya, kuwa kutungwe katiba yeyote nchini Kenya, kutungwe sheria zozote nchini Kenya lakini, iwapo katiba hiyo na sheria hizo zitapingana na katiba na sheria za mwenyezi Mungu kama nilingasoma haya sisi hatuna hiari ya tufuate katiba na sheria za mwenyezi Mungu kama vile niliwasomea haya, sisi hatuna hiari itabidi tufuate katiba na sheria za mwenyezi Mungu kwa maana hiyo tutapuuzwa katiba na sheria za Kenya iwe litakalokuwa.

**Interjection:** .....(inaudible).....

**Mr. Nassir:** Hii ni point yangu ya kwanza. Point yangu ya pili ndugu yangu hapa Mohammed Dor amegusia mambo mengi ya kuhusu mikataba ya wenyeji wa sehemu hii. Amegusia kuhusu karatasi za tenzaliwa wenyeji wa hapa ambao siku hizi huwa twaitwa Swahili, shirazi. Ndugu commissioner tunaomba, sisi si swahili shirazi, sisi waswahili tuko makabila kumi na mbili na kila kabila lina mbari zake. Ushahidi wa haya nitawapa nikimaliza kuzungumza kwa sababu nimekuja nao makabila hayo kumi na mbili yote yameelezwa.

Pili ardhi za wenyeji halisi. Kuna mpango hivi sasa wa kuwa hawa wenyeji halisi ambao ni waswahili na ndugu zao Wakiarabu, Wahindi, wanatiliwa njama ya kuwambiwa kama hizi ardhi zisilipiwe. Jambo nataka kusisitiza kwenye mkataba aliyoutaja ndugu yangu sheikh Mohammed Dor wa tarehe tano October mwaka sitini na tatu ambao Rais Kenyatta alitia sahihi kwa niaba ya serikali ya Kenya na Kanu na hakutumiza. Kifungu cha tano cha sema kuwa free hold title, title deed ambazo hazipaswi kulipiwa kodi wawe wataendelea kuzilinda na kuzihifadhi katika katiba ya Kenya. Ingawa baada ya kwisha kutilia sahihi Kenyatta hakuzilinda wala kuzihifadhi. Kwa maana hii wenyeji halisi wa sehemu hii ambao wako tangu karne ya kwanza. Kwa sababu ukisema Peripellis of the Eritrean Sea AD45 mpaka AD60 utakuta wametajwa ukija kwenye historia ya kiislamu wametajwa. Chairman mdogo wa tume yenu, Dr. Ahmed Idha Salim au Professor Ahmed Idha Salim anajua vizuri zaidi historia ya wenyeji hawa wa hapa. Leo wamefanywa second class citizens. Wamekuwa hawana haki tena na wakisema hawasikizwi. Hili tunaomba kwenye katiba lisisitizwe ipasavyo, kwa sababu tunaweza kudhibitisha.

Katika kudhibitisha mambo haya, tuliwezwa kutawaliwa na Wareno, baada ya Wareno wakaja watu wa Warumani, halafu baada ya Warumani wakaja Waingereza. Lakini katika mamlaka kupewa masultani kuna mkataba ambao ni wa kitambo zaidi nitawapa honu moja, ambao ni kwa kiarabu lakini nimechukua translation zake pia nitawapatia, ndiyo hizi. Mkataba huo ni baina ya sultani na wenyeji halisi wa sehemu hii, tangu karne ya kumi na saba au kumi na nane, na unapatikana kwa kitabu cha marehemu Haidad Pindi, “Life and Politics in Mombasa.” Baada huu umetajwa mkataba wa 1895 hii ni confidential document na ni copy ya Lancaster House. Mkataba ambao umetiwa tarehe 14/12/1895, ili Sultan kumpa utawala usimamizi, serikali ya Uingereza. Hii ni karatasi za kabila za waswahili nambari zao au koo zao. Hapa natoa ripoti of the Kenya constitutional conference ambayo imekuwa presented kwa parliament ya Uingereza. Hapa natoa allocation of rooms ya waliofika kwenye

mkutano wa Lancaster. Hapa natoa statement ya Mwambao United Front ambao walikuwa wakilishi wetu Omar Salim Barsadik na Sheikh Abdulahi Nassir ambao kwa bahati mbaya baadhi ya ndugu zao walisema wameuza, lakini leo na simama hapa kama mtoto wake nawakilishia kuuza kwa hiyo mwambao, hakuuzwa isipokuwa tulinyang'anywa tu. (clapping).

Hapa natoa sitting plan ya mkutano na ukiangalia vizuri utaona Rais Kenyatta marehemu na Rais Daniel Arap Moi walikuweco. Na nyinyi ma commissioners msinikubalie munaweza kumuuliza mwenyewe. Hizi pia mbili ni sitting plan lakini kufuatana na Graft report ya mkutano huo ambao draft report hii mwisho nilisema kwa vile wawakilishi wetu walikataa kutia sahihi mkutano wa katiba ya Kenya, "Kenya Constitutional Conference", waliambiwa kama mazungumzo yataendelea Nairobi walikuja hapa na zile fahamu walizokuwa nazo na ndugu zao, yakanyamaza mpaka leo tunaendelea kutawaliwa bila ya kuambiwa lolote lile.

Hapa namalizia kwa kuwapa report ya Kenya constitution conference ambao ndani kwenye ukurasa wa ishirini na tisa na ukurasa wa thelathini kuko sahihi wakuwa wakilishi wawili sheikh Abdulah Nassir na Omar Salim Barsadik walikataa kutia sahihi matukio ya mkutano huo wa katiba ya Kenya mwaka wa sitini na mbili, London Lancaster House. Kwa maana hii yeyote aliyoko hapa au ambaye hayuko mwenye ushahidi kuwa uliulizwa, arudi atuonyeshe sahihi na sisi tutamwonyesha hizi, na kwa vile ilikuwa ni upungufu wa hali ya kifedha bado nitaendelea commission karatasi zote zinazohusika na mikutano yote miwili kwa sababu ninazo mimi.

Mwisho kabisa nawapa ushahidi na magazeti mwaka sitini na moja, wa yeye mwenyewe mjumbe Sheikh Abdullah Nassir alipokuwa akiamini kabla hajaenda Lancaster. Sasa wazee wangu, na ndugu zangu na ma commissioner kwa kumalizia kumezungumziwa mambo ya ardhi tunaomba commission hii itie maanani sana kuundwa Land Board ya Pwani ambayo wenyeji halisi watakuwa na wawakilishi wao, watakao kuwa na nguvu iwapo sheria itakuwa yawaruhusu ya dini yao kukubali au kukataa kumuuzia ardhi kulingana na vile wanavyowajua wao.

Pili tunaomba commission hii itie maanani sana education board ya Pwani kwa shule zetu. Ingawa Kenya wametia sahihi mkataba wa United Nation chapter five section 78 ambayo inaruhusu mtu kubuni, kujenga na kuendeleza mfumo wa elimu atakayo yeye. Na walipochukua uhuru Kenya walikuta tuko na skuli zetu Arab boys, Arab girls, ambazo sasa ni Serani na Mbaraki, Shimo la Tewa, Khamisi Secondary, MIOME ambayo munaita Mombasa Polytechnic. Initials za MIOME ni Mombasa Institute of Arabic Education. Khamisi Bi Juma marehemu ametoeka thelathini na sita shule hizi tumepokonywa na zinaendeshwa na wala hatuna amri tena. Tunawaomba commission hii itie kwenye katiba kuwa shule zote ambazo Kenya walizikuta tunazo na wakazichukua wazirudishe kwetu tutasimamia wenyewe. (clapping).

Sasa work commission chapter 109 of Work Commissioner's Act 1951, inachagua tume ya watu wanane ambao watu wawili wenye mamlaka makubwa zaidi ni P.C. yeyote wa Pwani na Attorney General. Lakini hii ni hazina ya waislamu, na kama nilivyowasomea haya thelathini na sita, sura ya thelathini na tatu, haturuhusiwi hazina yetu kusimamiwa na asiye mwislamu. Kwa hivyo tunaomba, tena tume hii itilie mkazo kikatiba na kisheria kuwa serikali yeyote itakayokuja haitajaribu tena kutoa kitu cha waislamu bila ya hiari ya waislamu.

Na Chief Kadhi, ofisi yake yeye anachaguliwa na Judiciary Service Commission ni mtu mzima wetu tunamheshimu, lakini ikiwa nayo mtajua ni Judiciary Service Commission na inamlipa kwetu sisi kwa maangalio ya kiislamu anawakilisha serikali kwenye waislamu, hawawakilishi waislamu serikalini. Kwa maana hii namuunga ndugu yangu Sheikh Mohammed Dor kuwa mtupe nafasi sisi wenyewe kwa wale wenye elimu nzuri za uzoefu mzuri wa dini, tuwachague Chief Kadhi wetu na makadhi wetu lakini nataka tilia mkazo kitu kimoja na mama wetu na madada wetu wawe na makadhi wao ama ma judge wao kwa dini ya kislamu na waakilishi wao. Mawakili wakuwatetea kwa sababu wana mambo mengi saa ingine huoneshwa kwa nguvu wakawa hawawezi kujieleza. Kwa hivyo katika tume yoyote itakayosimamia huduma za kiislamu na kina mama wawe nao wana wakilishi wao pale.

Kuhusu wasiojiweza, disabled tunaomba commission hii ihakikishe kama watasaidiwa ipasavyo. Ikiwezekana wawe na kila kitu chao, magari yao, njia zao za kutembea na misaada itoke kwa serikali na jamii zinazohusika nchini Kenya.

Na jambo la mwisho kabla sijamaliza parastatal bodies na NGO's zote kisheria iwapo sikukosea nafikiri ndugu Lumumba ni mwanasheria, kisheria ni kuwa tunapofungua ofisi, sehemu yoyote nchini Kenya, asilimia themanini na tano ya wanafunzi katika ofisi hizo ni lazima wawe ni wenyeji halisi wa sehemu zile. Sehemu zote nchini Kenya sheria hii yatumika isipokuwa Pwani, tunaomba mtilie maanani jambo hili ili na watoto wetu na dada zetu waweze kupata kazi.

Mwisho wa koti, kwa mikataba nichowapa utaona kuwa haki fulani kuhusu koti. Ingawa Mwingereza alipotawala alituiibia alikuwa aangalie, achukue kiasi chake awache nyingine, wakaenda nazo. Na sultani naye akatufanya hivyo hivyo, na serikali ya Kenya sasa yafanya vile vile. Kwa sababu kwa kulingana na statistics za 1960, Port ya Mombasa, kupitia export na import ya Kenyan colony na Uganda ilikuwa inaingiza milioni mia moja na sabini na moja pound sterling za kingereza. Leo kufikia mwaka elfu moja mia tisa na tisini na tisa katika bilion mia mbili na tisa zinazopatikana bilioni hamsini za kutoka Pwani na hali yetu ni hivi hivi, hivyo inasikitisha.

Wazee wangu na ndugu zangu sitaendelea zaidi na wengine mwataka changia. Wakati hauniruhusu, jambo ninalo naomba nyinyi, kumbukeni aya hii ya sura kumi na tatu aya ya kumi na moja (speaking in Arabic dialect). Mkikumbuka hii na mkiweka mwenyezi Mungu mbele, hakuna anayeweza kupuuza waislamu nchini Kenya. Nawashukuru sana ma commissioner na nina washukuru sana nyinyi wazee wangu. Nitakomea hapa na mwenyezi Mungu atujalie mkutano huu wa maoni haya yawe yatafikia lengo tunalitaka na ikawa katika uwezo aliyetupa yeye. Asante (speaking in Arabic dialect).

**Com. Mosonik:** Asante, Abdul Nassir tafadhali dakika kumi. Abdul Nassir hayuko. Hamisi, Ali Abdala.....(inaudible)....

**Mr. Ali Abdala:** (Speaking in Arabic) Nashukuru Bwana, ma commissioner kuja kwenu hapa kupokea maoni yetu. Nilikuwa na wasiwasi kwa sababu tulikuwa tukiona Civic Education inaenda kombo kombo, tukawa na wasiwasi pengine sisi tutakuwa wenye kuachwa nyuma. Jina langu ni Ali Abdala Ali El Maawy. Nazungumza hapa kwa niaba ya jumuiya ya wanavioni wa



Kenya na Maimam wao kwa kizungu yaitwa The Kenya Assembly of Ulama and Imams. Hiyo Ulama ndiyo wanavioni, hawa haswa wanahusika na theological elimu lakini pia professionals, mawakili, madaktari, wote ni wanavioni na wote wanahusika kuwemo katika jumuiya hii. Ninaunga mkono kwa nguvu sana maneno yaliyotanguliwa kusemwa na msemwa wa kwanza bwana Sherrif na Mohammed Sheikh Mohammed Dor na mtoto wetu Nassir, mtoto wa Abdulahi Nassir, Stanbul Abdulahi Nassir. Stanbuli ameweka wazi mambo mengi sana ambayo yanatukera na ambayo yametupwa na tukanyimwa haki nyingi. Bwana Dor ameionyesha mambo mengi ambayo yanatuhusu kibinafsi na kielimu na haki zetu nyingine.

Kwa hivyo mimi nitashika baadhi ya mambo katikaa hayo, na mambo pengine wao wameyaacha. La kwanza nitakaloshika mim ni serikali iwe serikali gani. Sisi katika kundi letu hili, tumependelea kwamba majimbo irudi kwa sababu tuna hakika majimbo haikupewa nafasi na laiti ingepewa nafasi, basi ingefaulu. Federation ya Kenya yawezwa kugawanywa hitilafu na vile zamani. Lakini hata ikarudishwa kuwa hali ile ya zamani, pia yaweza ikafanya kazi. Hiyo ni geographical situation. Political situation ya jimbo, iwe ina control ya budget yake katika kila jimbo na iweze ku control hali yake ya....(inaudible)...ya ndani na local industries na biashara na agriculture na ardhi na kupanga miji na hali za bandari ambazo ni za kienyeji na airport ambazo zilizoko.

Kuna bandari ambayo ni international ambayo uhusiano wake utahusiana pamoja na central government na international airports itakuwa uhusiano wake itakuwa baina ya elimu na central government. Twasema mapato yanayopatikana katika vile vitu ambavyo ni vya majimbo yenyewe iwapo mapato yale ni mapato ya mabandari, iwapo mapato yale ni ya economic namna ingine la hata ikiwa ni madini basi 30% ndio iende kwa central government 70% irudi kwa jimbo ipate kutofuatilishwa na kila council. Mambo ya social service yote yawe katika jimbo, na iweze kupanga zote social services, yaani ikiwa na elimu, ikiwa ni health, ikiwa ni nini hayo mambo ya social service yote tuseme central service yahusika zote mpaka mambo ya pension na kila kitu ambacho cha kutazama watu wazima na watoto.

Administration iwe katika jimbo wala kusiweko na ma D.C. ambao wako chini ya Rais wa central government D.C. ikiwa ataitwa D.C. basi awe employed by the local authority under the mayor. Mimi sipendelei mayor awe ndiye .D.C na nampendelea mayor awe juu ya D.C. Yeye amuandika mayor amuandika D.C. Sisi twapendelea yeye ndiye mwenye kumuandika D.C. Na kama kutakuwa ni P.C basi ni jimbo limweke P.C. Hatari iliyokuwako katika jimbo lililopita lilikuwa lahukumiwa na central government, hata ikawa katika mkutano katika ile parliament ya jimbo, P.C. ndiye mwendeshaji parliament ile ikiwa yule President wa jimbo au chairman hana shauri isipokuwa kuambiwa na P.C. na mwisho ikawa meaningless.

Pasiwepo jambo hilo kabisa. Ie central government kuwe na parliament yake ambayo wajumbe watatoka katika kila jimbo, na uchaguzi utakuwa katika local authorities na wataochaguliwa kuenda katika jimbo, baadhi yao ndiyo watakuwa member wa kuenda katika parliament ya nchi. Kwa hivyo ule u President utakuwa hakuna, u President ukiweko, uwe ni ule wa India, ambao wangojea kushika serikali, wakati wa uchaguzi hakuna mwenye kusimamia serikali. Lakini kuwe na Prime Minister

ambaye atakuwa answerable to the parliament, na atakua yeye ndiye mwenye kuendesha mambo ya kiserikali ya central. Na kila jimbo litakuwa na serikali yake na parliament yake na ambayo itakuwa na Chief minister wake wa kuendesha kazi za jimbo.

Co-ordinatioion itatokana na central government na Prime Minister kwa sababu kuna mambo fulani ambayo yatakuwa hayana budi lazima yawe chini ya central government. Hukumu ya nani citizen na nani si citizen, citizen iwe kama ilivyosemwa ni by birth wala hakuna kitu kingine. Atakaye apply to be registered awe ni citizen to be adpoted katika country kuwe masharti zake zilizowekwa katika sheria. Lakini mwingine yeyote ni mwenye haki ni yule aliyeolewa kaitka nchi, hata kama baba yake alimtoa nje amkuja aliyemuzaa mwanawe Kenya, yule aliyezaliwa hapa mama yake ikiwa amemuzaa hapa ikiwa na baba yake ndiye amemuzaa hapa basi ana haki ya wananchi na ndiye citizen. Wala pasiwe na mambo ya kusema ati baba yako alitoka wapi na maneno awe alizaliwa Kenya mwisho.

Sasa katika power ambazo tunasema ziwe ni za central government hupanga policy za ...(inaudible)...na mambo ya foreign affairs, mambo ya visitors polices, mambo ya fiscal policy, mambo ya defence, mambo ya external security yaani national budget ambayo itahusika na ku run the whole state. Mambo hayo yote yatakuwa applicable katika kila jimbo kwa kuwa zitakuwa ni national policies. Kwa hivyo national policy ya development itahusika na serikali kubwa.

Judiciary iwe totally independent wala ma judge wasiwe wenye kuandikwa na President wala Prime Minister. Ma judge wawe na service yao ya kuandika na Chief Justice awe mwenye kuandikwa kwa kukubaliwa na commission itakao wekwa na parliament, ambayo commission ile si peke yake ni Chief Justice bali kila kitu kazi kubwa zaidi iwe kwanza itakubaliwa na commission ile hata kama mtu amependekezwa na Prime Minister. Pasiwe kwamba mtu mmoja aandika akifuta, iondoke hiyo katika katiba ya sasa kwa hisani zenu, huu mtindo iliyokuweco huu wakuandika kesho wafuta amtakae na asiye mtaka hii iondolewe katika serikali ijayo. Kwa sababu miaka 38 au 40 iliyopita tushaonja na tushayaona na ukiwa tu tukiona hakitutoshi kuwa kimetuuma basi tutakuwa sisi punda.

**Interjection:** Hata kama ni punda

**Mr. Ali Abdala:** Hatutambui lolote. Impeachment, ninaunga wale ambao waliosema yeyote Prime Minister, President should be impeached, akifanya kosa hali hizi za corruption zilizotokea hivi sasa ingekuwa kuna impeachment katika law ya Kenya na katika parliament, basi nafikiri mambo haya yangukuwa yamepungua. Kwa sababu kungekuwa hakuna mkono wa kumfunika mwingine wala kumzibia makosa yake ili asishikwe wala asishitakiwe. Kwa hivi ipatikane impeachment.

Katika maswala ya citizenship, ningrudia kusema kwamba, sisi twapendekeza kuwe dual citizenship, yaani mtu aweza kuwa na uananchi mara mbili. Unaweza kuwa mwananchi wa Kenya na ukawa mwananchi wa Misri. Jambo hilo limesaidia nchi nyingi masikini. Watu wanatoka wanakuwa wananchi Australia, wanakuwa wananchi America, wanakuwa wananchi nchi nyingine

wananchuma, kwa sababu wao kwao bado wananchi wanao wanarudisha mali kwao na nchi inatajirika kwa sababu hiyo. Kwa hivyo tusiogope inaonekana ile serikali ilipoanza kushika mwanzo mambo yalikuwa mapya na sisi hatuwezi kulaumu walikuwa hawajui faida wala hasara kwa mambo kama hayo. Lakini mabwana tafadhali hakikisheni kuwa kutakua na dual citizenship.

Judiciary, mahakama ziwe independent kama nilivyosema. Ma judge wawe wenye kuandikwa na service yao wenyewe na pasiwe katika judiciary executive, mkono wowote wa executive kuhusika na judiciary. Wawe ni independent na wasimamia haki za watu wakiwa independent na appointment zao ziwe independent. Public Service Commission isiweko ya kuwa iko Nairobi tu. Kila jimbo liwe na Public Service Commission yake na uandishi wa kazi uwe ni wajibu wao wenyewe ndio maana patapatikana watu wote katika kila jimbo kupata kazi zao. Hii si kusema kuwa ati mkikuyu atakuwa hana haki North Eastern au North Eastern atakuwa hana haki katika post la citizen wa Kenya ana haki kuwa popote na kufanya kazi, kuwa na utajari pahali popote katika Kenya. Kwa hivyo yeye ni mwananchi haki zake zitatumzwa.

Tukija katika maswala yashirikayo naunga mkono yale yaliyo tangulia na bado nataka kuongeza kwamba madam napendekeza majimbo, napendekeza kuwe na national chief Kadhi na kila jimbo liwe na deputy Chief Kadhi. Ili makadhi walioko katika kila jimbo watakuwa na pahali pa kuongozwa na kutakuwa na national Chief Kadhi ambaye atakuwa katika Supreme Court ya Chief Kadhi. Kuwe na Supreme Court ambayo yaweza kusikiliza mambo yaliyopita katika makadhi kwa njia za sheria zote zinashukumiwa kwa hukumu ya Kadhi. Leo utakwenda katika High Court na kesi yako iliyopitishwa kisheria la kiislamu katika Kadhi's Court, itavunjwa kule kwa kufuatana na local law. Na itakuwa ile sheria iliyopitishwa wewe ishafutwa katika ile appeal uliyopeleka wewe kule. Kwa hivyo hii institution ya Kadhi iwe sasa inaweza kusimamia mambo yote. Mwislamu akitaka civil case yako iende katika koti ya Kadhi, basi Kadhi's court iwe na jurisdiction.

Hatuwezi kutaka mambo haya bila ya kusema je hawa wakadhi wawe na kiwango gani cha ujuzi? Tusipo sema hivyo itakuwa sasa maanake hatuwezi kusema kwa kuwa basi Kadhi ni mtu yeyote kama unavyofanywa sasa ati amefika form 4, na ajua sheria za kuo, na kufanya divorce afaa kufanywa chief, kufanywa Kadhi yatoke hayo. Chief Kadhi mwenyewe lazima awe mwislamu na ajue Islamic sheria na theology vile vile. Awe na level ya university equivalent of first or second degree, awe na evidence ya kuwa na ucha Mungu wa kutosha, honesty na integrity ambayo imekubaliwa na uma wake na watu wake. Vile vile awe ni muweza wa hukumu zote na law zote za kiislamu za madhehabi zote. Akija mtu mshia katika koti yake, aweze kumhukumu kwa sheria la kiishiya. Akija mtu wa Hambeli aweze kumhukumu kwa sheria za Hambeli and so forth, kwa sababu hapa Kenya sasa tunao watu wa madhehebu mbali mbali.

Aweze kuwa anajua English na Kiswahili, lakini isiwe ujuzi wa English ndio sababu ya kufanywa Chief Kadhi. Iwe university degree aliyopata kutoka any Islamic university ikubaliwe iwe ni sawa sawa na any degree ya University of London, Harvard anywhere. Makadhi vile vile wawe na first degree katika Islamic sheria na iliyo tambuliwa na recognised university. Waweze kupita mithani ya Kenya laws hasa kama ile inayopewa watu wa administration kulipita Kenya laws na kuweza kuwekwa si chini ya second class magistrate katika jurisdiction zao.

Waweze kuandika kiswahili na kingereza na vile vile watu wa sawa na wa uadilifu. Waweze kuhukumu kama nilivyosema hizi walizo nazo sasa, na any civil matter ambayo ni Mwislamu atoka iende kwa Kadhi. Akitaka kupeleka civil case yake kwa law courts ni uhuru wake ni nchi yake atakavyo afanye.

Appointment yao sasa huwa yapita katika judiciary commission, lakini hatukatai ila tu twasema Chief Kadhi yoyote asiandikwe kabla Waislamu hawajakaa na kumchagua mtu anayefaa wa kupelekwa kwa judiciary commission, kwamba huyu ndiye afaa kuwa appointed as Chief Kadhi. Asiende akateuliwa mtu tukawekewa halafu huku tukapita tukimtukana misikitini na kushambuliana. Twataka wale waongozi waislamu wa dini wakae wenyewe waangalie ikiwa judicial commission yataka majina matatu, yataka mawili, yataka moja, wayapelekee, ni hawa yoyote katika hao wamutakayo kumuweka basi sisi ndiyo wetu.

Na vile vile appointment of Kadhi iwe Chief Kadhi anayo kamati ya wanavioni wa kiislamu ambao wakaa na yeye wakategua yule mtu ambaye afaa kuwa Chief Kadhi and then he gives the names to the judiciary commission to appoint them.

**Interjection:** ....(inaudible).....

**Mr. Ali Abdala:** Naam

**Interjection:** Professionalists.....(inaudible).....

**Mr. Ali Abdala:** Habari ya dini imetajwa hapa isipokuwa nitaongeza kitu kimoja. Dini haina vikwazo wala isiwe na vikwazo wala isiwe na watu wa Muslim organisation wakataka kuandikwa....(inaudible)....waje wakafanya registration. Registration iondoshwe kabisa na masala ya ku register organisation madamu zitakuwa ni majimbo ziwe kwenye majimbo na kusiwe na chama chochote cha dini au jambo lolote la dini linalohitajiwa registration. Once you give a power to a gentleman kwamba wewe utakuwa uki appoint ukikubalia kuwepo registration ya chama fulani cha dini, basi vile rule ama uwezo wa kisiasa sasa, uhuru wa dini uko wapi. Kama wewe waweza kuambiwa hili sifanye ni hila ufanye.

Katika haki za wanadamu twasikiliza sana kwamba abuse iliyoko siku hizi ya haki ya wanadamu muichunge sana Bwana wenye katiba na muangalie kwamba, haki za wanadamu zinachungwa na hasa sisi waislamu dini yetu yote imeyapinga kwa haki za mwanadamu. Kwa hivyo sisi tunataka sana haki za wanadamu zichungwe sana katika katiba hii.

Katika maswala ya ardhi twasema sisi katika kundi letu kusiwe na state land. Maneno ya state land yasiweke kabisa kabisa huo ni ukoloni tumeridhi kwa ukoloni na ndiyo sababu ya nyang'anyi uliowezekana. Juzi wametoka watu wagiriama waislamu wawili wamekwenda Kilifi kutaka kufanya allotment ya ku clear ardhi yao. Wale wakuu wa land office waliangalia ile ardhi haina jina wamewambia hii haina wenyewe, ni state land bwana. Ikiwa nyinyi mwataka njooni muombe sasa na ile ardhi yao wameridhi kwa babu zao na babu na hao ni wagiriama. Sasa neno hili la state land tafadhalini litoeni. Lisiweke kabisa, ardhi iwe ni ancestry

wenyewe wapewe, na kama hakuna uchungu tu, kitu cha kuchunguza ni local authority inayohusika basi. Kama kuna ardhi yataka kugawanywa basi wao wenyewe waweko. Kwa nini bara mambo haya yafanywa? Mtu hata aweza kuuza ardhi mpaka kamati fulani ikae ya wazee ukubali kuuza hata kama ni ardhi yako. Huku kwetu twanyang'anywa kila siku, kila moja huangalia pande ile haina jina basi huenda akafanya papers kule Nairobi akaja akazichukua. Bwana Maitha Karisa wayakubali.

**Com. Mosonik:** Tafadhali tumekubaliana umalize.

**Mr. Ali Abdala:** Na mwisho sasa nataka kusema safari ya ...(inaudible)...Commission. Work commission ya Kenya hivi sasa katika ile ordinance iliyoko ya law imehusiana na Pwani peke yake, Coastal strip ten miles peke yake. Sasa waislamu wako all over Kenya na wanaweka mali yao kuwa in trust katika work. Mali haya yanataka kuchungwa na work commission ambao itakuwa ni ya Kenya nzima. Kwa hivyo katika katiba ya sasa work commission hamna Kadhi, Chief Kadhi imo. Twaomba katiba ya sasa iweke work commission ambayo itakuwa yasimamia mali ya waislamu, hata kama kutakuweco work commission ambayo itasimamia mali ya wakristo waliofanya endorsement all over Kenya; iwe itasimamia mali yale na iwe waislamu wakiweka mali yale yanawezwa kuchungwa na kusimamiwa na kutumiwa kwa hali zao. Tumependekeza namna gani hawa ma commissioner wandikwe na mtasema wenyewe.

Namaliza kwa neno la mswahili. Jamani tumenyang'anywa kabila tumefanywa hatuna kabila. Swahili imefanywa ni lugha ambayo imekusanywa na upepo ikakusanyika mpaka ikawa lugha ikawa haina wenyewe. Mimi nilipokuwa mdogo, kulikuwa wakati wa vita Waarabu kutoka Aadeni walikuwa na wanajeshi wamekuja Waingereza wakanishika njiani. Jina lako nani? Nikawaambia. Wewe Mwarabu? Nikawaambia mimi si Mwarabu, mdogo nikawaambia mpaka kwa mama, maana ati mimi Mwarabu. Akaniambia umetoa wapi uarabu wewe kwenda huko, wewe mswahili sasa leo mimi naambiwa mimi si mswahili. Na babu yangunina ushahidi kule kwetu kwa miaka mia tano tuna msikiti wetu tulijenga mazoze wetu leo ni 374 years nyumba aliyozaliwa baba yangu na nyanyangu na mimi kuzaliwa leo ni 300 years old.

Sasa mimi naambiwa si mswahili wala huku si kwetu. Sasa makatibu nyinyi mabwana nyinyi huu uswahili murudisheni kwenye mkatiba kuwa huu uswahili ni kabila na lina wenyewe na hii lugha ina wenyewe. Ulivyotelewa na ukoloni ulikuwa ni makusudi kwa nasema ni historia wala sipingi ukristo nasema ni historia...(inaudible)... Kutumia lugha ya kiswahili kutangaza dini. Wakawa waona hivyo hii lugha ya kiswahili inashirikiana sana na uislamu bais ukoloni nao wao wapakanga iwe haina wenyewe ili wapate kuitumia bila ya kuonyesha kwa lugha na wenyewe. Sasa ndugu zangu hii Kenya ni yetu sote na sisi ni waswahili itambuliwe katika katiba na liweko ndani na siku zote ...(inaudible)...(speaking in Arabic dialect)

**Audience:** (Arabic dialect and clapping)

**Com. Musonik:** Asante kama kuna yeyote ambaye ana memorandum na angependa kuondoka mapema kabla ya kupata nafasi kusema tafadhali jiandikishe hapa na kupeana memorandum hapo. Twakubaliana tena ya kwamba hakuna memorandum

uchukuwe dakika tano eleza kwa ufupi kile kilichoko. Na sasa twamwita Hassan Omari. Personal contribution tafadhali. Habari yako, sign.

**Mr. Hassan Omari:** Wazee wangu, ndugu zangu (Arabic). Leo nina furaha kujua nimelindwa mbele na ya nyuma. Nikiangalia nyuma namuona rafiki yangu, mwalimu wangu Patrick Lumumba na nikiangalia kwa upande huu namuona ndugu yangu, rafiki yangu Isak Hassan namuambia karibu nyumbani leo ndio mara yenu ya kwanza kuniona kwetu na nijue tuna kwetu. Kwa hivyo nitaanza kutoa rai yangu ya mwanzo.

Hapa leo tumesikia sisi kukitajwa kwamba sisi kama waislamu, twataka kuhifadhi haki zetu kama waislamu na twataka kuhifadhi dini yetu kama waislamu. Jambo la kwanza ambalo lazima tutie maanani ili tukifanya hapa Kenya sisi hatutakuwa ni wa kwanza kufanya jambo hili. Ndugu zetu wa Ethiopia tayari wameanza kulinda haki za makundi na jamii fulani, ambazo zina tabia zao zina haki zao zina mienendo zao na dini yao umekamilika kabisa. Kwa hivyo tukichukua mfano kutoka katiba ya Ethiopia ndugu zetu watajua kwamba leo waislamu wakilindwa kihaki na kidini, hakitakuwa kabisa kwamba itofautiana na kanunu zozote za kimaisha wala mienendo ambayo sisi twaanza mwanzo.

Vile vile pia ukiangalia katiba ya ndugu zetu wa Nigeria, ambao ni katiba ya majimbo, wao wakulinda tu uhuru wa kuabudu lakini wamelinda uhuru wa dini kikamilifu. Kwa hivyo mimi nigewalipatia nyinyi nakala ya kwanza kuweza kujua kwamba kulinda uhuru wa dini lazima, tulinde uhuru wa dini kikamilifu. Na katika memorandum ambayo nitaitoa ya kwanza ambayo ni dhibitisho kwamba sisi waislamu tuna dini yetu kamili na lolote linalosemwa halifai kutofautiana na zile kanunu zetu za waislamu ama mienendo ya dini yetu. Nitakupatia memorandum yetu kuu ambayo ni tafsiri ya Sheikh Abdalla Swaleh El Farsi ambapo katika ukurasa wa kwanza umeandikwa, haya ni maelezo yaliyo wazi kwa watu wote na uongozi na mawaidha kwa wamuchao mwenyezi Mungu. Kwa hivyo Professor Yash Pal Ghai walituhahidi kwamba watasoma kila neno litakaotolewa, na mimi nitaitoa huu mswada wa Sheikh Abdalla Swaleh El Farsi ambao alitafsiri, na kwa sababu gani nimewapatia tafsiri ya Sheikh Abdalla Swaleh El Farsi ambayo itanileta mimi katika point yangu ya pili kuhusu mahakama ya Chief Kadhi. Kwa hivyo mumekuwa patwa nimeambiwa ni sawa kuwapatia....(inaudible)...juzi kabisa.

**Audience:** (Arabic prayer)

**Mr. Hassan Omar:** Halafu katika sira ya mahakama za Chief Kadhi, mengi yamesemwa na ndugu zetu na pia hapo nimechukua mfano tena kutoka katiba majimbo ya Kinigeria ambayo imetoa katika yale mambo ama kuhitimu kwa Chief Kadhi awe ni mtu ambaye amesoma, elimu ya sheria zile kama law na amekuwa yeye ni mtekelezaji wa elimu hiyo kwa miaka isiyopungua kumi na mbili, katika mahakama na maswala ya kisheria. Na yeye awe ajulikana kwamba yeye ni ulama katika mambo haya na aijua kazi hii. Kwa hivyo nitawapatia hii katiba ya Nigeria ambapo mtajua kwamba mambo haya hayafanyiki hapa, yashafanyika mahali kwingine na nyinyi tu ni kuchukua experience zile na kuweza kuzileta hapa nyumbani kwetu.

Lakini kuna mambo mawili nataka kuongezea. Mwanzo nguvu za mahakama ya Chief Kadhi zipanuliwe kama zilivyoandikwa hapo. Ma Chief Kadhi na ma koti ya Kadhi yakubaliwe kuhukumu kesi kiwango fulani za waislamu ambazo ni civil cases, mambo ya watoto, mambo ya biashara ndogo ndogo za waislamu pale wamekubaliana na mikataba yeyote ambayo wataka kuenda kumweka Chief Kadhi kama hakama mkuu. Kama mimi na mwenzangu yeyote ama mimi na Sheikh Mohammed tunataka kuwa na mkataba fulani tunaweza kuenda tuka record na tukau register huu mkataba kwa Chief Kadhi na yeye aweza kuwa ni hakimu kwa mambo kama hayo.

Na la mwisho katika jambo hili tuhakikishe kwamba sheria zetu za waislamu lau zaitwa Sharia law ama Islamic law but not Mohammedan law. Lazima tutoe ule ukoloni ndani ya sheria zetu tuweke ule mambo ya wazi.

**Interjection:** Well spoken

**Mr. Hassan Omar:** Thank you. Halafu hapo ninakupatia mswaafu wa Sheikh Abdalla Swaleh El Farsi kukuonyesha kwamba Almarkum aliyekuwa Chief Kadhi mkuu wa Kenya, alikuwa ni mtu mwenye bahati kubwa sana ya elimu. Na hiyo inaonyesha umuhimu wa ile ofisi ya Chief Kadhi na ile elimu ambayo Chief Kadhi wa Kenya afaa kuwa nayo, sio mutuwekee form four leavers ambao kazi yao wamesoma vi-book viwili, vitatu, vimeandikwa na mtu fulani tutaambiwa huyo ndiye Kadhi. Lazima upewe heshima yake ipewe hadhi yake na ifanywe independent from the entire judiciary.

Hilo ndilo linaleta kwa swali lingine la elimu. Hakuna nguzo kubwa ya jamii yeyote isiyo nguzo ya elimu, ndiyo mwenyezi Mungu ametuambia ikra kama jambo la kwanza. Na pia vile vile mtume akatuambia swala la elimu (Arabic) leo naona madola fulani ya kiafrika yasema kwamba lazima tufaradhishe elimu. Sisi waislamu tulifaradhishe elimu kitambo sana.

Kwa hivyo lakini kuna mambo fulani nataka kuyasema, na jambo la kwanza ni mambo ya curriculum. Leo tumeona hapa mtoto apewa elimu ya upande mmoja anyimwa ya upande mwingine. Mmoja wenu ambaye ni naibu wa mwenyekiti Constitution of Kenya Review Commission alisoma hapa hapa Mombasa, hakuenda ma tuition asubuhi na saa nane. Professor Salim Idha saa nane alikuwa aenda zake chuoni asubuhi aende zake skuli. Tuliona kuna nidhamu, sisi tunasema kuwe na curriculum ambayo iliyosemwa hapo awali itakayo intergrate formal schooling na Islamic schooling. Na mtu yeyote atakaye kiuka kanuni hizi kama haya maskuli yaita watu, watu wa ma tuition kila mara ili kuondoa ile tabia yao ya kiislamu, ipatikane ina hatia kikatiba na kisheria.

Halafu jambo la pili katika elimu sisi lazima tukumbuke leo tuandike katiba ya karne ya ishirini na moja, na ni lipi jambo ambalo sisi kama karne ya ishirini na moja imekuwa ndiyo challenge kubwa. Mambo ya utafiti na mambo ya maendeleo ya ki teknolojia. Kama hii nchi kweli ina hamu ya kujiendeleza katika miaka ya usoni, lazima itilie mkazo utafiti wa mambo ya kiteknologia. Katiba yetu leo lazima ihifadhi teknolojia na ihakikishe teknolojia imepewa msingi fulani na utafiti katika msingi na budget ya kitaifa. Leo ukiangalia kuna nchi nyingi sana sababu ya uongozi wao ulimwenguni sio kwa vile wana mapesa mengi

lakini ni kwa vile wana elimu na wametilia mkazo ile elimu. Tuna ndugu zetu waki Saudi wana pesa lakini hawana elimu. Pesa zile zikawa haziwafanyi wao wabora zaidi ama mabongoka zaidi, hata haghali yao huwa inaandikwa made in the United States.

Kwa hivyo elimu ziambatane na pesa.

Halafu kuna jambo na maswala ya economy. Katika economy kitu cha kwanza lazima tufanye katika kuleta hali za uchumi za watu wetu mbale ni kuhakikisha watu wetu wamepewa njia za kujihifadhi na kusitahika kama binadamu. Kuwe na wajira ambao utaweza kumpata yule mtu awe ni mtu wa kuheshimiwa. Yule anayepata shilingi elfu moja mia tano hayamzuia yeye kuiba kuliko yule ambaye hana kazi kabisa. Na katika jambo la kwanza kabisa tuhakikishe tumeondoa ufisadi. Na katika kuondoa ufisadi mwanzo tuwe na makoti ya ufisadi, la pili tuseme kwamba yeyote atakayepatikana na hatia ya ufisadi, ataweza kuhukumiwa kifo ama miaka maisha yake ayamalize katika majela. He should be sentenced to death or to life penalty. Nchi nyingine kama Malaysia, tayari imefanya mambo haya nchi nyingine kama China tayari imefanya mambo kama haya. Juzi China imemunyonga mayor wa mji mmoja kwa kuiba watu haifki hata dola elfu kumi, kwa ajili ya nini ukiiba huibi tu zile dola elfu kumi, ukiiba umeua mtoto, umeua mgonjwa, umeua baba, umeua mama, baba wananchi ndiyo hii nchi ukaona wale watoto wakiwa wanakula drugs umasikini hohehahe si kwa ajili ya mtu mmoja ama hana maarifa, lakini kwa ajili mtu mwingine anamwibia uhai wake. Halafu kuwe na kanuni za kisheria, na za bunge za kulinda watu wasiwe na ufisadi na kuhakikisha mambo ya serikali za idara fulani zimekwenda sambamba na zile kanuni.

Ya tatu ni kuhakikisha kwamba nchi yetu haikubaliwi kuchukua msaada ya nje. Lazima tutumie kile tulichonacho tu. We must spend what we have, we must live within our means. Kwa nini wewe utake kula chakula cha elfu moja Sapphire wakati wewe uwezo wako ni chakula cha shilingi hamsini? Hiyo ndiyo imeleta ufisadi mkubwa. Na ukiangalia kuna nchi kama vile Sweden tayari kikatiba wamekataa serikali zao kuchukua mikopo nje, wasema tu wachukue mikopo kwa dharura fulani. Kwa hivyo tumekubalia Kenya ikipitishwa na bunge ichukue mikopo kwa dharura fulani ama mikopo wakati wa vita. Only during emergency situations or during times of war. Sisi hapa kama tutaweza kutumia yale mambo madogo tuliyonayo, zile pesa kidogo tulizonazo huenda tukawa watu wenye furaha kuliko tukiwa twataka fahari kubwa, na ufahari huu tuangalie. Afadhali Rais atembelee Volkswagen Beetle lakini watu wake wasife na njaa kuliko atembelee na ma-Benz ishirini na moja, hamsini, na watu wako karibu nusu walala na njaa. Halafu tuhakikishe pia, jambo la nne, kumefunguliwa mabenki yasiyotoza watu riba. There should be an Islamic financial system. Leo riba ndio zimeua ile msingi wa haki zetu na msingi wa uchumi wetu. Mtu aomba elfu kumi baada ya miaka kumi lazima alipwe milioni moja. Kwa nini mtu huyu usimfilisi? Na ukiangalia sisi Waislamu, itikadi za riba ama msingi wa riba, ni ndugu zetu ama Mayahudi. Wao ndio walianza unyang'anyi huu wakihakikisha kwamba katika kila loan watakyokupatia, watakupatia kiwango cha riba usichoweza wewe kukilipa halafu waweze kukunyang'anya kila kitu. Leo watu waliokuwa masikini kwa vile walinyang'anywa kwa ajili ya riba.

Halafu twataka kuwe na haki za kimsingi basic rights. Na basic rights hizi mimi nataka kuzitaja kama nne ama tano za muhimu kabisa ambazo lazima serikali yetu iwapatie watu wake, ikiwemo food-chakula, water-maji, kama hapa twaitwa mji jiji, lakini hakuna maji, shelter-makao, education-elimu, health-afya na employment. Hizi zikifanywa ndio nguzo za kumsaidia yule binadamu mambo yote mengine ya kwenda sawa sawa. Lakini ulimwenguni mtu yule chakula umunyime makao, umunyime kwa



kila mtu yule umeshamnyang'anya uhai wake, umeshamnyang'anya hisia yake, umeshamnyang'anya ule utukufu wake kama mtu.

Kwa hivyo kuregesha heshima lazima tuhakikishe mambo haya ya kikatiba yamekubaliwa. Na tuweze tukayafanya kimuundo miwili. Ndugu zetu wa kihindi yaani India wamefanya hivi ndiyo zile maazimio ya serikali yoyote directive principles. Serikali inamurishwa mambo haya yote yahakikishiwe yamepatiwa kila mtu anayeishi katika dola ya India. Kuna njia ya pili ya kuifanya kwa kutumia Bill of Rights, ambapo katika Bill of Rights unaweza kuweka haki za kiuchumi, haki za kijamii, na haki zingine kama vile za kimaendeleo na mengineo.

Hizi zimefanyika kama wale watalamu wa kikatiba katika, ile Bill of Rights nzuri kabisa ambayo imetokea hivi juzi na jama ni Bill of Rights ya ndugu zetu wa Afrika kusini. Tukiweza kuiga mingine pale huenda sisi tukapata manufaa makubwa katika kuendeleza hazi zetu mbele.

Jambo la sita ni ukabila, hakuna nchi yaweza kuendelea kama nchi ile imeagawanyika. Sera ya ukabila ni sera iliyoanzishwa na watawala wa kikoloni na ikaridhishwa na wafuatao nyayo. Kwa hivyo kama sisi twataka kukomesha mambo fulani fulani tuhakikishe tuko katika sera ya kimaendeleo lazima tuhakikishe nchi imekuwa moja. Hakuna jambo moja wakoloni walilofanya lililokuwa na masilahi ya wale wanaotawaliwa, na ukabila ni moja wappo. Na kama sisi twataka kuchukua hatua ya kwanza kukomesha mambo kama haya tusiyaseme tu kimidomo, tuanze kisheria na kikatiba. Lazima kwa hivyo tuifanye kwamba ukabila ni hatia kubwa kabisa. Na mimi nina propose suggestion mbili kwa wenye wadhifa na raia wa kawaida.

Nasema, any government officer or person holding any position of authority who practises or propagates tribalism in the exercise of his or her powers and in the execution of his/her duties should be found liable and sentenced to life imprisonment. Yoyote atakayekuwa mkabila atakayeonyesha itikadi za kikabila atakayepiganisha watu kikabila lazima atiwe ndani maisha yote. Kwa mtu kibinafsi twasema any private person or individual who practises or propagates tribalism with an intention of causing tribal animosity or spark hatred and national disunity should be found liable and sentenced to a prison term not exceeding fifteen years. Wewe kama raia wa kawaida ukileta ukabila ule tunauona hapa Mombasa tunaweza kukufunga wewe miaka kumi na tano. Na hii ndio mambo lazima tuchukue mambo mazito mazito hatuwezi kila mara kuwa na huruma na uma wetu huku waharibika. We must act tough.

Nimebakia na mambo mawili. Kitu cha saba ni hii mambo ya bunge. Nimetoa kwamba nataka bunge iwe na kiungo kimoja zaidi ambao tunaita bunge radio, ambapo kila majadiliano ya bunge yatawezwa kupelekwa moja kwa moja katika maredio haya ili tujue nani afanye kazi na nani asiyefanya kazi, na pia tujue yupi afae na yupi asiyefaa. Maanake yule member of parliament lazima awe accountable kwa watu wake, na hiki chombo kitaweza kutuhakikishia kwamba yale yanayotamkwa bunge ya kisheria na ya kikatiba yamefikia yule mtu wa mwisho kabisa.

Halafu mambo ya security. Sisi kuleta usalama katika nchi zetu lazima tuwe na mapolisi lakini twasema hivi kila eneo, kila jambo

liwe na mapolisi ambao ni wenyeji wa pale. Kama mimi natumwa nimshike ndugu yangu jamani iwe ni nisiekwenda kumdharau wala kwenda kumbagua. Leo apata mtu bwana ako kwa central yuko kitotoroni kibokoni akiuliza unatoka wapo na unaenda wapi wewe nikikuonyesha vile vitoto vya kibokoni kweli utajua kule ninatoka na ninakokwenda. Kwa hivyo tuhakikishe polisi watakuwa ni wenyeji wa pale.

La mwisho, ni mambo ya nchi za kigeni, foreign policy. Sisi tumeona leo nchi yetu yajiingiza katika mambo tofauti tofauti ambayo yaleta hasara kwa ndugu zetu hapa Kenya. Leo wameingiliana na ki foreign ama kimambo ya nje na nchi ambazo zadhulumu ndugu zetu mahali kwingine kwangu popote. Leo tunaona hakina mayahudi nchi hii lakini wanawakilisha wao mkubwa na huku wadhulumu ndugu zetu wa kiislamu. Kwa hivyo bunge lihakikishe kwamba mambo yote za nchi za kigeni yatajadiliwa bunge. Kuna nchi ambazo zinadhulumu haki za wenzao zinanyanyasa wenzao zifungiwe idara zao za kigeni zilizoko hapa. kwa hivyo tuhakikishe mambo ya nchi za kigeni ni mambo ya kibunge na kutakuwa na kanuni ambazo zitakazofuatiwa.

Na la mwisho sisi twasema leo twaunda katiba. Lakini kuunda katiba hii ni makaratasi tupu, wakenya ndiyo wenye miradi mizuri kabisa katika maeneo kama ya World Bank na mingineo. Lakini watu hapana kuna waandishi lakini hakuna watu, kwa hivyo tuhakikishe ya kuna kuwa mwislamu na kuna kuwa miume. Mwislamu wewe wasema shahada, kuwa miumi ni kufuata zile kanuni ulizopewa na sheria, kwa hivyo sisi leo tunaweza kuwa tumeandika katiba nzuri kabisa.

**Com. Mosonik:** Mzime mobile zote zinaharibu transmission. Hebu umalize.

**Hassan Omar:** Ndio leo nasema lazima tuhakikishe yale makanuni zote na mambo yetu yote ambayo tutakayo kubaliana yametekelezwa, na kama vile Sheikh Mohammed alivyosema, twaja sasa kwa lugha laini hata mtume Musa ameambiwa amwendee firauni kwa lugha tamu na iliyo nyororo. Sisi pia twamwendea firauni wetu kwa lugha tamu iliyo nyororo (laughing). Lakini yakiisha haya, tena yataingia mengine ambayo itakuwa ni havita kubwa kwa huyu itakuwa ni mambo ya kuachana kwa wema na kuona kwa wema ama kuona kwa wema na kuachana kwa wema. Na kama pia hakuna wema kuna lingine lolote litakalofuata kwa hivyo twaomba mambo haya yasikizwe watu wamekuja kuyasema nisyapuuzwa na yatekelezwe kila neno. Salaam aleikum, na hii ndiyo memorandum ya pili (clapping).

**Com. Mosonik:** Tuhakikishe tumezima mobile inaharibu kurekodi. Jambo lingine ni kwamba ukiona mtu ambaye amehudhuria tafadhali ajiandikishe hata kama hatatoa maoni. Nataka wajiandikishe kama observers ndio baadaye tuwe na hesabu ya watu ambao walihudhuria kikao hiki. Sasa ningependa kumuadilisha mheshimiwa Maitha, mbunge sehemu hii tafadhali.

**Hon. Karisa Maitha:** Ndugu zangu, wazee wangu, akina mama Salaam aleikum

**Audience:** (Arabic dialect)

**Hon. Karisa Maitha:** Mimi kama mwakilishi wa eneo hili sitaki kutoa maoni yangu ambayo kesho wabunge wote wa Pwani wanakutana kule Nyali kutoa maoni yao kama vile mnavyotoa siku ya leo. Langu tu ni kwa sababu nitakuwa hapa na baadaye hamutaniona, kwa sababu vikao leo ni viwili muko hapa na kule Mlaleo waendelea, vile vile tunavyosema na wenzenu pia inaendelea. Kitu ambacho nilikuwa nataka kuwaomba ndugu zetu commissioners sasa tuna bahati kubwa mwandishi mkuu wa commission ni bwana Lumumba yuko hapa na wenzake ambao wana ujuzi mwingi sana kuhusu katiba. Ni kwamba mtakubaliana na mimi mtakokwenda kuketi kwamba, maoni yote ambayo yametolewa Pwani nzima, ya Kisauni yatakuwa ni ya muhimu zaidi.

Nasema hivyo kwa sababu maoni ambayo yanatolewa na wananchi hawa unawaona wa Kisauni leo, ndio kiini hasa cha Pwani, Pwani ilianza hapa, haikuanza pahali pengine, ndiyo unaona ya kwamba (clapping) hawa wana ujuzi na wanajua historia. Katika nchi yeyote ya duniani, hatuwezi kuwa na katiba nzuri kama hatuna historia. Binadamu kwanza mpaka ajijue historia yake, anakotoka na anaenda wapi. Kwa hivyo maombi yangu kama mbunge wa eneo hili, na pia nikiwa mshahidi ya yale ambayo yanazungumzwa leo na wakina mama, na wazee hawa na vijana wenzangu, ni kwamba tafadhali mnaporudi katika uchambuzi wenu wa kuangalia yale yaliyozungumza mtatue matatizo mengi ya Pwani.

Kama mutazingatia hata memorandum hizi ambazo mumeapatiwa na ndugu zetu kutoka Kisauni na wazee ambao wamewaeleza sana katika dini ya Kiislamu na sheria zake, na pia katika historia ya kipwani. Ni ukweli hasa tunawaambia nyinyi ndugu zetu mnaotoka bara. Ni ukweli kabisa kwamba Coast province haikuwa Kenya, hiyo ni ukweli (clapping) na mumejaribu kama mbunge mmoja katika Pwani kueleza hii ugeni na nimejaribu kuisistiza na nimejaribu kutetea. Lakini ni vizuri kwamba mumejuja na mumesikia kutoka kwa wazee ambao wamezidi umri, kwamba Kenya ikipata uhuru sisi tulikuwa hatuko Kenya. Na hata tulipokuwa tumeridishwa Kenya sitini na nne bado kunaendelea kubaguliwa ni kusema ya kwamba sheria zile za Kenya zilizoundwa za serikali ya Kenya haziambatani na sisi na wala hazilingani na malengo yetu na maoni yetu mpaka leo.

Ndiyo unaona mpaka leo, registration officer yeyote anayetoa vitambulisho atamwita mtu yeyote mweupe hapa mwarabu. Leo mumejipata ushahidi hawa si waarabu, waarabu hapa sisi wenyewe tunawajua ni wachache hata tukiwahesabu hawafiki elfu moja au mbili, lakini hao ni ndugu zetu. Lakini tuna mbari zetu, tuna kabila zetu nasena hivyo kwa uchungu kwa sababu, kama mbunge wa eneo hili nimehusika mara nyingi kutetea maswala ambao nyinyi watu wa katiba lazima mjue. Nitatoa mfano kama juji watu watano waliposhikwa home town ili kudhibitisha kwamba, Amerika unatambua kwamba kuna terrorism na inaanza Mombasa. Tukashikiwa vijana wetu kama si kwenda kumtisha Commissioner of police kwamba mnapopeleka vijana hawa Amerika tutafanya fujo hapa Fort Jesus kwa kuwaangamiza wazungu wakaogopa vijana hawa wangepeleka Amerika wangukuwa na uzito wanaumia sasa. Na ni kwa sababu ya kuitwa ati hawa ni Waarabu.

Kwa hivyo tutilieni maanani sana yale yanayozungumzwa siku ya leo kwa sababu yametulia uchungu, tabia zetu sisi hatupendi watoto wetu washikwe na kuwekwa ndani wakati wowote. Mama anaweza kuuza lesa zake zote na dhahabu zake kwa mtoto wake aliyeko ndani. Hiyo ni culture, our own culture. Culture yetu sisi si watu wa kusumbuliwa sisi ndio tulianzisha uswahili na

waswahili ni wastaarabu. Mstaarabu ni yule anayeketi kwa nyumba na anakula chakula na asumbuliwi na mtu yeyote, na tumeishi na makabila mbali mbali. We have a very long history of very many years.

Kwa hivyo katiba ya Kenya ikifika Pwani iangalie yale yanayozungumzwa hawa, na mimi kama mbunge wao nina bahati kubwa bunge liliporudia tena kuwachagua wabunge watakao keti kwa kamati ambayo mnajua inaongoza mambo haya mimi ni mmojawapo na nitapiga kelele sana wakati mtaona ninawacha memorandum. Nitakuwa kule ndali kule kwa Raila. Bwana Lumumba, niko am a member there you are aware of that. I will shout if these memoranda are not put to you know into considerations. Basi kwa hayo machache kwa sababu nitakuwa Mlaleo nawapa nafasi muendeleo mpige kelele na msiope vijana wenzangu say kwa sababu hawa wazee walianza kama nyinyi na sasa mambo hayo yamekwisha. Mtaachia vijana kama Stambuli, Bwana Omari to articulate what you are talking about. Sio museme kama historia kama ulisoma shule, na nina amini kwa sababu Kisauni has been called for to do anything for the Coastals. Kama ni I.P.K ilianza hapa hapa, kama ni Kayabombo ilianza hapa hapa. Kwa hivyo tukisema sisi tunasema we can do it. Kwa hivyo, just listen to these people, help them and understand them. And we are very happy and we are very proud of our own parents ambao wametuheshimu kama vijana na kutupa historia hizi na makaratasi yale ambayo yamekuja hapa. Asanteni (clapping).

**Com. Mosonik:** Asante mheshimiwa. Sasa tumsikize Loice Kitunyo. Na women ....(inaudible).....

**Interjection:** Yes

**Com. Mosonik:** Kitongwa na itaje jina

**Interjection:** Grace Gitonyi yuko?

**Com. Mosonik:** Grace

**Interjection:** .....(inaudible).....

**Com. Mosonik:** Grace yupo? Hayuko. Okay Mohammed Shalli Wakewa (MCEG)

**Mr. Mohammed Shalli:** (Arabic greetings) Bwana chairman, kama nilivyokueleza mimi nilikuwa nizungumze kuhusu chama cha MAWESO, Makadara Welfare Society. Lakini kwa bahati mbaya Mohammed Shalli na mimi ni chairman wa MAWESO. Ilikuwa nizungumze kuhusu maoni ya MAWESO lakini kwa bahati mbaya memorandum yetu haijawa tayari. Vile vile mimi acting co-ordinator wa Pension Welfare Group ambayo nilifanyiwa kama PEWA hapa Mombasa.

Kwa hivyo kwa sasa nitatoa zile highlights za PEWA – Pension Welfare Association group. Bwana Chairman ni jambo la

kusikitisha sana kuona kuwa karibu maoni yote yaliyotolewa mambo ya watu ambao wamestaafu hayajawekwa katika katiba. Nasema ni jambo la kusikitisha kwa sababu wazee hawa ambao wamestaafu waliofanya kazi miaka mingi leo tunaona kuwa pension ambayo iliwekwa na mkoloni ndiyo pension inayoendelea mpaka labda miaka mitatu ya nyuma, pension ile ndio ikaweza kufanyiwa review.

Kwa hivyo twapenda kuambia commission kuwa PEWA inatoa mapendekezo, iwekwe kikatiba, kimsingi kwa kila baada ya miaka miwili kuweko na authority ya kuweza kufanya review ya ile pension ndiyo authority hii itakuwa na nguvu ya parliament, isiwe na nguvu ya President ambaye atafanya vile atakavyo yeye. Vile vile PEWA yasema, kuwa kile kifungu ambacho kimewekwa cha kuwa pensioner akifa pension inalipwa kwa yule mjane kwa miakao mitano peke yake, kifungu hiki kikatiba kiondolewe na yule mjane ambaye ana haki ya ile pension ya mumewe, aendelee kupata ile pension mpaka afe kama ambavyo angepata yule mumewe (clapping).

Twasema vile vile ile restriction iliyowekwa kusema kuwa mjane ikiwa ataolewa kabla ya miaka mitano pension yake inazuuliwa kwa sababu ameolewa, section hii iondolewe. Kwa sababu mara nyingi hii inamfanya mjane kuchagua baina ya kuolewa na kupokea pesa. Na ikiwa atachagua kupokea pesa awe hataolewa ufisadi huenda ukawa mwingi. Hilo ni jambo ambalo lilitaniwa (clapping). Kwa mila za kiasia hakuna kitu kama kusema mjane akae asiwe, hakujaifanyika kitu kama hiki. Kwa hivyo hii sheria ambayo imeletwa tutasema iondolewe, mjane apate pension yake zaidi ya miaka mitano mpake afe whether ameolewa au hakuolewa.

Na katika kurudia mambo haya ya pension PEWA yasema, kwamba ile sheria iliyowekwa ya kusema kuwa pension inafanywa hesabu mpaka two-thirds ya mshahara ndiyo limit, section hii iondolewe na ile pension iwe italipwa kulingana na msahara wa mwisho na miaka bila ya kuweka two-thirds kuwa ndiyo limit.

Ikija kwa habari ya sheria, PEWA yasema kwamba kuna sheria moja ambayo uwezo huu amepewa Attorney General inawaudhi sana watu wengi. Nao ni uwezo wa Attorney General inawaudhi sana watu wengi. Nao ni uwezo wa Attorney General kuweza kusimamisha kesi wakati wowote kwa sababu ya kusema ya interest ya state. Mara nyingi tumeona Attorney General ametumia vibaya kifungu hiki kwa kuweza kuwasaidia watu ambao wameletwa ufisadi katika Kenya lakini ni watu ambao serikali haitaka waadhibiwe. All of a sudden, ghafla Attorney General akaingia katikati ya kesi akiizuia kesi ile. PEWA yasema kifungu kama hiki kiondolewe.

Na upande wa wananchi PEWA inatoa mapendekezo ya kusema mtu yeyote mwenye kuzaliwa Kenya, au nje ya Kenya na ikiwa mmoja tu katika wazazi wake ni mwanakenya basi awe yeye automatically yeye ni mkenya vile vile. Si lazima azaliwe Kenya hata akizaliwa nje ya Kenya sharti ni kuwa mmoja katika wazazi wake awe ni mwanakenya na yeye lazima awe ni mkenya automatically. Vile vile PEWA yasema ikiwa mtu au bibi ataolewa na mgeni, mwanamke ameolewa na mume ambaye si mwanakenya mtoto yule akizaliwa, basi awe ni mwanakenya kwa sababu ya uwezo wa mmoja katika wale wazazi wake ambao hii mara nyingi haifikiriwi.

Na upande wa ardhi PEWA yasema ule uwezo uliopewa serikali, wa kuweza kuchukua ardhi ya mtu kisha wakasema ni for public utility wakamlipa ridhaa kidogo, uwezo huu uondolewe kwa sababu utakua unapingana na ule uwezo wa mwanakenya kwenda kumiliki ardhi au chochote hapa Kenya. Tumeona mara nyingi kitu ambacho chaitwa compensation, huwa hakitoshi hata kidogo, ni kitu ambacho kinafanya kinakuwa determined na serikali na tulisema serikali huwa kinafanywa na watu binafsi watu fulani. Hawa hufanya hesbu yao kulingana na interest yao wala si kulingana na yule mwenye ardhi. Kwa hiyo twatoa mapendekezo kuwa kitu kama ku acquire land for public utility, mambo haya yasiweko katika katiba yetu itakayokuja.

Tukija upande mmoja ambao wanasumbua sana watu ni upande wa identity cards. Sisi twasema twatoa mapendekezo kuwa, kuweko kitu ambacho nawahakikishia hivi sasa ni kuwa kamati hizi ambazo ziko za-campaign-niwa na D.C. hata P.C. hazitambuliwi pengine. Kwa hiyo hazina legal backing yoyote huwezi kuzi challenge kotini, ndiyo ukasema kuwa katika katiba hii ambayo itakuweko, kuweko na kifungu ichambue kamati za wazee, kuwa zina authority ya kuweza kusema huyu ni mwananchi na apewe I.D. bila ya kupelekwa Nairobi kuenda kuchuguzwa tena. Hoja yetu hapa ni kuwa, ikiwa wazee wa pahali fulani iwe ni Eldoret, Kisumu, Kakamega au Mombasa, ikiwa wazee wa area fulani wameweza kutambua kuwa huyu ni mtu wa Kisumu vipi watu wa Nairobi wataweza kusema mtu huyu si wa Kisumu. Mambo haya sana ukiyapeleleza utaona yafanywa hapa Coast. Sisi tumeishi bara miaka mingi lakini hatukuona matatizo haya. Matatizo haya yako hapa kwetu wa maalum, wa kabila maalum. Kwa hiyo tunaambia kamati hii, tunaambia hii commission ili kuweko na wazee, elders ambao watatambuliwa kikamati, ki constitution, kikatiba, watakua na legal backing ambayo haiwezi kuwa overuled na mtu mwingine yeyote. kwa maneno haya namalizia maneno ya PEWA, lakini namwambia bwana chairman huenda pengine nikaomba nafasi kuleta maoni ya MAWESO (Arabic dialect, clapping).

**Com. Mosonik:** ....(inaudible)....ile memorandum ingine ikiwa tayari. N. A. Sheikh.

**Mr. Sheikh:** (Arabic greeting) ma commissioners, wazee nduguu zangu, mabibi na mabwana, ningomba hii katiba kwanza ambayo itabuniwa mpya, izingatie kuwa tuna matatizo ya kidini katika Kenya, tuna tatizo la kikabila, tuna tatizo la urangi, tuna tatizo la kimasoni. Serikali iliyoko sasa yaenda kidini halafu inakwenda kikabila halafu inakwenda kirangi na inakwenda kimasoni. Kwa hivyo katiba inayokuja, iweze kuzingatia jambo hili na kulirekebisha. Kuna umasomi ndani ya serikali ya Kenya ya sasa, kwa sababu katiba iliyoko imetoa nafasi kwa serikali iendeshwe kimasoni.

Pili tatizo lilioko ni kuwa tumemuchukuwa mwanadamu tukamfanya sawa na Mungu akawa yeye yuko juu ya sheria na ndio laana tulionayo katika nchi hii yetu sasa. Kwa hivyo hili liondeshwe mwandamu atambuliwe kama mwanadamu tu na Mungu ni Mungu.

La tatu, naomba hii katiba iwe na zero tolerance kwa corruption. Zero tolerance kama ilivo Botswana, ukifika airport limeandikwa wazi, "In this country we have zero tolerance for corruption." Shauri yako sasa ukiingia ndani huko ukifanya mambo ya rushwa. La tatu iwe na zero tolerance on drug trafficking and abuse. Kwa sababu hii ni bara ambalo yatufika sisi watu wa Pwani tunataka kuweka wazi watu wa Pwani si waiislamu peke yao wataka mkizungumza juu ya waislamu na watu wa

Pwani. Sisi tunaomba kwamba tumebuniwa ubaguzi katika hii nchi. Pili kuna ukoloni katika land ownership. Ukoloni, tunaambiwa sheria zilizoko sasa kwa mkenya anamiliki ardhi mpaka futi fulani tu. Baada ya hapo ni mali ya serikali. Nauliza serikali ni mnyama gani ukiwa sis nyinyi. Kwa hivyo liondoshwe mkenya apewe uhuru hatujakuwa huru mpaka sasa ndani ya Kenya, tumetawaliwa na wakoloni from London by remote control through the laws of Kenya. Kwa hiyo tupate uhuru kwenye katiba mpya. Mkenya iwe ardhi ni yake kuanzia juu mpaka Mungu alipoumba ikitoka petrol yake, ikitoka dhahabu ni yake, ikitoka almasi ni yake, kile kinachotoka hata kama ni jini pia ni lake. (laughing and clapping).

Twazungumzia juu ya citizenship tena ukoloni mwingine hapa kwa watu wa Pwani na waislamu. Na wa support waliotangulia kusema kuwa citizenship is automatic, ukizaliwa Kenya baba, mama ni mkenya au baba mama ni mkenya, wewe ni mkenya. Una haki ya kupewa birth certificate siku hiyo na upewe na passport unapofika miaka kumi na nane bila ya kuulizwa Abdala wala John wala Muriuki wala Njoroge wala Punge. Upewe vitambulisho vyako kama mkenya ukijulikana tu kuwe na statistics hawa vijana tarehe kumi na mbili mwezi August miaka kumi na nane passport zao zitumwe tu. Hakuna tena habari ya kuombana sababu tuombane. Sababu kuombana sis watu wa Pwani ni koloni tumetawaliwa kwanza na Mreno, kisha akaja Muotomani, kisha akaja Mwarabu, Muomani, kisha akaja Mwingereza, akatutawala Mwarabu, Muomani na Mwingereza pamoja sasa wamekuja ndugu zetu kutoka bara watutawala. Tumekataa kutawaliwa katika katiba mpya.

Kisha nasema hii ni jambo halitakiwi kuzungumuzwa wale wanaoiba zile pesa ambazo zingine ziko Switzerland, London, U.S.A. wamekaa wanapeleka Pajero hapa, hawazijui uchungi wake na majumba makubwa makubwa, hawa ni lazima kuundwe board ya kuwachunguza na kuhakikisha kuwa hizi pesa zimerudishwa na wafungwe kwa wizi. Hatuwezi kuwa nchi waachaji Mungu wakati tunawaacha wezi wazunguka ovyo ovyo ndani ya barabara yetu na wanavuta hewa yetu. Kama nilivyozungumza na Director of Budget siku moja nilikuwa naye Kisumu kule asema yasikitisha kuwa katika Kenyani nchi ya peke yake kuna watu wana mali ambayo hawakuifanyia kazi, hawajui namna ya ku invest. Sasa itakuwa withdrawn from the economy, hakuna injection. Kwa hivyo hili jambo la hizi fedha zifuatiliwe kwa sababu tunapewa lecture nyingi na IMF, World Bank na serikali za Europe wana pesa zetu zimekaa lakini hodari wako kwa meza hii, wezi, ni ufidadi. Sisi wafidadi pesa ziko kwako si urudishe basi. Halafu pesa zile zile tunakopeshwa kama wajinga, tunaambiwa mara bwana mutafanya hivi A B C D pesa zetu wenyewe. Ukoloni tunakoloniwa na tunajikoloni.

Jambo la zaidi ni kuhusu elimu. Mimi ninataka ma commissioners nyinyi mna wavivu wa kupata statistics. Kuanzia 1963 mpaka leo mtuambie watu wa Pwani wangapi wame graduate kutoka universities hapa vis-à-viz watu wa bara. Very simple wangapi architects especially these three departments, Engineering, Architectural na Journalism. Kwa nini tunabaguliwa? How many Coastal an mostly engineers are registered under the professional body of Association Engineers, Architects of Kenya and Journalists kama huyu Bwana hapa? Ni waislamu wangapi na watu wa Pwani wangapi? Angalieni ubaguzi tunafanyiwa watu wa Pwani. Watoe statistics tunaomba wana nguvu hakuna tunafanyiwa kusudi tuwe mazembe, wajinga tunapotaka neno ya majimbo, hatuna engineers, hatuna architects, hatuna hata waandishi wa habari wa kuandika habari zetu. Na katika Public University, what is the representative proportion of percentages of our up-country brothers vis-a-viz Muslims and the Coastal

people, even now as am talking.

Sisi tumetawaliwa, kama ingekuwa tumejitawala statistics could be in our favour. Huko ndio kutawaliwa. Kuletewa P.C. mkikuyu, mkalenjin au mkamba ni kutawaliwa, sio kujitawala. D.C. hivyo hivyo, O.C.S. hapa wa central imetawaliwa huna uhuru wewe. Hujakuwa na uhuru, kwa hiyo katiba mpya ituweke huru. Kwa sababu ya huu ubaguzi namuunga mkono yule ndugu yangu amesema lazima tuwe na Extensive Bill of Rights. Kwa sababu ni bahati mbaya the minority rights have to be protected. The rights of the minorities have to be protected na majority hapa Kenya yaenda sampuli mbili au tatu, majority ya kikanisa, majority ya kikabila, majority ya kirangi. Haya mambo yaonduke, katiba iondoshe uchafu huu. Kanisa na serikali imekuwa sambamba sasa. Serikali ni kanisa, kanisa ni serikali kwa sababu ya nini mipango ya kimasoni ya kutaka kuumaliza uislamu.

**Interjection:** Ni ya ukweli bwana.

**Mr. Sheikh:** Ndiyo unakuta risara hii haina mtu hata mmoja mwenye passport ya Kenya lakini lina nguvu kushinda sisi waislamu wote Kenya nzima. Kwa hiyo nchi yoyote ambayo inanyanyasa wananchi wa Kenya hata kidogo, ubalozi wake ufungwe, hatuna haja sisi na uhusiano na nchi kama hiyo kamwe. Sisi ni kwetu hapa Uisraeli is kwao hapa. Kwa nini yeye ana haki zaidi kuliko sisi kwa mara ya kwanza katiba hii impe Mkenya haki na uhuru. Hatuna uhuru tusidanganyane. Twataka uhuru wa dini hapa ma sheikh wamezungumza, uhuru wa dini ni kuwa Korani, ni kukumu, ni sheria, ni constitution, tunataka ituhukumu, twataka sheria, twaogopa nini. Tunataka sheria, law nikiiba nikatwe mkono, ikiwa mimi ni mfisadi, Korani yasema mkate mkono wa kulia na mguu wa kushoto ama mkono wa kushoto na mguu wa kulia. Ingekuwa mtu anakatwa namna hiyo tungekuwa na ufiada hapa Kenya?

**Audience:** La

**Mr. Sheikh:** Sheria ya Mungu ndiyo sheria, sio ya binadamu. Tumekaa hapa tumeheshimu, nataka niwaeleze Bwana ma commissioner. Sisi waislamu na watu wa Pwani ni democrats na awe not supposed to sit when we talk about the constitution you are supposed to adopt that Koran as our constitution, but we have agreed to sit here because we are democrats (clapping). Twataka majimbo tumechoka kutawaliwa, twataka majimbo (clapping). Constitution mpya intergrate majimbo in whatever form. Kuna wengine kina Kibaki wasema is expensive, how come it is expensive. The P.C. system is more expensive to us than majimbo system (Clapping). Kisha hii broadcasting station ya kikristo ifungwe. K.B.C. iwe broadcasting station ya Kenyans for dissemination of education to Kenyans and social welfare of Kenyans because K.B.C is an extension of church organisations of the churches of Kenya. We are Kenyans we demand our rights. Hii ni haki yetu, kwa hivyo K.B.C iwe national broadcasting station na isituletee vipindi vya sijui asali, sijui tausi, kuonyesha mkristo analala na mwislamu, mwislamu na mkristo kwa hivyo ni sawa. Dini yetu haikubali hiyo. That sensitivity must be taken into consideration. It has done a lot of damage we accept and it was done deliberately to damage our society. They have achieved that but now it must stop.



Hii constitution kuna mtu huishika baba zero, baba wapi naapa kui-protect, sijui nini akata wawe President wa Kenya kisha akaiweka chini akaikanyaga. There must be clauses within the constitution to protect the constitution of the person if any persons swears to protect their constitution then abuses it then he must be sentenced to life imprisonment (clapping). He must be impeached by the parliament and taken to court, charged and sentenced to life imprisonment. Never again should we have a situation we have been having for the last 37 years of internal colonialism. Twataka serikali Bwana commissioner, sio kuwa na dini tumechoka na hii serikali ya miaka thelathini na saba iliyokuwa na dini ya ukristo. Tusidanganyane tunazijua njama zenu zote (clapping). Hakuna kitu mtatufundisha tumesoma kama nyinyi tunavuta hewa ya Mwenyezi Mungu kama nyinyi tumeumbwa na Mungu huyo huyo. Kisha President a serve term mbili aende zake nyumbani. Hakuna zaidi ya term mbili na President na Vice President lazima wachaguliwe na watu sio five provinces with 25% which is a way of rigging (clapping).

**Interjection:** Asante

**Mr. Sheikh:** It is colonial legal system of Provincial Administration, a more African system must be implemented. Ni ukoloni kuletewa mtu kutoka Nanyuki kuja kukutawala wewe ni ukoloni yataka ujue huu ni ukoloni. Kwa hivyo more African system must be found which means that watu wenyewe pale kutoke P.C, D.C, OCPD, kwani kuna nini sisi ni colony ya mtu? Kwa nini hatuwezi kujitawala wenyewe? Are we anybody's colony? Kwa nini tuletewe mkikuyu aje atutawale hapa, kama hizi ni njama zinazofanywa sasa za kutaka kumfanya Uhuru lazima awe President. Uhuru kijana tu hajui hata siasa afadhali Mwahima anajua siasa zaidi (clapping and laughing).

**Com. Mosonik:** Fanya maoni sio siasa. Sio kuwataja watu binafsi na tafadhali umalize kwa ajili kuhusu OCS isigusie ulikuwa umesemwa, hatutaki Wakikuyu, Kalenjin huo ni ukoloni, kwa hivyo ulikuwa unasema...

**Mr. Sheikh:** Hatutaki ukoloni. Nimekataa. The constitution must clearly state the minimum percentage of voter turnout, that renders legitimacy to any election.

**Com. Mosonik:** Twende election.

**Mr. Sheikh:** This is because the world over the walls of democracy is muzzled, when more people stay at home during elections than those that vote. The fact that more people stay at home...(inaudible)...rather than vote democratically, speaks volumes and this act of theirs could easily be a vote of protest and a vote of no confidence in the particular election this must be taken into consideration. Na kuna mengine mengi nitayasoma nyinyi wenyewe naona mtatufukuza (laughing).

**Com. Mosonik:** Asante sana na Abdul Hammed Ibrahim.

**Mr. Hammed:** Mr. Chairman, members of the commission, brothers and sisters Salaam aleikum, I am before you as an

individual representing my personal views on the present constitution and the future constitution. In the present constitution...

**Com. Mosonik:** Please mention your name again so that it goes to the...

**Mr. Hammed:** I beg your pardon, my name is Abdul Hammed Ibrahim Sheikh Ahmed Baksh. I hail from Old Town Mombasa, and my views are on the Executive, the Judiciary and Parliament. If people could remember some years back we had prior to or in the beginning of 70s, there was the Supreme Court of Kenya that went away and there was a question of Executive. Everything is being addressed here about the Executive having more powers subsiding the so-called the independent judiciary as well as parliament. My predecessors here I would agree in total, to what they have said is very weighty and in...(inaudible)... and it should be taken into consideration. What the future constitution should contain in my view, because of this past 37 years we have seen how the present constitution being abused to fit their ways. It would be improper Mr. Chairman, that this nation as the Republic of Kenya containing different ethnic tribes that the President...

**Com. Mosonik:** Tafadhali upande ule nyuma kuna mama..

**Mr. Hammed:** That the President should hold the office for a term of ten years, i.e. two terms and it should rotate on regional basis. No particular tribe should be allowed to continuously hold that office for ever and ever. In simple terms there should be no continuity of the Presidency as this is not a Kingdom. Local government, for the past 37years we have seen no development at all. We should borrow a leaf from other foreign countries such as Britain or Switzerland where there are Boroughs, there are City Councils, Town Councils and in these 37 years past we've seen no such development here though Mombasa has now been made a city. So what my views that Mr. Chairman it should contain the direct election of mayor to all the terms of five years, and the office bearers should have free hands to do the administration work of the local authorities, and the members so called the councillors representing certain Wards should consider themselves as representatives of that particular Ward and who should hail from that area as well they should be property owners of that area, they should either hold business in that area so that, they will have the proper way of representation of that particular area.

The last two councillors particularly here in Mombasa they have amassed a lot of property by just saying that they are elected leaders and they should be rewarded. By taking a number of properties which were meant for a certain usage which is wrong. They are other lines here in Mombasa which were donated either by our forefathers, ancestors for the purpose of certain usage they have been excised and rewarded to political correct councillors and have enriched themselves.

Mr. Chairman I would totally agree with what has been said by my predecessors specifically, Sheikh Mohammed Dor, Stabul Abdullah Nassir, Sheikh Ali Abdallah, Ali El-Maaway and I would here add that this country needs an office of a watchdog known as ombudsman. That particular office should take care of all the grievances of the people from grassroot level that is district, provincial as local and village level.

Mr. Chairman I think most has been said I don't have much to add and for that I thank you Salaam aleikum.

**Com. Mosonik:** Thank you very much. We would like to hear....(inaudible)...Rashid or the Friends of Women Group.

**Interjection:** She is coming.

**Com. Mosonik:** Umepeana memorandum kwa hivyo hautaki kusema. Say something kidogo in the microphone to say you presented the memorandum on behalf of the Friends of Women Group.

**Ms. Rashid:** Salaam aleikum

**Audience:** Aleikum salaam.

**Ms. Rashid:** Ndugu zangu nyote, baba zangu, watoto wetu, mama zangu, nafikiri sote tumekuja hapa kutoa. Mimi nimetoa memorandum yangu kwa niaba ya Friends of Women Group na mengi yamesemwa lakini ningependa kuongezea.

Sisi wanawake wa Kiislamu tunadharauliwa sana hatutambuliki, tunafanywa kama hatukusoma ama hatuna elimu yoyote. Watoto wetu, ndugu zetu wamesomeshwa kama watoto wengine lakini zikifika nafasi ya kwenda na kuendelea na masomo nafasi zile zikujulikana ni majina ya Kiislamu huwa hatupewi nafasi twatujwa. Tena kuna ubaguzi mkubwa sana kama ilivyosemekana na wengi wamesema, kuhusu identity card, birth certificate, passport, tunapata shida sana sisi waislamu. Tunafanywa kama si wakenya ama hatukuzaliwa Kenya yaani tukienda tunaulizwa mpaka vitambulisho na birth certificate za baba na mababu. Wao wakiulizwa watazitoa? Wao wanapata document kwa baptism tu. Wakileta zile wanaaminiwa kuna tofauti gani? Na sisi ni wakenya vile vile.

Na tukija juu ya kisiasa hapa kwetu Coast tunalaliwa tunaonekana kama si wanasiasa sisi wala hatuwezi kusimamia viti vya bunge wala vya councilor wanakuja watu kwa juu na sisi masikini tunafuata kama watu gani sijui mambwa. Yaani kama hakuna mtu ambaye amezaliwa hapa Mombasa aweza kukisimami kiti kile. Na sasa tunasema twataka wale wale waliozaliwa hapa kwetu ndio wasimamie viti hivyo. Sio watu wa kuja kwa juu kwa wake na waume.

**Interjection:** Yaah

**Ms. Rashid:** Na kuhusu kazi nafasi za kwanza za kazi tuonekaniwe sisi tuliozaliwa hapa. Kuna nafasi nyingi sio Coast peke yake. Ofisi za serikali, ofisi nyingine zote ambazo zinahusika hapa Coast zipatie watu wa Coast nafasi zile. Na masomo tunahimiza serikali itambue kua lazima ni juhudi zao kuchukua, kusomesha mtoto wa kike na wa kiume. Na zikija zile scholarship sio ziende juu tu, tunakubali tumechagua wabunge, tumechagua nini lakini nafikiri hawapewi nafasi zile za kuonyeshwa zile scholarship zinaingia vipi, wanazichukua wamezirusha wenyewe kwa wenyewe.

Na faida unayoingia hapa kwetu sio upelekwe kwingine kokote. Faida ile ihusishwe hapa Coast province kwanza. Ikitosheleza halafu ni sisi wenyewe tujue tutafanya nini. Hapa mnaita watu ni ma-squatters. Sisi hatujui kama kuna squatters Mombasa, I mean Coast province yote hatuna squatters. Kutoka walipoingia hawa watu wanaokuja na kuiba viwanja na kuchukua ma-plot ndio ma-squatters, wamezidi kwetu hapa Mombasa. Kwa hivyo naomba serikali na tume hii ichukue hatua kuwa isiwepo grabbing wapewe wasiojiweza viwanja vile.

Kuhusu mahospitali, lazima hospitali za akina mama zitazamwe kwa sababu tunaambiwa tukifika Lady Grigg Hospital unasikitika kuona kina mama wanalala watatu watatu, hakuna mashiti, maji ya moto, dawa unanunua. Umaskini huu utaondolewa vipi kwa wasiojiweza? Skuli ziongezwe, more Secondary schools tunazitaka kwa sababu tunataka walimu wenye qualifications za kutosha kuja kutosomeshea watoto wetu. Kwa sababu mtoto ana pasi lakini hana nafasi za kuendelea mbele uchache wa skuli. Na skuli zifanywe bure kuanzia nursery mpaka standard eight. Kwa hapo zaidi mtaona kwenye memorandum yangu. Asanteni (clapping).

**Com. Mosonik:** Asante. Shuluna kwa niaba yake binafsi.

**Interjection:** Shuluna

**Com. Mosonik:** Okay, Yuko? Shuluna ama. Yeye yupo?

**Ms. Shuluna:** (Arabic greeting). Nawaomba mababa zangu, mama zangu, ndugu zangu, waume kwa wake mulioko hapa kwenye katiba hii. Sina mengi ni kidogo tu ya kusema. Tumenyanaswa siku nyingi na tumefanywa watu wa chini kabisa. Tumekuwa dhaifu lakini lazima tusimame. (Arabic dialect).

**Com. Mosonik:** Nafikiri itawkuwa mwisho wa kutoa maoni. There is a break for rest lunch halafu turudi tena...(inaudible)...

**Ms. Shuluna:** Mimi kama mama ninayesimamia mambo ya madrasa kwa hakika twataka tuwe na University yetu wenyewe ya hapa Kenya, maanake ukiangalia katika miji yote Kenya inaendelea mbele kwa kisomo, kwa elimu, hiyo ni muhimu. Na tunaambiwa elimu ni ya dunia na ya kesho (Arabic). Natutaulizwa maanake hatauliza Rais wala mbunge wala waziri ataulizwa mama na baba (Arabic dialect) maanake tutakwenda ulizwa kesho tumewapa nini watoto, tumewafunza nini leo tukae nyuma kabisa twanyanyaswa na tumelala basi twaomba katiba itusimamie imara na haya mambo yawe sawa. Maanake sisi wenyewe twajihusudu wenyewe kwa wenyewe nafsi zetu.

Basi yaliyopita yapelekwe nyuma tuangalie (Arabic dialect) njia iliyonyoka, njia sahihi ya Mwenyezi Mungu na Mungu yuko na sisi. Kama aliyosema habari ya hospitali, mimi mwenyewe nimezunguka Coast General, kuna wengine hawana uwezo wa kulipa

hizo pesa wanazoambiwa, madawa ukanunue sasa unabakia unakaa ukiwa iko hospitali, ambayo tuseme tumefanya sisi wenyewe kwa njia ya TB, typhoid huo ugonjwa uliyoingia tukisimamia tutaweza kuwafundisha watoto wetu wana shahada zao lakini hawapati kazi.

Na jambo jingine juu ya hii makadara iliambiwa kitambo ina ufisadi mkubwa baba zangu, ndugu zangu tuiondoe tuifanye kwa nidhamu na kama inavyotakiwa Arabuni watu wako na nidhamu leo ufisadi wote uko kwa makadara uko kwenye bembea na machafu yote. Jingine ni juu ya watoto wetu tuliooza na wengine, leo mtoto wa kiume ataacha mkewe na wanawe watatu, wanne aenda kwenye disco astarehe na mtu mwingine afanya mambo machafu yasiokuwa na maana tumuchukulie hatua tuwape hatua kali, maanake yule ni mkewe wa halali amebakia mke angalia viambaza amefanya nyaswa kwa mababa zetu.

Lazima tuiangalie haya na jingine, watu wanavaa mabuibui, watutukanisha sisi maanake samaki moja akioza kisha wengine huoza wote. Sasa yule anayepatikana na hatia atiwe adabu ya sawa kwa sheria ya kidini ya kiislamu. Mimi sina mengi lakini ninasema ni haya kwa ufupo kwa ajili ya katiba mpya, tutee uma wote maanake sote tunaumbwa na Adam na Hawa, hatuchagui kabila Kenya yote mweupe, mweusi sote tunaumbwa pamoja basi hapa nilipofika ni hiki. Akina mama wawe na mambo yao na kila kitu chao sio kunyanyaswa (Arabic dialect).

**(CKRC Secretary):** Basi tutarudi saa nane kamili tafadhalini. Asanteni.

**Com. Mosonik:** Ali Suleiman. Nani hayuko hapa ambaye alikuwa amejiandikisha. May be you can tell us a little bit.

**Interjection:** Al-awy

**Com. Mosonik:** Al-awy...(Inaudible)...Nitamuomba mwenzangu Commissioner Ahmed Issa Hassan aendeshe mkutano huu saa hii.

**Com. Hassan:** Allowe me a thing. Gicheho.

**Mr. Gicheho:** Salaam aleikum. Nawashukuru ma commissioner wetu ambao wako hapa na wazee wangu ndugu zangu. Na nitachukua fursa hii kutoa maoni yangu kuhusu katiba yetu mpya itakayokuja. Jambo la kwanza ambalo ningependa kutaja ni kwamba nataka katiba yetu mpya itambue makabila ya waswahili. Upto now the Swahili tribes and Sub-tribes have not been recognised by the Kenya law or the Registrar of Persons and the Immigration Department.

Jambo la pili nataka maji the provision of water should be declared as a constitutional right. Kupatikana kwa maji iwe ni haki ya lazima. Nataka pia watu, those who have abused public office should not be allowed to occupy any office again. Watu hawa ambao wametumia madaraka yao vibaya wasiruhusiwe tena.

Jambo la nne, ningependa constitution ilazimishe iwezeshe serikali au vyombo vya serikali kuweza kuchukua mali zilizoibiwa za uma kama ambavyo imefanyika Nigeria. The late Abacha property of five million dollars zimeweza kurudishwa kwa wananchi wa Nigeria. Tunataka mambo kama haya yaweze kufanyika nchini Kenya, pia bila ya makesi marefu yasiyokwisha.

Jambo jingine ambalo ningependa kutaja ni kuhusu development, planning ya nchi hii. Baada ya kuwa na mfumo ambao tunao sasa, maendeleo yanapangwa Nairobi kuletea watu huku chini. Wale wanaopanga kule Nairobi hata hawajui kitu gani kinaendelea katika mashina, tunataka maendeleo bottoms up. Wananchi waseme wenyewe wanataka maendeleo gani, people centred development. Kwa hivyo katiba itilie nguvu kwamba maendeleo ni wananchi wa eneo lile, waseme wanataka nini, kuliko kujengewa majumba marefu marefu.

Pia katika haki za uraia that is ID na passport, tunataka the issuance of any government document to have a time limit and any rejection of any kind must be explained in writing quoting or referring to the sections of the laws. Namaanisha kama mimi nimekataliwa kitambulisho au passport au licence, nijibiwe kwa maandishi na yule mwenye kunijibu aseme kifungu alichokitumia ili kama mimi nataka kumshitaki, niweze kumshitaki kwa kutumia vibaya powers yake. Kwa shauri yanatokea sana matatizo haya katika vitambulisho na immigration, mtu anakuambia tu siwezi kukupatia kitu fulani.

The next thing is about public land. The constitution should ban the allocation of public land to individuals, no matter the size. Ardhi ya uma hata ikiwa ni kipande hata kama ni kichocho isitolewe kabisa kwa watu binafsi. Ardhi ya uma itumike kwa mambo ya uma, period.

Jambo lingine ni kwamba katiba mpya ituwezeshe kuzi recover, kuzipata tena ardhi zilizochukuliwa na walafi, zirudishiwe kwa kuweza kutumika kwa uma.

Jambo lingine napenda kutaja kwamba wake kama sisi waislamu, ikiwa mimi nina wake wanne wote wawe recognised by my employers kwa shauri ikiwa utamu-recognise moja utasema mimi nina mke mmoja tu na nina wake watatu, hiyo itakuwa ni kuwakosea wale wake zangu wengine waweze kutambuliwa na sheria.

Jambo jingine ni kuhusu Public Service Commission. Members of Public Service Commission wawe watatoka sector zote na wala wasiwe ni wafanyakazi waliostaafu wa serikali. Pia majukumo kazi za commission zielezwe vizuri kwa shauri kwa sasa ime cause powers za Public Service Commission zinatumika visivyo, kinyume cha sheria. Watu wanapeana kazi vile wanavyotaka, kuwapa hata ndugu zao kazi.

Jambo jingine nataka katiba ihakikishe kwamba matumizi ya pesa za serikali au pesa ambazo serikali imeomba kama mkopo, zitumike na matunda yake ionekane. We need to have a clear and transparent way by which the government borrows money. Lazima bunge lihusishwe katika shughuli hii ya pesa kuombwa, yaani mikopo kutoka nchi za nje na justification must be made, sio tu kwamba wenzetu wanaomba pesa na sisi tunaomba pesa hizo.

The other thing is about government tenders, ili kukomesha ufiada, tenders must be abolished for they are the source of corruption in this country. Mtu, kitu cha shilingi tano atasema hichi shilingi hamsini kwa shauri amepewa tender.

The other thing nataka kum-support ndugu yangu aliyezungumza kuhusu Kadhi's Court, kwamba tufuate mfumo wa Nigerian Constitution. The Nigerian Constitution katika section 114 I believe, if a Kadhi's Court uwezo sawasawa na High Court. Kwa hivyo nataka pia Kenya constitution iwape Kadhi's Court madaraka sawasawa na High Court.

The other thing is about the Local Authorities. Nataka katiba iseme kwamba Local Authority itengeze budget kila mwaka na sisi wananchi tupewe nafasi twende tukasikize budget hiyo na tuweze kutoa rai zetu.

Jambo lingine ni kuhusu leadership. Lazima kuwe na leadership code ambayo itafuatwa katika nchi hii shauri viongozi wameachiwa na sasa imekuwa hakuna mwelekeo. Nataka pia katiba ipitishwe kwamba asilimia hamsini ya uchumi, au income generated in a district ibakishwe katika wilaya hiyo, ishirini na tano ipelekwe kwa makao makuu ya province na asilimia ishirini na tano ndiyo ipelekwe kwa capital city yetu, yaani makao makuu ya serikali yetu. Na kitu kingine ambacho nataka kutaja ni kuhusu hizi certificate and licences. Kuwe kuna muda maalum ili ukimalizika huo muda kama serikali haijakupa kile kibali kama ni kitambulisho au ni passport uweze kushitaki serikali. There must be a way of redressing that situation and damages must be liable to be paid to the aggrieved person.

**Com. Hassan:** At least adjust, time is up.

**Mr. Gicheho:** Okay the other thing ambacho nataka kutaja, the constitution must recognise the diversity of faith, cultures and historical cultural values of people. Lazima katiba itambue mila na desturi za watu tofauti Kenya na kusiwe na discrimination kama ambayo inaonekana hivi sasa. Nafikiri kwa sasa nitamalizia hapo. Thank you (clapping).

**Com. Hassan:** Thank you very much bwana Al-Awy Absaid. I think you can tune for us we can start. Most of you perhaps you have something to tell me. Kuna mwingine yuko tayari. Kuna wale wamejiandikisha.

**Interjection:** ...(Inaudible)...

**Com. Hassan:** Yuko N. Sabina. Yuko hapa, na dada yangu wapi memorandum yako.

**Ms. Sabina:** Iko hapa hapa.

**Com. Hassan:** Iko Rashid Mohammed.

**Interjection:** Ameenda

**Com. Hassan:** Ali Suleiman, Abdalla, Kham Chingo

**Mr. Abdalla:** Mimi niko hapa hapa nangojea....(inaudible)....

**Com. Hassan:** Ni wewe una memorandum

**Mr. Abdalla:** Niko nayo

**Com. Hassan:** Wewe ni Kham Chingo

**Mr. Juma Hamisi:** Mimi nitachukua nafasi yake, yeye hayuko. Tunatoka mahali pamoja.

**Com. Hassan:** Mbohelu shule. Lakini utaona tena jina lako ni ile kikundi yako for the recording.

**Mr. Hamisi:** Nashukuru kwa kupata nafasi hii. Commissioner, wasaidizi wako, pamoja na wengine waliohudhuria hapa kwa wakati huu. Hii ni maoni ambayo yanatoka kwa ma-squatter wa ziwa la ngo'mbe Kisauni Vishe. Kwa majina mimi naitwa Juma Hamisi Piri. Kulingana na kijiji cha wakaahi wa ziwa la ngo'mbe walikuja na maoni kama yafuatayo. Kwanza tukianza tunaanzia na haki, katika nyanja ya siasa

- a) Tunataka serikali ya majimbo. Hiyo nafikiri waliotangulia kutoka hapo wamefafanua vya kutosha.
- b) Mtu yeyote anayetaka kupigiwa kura awe ni mkaaji wa eneo analotoka kuasilisha sehemu hiyo.
- c) Mayor yeyote wa mji achaguliwe na wananchi na sio madiwani, na awe ni mkaazi wa sehemu hiyo.
- d) Kila mbunge na diwani awe na kamati katika eneo lake itakayomfuutilizia kazi yake na pia yale aliyoahidi kutekeleza wakati wa campaign na awe na ofisi katika eneo lake.
- e) Wananchi wawe na uhuru wa kuchagua viongozi wanaowataka na wasilazimishwe kwa kuhongwa.
- f) Miswada yote katika bunge iwasilishwe kwa Speaker kwa lugha ya kiswahili na pia ijadiliwe kwa kiswahili, na hapo tunafikiria kwamba kiswahili kimechukua nafasi kubwa katika eneo letu la Afrika.
- g) Madiwani wote wawe na ofisi katika wadi zao. Hii ni kusema kwamba madiwani wengi tulionao ofisi zao ni manyumbani.
- h) Mawaziri wachaguliwe na bunge na sio rais.

Tukitoka hapo tunakuja kifungu cha pili. Haki za mahakama.

- a) Mkuu wa sheria achaguliwe na kamati ya bunge na sio Rais.
- b) Rais akifanya makosa akiwa mamlakani asiogopewe bali ashitakiwe akiwa mamlakani.
- c) Mtu yeyote mwenye deni kwa serikali asisimame kwa uchaguzi.
- d) Katiba ifundishwe mashuleni. Hii ni kusema tutakuwa na ufafanuzi mzuri wa katiba yetu inayokuja.
- e) Katiba iandikwe kwa lugha ya kueleweka na nyepesi.
- f) Ma chief wachaguliwe na wananchi.
- g) Kitabu cha katiba kiwekwe kwenye maktaba na viuzwe kwa maduka ya vitabu kwa bei nafuu.



- h) Kenya iwe na vazi la taifa la heshima. Wafungwa wa Kenya wawe na uhuru wa kupiga kura. Magereza ya Kenya yawe na uangalifu wa kiafya.
- i) Tutakuja kwa vazi la kuonyesha sehemu za siri liwe ni hatia katika serikali yetu ya Kenya hii.
- j) Wazee wa mitaa walipwe mishahara baadala ya kungojea zile pesa ambazo wanafanyia kesi na pengine mzee wa mtaa anaweza kukaa mwaka mzima akiwa bado hajashugulikia hata kesi tano.

Ninaenda kwenye kifungu cha tatu, haki za rasilimali.

- a) Rasilimali zinazopatikana katika maeneo zifaidi wakaaji wa sehemu hiyo. Hii ni kuonyesha kwamba mahali palipo na rasilimali kama hizo sio haki serikali ije kufukuza raia halafu iwe serikali inachukua rasilimali ile ama kuvamia na halafu mwananchi wa kawaida atakuwa amekosa mapato ama riziki yake pia pale pale.
- b) Rasilimali zinazopatikana katika maeneo yote zikaguliwe na serikali na zipewe haki sawa katika kutafutiwa masoko ya hapa nchini na nchi za nje, ili ziwafaidi wakenya wote.
- c) Viwanda vilivyo filisishwa vifufuliwe na serikali, na sheria ziwekwe kulinda rasilimali hizo.
- d) Ardhi ambazo zinamilikiwa na matajiri ambao hawazitumii kimaendeleo zigawiwe ma-squatter.
- e) Wafanyi biashara wa Kenya na wa kigeni walazimishwe kuweka pesa zao na benki za humu nchini kabla hawajazifirisha nje ikiwa kuna uwezekano huo wa kupeleka pesa hizo nje. Nafikiri sisi wanakenya pia tutakuwa tumesaidika hapa angalau na hali ya kiushuru kidogo kutokana na fedha hiyo.
- f) Kila mkenya mwenye umri wa miaka ishirini apewe ardhi amiliki kutoka kwa serikali atakapotuma maombi.
- g) Serikali isimamie na kulinda bei za bidhaa zote kama ilivyokuwa mbeleni.

**Com. Hassan:** Please try to summarise your time is also up.

**Mr. Hamisi:** I am very near....(inaudible)...Niko karibu sana nitamaliza.

**Com. Hassan:** Lakini imechukua karibu dakika kumi na tano. Nakuomba tafadhali jaribu ku-summarize.

**Mr. Hamisi:** Tafadhali niko karibu sana kumaliza na bado moja tu. Ya mwisho kabisa, tunasema tamaduni za wakenya zidumishwwe na kuheshimiwa, pamoja na kudhaminiwa. Hapo nimefika mwisho, na natoa shukrani kwa Bwana commissioner pamoja na wasaidizi wake, pamoja na wote mliohudhuria hapa. Asante (clapping).

**Com. Hassan:** Thank you very much, tafadhali mpigie.

**Mr. Hamisi:** I think you have that copy there.

**Com. Hassan:** Tafadhali bwana naomba wale wako na written submission zile maandishi wasisome neno kwa neno lakini wajaribu tu ku-highlight ile maneno muhimu kwa hiyo submission. So please write and just highlight. Don't read word for word.

Thank you very much.

Sasa tumuite Bwana Faridh Ali Omar.

**Mr. Omar:** Bwana Commissioner, bwana Chairman, secretary and committee, mabibi na mabwana (Arabic dialect).

**Audience:** (Arabic dialect)

**Mr. Omar:** I will try very much in my speech to bring myself to the points without having to elaborate too much. Thank you gentlemen.

Nasikitika maoni yangu ni ya kiwamu (inaudible). Kwanza kulisikia na nikasoma kwa magazeti na kila mahali na inahusu habari hii kwa katiba. Lakini wakenya hawaongea exactly ni mapendekezo gani yatakayo kuwa nayo. Wale ikiwa ni member of parliament au, ma officer wa upinzani au ni ma-lawyer wowote wanaohusika ingekuwa bora kama wali note down na wakaambia public kifungu hiki kiwe hivi hiki kiweko kiwe hivi halafu ndio wananchi waitwe wajadiliane. Ndio ukaona hapa kwasemwa maneno mengine ambayo, hayatatia uzito katika kurekebisha katiba. Lakini kama tuko na guideline na akatuambia exactly lipi lakubadilishwa walahi ingefaa na meeting hii ajabu.

Mimi na wewe tunaotoka Pwani napendelea majimbo lakini majimbo yenyewe yawe na sura za wale watu wa pale majimbo. Kama Pwani mgeni akiingia ajue yuko Pwani. Akienda kwa ofisi akiona watu wa Pwani tumejaa, akienda polisi aona watu wa Pwani tu tele. Na aendako atuona tuko sisi tumejaa. Sio majimbo halafu kama tulivyotangulia waungana wengine kusema maneno mazuri hapa kwamba kubwa ni watu ambao si wa Pwani kama immigration, court of law, customs and ports likitaka tuwe ni sisi. Ndipo pale inakuja kijana after 18 years....(inaudible)...ataka passport, ataka kitambulisho au before that ataka tengenezewa ...(inaudible)...vipaja kwenye maswala ya kipumbavu na ya kijinga, lete birth certificate ya nyanya yako. Yeye asemaye vile ya nyanyake anayo. Haya ni maonevu, ni yale ambao mabwana waliotangulia walisema juu ya siasa za kiisraeli.

Kenya tusifuate watu wa nje kuendeshwa tu na serikali, ati mzungu amesema hivi sisi tufuate. Sisi si watumwa wa wazungu hapa Coast. Na ukitaka hiyo Kenya, itwayo Kenya, mama ni hii fani over two thousand years ago life had already been established in this area ambao wakati huo hiyo upcountry ni miji-ndovu, na miji-python na miji-nyati mtupu hajaja binadamu kuishi hiyo upcountry. Huku watu wanaishi ndani ya vijumba, muenda chooni ndani ya majumba, kwa hivyo islaumiwe na tuna mama yetu Mungu alitupa, the Port. Mzazi wa Kenya, the gateway to East Africa ilikuwa. Hatuko twaletewa watu kwa Board of Directors, ambao they knew nothing about the decade, they knew nothing about marine duties na wanaingia katika committee zile wanaongoza kubwa, lao wakikaa wataongeza Port charges, mwadhani walio wenye meli ni wajinga kwa sababu hao ni matajiri basi pesa zikuwe hivi hivi hata haifaidi hao. Wana-divert, they go to Tanzania now. Ilikuwa tukipita pavu hapa that Dar-es-Salaam via Mombasa not now, I mean Mombasa via Dar-es-Salaam. By road wanachukuwa au like Coastal ship zile zichukue zilete huki. Makosa gani hayo? Wakikaa wale twatoka huko mtu aulizwe habari ya port, aja akae kwa Board of Directors. Wakikaa tupandishe handling charges lakini nao wenye meli wajinga pesa zao zaenda bure. Waitwe wale wale watu

wa Pwani wanafanya Port kazi kule waitwe katika Board of Directors and not to be new faces from up-country, we don't recognise them and we see their failures. Wame fail terribly and miserably.

**Com. Hassan:** Mzee Faridh jaribu kutoa tu mapendekezo kwa sababu ndio tukusikie vizuri vile unasema. Lakini sasa tafadhali tunataka uendelee.

**Mr. Omar:** Sijui mapendekezo yangu ni yapi ambayo nyinyi mwataka mtu ayaseme. Mkamwambie akayaseme. Mlipo sema watu waseme walionayo kwa moyo ni hata niseme nitakavyo. Hamtaki ku-change your mind and I will go away.

**Com. Hassan:** You have already given us your views on that point, move to the next points.

**Mr. Omar:** No point, waweza kuuliza point from one under and yet other people couldn't see. Go ahead.

**Interjection:** Endelea (Arabic dialect)

**Mr. Omar:** Na economy, watu wote duniani wanajua samaki wako baharini. Not in the lake ingawa wako, lakini tuma mtu wa skuli pia where can I get fish? Atakuambia in that sea, open sea lakini mikopo na misaada ikija wazunge wale ambao wanataka kutumia Kenya kuchukua misaada yao hayafiki huku kwetu, inaenda mpaka kwa lake. Huku wazee wetu na watoto wetu ambao ndio wataenda kufanya kazi ya samaki mara anakaa barabarani, wanaitwa wahuni halafu, hawana la kufanya maanake hawana vyombo vya sawa sawa kwenda kuwashika hao samaki. Mikopo ya Pwani mara ndio sheria ziuliwe. Tokea hao hawajazaliwa nao parliament, mikopo yakatwa mpaka...(inaudible)...wa, elija wao ndio itakwisha. What a dream is that.

Next, economy kama industries zimefungwa zote, mitambo sukari, mitambo nini, kusudi watu wa Pwani wawe wana suffer from poverty. Kwa nini inafungwa? Vile mtu ataka ku-invest in Kenya ataka kufungua factory, badala ya kupewa nafasi Pwani, anapelekwa Nakuru, Nairobi yaani...(inaudible)...atafute train apakie au transport alete mpaka hapa itoke hapa iende Port ambao mtambo utoka hapa from...(inaudible)...to the Port which is greater gentleman? Je watu hawa kweli wataka maendeleo ya watu wa Pwani? Watuambie ikiwa wajifanya hatujui twajua kuliko wao. Kuwa hatutaki kuwe na vyeo vile sisi.

Next revenue, pesa zinakusanywa Pwani, Customs, Port and other market you know come to maize or industries. Zitumike kwa watu wa Pwani sio aje mtu azimimine wacha kuziteka mpaka ataziwacha, aziminika na binjo aende zake bara. Why that? Kwa nini hazibaki hapa. zimetumika watu wa hapa ikawa na hospitali yajengwa, kuna skuli ikajengwa kwenye ubalozii ambao atakuta uraia wa Pwani ukifanyiwe pesa zile zaenda huko kwa nini. Sisi madubu sana unaona, si madubu. Na skuli nasitataka kusemaa watu wamesoma mji huu wa Pwani na wakatoka professors ambao hawakuenda tuition. Leo uende kwa tuition mama ambaye hana mume, school fees, regular school fees zamshinda kisha mnamu overcharge munamwamnia na pesa za tuition. What does he learn in that tuition? Na results zikija wa fail watoto. Wamepasi hao watoto wa wamaziri watoto wa Permanent Secretaries ndio walio pass. Oh no we don't want that.

Lugha Bwana Sheikh amesema tumechukua hivi. Kiswahili ni lugha iliotumia, na hakuna ambaye si mswahili aweza kuikorekti lugha ya kiswahili ila mswahili mwenyewe. Hata...(inaudible)...wetu. Nilienda nyo hamisi, nilienda, nilikwenda. Tulipeana, mlipiana. Leo hivi mtu anaweka pupa au alinipa au alimutuma tulitumana, this is the swahili watoto wetu wanafundishwa siku hizi. Ni mpaka kofi ndio ukamsomeshe ...(inaudible).... Maneno hayo ya kijinga, swahili wenyewe ni waswahili wakitaka ku-improve kiswahili, waje wake huku na watu waambiwe maneno huko kwa ma-dictionary yao. Wasilete maneno yao ya uongo. Nilienda, ulienda wapi. Halisi hiyo sauti, halisi, nilienda, nilikwenda. Si nilienda, nilienda wapi.

Next revenue. Ikiwa kumekuja mtu ataka ku-invest, tajiri committee ya Pwani, jimbo la Pwani ikiwa ni kama bunge, ikiwa na madiwani wawe ndio watoe authority sio itoke huko juu. Angalia hawa ni watoto wengi habari ya taa na maji kwa kuwa walichukua watu wana powers katika serikali hii. See what is going on. Ati city, the dirty city and dry city, maji ya wapi taa kwa nini ziwe hivi? Maanake watu wanachukukua wa access kwa president kwa hivyo wafanya watakavyo. Lau akaja mgeni atachukua ile angebadilisha mitambo yote, akafanya yote ikawa light hazizimi, maji hayapungui na hiyo ndio elimu.

Elimu is not speaking Churchilian language or Royal English that is not knowledge, that is education you gentlemen. That is not knowledge, you know that if you do something man comes to benefit. I am not talking like a parrot whether you speak Churchilian language or vernacular language or Royal English still you are not knowledgeable. Nasema yaandikeni yale mlioandika naweka ripotini. Kwa wale niliotuma haya haya msemayo, karibu na mwisho nasema hivi watoto wetu, maskuli kwanza habari ya tuition iondolewe hatutaki tuition. Na ikisomeshwa skuli, twataka skuli za ufundi zaidi hii, ufundi ndio elimu. Siku zote kwa mfano mimi wale wajenga minyumba ile Old Town wale wazee wajenga majahazi wakanga manyota, wakafika Arabia wakafika wapi, walikuwa ni university wale? That is knowledge we want we don't want hii elimu ya education ya kusema kizungu kikubwa atoka university yule. Can you produce a meaning kutoka kwa university huyo, can he produce a meaning? Aki produce ile ni elimu, watu watabenefit wanunua, waunga vitambara na nguo wavaa. Majungu, kabla kuwe sufuria Wahindi na Wazungu wafanya vyungu na mitungi, ile ni elimu msione wafanyavyo ah hawa wafanya vyungu tu hapa na vyungu waweza kuvifanya wewe, akanunua binadamu akapikia, ile ni elimu am trying to understand what knowledge is and what education is. Watu wasoma, kusoma kizungu kikubwa, kusoma na hii bure elimu gani ya kasuku. And one or two things.

Twatumiwa sisi watu wa Pwani wengi tumo katika political parties tofauti tofauti kisha twatumiwa sisi kuteta wao wakatufunga macho wakachukuwa viwanja. Utaona wajomba wetu ambao tunaona wana tena na si leo watuone kila siku. Wagiriama na Wadigo utaona wana chuki na hilo ni damu za Kiarabu, that is too bad. That is very bad hamtafaulu nyinyi, hatutafaulu sisi. Wengine...

**Com. Hassan:** Mzee fanya hivi, tafadhali wakati wako umeisha. Jaribu kufupisha.

**Mr. Omar:** Najairbu kufupisha. Tusitumiwe namna hiyo. Ikiwa ni Mwarabu wale ambao ni Islamu wasoma, wasome (Arabic). Wasome juu jake. Wawe wasipokuwa na makureshi, siku za baridi waenda Yemen, siku za kazikazi waenda Shem. Wale wale walifika huku Afrika na East Africa kuleta Uislamu na hawakuja na wake zao. Walioa makabila ya pale. The natives of that

place, hawakuja na wake zao kwa hivyo you can tell me am telling the chairman one common example. Mzee Papi, Mzee wa Kidigo, Mtongwe, Mtongwe Mungu amrehemu alitiliwa fitina na mmoja katika watu wa Pwani ati huyu mzee asaidia Waarabu. Kenyatta akamwita mbona mambo unaharibu sasa unafanya hivi. Akauliza mzee nikuulize swala? Akaambiwa waweza. Wewe umeoa Ulaya? Ndiyo. Umezaa watoto? Ndiyo. Ni wako wale watoto? Ndiyo. Wataka uridhi? hata mali yangu watarithi nao. Sasa mzee wamekuja wale Waarabu huko centuries ago, wametuo, tuwakatae sisi tuseme ni wageni? Siku ya pili Kenyatta akaitwa meeting akasema waache nyokonyoko zao. Mombasa hakuna Waarabu, Waarabu wako Uarabuni. (clapping). Kwa hivyo wasitumie njama hizi kutesa sisi watu wa Pwani. Sisi tukafuata. We are all brothers and sisters, tusidanganywe (clapping).

La mwisho Bwana Chairman na ambaye hasadiki habari ya Arabs kuja huku akasome history book ya “Peribus of the Erithrean East Africa and Its Invaders” of Professor Kuplan and others, books of Sir John Gray, wakasome hizo watapata habari ya mimi niwambiayo (clapping).

**Interjection:** Thank you. Request there.

**Com. Hassan:** Mjue kuna watu wengi ambao wanajiandikisha.

**Mr. Omar:** Watasema wote. Sheria serikali itakao sisi ni katiba. Sheria imuruhusu kila ambaye ni mwananchi wa nchi ile. From President to a cleaner. Ndio sheria au hizo kanuni mweke kwa sheria hatuzitambui iwe mtu raia akifanya makosa anaadhibiwa according to what is called law. Rais au waziri akifanya kosa lile lile ....(inaudible)...hatutaki sheria hiyo. Sheria inatoka kwa Mungu na hizi zinapangwa na binadamu ni kanuni, kusitiri watu maalum, watu maalum wakafikiri they can do whatever they want. Sheria ya Mungu haibagui mtu. Na habari ya kuwa mimi ni Mkenya aje kabila yoyote atakayosimamia aseme mimi sikutoka mahali fulani wazee wangu nilimea kama mhindi au kama mubuyu ama kama mkunazi nilimea put that to an end. Particularly those who come from upcountry. Wakati hii aseme mimi hatukuja hapa kutoka Ethiopia au wapi au Sudan nilimea hapa hapa mimi kama mti, hakuna watu wote wanatoka kulikotoka walikozaliwa. Kwa hivyo wale waislamu nawambia (Arabic) nakwambia Issa amewambia (Arabic) and you are the nature of matter. Mbele ya kuhusu sheria (Arabic) watoto wetu na sisi tupate same treatment. Mtu amezaliwa hapa, ni kwao. Challengini tuko kwa wazungu kisha ...(inaudible)... Lakini Pwani tuko na Koran sheria hakuna moja ambalo mzungu alileta. All comes from the Holy books, Bible, Koran, Taurb kisha wana twist hao to suit certain people in the community.

La mwisho bwana chairman maji, education, security, water and light. All these are government obligations whether they like it or not. Hii ni government obligation towards its subjects. Elimu, afya, maji, taa ni wajibu ya serikali yoyote. Wasinuiwe kwa Kenya wakatisha raia ambao walipa pesa zao kila mwaka kwa viwanda vyao halafu iwe hivi mwaita city in the dark. Afadhali muwe....(inaudible)....city is dark. Have I forgotten anything.

Ya mwisho thank God, watu wa Pwani katika ile katiba iliyokubaliwa katika Lancaster House wamepewa lion share katika

uhuru wa Kenya. We agre to choose any system of education hata tukitaka kufuata ya Ulaya we are free Coast people kwa mkataba ule. Kwa hivyo hatutaki ma system ya kisasa ikiwa Brazil waleta system ya ku play football 4 to 4 waiweke match ... (inaudible)... ya 8-4-4 or what. Mtoto mdogo anakwenda skuli amechukua bagi kama anafanya kazi posta in the Coast area. Amemea kijongo and what do they learn. Mtu aneda university akitoka atainingia, na kitabu chake kile kina... (inaudible)... kwa mzungu wampa pesa kidogo tu aende kwa waziri of education ampe chochote atoe sheria huyu, labda watu wa skuli wafuate kitabu hiki. Oh dear me no no, hiyo sio serikali.

Hatuna makazi kisha kwenda skuli mimi nilitoka jana sina mchele. Wazee wengine washika kichwa hivi maanake skuli zafunguliwa leo. Ashapewa list ya vitabu kununua. Nini hii twajifanya tu twajua. Thank God we were born Muslims and everything is there. Go tell Mohammed today I have addicted your system you are full of lies (Arabic). Today I have not completed, perfect is more than complete. Utakachosema kiko ndani ya Islam, ndio wazungu wanachukua. Yale ambayo ni mazuri wachukua nao ambayo wanaweza kubadilisha watuletea sisi kisha wakatudanganya. Na sisi... (inaudible)... na Mzungu what is mzungu... (inaudible)... They were being barbaric in Europe

**Com. Hassan:** Before we start registering Nassir from Khan community

**Interjection:** Mr. Chairman... (inaudible)... Rashid Mohammed.

**Mr. Rogers Kadenge Katana:** Ndugu na madada na kaka zangu na tume (Arabic)

**Audience:** (Arabic)

**Mr. Katana:** Mimi nafikiri sina lingine nitakaloongea bali ni ku-support yale yamewezwa kuongewa.

**Com. Hassan:** Tafadhali kwanza anza na jina lako.

**Mr. Katana:** Kwa majina mimi ni Rogers Kadenge Katana. Natoka tume ya elimu za ziwa la ngo'mbe. Hiyo hali ya kwamba ume-presentiwa tayari na ndugu Juma Hiri. Haya yote ninaya-support moja kwa moja, kitu ambacho ninaweza kusahau ni kwamba upande wa elimu hatukuandika na hiyo elimu tunavyoongea ni kwamba inatakiwa iwe bure kutoka nursery mpaka darasa la nane. Kwa sababu tukiangalia hivi tunaumia sana kwanzia vitabu mpaka upande wa ma-tuition ambao tuition sio muhimu, ile kwanza serikali ikipinga ilikuwa imepanga ni muda wa watoto kupumzika. Lakini kwa hivi sasa imekuwa mtoto hana wakati kabisa wa kupumzika. Sasa hivi basi nikiongea nitatia mkazo tu kwa hiyo tuition iwe itaisha kabisa. Asanteni sana (clapping).

**Com. Hassan:** Asante sana bwana Kadenge. Kadenge tafadhali kuja u sign kwa register pia ukimaliza kutoa maoni. Sasa

bwana Bashir kuja.

**Mr. Bashir Mohammed:** Salaam aleikum. Bwana Chairman, mimi kwanza nina wasiwasi, kwa sababu katika wiki mbili hizi tumekuwa tukisoma nadni ya magazeti na tumeona katika television kuwa hii commission ya yumbayumba kama kawaida ya Kenya. Tunatengeza commission karibu kumaliza kazi yake huvutwa. Sasa ningeomba hii commission ipewe madaraka ambayo, after the review collections which is supposed to be the people's driven commission, but I think it is influenced a lot by political organisations. Anyway wakuwe na permanent review commission ya kuangalia mambo ya constitution.

Hapa Bwana chairman umeona waislamu wanadukuduku sana na mambo yanawasumbua ndani ya roho, kwa hivyo mimi nitafunga jungu sasa. Mimi nasema hivi serikali ambayo itakayoundwa katika Kenya, baada ya hii review commission tuwe na power sharing. Power sharing vipi if the President is a Christian, the Vice President must be a Muslim. If the President is a Muslim, the Vice President must be a Christian (clapping). Na hii yote itaondoa hizi shida za kuwa sisi waislamu twaonewa. Sisi waislamu tukiwa na Executive not Vice President ambaye atakuwa na madaraka tutaweza kuwa na power sharing katika serikali.

That is a subject ambayo imezungumzwa sana sasa nataka kuzungumza habari ya human rights. Human rights ni kwa nchi great na za citizenship. In Kenya, at the moment human rights are abused from left to right kwa sababu mwanamke wa kiislamu akitoka nje usiku hata akitoka harusini akishikwa na polisi anaitwa neno malaya. Twataka neno hilo malaya liondolewe katika msemu wa mapolisi. Mapolisi wakitushika sisi kwa msako kidogo tu, wakiwa hawana shitaka la kutushitaki wanatuzungizia alisahau kitambulisho au amekunywa pombe. Kwa hivyo human rights are abused.

Thirdly I would like the present constitution ielewe kwamba polisi syllabus au mfumo wa polisi ambao unaendelea sasa si mzuri. Kwa sababu polisi are supposed to protect the citizen. Not police to harass the citizens, which is happening now.

Kitu cha nne katika chama chochote kitakacho faulu kuunda serikali kusiwe na mfumo wa chama ambacho kiko katika serikali kuweza kutisha watu wa vyama vingine. Kwa sababu mambo ambayo yanashtua sana utasikia sasa Kenya imegawana. This is Kanu zone, this is DP zone mambo kabila haya are contradicting the constitution. Thank you very much chairman (clapping).

**Com. Hasan:** Thank you very much for the views. Shuwali Amanah, yuko?

**Audience:** La

**Com. Hassan:** So Shuwali Imran. Yuko?

**Audience:** Yuko.

**Mr. Shuwali Imran:** (Speaking in Arabic dialect).

**Audience:** (translation)

**Mr. Imran:** Nina furaha sana leo kuhudhuria mahali kama hapa...(inaudible)...rafiki zangu, wanangu.

**Com. Hassan:** Tafadhali anza kwa jina lako na kikundi.

**Mr. Imran:** Na mimi jina langu ni Shuwali Imran Ali. Nafuraha sana kuhudhuria mahali kama hapa ambapo ni mahali pa katiba. Na vile vile nina hasira nyingi sana na huzuni nyingi sana, kuona kuwa sisi hapa tunanyanyaswa kwa kila njia, maana sisi waswahili wa hapa tunapewa taabu mpaka twalala mbavu zetu twahema kama wenye pumu. Hili shirika la bandari lina matawi matatu. Moja Nairobi, Kisumu na Mombasa na kama sivyo kwa hisani zenu muniambie hivi sasa. Na Nairobi na Kisumu waandikwa watu wa huko, lakini ya Mombasa waajiriwa vijana wa Nairobi na Kisumu, baadala ya kuajiriwa vijana wa Mombasa kwanza na ibakiyayo na wakachukuliwa wale wa Nairobi na Kisumu. Vile vile upande wa simu huwa wao wamelala kule bara P.F number wanazo ndani ya mikono yao wakaletewa hapa Mombasa kufanya kazi moja kwa moja. Vile vile pesa zinazolingia bandarini, posta na simu, Bamburi cement na utalii unaoingia Pwani, yalipa ushuru kwa serikali na yatosha kutulipia na maji ndiyo sivyo?

**Audience:** Ndivyo.

**Mr. Imran:** Na vile vile zilipiwe ma D.O, P.C, Chief na wengineo katika serikali. P.C, D.O, Chief wawe watu wa Pwani, maana ndio wanaojuana. Kwa sababu kukiwa na malalamiko ya watoto wetu fulani, kama malalamiko ya viwanda au hivi au hivi sisi wenyewe kwa wenyewe tunajuana utaweza kwenda kumshika mtu kama yule kwa urahisi. Lakini hili la hapana wamewekwa wageni.

Na upande wa posta na simu kama vile nilivyokuwa nimeendela kuzungumza, kila mkoa una shirika lake, na sisi wana wetu hawaandiki kazi kule, huandikwa hao kwa hao watokao huko na huku pia wakachukuliwa ili wetu wanakaa vibarazani mwaka mzima, sigara hizo mwaka mzima unga, watokwa na mauti wakilala hawajijui hawajitambui. Upande wa shirika la bata linawajiri Wakikuyu watupu ikiwa mwataka msaada hili la Mombasa liajiriwe watu wa Mombasa. Hawa Wapwani hapa kama Wadigo, Wagiriana, Mabajuni, Wapokomo, na wengineo, Wataita na kadhalika. Mchunguze kama mtawapata watu kama hawa kwenye shirika la bata. Habari ya viwanda, kuna ...(inaudible)...wa Pwani wenye wako katika viwanda...(inaudible).... Viwanda ambavyo havina title deed ni wageni. Siku zote katika viwanda hivyo kuna makaburi ya mababu na mababu na hawajapata title deed. Au ni uwongo?

**Audience:** La.

**Mr. Imran:** Maskuli za watu wa Pwani moja wapo Serani na mparaki na polytechnic, twaweza kuziendesha wenyewe mfano kama Mewa yaendeshwa na waislamu. Vile vile mkitupa wenyewe polytechnic twaweza kuifanya university. Polisi bara huandikisha wa bara na hapo kuandikishwa vile vile hao wa bara, na sisi tukienda kwetu tupate mtu kama Jaro, Kazungu,



Said, Mohammed, Bindo, Godana au Omari kwa sababu tukiwandikisha watu kama hawa sisi wenyewe kwa wenyewe tunaweza kuashika kwa urahisi. Lakini huenda wakapelekwa watu bara huoni hayo mambo ni kuwa wao wankuja kukunyanyasa na wakisha washika ikawa sasa yule mama mwenye mwanawe au vipi auze nyumba au auze shamba ama ahonge na vile vile hutaja hasa mkitaka huyu atoke mpaka mtoe kitu kadha. Vile vile airport ina matandiko mengi sana, na vile vile wako watu wa bara. Na pesa zakuja hazijulikani zafanya nini. Fisheries twatuma samaki nje kwa wingi na twapata pesa za kigeni kwa wingi, hizi pesa zatosheleza kulipia vile vile maji na taa.

Custom wachukuliwe vijana wetu kwa wingi, na pesa zake pia zatosheleza mahitaji yetu. Kila mwaka ukipita, kila mkoa lito hesabu yao. Tena zionyeshwe zafanya kazi gani, zibakiazoo zilipiwe mambo mengine. Kuhusu I.D. card, wachukuliwe vijana vile vile wa hapa kwanza. Kuanzia ngazi ya juu mpaka ngazi ya chini, kwa sababu akiwa mgeni itakuwa vigumu kumjua upande wa birth na death vile vile upande wwa migration kuanzia ngazi ya juu mpaka chini wachukuliwe watoto wetu wa hapa. Ndipo sisi tutakapokuwa tunaiona ile haki na tumepata haki zetu. Kwa sababu mpaka sasa kuna watu ambao wanaambiwa waleta birth certificate ya baba, ya babu, ya nyanya ya mamake, nyana na babu yake haya mambo gani? Mbona hao hawatoi za nyanya zao na za babu zao. Wakienda wapewa tu, birth certificate, passport na wakasafiri watakako. Basi hii ni haki? (Arabic)

**Audience:** (Arabic)

**Com. Hassan:** Asante sana na Buba Wahiri,

**Interjection:** Hayuko

**Com. Hassan:** Mohammed Abdul, Mohammed Sheikh Dor, Ali Gitau, Ahmed, Thabit M. Thabiti

**Interjection:** (Inaudible)

**Mr. Thabit:** (Arabic dialect) mabibi na mabwana. Mimi kwa hakika nitatoa point tatu tu leo. Memorandum yangu nitapeleka mwenyewe. Sijamaliza. Mimi naitwa Thabit M. Thabit ni assistant secretary wa Miji foundation. Kwanza nitazungumza juu ya uraia au citizenship.

Mimi ni mmoja katika members wa voting committee kwa chief hapa Old Town. Kila mwezi tunakutana mara mbili. Twasaidia serikali bure tunapoteza two hours every two weeks hatulipwi ndururu. Kwa sababu tuwe tukiangalie mambo ya watoto wetu na watu wetu. Maana anayekuja pale kutoka ofisi ya Registra si sisi ni mtu hatujui. Na sisi tuko pale tuna recommend kusaidia, wasipofanya kazi pale masaa yote hayo lakini utakuta recommendation nyingine tunazipeleka Nairobi zitakuwa rejected. Wao wajua zaidi kuliko sisi. Lakini Msomali, Mbarawa any refugee leo wana documents kuliko Mkenya yeyote anayejiita mkenya hapa, bila kuona ofisi ya registrar ana kitambulisho, bila kwenda immigration, na ajabu yenyewe immigration eti kwa gorofa ya sita hiyo kuna mashetani na majini wako juu kule. Wawajua sana watu wa kuwatafiti watu na kuuliza warongo halafu wakubwa.

Wasomali, mimi niliwapa challenge wakati moja na ma-refugee tulionao kwetu huko Old Town twende nyumba au kanyumba tukawatolee ma-refugee wenye passport za Kenya. Lakini nikaenda mimi IMFH generation in Mombasa. Mimi nyumba yetu is about 700 years old tuna title deed mpaka ya kutoka ngozi mpaka ya karatasi ilivyokuja. Lakini mimi ni mgeni mpaka leo Kenya hii, hii ndiyo ajabu moja. Msomali na Mbarawa yuwatoa laki mbili documents yualetewa nyumbani hakujui huko. Hii ndio hali ilivyo.

Jambo jingine ya kusikitisha ni kuwa sisi waswahili huwa tunaambiwa hatuko, si wakenya lakini si watu wa kibara peke yao wanaotambia hivyo hata ndugu zetu hao tulionao Wadigo na Wagiriama hawatutambuwi. Kutoka juzi kuhusu akina Shariff Nassir, na Mwashima mwasoma magazeti mwayaona. Lakini mkenya ni Dr. Leakey, John Keen, Murumbi, hawa ndio wa Kenya sana ambao Leakey vikimchachia hapa, kwao ulaya atakwenda ikimchachia hapa atakwenda. Mimi sina pa kwenda. Kwetu ni kuze sina kwingine. Sikujui. Hao ndio wakenya watambulika mwisho kwisha kama Moody Awori. Moody Awori ni Assistant Minister Kenya. Ndugu yake apigania Presidential candidate in Uganda. Yule ni mkenya, Awori ni Mkenya, Oloiptip alikuwa waziri Kenya mjomba wake ni head of ...(inaudible)...kwa u Prime Minister wa Tanzania yule mumasai ni Mkenya mkubwa. Sisi ndio wageni.

Hii ndio tunataka discrimination hii iondoke. We are tired of it, sisi si lazima na Kenya. It is not a must, enough is enough. Ikiwa wale ni wakenya, mzungu ni mkenya, ni mkenya kuliko mimi ambapo mimi sina pa kuenda am age generation. I can prove it with documents that I don't have another home, its only Mombasa and it is kuze. Na hao watuitao sisi ni waarabu. Sasa ikiwa mimi nitaitwa Mwarabu, Zubedi na Balala atakuwa ni nani? Hii ndio ajabu yenyewe ya kusikitisha na wewe unaniambia mimi ni mgeni hapa. Yeye kwao yuwaita kaya, mimi naita panga, mimi napanga...(inaudible)..hapa Likoni, napanga signon pale, napanga Allidima ni kwetu hapa na tutazikwa hapa, wao wazikwe wapi, hapa? Kwa hivyo tusidanganyane.

Siasa ziwekwe kando na chuki iwe personal. Wewe wateta na mtu, teta naye mwenyewe personally. Usitete uweke community nzima kwa vita vyenu vya upuzi. Mambo yawashinda umebakia yule akutukanaye umtusi, upatacho utambandika nacho. Mara huyu ndio mwarabu aende kwao huyu aende wapi. Wale wako kwetu Waarabu hawakujui kwao. Waarabu tuko nao sisi wako hapo hapa, they are local Arabs hawana kwingine. Nafikiri sijui.

Jambo jingine ni mfumo wa utawala. Mimi wenzangu wote kila mtu yuataka majimbo. Mimi nayakata unitary government, kwa sababu am ready to be proved wrong. Sisi tunasema watu wa bara watumaliza kweli lakini, Mjalu na Mbaluyha ukifikisha tarehe ishirini December, meza yake vitanda zake, mwenyewe hugara navyo kwenda navyo kwao. Tarehe ishirini January au kumi akirudi Mombasa, akutana tena mwaka mzima akaenda zake.

Atapaye taabu sisi aliye kitanizi hapa ni Mkikuyu. Mkikuyu ndiye hataki kitoka kila pahali. Mtwapa nzima ameisafisha. Mashamba yote ndiyo yao pale. Na Mkamba kidogo jitialia kule mikindani. Hawa mimi naona they are not a threat to us. Hao

watu tulio nao within us. Mdigo na Mgiriama ndiye mimi nasema ndiyo adui wetu mkubwa. Ni adui yetu mkubwa saa zote ana chuki, Waarabu, undani, wazomba kitu gani. Ju sisi jama zetu, harusi zetu ni tofauti na yao, mila yetu ni tofauti na zao, chakula chetu ni tofauti na chao, ngoma zetu ni tofauti na zao, kufiwa kwetu ni tofauti na kwao, kulia kwetu ni tofauti na wao, vigelegele vyetu ni tofauti na vyao au nasema uwongo.

**Interjection:** Kweli

**Mr. Thabit:** Kwa hivyo sisi hatuhusiani nao. Hakuna uhusiano na wao. Wao wajiulize walikuja lini hapa na sisi tufanye hesabu tulikuja lini, nani mwenyeji zaidi hapa, ni wao ama sisi? Hii wanasiasa wetu hawawezi kutamka maisha yao maneno nazungumza hapa. maanake kila mtu yuko indebted somewhere to someone. Hao wote wanasiasa walioko in present time, hata waliopita hawadhubuti kuzungumza this type of facts. Hawawezi maanake iwache mimi nitapata kura. In my memorandum, katika mambo ya voters, mimi ninakwenda to the extent, sio kila mtu aje ni Dick and Harry aje asimame kwa hapa. Kiti kimepigwa firimbi ianze kura watu wasimame. Twataka mtu ambaye Makadara wazi alizaliwa kitambulisho chasema Makadara wazi. Sio wewe watoka Malindi uje letwa Kisauni, sio wewe watoka Mariakani waje letwa Kisauni, jambo gani. Watoka Tiwi waja Kisauni ndio upige kura uje usimame. Leo Abdula Kizingo ni Msomali tu ni Mborana atoka Boranani, hakuna amjuae, ndiye councillor Kizingo huyo. It is a pity, na kila pahali.

Kwa hivyo hayo majimbo watu watakayo mimi yangu ni tofauti. Wewe wasema kwenu ni Bamburi, kitambulisho chako kiseme Bamburi Bwana. Sio wewe watoka Bigedi unakuja kuandikisha kura kwa Bamburi upige kura. You don't have the interest of that place. Nenda kwenu ukapige kura. Na kila mtu aende akapigie kura kwao. Tupate cream of these people tujue sisi tunamtumikia nani twamfanyia nani kazi lakini sasa leo mimi nita-influence watu kutoka Rabai, kutoka sijui Mariakani, sijui kutoka Gedi, Malindi, Mwatate hapa nampa watu shilingi mia mia. When the game is over kwisha maneno, nangoja tena miaka mitano.

What is this ndiyo tuko hali hii leo twachezewa na kila mtu lakini ikiwa mimi najua napewa kura na watu wa Madaraka Kuze, Kibokoni, Bagani, Jua-Kali, Ingilani hamchezei mtu najua mimi namu-serve nami natoa jasho langu nasumbuka kwa watu gani. Nina example moja, kwa Bwana moja alikuwa councillor wakati mmoja pale Mwembe Tayari, ajua watu aliowapa pesa ni wangapi na kwa majina ni aliandika na watu waliompigia kura kwa heri anakwenda yule ambaye anapewa pesa ataka service aambiwe no I have already paid in advance here is your name. Kwa hivyo hawezi kutumikiwa kwa hivyo, hayo ni machache ambayo ninayo. Mengine ninaendelea kuandika.

**Com. Hassan:** Thank you very much Thabit M. Thabit. Okay not at all (clapping). Ali Kwamboka. Ali...(inaudible)....

**Mr. Ali Abubakar:** Mr. Chairman (Arabic dialect) Mimi nitachukua nafasi kidogo sana kuzungumza jambo moja au mawili na ninaona mengi ambayo yamezungumza nilikuwa niyaseme kwa hivyo sitaki kuyarudia. Kitu cha kusikitisha kimoja ni hivi, habari

ya kupewa kitambulisho. Ikiwa mimi naishi Mombasa nimezaliwa district ya Lamu na ikiwa mtoto wangu amezaliwa hapa Mombasa wakati yeye akifika wakati wa kuchukua kitambulisho itambidi awe anaambiwa hawezi kupata kitambulisho hiki mpaka arudi kule asili ya babake alikotoka. Kijana yule amezaliwa mji kwa mfano Mombasa, amesema Mombasa, amefikisha umri wa kuchukua kitambulisho, Mombasa basi sasa anaambiwa arudi kule ambapo pengine hata hakuna anayemjua. Kwa hivyo ikiwa Mkenya pahali popote anapoishi na kitambulisho kinatolewa, kama walivyosema waliotanguia kusema, ikiwa kuna watu wanamtambua na anazo documents za kuthibitisha, hivyo kitambulisho kile apewe kuliko mtu ule kusumbuliwa maanake kule anakokwenda itakuwa pia haijulikani.

Kitu kingine ambacho mimi nasema ni juu ya ardhi. Ardhi yote iregeshwe kwa zile communities wenyewe wanaoishi kwenye maeneo yale. Na kuwe na kipimo, ardhi mtu akipewa iwe ina kiasi fulani aweze kutumia ili ardhi. Na wenye kutoa ardhi iwe ni wazee au wa mhi ule wenye kuajua watu wote wa eneo lile na pia ardhi isiruhusiwe kuuzwa bila ya familia yenyewe pia kubakishwa sehemu yoyote. Ikiwa ardhi yote atauzwa itafika kiwango huwa watu wengine ambao watakuja baada yetu watakosa sehemu ya kukaa na kuishi katika maisha yao. Na wengine wanakuja kwa jina la kufanya biashara, wanakwenda wakachukua ardhi sehemu nyingi sana wakaenda kwa commissioner wa ardhi wakapewa haki ya kuchukua ardhi ile. Ardhi iwe mtu mmoja pengine apewe acre elfu kumi ardhi ile kisha aichukuwe aiweke bank apatiwe pesa, na yeye huko aliomba ataka kufanya industry baadaye pesa zile akipata yuakimbia yuwafanya biashara zake nje ya nchi. Halafu wale raia baadaye watakuja kuishi vipi? Kwa hayo machache asante. (Clapping).

**Com. Hassan:** Asante sana Bwana Ali Abubakar. Nashukuru kwa hayo maoni. Abubakar wapi...(inaudible)...

**Interjection:** Hayuko.

**Com. Hassan:** Ametoka. Okay Murshid A. Mohammed.

**Mr. Murshid:** (Speaking in Arabic dialect). Jina langu naitwa Murshid Abdala Mzee. Sikuja kwa niaba ya yeyote wala sina ki-group chochote. Nakuja kibinafsi. Naanza kwa kuangalia reality iliyoko ni ipi, kwanza, ndiyo tuangalie hii constitution twataka kwa sababu gani. Jambo la kwanza kuna tribalism, kuna ethnicity, kuna nepotism, yaani kupendeleana ndugu kwa ndugu, kuna corruption na kuwa economic mismanagement. Yote haya yamekuja kwa sababu fulani ambazo kwa maoni yangu ni kwamba la kwanza hatuna leadership ya kisawasawa, la pili tuna weak institutions tuna parliament ambayo ni rubber stamp, tuna makoti ambayo justice is for self.

Jambo la tatu tuna very powerful executive yaani Rais, ministers na wafanyikazi wote wa serikali wako very powerful. Na jambo la mwisho ni kwamba tuna very low civic awareness kwenye population yetu. Elimu ya kisiasa hakuna, na ndiyo sababu kuwa twaweza kucheza akili zetu bila mpango wowote.

Baada ya kuona haya tuyaangalie solution iko wapi. Solution ni kutafuta constitution ambayo itakuwa mambo haya ya juu akilini halafu tuangalie vipi tutayarekebisha.

Jambo la kwanza ni lazima executive, yaani Rais na ministers wake na wafanyikazi wa serikali wawe under proper control,

kuwe na checks and balances.

Nikuweka executive accountable to parliament. Sawa sawa ni kuwa na Waziri Mkuu yaani, Prime Minister na President ambaye hana powers za aina yoyote.

Jambo la pili nikuimarisha bunge. Twaweza kuimarisha bunge kwa kumfanya mkubwa wa serikali yaani awe ni Prime Minister asiwe above the law. Awe ni moja kama wale ministers wengine. Vipi iwezekane kufanyika hivi. Ni ku-make sure kwamba electoral commission inayesimamia uchaguzi wa bunge iwe independent. Isiwe imeajiriwa na President wala na Prime Minister. Wawe na security of tenure kama vile wafanyi kazi wa kotini yaani judges. Tume ya election utakuja kuona ikichukuliwa ile total number of registered voters waliopiga kura, mtu mwenye vyama vingi vya kisiasa aweza kuwa amepata kura za watu 30% ya population. Amekosa wale wengine wamemupiga kura mtu huyu na mtu yule kwenye vile vyama vya tofauti tofauti. Total voting ambaye haikumpigia yule aliyeshinda ni 70%. Ina maanisha watu katika kwenye election yake, 70% ni wale watu hawakuchagua yule mtu alieamuliwa mshindi. Kwa hivyo kufanywe marekebisho, yule mtu atakyekuja number one na aliyekuja wa pili wake, wafanyiwe round ya pili peke yao wapige kura atakayepita yeye ndiye atakuwa mshindi. Haya yafanyike kuanzia President mpaka hawa ma-councillors wetu ambao tunawachagua hapa.

Electoral Commission lazima ifanywe independent from the executive otherwise itakuwa rigging left to right na centre. Civic education lazima iweko mpaka kuna maskuli, primary schools mpaka ma-university. Laiti kuna civic education, tusingalikuwa na ma-councillors kama tulivyo kuwa nao leo, tusingalikuwa na MPs kama walivyokuwa nao leo. Ma-councillors waliokuwa nayo aibu haswa sisi kusema kwamba ni watu ambao ma-councillors wetu ni mayors wetu ni watu fulani na fulani. Na kama tujuavyo watu wajulikana kwa wale leaders wao. Sisi wenyewe ndio tuliwapeleka pale. Kwa hivyo itabidi tufanye civic education tufanye ministry hasa ya kufanya civic education.

Nomination powers za President zisiweko kwa sababu ya level ya uchaguzi ya watu ambao walikataliwa na electorate. Mtu aregeshwa bila ya sababu yoyote ya kisawasawa. Iwe nomination isiweko iwe kwa sababu mtu ana experience fulani kwenye field fulani kama ni economist tunamweka ni MP huyu tumfanye minister atatusaidia kwenye economic development. Jambo lingine lazima koti ziwe reformed. Na reform zenyewe kwanza ni tuifanye iwe totally independent. Initially, tusiende ni mbali, kuna commission itengezwe hapa iwe ni ya Justice Kwach commissioner. Iitoa maoni marefu mazuri ya kisawasawa, watakyoyasikiza hayo wajue nazungunza nini.

Lazima tupate Supreme Court, Court of Appeal ni court ambayo yapeleka malalamishi in appeal peke yake. Ukiwa na malalamishi ya kupeleka koti ya juu uende High Court. High Court haina powers zile ambazo wafikiria itakusaidia. Kwenye Supreme Court, kuwe na jurisdiction baadhi mojawapo tu iwe ni ya appeal. Lakini jurisdiction nyingine iwe ya Kadhi jurisdiction. Kuna jurisdiction nyingine ya kuskiza kesi za corruption, na hiyo Supreme court na iwe powered ya division review. Yaani any directive kutoka kwa executive ama kutoka kwa sehemu nyingine yeyote ya serikali ambayo yaenda kinyume na constitution hiyo directive yoyote iliyotolewa ivunjwe hata kama inatoka kwa Parliament. Kwa hivyo kuna proper jurisdiction ambazo mojawapo ni ku-review all constitutional matters.

Jambo la nne Civil Service, yaani wafanyikazi wa serikali, isiwe ni watu kuandikwa ki hivi hivi na kuandikwa kwa sababu ya makabila. Kuwe na proper Civil Service....(inaudible)...Commission ambayo mtu yeyote atakayekuja kwenye kazi hii ya serikali iwe na mtihani nationwide. Ambao mtihani huo huangalia mambo mengi, sociology, mambo ya psychology, mambo ya tabia nyingine nyingine, sio lazima uwe na university degree peke yake iwe wewe unaweza ku-serve kwa government. Kwa hivyo wale wanaoingia kwenye makazi ya kipolisi, army, kazi kwenye provincial commission, district committee hizi zote wale ni watu ambao wamechaguliwa baada ya mtihani iliyofanyika nationwide. Hilo peke yake ndivyo tutapata proper representation.

Fundamental rights, haki za msingi na enforcement yake. Utakuja kuona kwenye katiba yetu ya sasa ziko very weak. Jambo kama freedom of speech and expression lazima liweko. Freedom of movement, freedom of worship, equality before the law, liberty, freedom to own and dispose property, equal protection of the law na kadhalika. Ikiwa nazo hizi, na ikiwa judiciary yenyewe ni ya fundamental right kama niliwaeleza hapa juu, tutakuwa mambo yetu kama hayo tunayazungumza, passport hazipatikani, vitambulisho twasumbuliwa. Haya yatakuwa mambo wewe uende zako kotini kuenda kuonyesha kifungu hichi fundamental right yangu hii hapa ya worship ama yangu ya equality imekuwa violated na koti ina nguvu za ku-strike down kitu kama kile, ikamu-order principal immigration officer hapa atoe sababu nzuri kwa nini hakukupatia wewe haki yako ya passport ama haki yako ya kitambulisho.

Tukisoma ndugu zetu wa bara hao hawaitajiwi watoe mambo mengi, tutaonyesha tu kwamba huyu hakuambiwa atoe passport ya nyanyake, birth certificate ya nani wake na mimi mbona naambiwa kwa hivyo there is no equality. Kwa hivyo mambo ya rights, yatapelekwa kotini, wa-enforce rights zako...(inaudible)...Kwa hivyo fundamental rights iwe kitu very important. Iwekwe kwenye katiba yetu na si hiyo peke yake iwe na mechanism ya ku-impose zile fundamental rights, nayo ni Supreme Court na kila power ya Supreme Court ya ku-enforce fundamental rights yenyewe pia iwe ni fundamental rights uone kama fundamental rights kwa sababu hawawezi wakakaa wabunge kikundi wakasema tuondoe hii tutie hii sasa. Hiyo ndiyo maana ya fundamental rights. Rights za msingi ambazo mbunge hawezi kukaa kwenye kikao kimoja vile vile wakalipitisha wakaipendua.

La mwisho (Arabic) kuna wenzetu wengine wasema tupate federalism yaani majimbo. Tukipata majimbo bora zaidi kwa sababu twaweza kufanya zile regionalism characters ziondoke. Twaweza tukajimiliki wenyewe na tukachukua mambo yetu mikononi mwetu wenyewe. Ikiwezekana hiyo ni sawa lau haikuwezekana itabidi tuwe under a unitary government si neno. Lakini tukiwa na unitary government ama kukawa na federal government, tukiweza kuweka mambo fulani kwenye constitution, yakawa hayo yako itakuwa sisi hatuna masumbuko awe yeyote President, awe yeyote mkubwa wa nchi itakuwa si tatizo. Kwa hayo machache tu ndiyo nilikuwa nayo, mengine nitayaandika kwa urefu na kisawasawa wa lugha ambayo wenyewe hawa watailewa halafu ni submit (Arabic dialect)

**Com. Hassan:** Asante sana Bwana Murshid Abdalla....(Inaudible)...Mzee Omar Matano.

**Mr. Matano:** Ma commissioner wa Tume ya Kenya, kitu ambacho mimi ningetaka kuzungumzia ni kuwa matatizo mengi ambayo yanayowafika watu wa Kenya kama vile mnavyosikia wengine wanakuja hapa mpaka mtu anakuwa na hamaka kubwa

kabisa hata ataka kuvunja hii microphone, kwa sababu hakuna mpangilio wa wananchi kutoa maoni yao kwa serikali kwa siku nyingi. Sasa before watu walijaa tele, akipata nafasi kama hii hapa, aona wewe commissioner haswa ndiye yule kila siku akikutafuta sasa amekupata mpaka nimwambie yangu yote. Basi mimi kwanza ningependelea kuwa hapo zamani tulipopata uhuru tulikuwa na Minister for Constitutional Affairs, alikuwa Tom Mboya. Basi idara hii yatakiwa iweko ili iwe na watu wa kudumu kuweza kuchunguza mambo ya nchi na hapo ndipo mtu atakapoweza kama malalamiko yake aweze kupeleka kwa hiyo commission wa idara wenye kuchunguza mambo yake yaani ya kibinafsi.

Lakini wazungu wasema, “The effectiveness of a democratic society does not depend on its constitution, but on the qualities of each individual.” Hapa unaona kuwa viko vitu viwili; kwanza ni katiba ukiwa iko mkono wa kulia na mkono wa kushoto wako watu. Nyinyi ma commissioner, muweze kutengeneza katiba ambayo ni nzuri sana, lakini watu nao aje? Mnaweza...(inaudible)...hii katiba ya Kenya ikawa nzuri sana lakini hii itakuwa bado...(inaudible)...watu wa Kenya.

Kwa hivyo uzuri wa Katiba hautawezana kwa sababu una ugonjwa. Uogofu wa watu huletwa na mambo ambayo yalikuwa yatakiwa hiyo Katiba iwatengeze watu wa Kenya wawe watu wazuri. Lakini Katiba yenyewe ilipata watu ambao hawatekelezi hata ile Katiba iliopo, kwa hivyo watu wenyewe wanaozaliwa na wanaokuwa mpaka watu wazima, mpaka kwa marais, mpaka kwa mawaziri, watu ambao waliooza.

Uko ugonjwa ndani ya watu wa Kenya wenyewe, kwa mfano zamani kulikuwa na pesa ya kuchunguza hizi films ambazo zinazoonyeshwa. Leo utaona katika TV wanawake kila nyimbo inayoimba, mwanamke ametoa kile...(inaudible)...cha ndani amekaguliwa ...(inaudible)..wamuona wazi kabisa wewe umeketi baba umeketi na mama, umeketi na mtoto wako wa kike, umeketi na mume wako, umeketi na shemeji wako, unamwona uchi wake nyote mwangalia.

Katika kile kipindi cha “The Bold and The Beautiful”, baba azaa na msichana, kisha amwacha aolewe na mtoto wake, kisha azaaa naye na huku familia nzima imekaa inaangalia. Ubovu ndipo unatoka hapa. Ndipo pale utaona matokeo yake ni kwamba utapata hawa machokora ambao wanaokaa barabarani, ile ni kuonyesha ubovu ya wale wananchi wa Kenya wenyewe. Kwa hivyo nyinyi hata mkitengeneza Katiba sampuli gani ikiwa katiba yenyewe haitaweza kuwafanya kutoa good quality citizens, basi itakuwa hiyo Katiba yenu mtakayoitoa hata ikawa nzuri aina gani haitaweza kabisa, kulinda lile tukio tunalotaka, bali itakuwa ule ubovu ambao unao-encourage sasa machokora barabarani kuna wengi, malaya wengi, serikali gani, kuna serikali itasema kuwa yahalalisha umalaya? Serikali leo yatoa maleseni ya bar za Kenya tembo kisha natumana kuwa hata watazaliwa watoto ambao watakuwa watu wazuri, watakuwa good citizens wataweza kufuata hii Katiba yenu.

Huwezi kuchanganya chai na kahawa, utakuwa hujui wewe wanywa chai wala wanywa kahawa. Hii ndiyo hali yetu ya Kenya iliyo hivi sasa. Matokeo yake ni mabaya kabisa, nchi imeharibika vibaya sana kabisa hata imekuwa mtu hatawaogopa, Mara benki hii ishafungwa, mara hawa washaiba, mara hawa wameshanyang’anywa, mara si hawa nini, mara ma bishop wasikia wa-rape watoto, mara wasikia msikitini wapatikana pia, wamenajisi watoto, mambo yameharibika kwa ubovu mkubwa sana kabisa. Morality hakuna katika nchi hii. Ndio mimi nasema vitu hivi viwili vilikuwa vyatakiwa viangaliwe pamoja, kama nyinyi mna review Katiba, basi pia kuwe na nyingine ina review watu. Tukipata watu wazuri basi Katiba yenu Inshallah Mungu akipenda itafanya kazi. Hata mimi nimekuja na mpangilio wangu, ambao naona ikiwa yatatiwa kwenye katiba, yataweka hizo ni

ya Katiba yataweza kufanya kazi ili yaka produce citizens of a better quality, good quality citizens...(inaudible)....Nimeigawanya sehemu hiyo. Sehemu ya kwanza naiita administration, sehemu ya pili ni management, kisha ya tatu iko general recommendation. Hayo ni kwa ufupi kwa sababu ni uwongo kama nitaketi hapa nikuambie katiba ya Kenya nzima yote nataka iwe hivi. Mimi nitakuambia kwa ufupi tu.

Ya kwanza administration: Ikiwa atakayekuondosha ugonjwa ambao umejengeka katika mioyo ya wanakenya ya ukabila, corruption, nini nini, takatakata yote hii hapa, hii nchi ya Kenya, system iliyoko sasa ya kuendesha serikali iwe scrapped completely, tutoke na fikira mpya. If the system is not working, change the system, hakuna solution nyingine. System hii ya serikali imekuwa ni mbovu, imeoza. Rais Moi amejaribu, Mzee Kenyatta amejaribu. Semeni sitaki ukabila, sitaki ukabila leo, Kenya miaka 37 tangu tulipata uhuru, bado ukabila uko pale pale.

Kwa hivyo yaonyesha mipangilio ya serikali na mipangilio ya vyama vyetu vya kisiasa, vyote vime fail. Kila siku huo huo ukabila unaozungumzwa ndio unakuja, na sasa ndio wazidi kabisa. Sasa tufanyeje?

Mimi proposal yangu nawaambia Bwana commissioner, nchi nzima hii ya Kenya, habari ya kuzungumza habari ya jimbo hili, jimbo hili, scrap all these! Hakuna cha majimbo scrap habari ya majimbo. Leteni mfano ambao utaweza kweli kuelekea ku-produce citizens ambao wataweza kuangaliwa vizuri. Kenya igawanywe kwa constituencies na constituency moja, kama hii ya mbunge kwa mfano Kisauni, nyingine Changamwe.

Constituency moja hiyo ndio watakayoweza kuchagua mjumbe mmoja ambaye atakwenda parliament. Kenya nzima itagawanywa kwa mpangilio huu, irrespective of the majority of the people. Nisizungumze kusema wakikuyu wakiwa wengi kwa hivyo wao watapewa viti vingi vya bunge. Itakuwa ile democracy ushaiyunja at the grassroots. Umefanya.....(inaudible)....kidogo tayari watu wa chini wamefua dafu.

Maswali yenu .....(inaudible)....igawanywe kupatana na .....(inaudible)....Kenya nzima hii, mahali sisi tunasema ni wanakenya. Wanakenya ni wa nchi ya Kenya hii hapa, wanakenya wakikuyu, wajaluo. Hii nchi ya Kenya igawanywe kwa land areas. Land area moja itaitwa constituency, ya pili constituency namna hiyo, mpaka Kenya nizma itakuwa ina constituencies kama mia mbili au mia mbili hamsini. Na kila moja itakuwa ina mjumbe ambaye atachaguliwa atakuwa aende parliament. Nikisema hivi najaribu kutaka kuwafanya kila mwanakenya a belong to somewhere, awe na mama. Mama yako wewe ni constituency yako ndio ukweli wako wewe. Hatukulazimishwa kwa vile wewe ni mjaluo, huwezi kuwa katika constituency ya Kisauni, ni shauri yako wewe mwenyewe. Nikiwa mimi nataka kuwa mwanakenya wa constituency ya Kisauni, mwanakenya wa constituency wa, shauri yake irrespective of your colour, irrespective of your religion, irrespective of your any other physical differences. Wewe mwenyewe useme mimi nataka kuwa mwanakenya wa constituency ya Kisauni, mimi nataka kuwa mwanakenya wa constituency ya Changamwe, wewe mwenyewe.

Sasa patatoka kitambulisho. Kitambulisho kikitoka, itakuwa wewe umepewa register kama mwanakenya, lakini mwanakenya wa wapi? Mwanakenya wa Kisauni, kwa hivyo haki zako zote wewe ambayo utatarajia kutoka kwa serikali utapata through Kisauni. Elimu yako, nini yako, nini yako, na ukifa pia, utazikwa Kisauni. Hakuna kuwa ume register kazini, mwanakenya wa Kisauni kisha ukifariki hata wachukuliwa kupelekwa Kisumu, hakuna hio. Wewe ni mali ya constituency yako ni Kisauni, ni Kisauni tu. Hapo ulipochukua kura ndiko kwenu sasa. Hiyo itaondosha wakati wa kura ukifika. Watu watoka Kisauni, watu



watoka Ukambani, wamekuja katika constituency hii ya Kisauni kwa wingi kushinda wenyeji wa hapa, wapige kura kisha wanaingia hapa wafunikwe hawa jamaa wachukue kiti. Mfano huu utaona kule Changamwe. Wenyeji wa Changamwe hata wakafanya nini, hawana nafasi ya kukagua vyumbe, hawana nafasi kabisa, kwa hivyo wao kufuatana na ile administration ya Kenya wameshafunikwa kabisa. Hata siku moja hawatarajii kupata mjumbe kule. Kwa nini, kwa sababu atatoka mtu kutoka Ukambani atachukuwa wakamba wote wa kule pale, maana wako wengi kule pale, kwa hivyo haina haja, ata vile yeye ni mkamba, atawatoa huko alete hapa.

Mwingine anaweza kuchukuwa wakikuyu awapeleke Lamu. Jamani hata Lamu pia!

**Interjection:** ...(inaudible).....

**Mr. Matono:** Kwa hivyo kufuatana na mtindo huo wa kisasa yawezekana katika Kenya hii, wakawa wajumbe wote wa Kenya nzima hii ni wakikuyu, wajaluo na wakamba kwa sababu wao ndio wengi.

Nyinyi hapa mkipiga kura, mwapiga katika kura elfu kumi, kuchukua wakikuyu elfu kumi au kuchukua wakamba elfu kumi, kuwaleta hapa kujiandikisha si rahisi kabisa bwana hivyo? Mtakosa kiti? Kule Lamu wapita na wajumbe elfu mbili, elfu tatu, si rahisi kuchukua wakamba kuwapeleka pale mara moja wale watu wa Lamu wakakosa kiti?

Kwa hivyo democracy should start right from the beginning ndio kutakuwa na uhaki sasa. Kisha hayo maneno yote nyinyi mlio yazungumza hapa, tawataka hivi, twataka hivi, yatakuwa taken care of maanake nyinyi mwajua hapa sisi tuko watu elfu mbili kwenye constituency yetu hapa kwa hivyo mtapanga mipango yenu kwa vile ambavyo nyinyi mtakavyotaka. Huu ndio mpangilio mmoja katika administration ambao ungefaa. Kisha baada ya hapo, ile constituency moja ile pale itagawanywa mara nne, itakuwa na wards nne. Kila ward moja itachagua chief. Huyu chief mnayemuona sasa hapa itakuwa ile administration ya chief yote ile si fupi, si D.C. si nani, wote waondoke na mbali takataka zile. Lakini sasa yule chief aliyepo, pale atakuwa yeye sasa ni kama councillor.

Kutakuwa kama constituencies tatu, nne au tano zitaungana pamoja, na wao watafafanya consensus. Zile council ndio itakuwa na mtu mmoja mtakayemwita mayor. Sasa yule mayor atakayechaguliwa, atachaguliwa na wananchi wa zote zile constituencies tatu au nne, wamchagua mayor wao. Kwa hivyo wale ma councillors hawana nafasi. Ikiwa constituencies hii ni nne basi kutakuwa ndani yake kuna wabunge wanne, na kisha kila constituency moja ina machifu wanne itakuwa machifu kumi na sita. Na kisha kila ile ward pia nao itagawanywa kwa mitaa. Kila mtaa kutakuwa na mzee, na huyo mze pia naye atakuwa member of the council. Kwa hivyo ndani ya council kutakuwa na member of parliament, kutakuwa ndani yake kuna machifu, ndani yake kutakuwa na wazee wa mtaa. Lakini mkubwa wao ambaye ni mayor atachaguliwa na wananchi wote wa hizi four constituencies. Huu mpangilio huu utaondosha ule ukabila ambao ndio mzizi wa fitina katika Kenya hii yetu hapa.

Nikija upande wa pili ni kuhusu management. Ukifuata upande wa management ya nchi mgawanyiko huu ambao uko sasa si mbaya. Ni mgawanyiko ambao unaweza kufanya kazi. Lakini uko ubaya wake katika uteuzi. Kwa mfano nitakuambia. Permanent Secretaries wachaguliwa na Rais, ministers wachaguliwa na Rais, na hawa chief executives wachaguliwa na Rais, head of parastatals wachaguliwa na Rais. Hata kama ikiwa wachaguliwa na Rais, lakini lazima watarudishwa from grassroots, watakwenda kama ikiwa inahusika ni mtu ni secretary wa mayor utapitia kwa ile county council yenu kufuatana na grade yake.

Ikiwa hiyo yahusikana na parliament basi itakayowapitisha ni parliament yenyewe, kama Permanent Secretaries. Lazima iende kwa parliament ushachagua wewe, parliament itamuangalia mtu huyu afaa, sio kuchukua mtu jizi, jambazi ajulikana wazi kama huyu ni mwizi pengine ni womaniser, watu wa kufuata wanawake matakoni, kisha mnachukua mnaafanya hao ndio wakubwa wa nchi. Hivyo ndio vitu yataka viangaliwe, kila kitu kipitie bunge. Ikiwa mtu hafai, bunge inamtoa, inamkataa, inaambiwa huyu mtu ambayo chama chao ikimshinda na serikali, mtu huyo mbadilishe tia mtu mwingine, huyo hatumtaki huu. He is a womaniser.

Sheria nyingine ningesema hivi, kuwa ndani ya lile bunge lenyewe pale kwa uzwa tembo. Kwa hivyo hizi sheria zote zinazotungwa hapa na hao wabunge baada wameshapiga maji hao. Wakishapiga maji wanagawa, wakishapiga maji huenda wakaamishwa wakaingia bunge pale, wakaenda kutunga sheria kule. Sheria inayotungwa na mtu ambaye amelewa, hebu fikiria mwenyewe sheria hiyo.

**Com. Hassan:** Mzee jaribu kusoma....(inaudible).....kwa watu wengi wanataka kuongozea.

**Mr. Matano:** Hayo ndio maneno ambyao ningesema. Armed forces ikaguliwe bunge, ministers, chief whip, leader of the opposition. Huyu mtu hatakiwi kuwa hapo, hakuna mtu anaitwa leader of the opposition. Cheo cha uwongo hiki hapa! Iko serikali ya ... (inaudible)....yake wana government chief whip. Chief whip achaguliwe na bunge nzima. Hakuna Chief Whip wa opposition. Mambo kama haya ambayo mimi nimeshaandika hapa wao ma commissioner wenyewe watasoma kwa urefu.

Lakini kuna mambo muhimu ambayo mimi ningetaka niyaseme, utanipa nafasi kidogo. Once an individual has been granted citizenship, no one shall have the right to strip him of his citizenship. Hakuna mtu mimi ni raia wa Kenya kisha unaniambia ati unaweza kuninyang'ang'a uraia wangu! Wewe ni raia wa Kenya, mimi ni raia wa Kenya, ati wewe sasa you have got the power waweza kuninyang'ang'a uraia wangu. Mambo hayo ni mambo ambayo hatutaki. Witch hunting for persons who have held government offices after expiry of their term shall not arise. Ikiwa mtu atakushtaki yeye Rais, yeye minister, yeye nani, ni pale pale akiwa yeye yupo ndani ya kazi yake ile pale. Mshitaki hapo hapo. Usimwogope mpaka ungojee mpaka aondoke kama Rais sasa ndio wewe unamshitaki should be given top priority. Vichekesho vya Kenya sasa mtu ako chama hiki, alipewa tikiti ya chama hiki, akaingia bunge chama hiki, wala mshahara wa chama hiki, ametoka amerudi chama chake pia bado afuatwa bado ati haja declare his intentions kama yeye aitisha kura bado aendelea kuwa mbunge. Uwongo huo, hio iondoke.

Ikiwa chama kitapeleka barua kwa Speaker, kiseme kama mtu huyu kwa matendo yake, ashatoka ndani ya chama, basi Speaker hapo hapo yeye hana nafasi nyingine isipokuwa ku declare that seat vacant, watu waende kwenye kura vingine. Hakuna mtu kuchezea vyama. Vile vile kama...(inaudible)....akipitishwa tuseme Rais awe na term mbili, basi vile vile ikiwa wewe ni chairman wa chama chochote cha siasa term yako pia term yako iwe ni mbili. Usitoke kwenye urais utapingika huko kampeni zako zimekwisha, ujaribu kujifanya wewe sasa ni chairman, chairman gani? Kule kwenye serikali ushaambiwa wewe huwezi kuwa Rais tena, umekuja hapa sasa wasema mimi nitakuwa Rais wa chama. Huwezi kuwa Rais wa chama utakuwaje Rais, term zako mbili zimekwisha! Hayo ndiyo mambo ambayo yatakayoweza kuleta uhaki katika hii Katiba. Nina mambo mengi sana, lakini hata najua time yetu ni kidogo, na mengi nimeandika hapa sina haja ya kuyasoma, ma commissioners wenyewe watasoma.

**Com. Hassan:** Asante sana (clapping) Abdul. Abdullah Juma? Hayuko, okay Sister Rumar.

**Ms.Rumar:** Salaam aleikum, kwa majina mimi naitwa sister Rumar Ahmed Mohammed. Mimi ni mkaazi wa hapa Mombasa. Maoni yangu binafsi; kwanza nataka kuzungumza habari ya Chief Kadhis Court. Chief Kadhi ningependelea awe anakaguliwa na Muslim scholars, tena awe na degree ya Islamic Studies tena awe ni lawyer by profession. Tena awe ni mtu ambaye anaangalia haki za waislamu, wanawake na wanaume awe anakuja kazini kwa wakati sio kuja kazini saa zile anapenda. Na akitoa hukumu atoe hukumu bila ya mapendeleo yeyote. Yaani awe mtu very serious na hiyo kazi.

Mimi ningelipendelea kama hii Chief Kadhi's court yetu ya Mombasa kuwe na kama makadhi wanne ambao wanahukumu na Chief Kadhi mbali, kwa sababu kuna cases ambazo hapo zaendelea miaka minne, mitano, sita, saba, hakuna hukumu yeyote ambayo inatoka. Akina mama na watoto wanateseka.

Na pia kwenye kila district, at least kuwe na Kadhi mmoja ama wawili ambao watu wanatoka district mbalimbali wawe na Kadhi wao baadala ya kuja hapa Mombasa. Na Chief Kadhi pia ningependelea awe na assistant wake, huyu assistant ambaye anaweza kuzungukia kila district kwa zile kesi ambayo makadhi wadogo hawawezi kuzitekeleza.

Pia tungependa tuwe na Chief Kadhi ambaye anauganisha waislamu wote kwa jumla, sio ma Chief Kadhi ambao wanatutenganisha sisi waislamu haswa kwa mwezi mtukufu wa Ramadhan kwa masukuu tuko mbali, mbali sisi waislamu. Lakini kama tungekuwa tumepata Chief Kadhi ambaye ana mwongozo na mwelekeo wa kuunganisha waislamu, haya hayangetokea.

Governance: Mimi ningependelea federal system of government ambayo ni majimbo, na kila jimbo ambalo lina rasilmali tuseme kama hapa Pwani, 80% of the economy hapa Pwani iwe inatumika kwenye hili jimbo, 20% ndio iende kwenye serikali kuu.

Pia kuhusu employment, tumeona kwamba sisi tumekuwa overshadowed by upcountry people. Tungependa katika new constitution 85% of the people wawe ni indigenous people, ni wenyeji wa hapa Mombasa, na wengine wawe ni wa kutoka nje kama vile ambavyo inatendeka kwenye mikao mengine tuseme kama Kisumu, Nairobi, huwa wao ndio majority. Hapa ukija ukiangalia kwenye mashirika, ofisi za serikali sisi tumekuwa kama wageni baadala kuwa wageni kwa sababu wale walioandikwa kazi wote ni watu wa nje, na sisi hapa nafikiri sote tumesoma, na watu wana ma degree kama wao, lakini tumekuwa sidelined.

Jambo la pili kwa vile tumekuwa sidelined, watu wetu wamekuwa hawapati kazi. Sasa imebaki sisi, ndugu zetu, watoto wetu na mabwana wanakwenda overseas kwenda kutafuta kazi ili wapate maisha mema. Sasa hapa tunaona tumekuwa separated from our families. Hii discrimination against Arabics in the coast in the new constitution iangaliwe sana, because kila mtu wa bara wenyewe wanajua hivi.

Haki za mwanamke na political empowerment: Katiba mpya tungependa maanake itazame sana kwa uangalifu haki za wanawake. Wanawake wawe na haki ya kusoma kama wanaume, wanawake wawe na haki ya kumiliki ardhi, mali, wawe na haki ya political posts. Katika political post wapewe kama 10% of political posts in each province. Na 10% wapewe katika kazi za provincial administration in each province. Na ministerial posts kama kuwa waziri, ma permanent secretaries, ma directors, wanawake wapewe 10%.

Wanawake mara nyingi wamekuwa abused sana, being abused na mwisho wanakuwa raped, wanapigwa, wanakuwa

exploited, halafu wakienda kortini, korti yenyewe haichukuwi hatua ya kisawasawa. Twaomba mwanamke mwenyewe akiwa exploited ama akiwa raped akienda kortini kuwe na sheria kali sana ya mwanaume yule, the offender, kama mtu hufungwa tuseme miaka kumi na tano hivi. Pia twaomba katika haki ya mwanamke saa zile, mwanamke amefiliwa na bwana katika hii Katiba twaomba mwanamke wa kiislamu apate miezi minne na siku kumi ili akae eda halafu alipwe kisawasawa kama vile maternity leave. Na maternity leave baadala ya miezi miwili, hio ni kidogo sana apewe maternity leave ya miezi mitatu.

HIV Aids, Ukimwi: Kama mwanamke yeyote amenajisiwa na mtu na akapata haya maradhi, huyu mtu aliyemwambukiza afungwe maisha yake.

Divorce, kuachana, talaka: Mwanamke akiachwa wengine huwa wanaachwa kwa sababu hawajaelewana, lakini saa nyingine huwa ni kunyanyaswa. Mtu anaolewa, after two days anapewa divorce, pengine ni msichana mdogo wa miaka kumi na nane tu. Twaomba huyu mwanamke akishaachwa kama ana watoto au hana watoto apewe nusu ya mali ya yule bwana. Sasa hii itapunguza hii abuse ya wanawake ya kuolewa siku mbili halafu wanaachwa. Tunaona watoto wadogo wadogo wanaolewa siku mbili halafu wanaachwa, kama kuna hii kwenye constitution mtu mungwana atakosa mali yake nusu haitatokea, na hao watoto pia kurandaranda street children hawangekuweko.

Pia mwanamke ambaye ameachwa ana watoto, twaomba korti maanake The Children's Act iwe enforced so that yule baba atazame watoto wake akipenda asipende, iwe ni just automatic.

Health services: Health services yaani kwa upande wa afya twaomba serikali kama zamani in the 1970s, 80s, serikali ilikuwa ikitoa huduma ya bure watu wakawa na afya njema, kisha ghafla ikabadilika. Kwa hivyo tunaomba katika new Constitution kuwe na free health services. Na upande mwingine, kuna hizi private hospitals, katika Katiba mpya twaomba kuwe na kamati ambayo inaangalia upande wa hospital bills za private hospitals. The new Constitution iwe na guidelines ya ku control exploitation of wananchi by the private sector. The private hospitals mainly na private schools wasitulipishe sana pesa nyingi maanake hiyo ninaita exploitation, kutajirisha matajiri zaidi, na wanyonge wanaumia.

Drug abuse: Kama hapa ni jambo la kusikitisha sana. Watoto wetu wako mitaani wanatumia madawa aina tofauti tofauti, bangi, miraa, pamoja na unga and so on and so forth, ambako ma drug peddlers wanajulikana ni watu ambao ni very powerful, halafu wao ndio wanaowauzia watoto wetu ili wapumbave. Na hata ukienda ukiripoti polisi, ukienda kuripoti kwa ma CID, they don't do anything. Hawafanyi jambo lolote kwa sababu hata nao polisi wanawauzia watoto hizo drugs kwa hivyo hata drug dealer akishikwa, utamwona next day ashatoka. Kwa hivyo tungependa katika new Constitution ichukue hatua kali kwa hawa drug peddlers wote ambao wanauza na wale ambao pia wananunua, iwe ni very severe sentence.

Upande wa education: Islamic teachers ambao wanasomesha primary na secondary schools, utawakuta hawako under the ministry of education. Hawapati mishahara sawa sawa na walimu wenzi wao wala hawapati kama house allowance and other benefits. Kwa hivyo tungependa na wao waandikwe by the ministry of education kwa sababu wao si tofauti na walimu wengine.

Nursery na primary school education iwe ni free, na 8-4-4 system iondolewe. Watoto wetu nao wapate kuenda madarasa. Inatia watoto ugonjwa na inawachokesha, kisha pia inatia wazazi hasara. Pia ningependa kusema kwamba skuli za hapa kwetu hazina enough facilities, hazina enough manpower, na infrastructure ni mbaya kwa hivyo tunataka zilingane Kenya nzima. Ikiwa

skuli ya Nairobi na ya Mombasa iwe the same standard, walimu wawe equally highly trained na facilities pia ziwe ni sawa sawa. Kwa hivyo right ya mtoto wa Nairobi, wa Rift Valley na wa Mombasa iwe ni sawa sawa. At the same time university selection kila mtoto ambaye ame qualify, kama hapa kwetu utaona percentage ya kwenda University ni kidogo sana tena.

On taxation, Kenyan citizens are highly taxed, utaona kuna ma VAT, ma service charges, hata juzi juzi kuna hii Y-not parking, hii ni harrassment tu.

Kwa hivyo tungependelea katika new constitution kuwe na kama hizo ma taxation na electricity bill, iko too high, telephone bill ziko too high, ziwe affordable kwa kila mtu.

Presidency: President aweze kuwa impeached saa zile amekosa, na power zake ziwe reduced, tena a serve only two terms, na President awe only ceremonial President, asiwe MP. Kuwe na post of a Prime Minister na deputy Prime Minister ambao hao wataenda parliament. At the same time tungependelea President sio saa zote atoke upcountry kwa vile kama tungependelea mfumo wa majimbo, kila jimbo ipate nafasi ya kuwa na President wake, wakimalizika jimbo hili, next jimbo lingine lipate President mpaka iwe covered, all the majimbo places. Kila jimbo lipate nafasi ya Presidencys. At the same time kuna the Police Force na Army na Judiciary, hizi ziko very corrupt. Sasa tungeomba kwenye nes constitution watazame sana maanake upande wa polic force, the army and the judiciary, wasiwe watu ambao hawana nidhamu, wasiwe watu ambao wanakuwa easily compromised na wakiwa easily compromised wakivunja sheria wao wenyewe wafungwe, wao wenyewe wafutwe kazi. Na senior government officials incase of misconduct wao pia waachishwe kazi tena wapelekwe kortini. Asante.

**Com. Hassan:** Asante sana Ramaru. Gladys Omma? Hayuko...Araba...(inaudible)....

**Mr. Masaba:** Salaam aleikum.....(inaudible).....Mimi jina langu ni Maadishe Masuo, Kiunga Division, Vugu sublocation, chairman wa Sindla Group mimi nafurahi sana kuona watu wengi wamechangia mambo mengi sana, lakini kila mtu ana maoni yake. Nikialisha hapa Bajuni Community, ijapokuwa mimi ni mshamba, sikusoma, sina education, lakini nasema msingi mkubwa Katiba naiambia ma commissioner ifanywe juu chini kila mtu awe na jimbo lake, ndio usalama wa Kenya. Kwa sababu ikiwa kila mtu amepewa nyumba anaweza kuchukua kabati hii akaweka huku akachukua, dressing akaweka huku, akachukua kitanda akaweka huku, lakini ikiwa Kenya haitakuwa na msimamo wa kumpatia kila mkenya haki yake na jimbo lake kutakuwa tumepanda mbegu ya umwagikaji wa damu na hii itatokea (clapping). Sisi sasa kama watu wa Coast province hatuna haki aina yoyote. Watu wana Masailand, wana Kambaland, sisi tulikuwa tuna Bajuniland, zote zimekuwa ni outsiders. Hiyo yote imekuwa sisi hatuna haki, na mwanadamu hawezi kuishi bila kuwa na ardhi na kuhifurahia haki yake. Na makosa haya si kwa Kenya tu, mimi nasema bara la Afrika nzima hatutambui maana ya mwanadamu kuwa huru ni nini. Haikutambulika jambo kama hili. Kwa hivyo serikali hii na katiba hii inayoundwa sasa itambulikane kwamba mwanadamu ana haki na kitu hasa kitu kitajwe maana ya mtu kuwa huru ni nini?

Leo watu kutoka sasa kumi na mbili wako hapa mpaka saa hiii wanalalamika vifua vinafuka moto kwa kunyanyaswa, sasa vipi litajulikana kuwa watu wamepata uhuru. Kuna wajibu kuchunga haki za wanadamu. Serikali ni kama baba juu ya raia. Kwa hivyo ikiwa nina nyumba nane, ni kila mtoto kuondoa chuki, kuleta mapenzi, kuleta umoja, ni kila mtu apatiwe nyumba yake

aweze kuitawala.

Lakini nyumba ina tofauti za namna hii yule ataka hivi yule ataka hivi, na serikali ni hio hio, itakuwa sisi hatukufaulu katika kujipatia uhuru, tutanyanyaswa mpaka mwisho. Na wale ambao hawataki majimbo nasikitika sana. Sisi ni wajibu wetu kila mtu apate nyumba yake aikamilishe.

Majimbo, hapa sisi tuna Waharabu, Wahindi, tuna Wazungu na wote wamemiliki ardhi lakini wanaichukuwa kwa njia inayofaa. Atakuja kwangu mwananchi anunue ardhi kwa elfu ishirini wacha aanze milioni thelathini lakini itakuwa mimi sina lawama, nilimuuzia mwenyewe. Leo mtu ana minazi ya babu na babu anaambiwa hii ni ardhi ya waziri fulani. Lazima utasikia uchungu, na majimbo kama anavyoishi Mwarabu, Mhindi, Wazungu Malindi wapo ma beach wameneza, na mkikuyu asiwe mwoga, yeye pia naye atakuwa kama wenzake lakini atajua jimbo hili lina heshima la wenyewe, hii ni fahari ya wenyewe. Yeye Mungu alitupatia sisi hapa na wao walipatiwa kule. Kwa hivyo kila mtu akitawala pahali pake akiwa na heshima yake. Hapo kuwa unafanya biashara hapa umemiliki ardhi lakini akikupita chokora wa Coast ujue hapa ni kwake. Hivi ndio napendelea maoni yangu nikiwa Bajuni Community inafikiria kila mtu katika Kenya hii, kila kabila wapate ardhi zao, Giriamaland, Rabailand, Bajuniland, Mswahililand, kila mtu ajivunie ile heshima yake ya nchi yake.

Kwa hivyo mimi kitu vingine nitaongeza Katiba hii ningeliona imeangamiza sana watu kabisa. Hii Katiba iliyokuweco ni ya maangamizo, utaona mtu ni wa serikali na yeye ni doctor katika Coast General wameruhusiwa kila mtu anakuwa na clinic yake, mimi nikilala nitakwenda kutibiwa wapi? Na watu hawaangalii viongozi huangalia maisha ya wanadamu yanaelekea wapi au yanakwenda vipi. Kwa nini aruhusiwe? Kwa nini ufisaidi usizidi? Kwa sababu watu wale ukienda kule wanakuambia dawa hakuna, njoo katika clinic yangu. Hii ni makosa makubwa sana.

Kwa hivyo mimi naona serikali hii ilikuwa shabaha yake ni mambo matatu; jambo la kwanza hatukutambua maana ya uhuru, uhuru tulioutambua kutoana roho, kuuana sisi kwa sisi na kuzidisha ufisadi mwingi, kunyang'ania na kunyanyasa wanyonge. Katiba itakayoundwa itoke mbali katika mambo haya iondoke kabisa isipatikane na tisho hii maanake damu itamwagika, na Wazungu wako tayari kutugombanisha na kutapatia silaha, sisi sio wanyonge tushavumulia muda mrefu sana. Kwa hivyo mimi nafikiri waheshimiwa waliokuja hapa watachukua haya maoni yangu, na watilie maanani ijapokuwa ni mzee sina education yoyote lakini nawaambia yatakuja mambo Kenya hii kila mtu ahangae, maanake liambiwalo lipo na ikiwa haliko liko nyuma laja. Na kuna uhuru wa kupata chochote unachokitaka mimi ni mtu niko mpakani Somalia, Kiunga division, kwa hivyo ni haki ya serikali na Katiba kuchunga sana umwagikaji wa damu juu ya Katiba hii itakayokuja.

Asanteni sana (clapping).

**Com. Hassan:** Asante sana mzee, lakini mzee tulikuwa Kiunga Tuesday, tulikuwa na kikao huko siku mzima tulikuwa huko.

**Interjection:** Mwezi wa pili

**Com. Hassan:** .....(inaudible).....Abdula Joel kutoka.....(inaudible).....

**Mr. Abdula:** Salaam aleikum. Mimi nina huzuni kubwa sana, mwanzo wa Islamu. Mimi kitu kinachonihuzunisha mpaka sasa ni

kwa kuwa waislamu wengi katika maoni yao ijapokuwa wametaja uislamu lakini hawakutaja njia gani tutaotafuta ule uislamu ili tuweze kutawaliwa kiislamu. Isipokuwa kuna kijana mmoja ambaye ndiye amelea msahafu hapa ili hiyo iwe Katiba yetu na iwe ni reference kwa hawa ma commissioner wapate quotation. Jambo lolote inayohusu waislamu waweze ku quote. Kabla sijakwenda mbali ningependa Sheikh Mummar kuna veroe fulani ya ripoti basi naye aripoti katika sura...(inaudible).....sura ya 6 aya ya 46. Hii ni kuonyesha kwa kuwa ni mtihani maanake hata Mtume mwenyewe hakuweza kuleta maoni juu ya sheria ya Mwenyezi Mungu. Mitume yote yuko, Muhammed hakuleta, Musa hakuleta, na hao wote, leo naona ajabu waislamu waketi chini watunge sheria zao. Hata mzee wetu hapa amesema watu wamekwenda kulewa wakija watatuletea sheria. Sheria ni mbili, sheria ya Mwenyezi Mungu na sheria ya shetani. Sasa tuko hapa kuazimisha baina twataka sheria gani. Tunataka sheria ya .....(inaudible).....ama twataka sheria ya Mwenyezi Mungu. Na mzee mwingine kutoka Lamu alisema moto waja, moto hauko mbali. Na sisi wenyewe mtihani huu ndio twajipa ili moto ukija ndio sisi wenyewe kwa nafasi yetu ndio tumejitia katika madhila haya, hawa wako wanachukua maoni tu.

Hawa watulazimishi mwataka nini, lakini taabu ni sisi wenyewe ndio tunasema twataka jimbo, twataka nini, miaka 38 mpaka leo tumeona ile halka. Leo watu wanalaumu Moi, watufanyisha sisi.....(inaudible).....si Moi hawezi kutuweka njaa, razaki ni Mwenyezi Mungu, razaki si Moi, wala Moi hawezi kutuua wala kutufufua, anayeweza ni Mwenyezi Mungu. Ni vile tumeachana na mambo ya Mwenyezi Mungu ndio tuka fail.

**Interjection:** Bwana Abdula, tafadhali toa maoni usitaje jina ya watu, jaribu kutoa maoni .....(inaudible).....

**Mr. Wamukibi:** Mnisomee page 155 aya ya 49.“Na hukumu baina yao kwa yale aliyoyateremsha Mwenyezi Mungu wala usifuate matamano yao, nawe jihadhari nao wasije kukugeuza na baadhi ya yale aliyokuteremshia Mwenyezi Mungu. Na kama wakigeuka basi jua kwamba hakika ya Mwenyezi Mungu anataka kuhakikisha adhabu kwa baadhi ya dhambi zao na bila shaka wengi katika watu ni waasi.”

**Mr. Abdula:** Naam hiyo Mwenyezi Mungu atuonyeshe wazi kwa kuwa hayo yote yanayokuja tunaambiwa tuhukumu kwa njia ya Mwenyezi Mungu lau tukiwachana nao ni sisi wenyewe ndio tumejidhulumu na ni mtihani mkubwa na tutapata adhabu. Twende tena katika kitio hiyo 48.....(inaudible).....sisi ikiwa sheria ya Mwenyezi Mungu haitatumika basi hatuna budi tutadai jimbo letu ndio njia peke yake twaweza kujiwakilisha na kuweka sheria ambayo inastahili kama mwislamu. Arobaini na nane inasema “Na tumekuteremshia kitabu kwa ajili ya kubainisha haki kinachosadikisha vitabu vilivyokuwa kabla yake na kuvihukumia kama haya ndio yaliyoharibiwa au ndio yaliyosalimika, basi wahukumu baina yao kwa yale aliyoyateremsha Mwenyezi Mungu wala usifuate matamano yao kwa kuacha haki iliyokufikia, na kila uma katika nyinyi binadamu tumejalija sheria yake na njia yake, na kama Mwenyezi Mungu angelitaka angekufanyieni kundi moja na kufuata sheria moja lakini anataka kukujaribuni kwa hayo aliyokutupieni. Basi shindaneni kuyapitilia mambo ya kheri, nyingi nyote marudio yenu ni kwa Mwenyezi Mungu naye atakuambeni yote yale mliokuwa mkihitilifiane.”

Kwa hivyo kila kitu kiko wazi sheria yetu ni hii hapa na sisi wenyewe tutahukumiwa kulingana na hii, mwislamu akizaliwa mpaka akifa jukumu lake liwe ni kitabu hiki lau tutaacha tufuate sheria nyingine tukakuwa tukifuata sheria ya kishetani na hiyo itatuletea

shida zote zilizoko hapa.

Kwa ufupi ikiwa hakikuwezekana hapa Mwenyezi Mungu asema yawezekana kila mmoja aweza kufuata sheria yake, kulingana na yule Mwislam alioko pale. Hakuna kitu ambacho hakiwezekani. Na ikiwa haiwezekani, jambo ni moja. Lazima tu secede, tujitoe kama jimbo, kama Nigeria nilihudhuria nikapata kuona huko sheria ya Mwenyezi Mungu inatumika kwa sababu majority walioko pale ni waislamu. Hapa pia ifanyike hivyo hivyo hatuwezi kuwa in a government in which we don't have the power to control our own natural resources. Sisi tuko katika serikali uchumi hatuna basi huwa hatuna serikali, huwa tunapelekwa kama vibaraka. Kwa hayo asanteni.

**Com. Hassan:** Asante Abdul, ukimaliza kutoa maoni tafadhali utupigie signature kwa hiki kitabu. Ahmed Shariff? Mohammed Shariff? Abdul Hamis.....(inaudible).....

**Mr. Hamis:** Salaam aleikum. Natumai, kulingana na fikira zangu nilizokuwa nazo na maoni yangu wenzangu wameshakuja kuzungumza lakini kwa machache ni haya. Nafikiri kwa jambo moja nitalizungumza....

**Interjection:** Prayer in the background

**Mr. Hamis:**...Kuna issue moja sijui, labda nilikuwa sijafika au ni vipi lakini sikuisikia wazee wangu mukizungumza na ni muhumu. Ni kitu cha kusikitisha kuwa kama sisi twajiita ni waislamu kuna work. Commission ya kiislamu ni vipi? Work Commission ya kiislamu hii chairman si mwislamu. Vipitapata haki zetu katika commission hii iwe ina serve purpose ya Waislamu. Leo kuna trustee za church, yuko Mwislamu hata mmoja? Kuna trustee za Mabaniani, kuna ...(inaudible)...katika trustee zile za Kibaniani? Kwa nini haki za waislamu ziwe serikali hii itakuwa inazigandamiza kuwawekea watu ambao si waislamu wawe ndio wana make final decision. Kwa hivyo Mr. Chairman nafikiri jambo hili nataka utiliwe mkazo na liwekwe katika constitution. Mambo ya waislamu yaendeshwa na waislamu.

Kitu cha pili ni kuhusu administration. Tunaomba constitution itulinde kuwa 75% ya administration of governing ya district to provincial level iwe ni natives wa pale pale. Isiwe ni watu outsiders. Sisi wenyewe ukiangalia kama natives wa Coast hapa, nafikiri hatufiki hata 10% tulioko katika government. Vipitapata haki zetu? Kwa hivyo jambo hili liwekwe katika katiba. Si kumlinda mtu wa Coast, ni kulinda wananchi wa Kenya. Wale natives wa province ile wawe ndio wata-administer province yao kwa kila government, kila department of the government, head lazima awe ni from that area, hata kama kungekuwa ni wakenya wengine, hatukatai sote ni wakenya sawa, lakini Coast province, mbona maeneo mengine? Wakenya wa kutoka Coast province hawana haki kama hizo?

Jambo la tatu ni kuhusu employment. Inatakikana natives wa eneo hili kama province nyingine zilivyo, first priority no matter qualifications munazosema zilizomo humo, kuna watu ambao hawana qualification tunawaona katika Coast province wamepewa nafasi, na wa Coast wenyewe wameachwa kwa sababu yenyewe head of the department si mtu wa kutoka hapa, na hatuwezi kupata haki kama hatutakuwa na administration wa hapa Coast province. Lazima tuwe sisi wenyewe na ndio tutapata haki zetu. Lakini ikiwa position from a messenger to the head of department ni mtu kutoka nje, vipi atanidhamini mimi? Vipitakuwa



kuna rushwa zinazotembea? Leo aweko mtu wa hapa kwenye department fulani, ukienda na akiku-mistreat, unajua which way utafuata na hakuna kitu chochote kitakuwa na utatekelezwa kazi yako, lakini mtu from far away atakuambia nenda popote na hakuna kitu kikakuwa, na kweli hakuna kitu itakuwa, kwa sababu sisi watu wa Coast sheria hii si yetu sisi, sisi kifungo chetu ni second class citizens, twajijua tukitaka tusitake. Na ni sheria ndio imetufanya tuwe hivyo, tunyanyaswe. Na si sheria, haituwachi constitution ni sheria za watu binafsi. Kila mmoja anayekaa anakuwa na sheria yake kwa sababu ajua ana godfather, nitakwenda wapi na wapi, hakuna lolote litakuwa, kwa hivyo tutakataa hakuna swala la yoyote kuwa above the law. Hata President akifanya makosa lazima apelekwe to the court. Hakuna faida basi kuwa court kama kuna watu waliokuwa above the law. Vifungo kama hivyo lazima viondolewe kwenye sheria. Kuhusu employment lazima big percentage ipewe natives wa hapa, kama maeneo mengine inavyotendeka.

Pato la mkoa kuna lazima kuwe ni kifungu big percentage inatumika kwa ule mkoa, kinachobakia ndio inakwenda kwa central government. Kwa sababu sisi twalalamika, bei, vitu vyote vilivyo katika Coast province hatuoni benefit zozote watu wa Coast wanazopata kwa sababu sheria yasema everything iende central government.

Kwa hivyo tunaomba kifungu kiweko cha kuzuia pato la mkoa, first priority ni kwa ule mkoa unaozalisha sio priority ile wapatiwe watu wengine wenyewe wawe wananyanyaswa. Sina la zaidi Mr. Chairman. Thank you very much.

**Com. Salim:** Thank you very much ... (inaudible) ... amerudi. Sheikh Mohammed ni wewe? Tafadhali tutulie kidogo.

**Mr. Mohammed:** Salaam Aleikum. Mimi yangu bwana chairman, commissioners ni mafupi sana, lakini yana uzito kidogo upande wetu sisi, concerning determination of passport and ID card from ethnic group, swahili and Arabs, in general Arabics. Nafikiri bwana chairman hii, kila aliokuja hapa kuzungumza, amezungumza habari hii ya passport na ID card.

Kwa ufupi nataka kuijua ama nitilie mkazo utueleze yaani commissioners utueleze ama upeleke malalamiko yetu kwa nini Mswahili, Mwarabu na hususana katika mtu majina ya kiislamu akitaka passport, aulizwe birth certificate tatu; yake, ya baba na ya nyanya. Huyo mwenye kukuuliza hizo birth certificate tatu kwa bahati kama atakuwa na yake. Hii ni jambo la kusikitisha sana baada ya miaka thelathini na nane kupata uhuru bado watu wa Mombasa tunanyanyaswa na sisi tumebakia kimya, hakuna kitu kinachofanyiwa. Tukienda tukiuliza kule tunaambiwa zungumzeni na wabunge wenu, wako wapi wabunge wetu leo hapa?

Okay, ningependa complaints zangu mimi hizi we ask the Kenya government to implement these issues and not to waste our time and your time plus the government funds. It is a matter of mixing blood between Swahili and Arabs, I think upcountry you had the same problem of mixing the blood.

The second Vice President of Kenya Joseph Murumbi was of mixed blood, Babu Wood and others... (inaudible)... wao ni kama sisi hapa watu wa Mombasa wamechanganyika.

Lakini wao wana right kushinda watu wengine. It would have been fair enough of each and every Kenyan to produce the same document for each... (inaudible)... or person without looking into religious ways. Government is not doing us a favour, but it is our right.

Also the government should understand that, Bwana chairman nakuomba kwa unyenyekevu haya maneno myaandike, serikali lazima ijue saa ingine unazungumza na watu wenzetu wa bara, oh anazungumza anakuambia hakuna Waswahili, lakini Kiswahili

kiko, lakini Waswahili hakuna, kuna Mkikuyu na lugha ya Kikuyu, kuna Mjalu na lugha ya Kijaluo, kuna Mkalenjini na lugha ya Kalenjini, lakini hiki Kiswahili, Waswahili hakuna, basi Waswahili wako, ndio sisi mnaotua hapa. Maana kukwambia wako, tunaweza kuzungumza hapa kiswahili wewe ambaye unasema hakuna Waswahili usishike kitu maana sasa hivi nikikuambia bwana Chairman, “wa ambaye hapo”, hiyo utajibu nini?

**Interjection:** .....(inaudible)...Hayupo.

**Mr. Mohammed:** Hayupo, concerning....(inaudible)...I think Mr. Chairman it would be fair enough if Coast people no matter who you are, Mgiriama, Mdigo, Mswahili au local Arabs, when I say local Arabs, I mean tumechanganyika damu na wandugu zetu. There is no way mtu anaweza kumtukana Mwarabu, mimi damu yangu isichemke because I have the Arab blood from my mother. Every office should be managed by the natives of that area. If it is the Coast, Rift Valley or any other province. Kama on the recruitment, recruitment of police officers and army. Utaona kunaandikwa kuita watu kazi polisi lakini utakuta wale waliochukuliwa wote, I will say 99% wameshapewa kama kutoka upcountry waje hapa waandikwe kazi. Je hiyo ni haki? Kwa hivyo Bwana Chairman tungependelea na twatilia makazo hili, kama ni kazi ya polisi, army, navy airforce prison warden and the Game Warden, kuchaguliwe committee ya wazee wa hapa waswahili wenyewe, watu waseme huyu ni mtoto wetu wa hapa, kutoka eneo gani kama ni Makadara, Kibokoni, Mkanyangeni, wachukuliwe watoto wetu wa hapa lakini sio wanaandikwa watu kazi hapa, polisi inakuja kufanya recruitment Mombasa na hakuna mtu wa Mombasa. Yote ni nini hii ni shauri ya ukabila na tamaa ya watu hao. Mkishachukua kazi zote hapa sisi tutafanya nini? At last tutakuwa wezi, tutawaua, tuwangoja bridge pale, twawatia makaburi, tutawaita magari moto....(inaudible)...halafu tutaruka bridge, tutaoga, mwajua kuoga? Je mtaona raha? Hamtaona raha. Kwa hivyo twataka upande wa kugawanya makazi na sisi mtutie kila mahali, for example, unaangalia South Africa, namna gani ile nchi inaendelea. Sisi tume-fail mpaka kimichezo. Mpira pia tume-fail. Tulishafunga hapa Zambia goal tano, sita, leo we are nowhere hatuwezi kusonga nao dakika tano.

Angalia South Africa, katika timu ya South Africa kuna Wazungu, kuna nani wanacheza mpira. Angalia katika police force, South Africa, kuna Wahindi, si lazima mtu aandikwe kazi. Mhindi au Mwarabu aende direct inspector, hapana, aingie kama wenzake wengine constable halafu jitihada yake ataendelea kuendelea mbele. Lakini utakuta hapa hawapewi nafasi hizi, si kwa kuwa watoto hawataki kazi, sio wote, wataka wao pia kazi. Kama ni police traffic nao wasimama Kibarani ama Kengeleni pale, wachote mia kama wanavyochota ma-traffic wengine. Hii ni ....(inaudible)...ya corruption. Haiwezi kuondoka sasa, ikiondoka itakuwa basi, na hao hawatafanya hivyo, lakini sasa ngoma, vikwazo, limit kwangu.

Bwana Chairman nikimaliza naomba ikiwa tutaletewa mkubwa wa polisi akiwa yeye ni P.P.O tunaomba kwa unyenyekevu, kama navyozungumza mwenyewe OCPD awe ni mtu wa Pwani, OCS awe ni mtu wa wa Pwani katika central police yetu ya Makadara, Mtwapa kwa shauri atajua tunajuana mtoto fulani ndiye mbaya ndiye anayeuga unga ndiye mwizi pale, ndiye anayevunja majumba. Lakini ukileta OCS kutoka bara huko, atakuja kushika nani? Ama ukienda hapa central police hukuti hata mtoto mmoja wa kiswahili ambaye anaandikwa kazi pale. Wale wanafikiri hawataki kazi! Wanataka kazi, wafanye kazi kama wenziwao wengine.

Immigration, upande wa ID cards, uende umuulize mtu wa kabila gani wamwambia mimi ni Mdangana anakuambia mimi sijui

hilo kabila Mdangana wewe ulikuja kufanya nini kama hujui kabila la Mdangana nenda ukatafute kabila yako huko, jamaa zako ambao wawajua, niletee mtu wangu ambaye anajua hapa. Nafikiria bwana chairman yangu mimi hayo tu, namaliza. Asante sana.

**Com. Salim:** Tupate Abeida Salim

**Ms. Salim:** Salaam aleikum. Mimi naitwa Abeida Salim. Natuma the..(inaudible)..report, niko darasa la tatu, nina miaka tisa, ningependa kutoa maoni yangu kuhusu haki za watoto. Watoto lazima wapewe elimu, watoto wasikose kupewa chakula nao watoto wapate nafasi ya kupumzika, watoto waishi katika nyumba za kisawasawa. Watoto wapewe uhuru wa kuchanganyika na watoto wenzao kujieleza, watoto wasikose mavazi, watoto wapewe mapenzi na wazazi wao, na pia wasitesweteswe, watoto wakiwa wagonjwa wapelekwe hospitali, watoto wapewe ulinzi dhidi ya madawa ya kulevywa na kunajisiwa. Asanteni (clapping).

**Com. Salim:** Asante sana. Abeida Ali Abdulahi.

**Mr. Abdulahi:** Mabibi, mabwana na ndugu zangu. Salaam aleikum. Jina langu ni Ali Abdulahi Hussein kutoka mtaa wa Kuze unaojulikana kama Old Town. Na mengi ambayo nataka kusema niliokuwa na nia nayo yashazungumzwa, lakini kitu cha kufanya ni kuchangia, pengine huenda tukichangia tukapata mafanikio. Lakini tangu nienukie maneno ninayosikia ni hayo kwa hayo, na kuna fumbo nilipewa na mzee ambaye nilikutana naye kwa muda mrefu akaniambia, “Pumbavu likiwa punda linyoki atakuwa mboko.” Sasa mimi sijui huu wimbo maanake umeanza kuimba tangu wazee wetu hadi sasa mini pia nikafika mahali kama hapa, si sawa mimi kuja Mahali kama hapa, kitu kinachonihusu. Mimi ni nani ni kutafuta future yangu. Hayo mambo ya siasa hayanihusu lakini nimekuja hapa kwa ule uchungu ambao tuko nao kama vijana wenzetu.

Kwanza tutaanza na yale yale kama ID. Ikiwa ID za Kenya kupata kwetu sisi ni taabu basi naomba serikali ikiwa itawezekana, wa Mwambao wawe na haki ya kupewa ID zao binafsi as a Mwambao wasiwe na ID ya Kenya, wajulikane kama wenyeji wa Mombasa.

Job opportunity, 80% ya sehemu za kazi zafaa ziwe ni zetu sisi watu wa Mombasa, lakini ndugu zetu utasikia wanasema, watu wa Mombasa hawana elimu, nimefika standard three, nimefika standard four. Basi hata kuhesabu magunia sijui! Maanake kazi hiyo hata kipofu una hakika ukimpa akipapasa atajua magunia ni mangapi yalioko pale. Na port una hakika mizigo mingi inayokuja ni magunia na ma-container, sidhani kama tunaweza kushindwa sisi. Pia hiyo twataka lizingatiwe kwa serikali tupewe haki zetu.

La pili, education, kuna wengine wetu ambao wataka kuendelea masomo lakini hawana pesa. Kama kwa mfano umemaliza form four, university iko bara, kwa alieko bara, kwenda university school, atakwenda university school, akitoka aje nyumbani ale. Wewe wa kutoka Mombasa utakaa wapi na huna jamaa yako. Sasa sisi ni lazima tuwe na skuli zetu hapa, university zetu ambao itakuwa gharama kwetu ni rahisi.

Sasa ikiwa mzazi anafanya kazi mshahara wake haufiki elfu kumi, mtoto wake asoma university ataka elfu themanini, ale nini? Na tukija upande wa masomo, kwamba waliomaliza form four au university ndio wana haki ya kupata kazi, yule wa standard

eight afanye nini? Aibe? Tutapita tukilalamika sisi kwa sisi ni wezi, hakuna wezi ni kuwa ile haki mnatunyima. Kuna waliopata nafasi ya kusoma na ambao hawakupata nafasi ya kusoma. Hasa ambao hawakusoma pia wana haki ya kupewa percentage yao ya kikazi wastirike kama wengine wanavyostahili kustirika.

Mila na desturi; tumeacha mila zetu nyuma kabisa. Wakati wa nyuma na sasa ni tofauti. Utasikia watu wanalalamika kwa kesi za raping ama kwa kesi zisizoeleweka, hizi ni lazima zitokee. Ukiangalia katika miji yetu kuna mashababu wangapi, na utakuta wanawake ambao sasa mila zetu, mavazi yao si ya kawaida. Je mimi shababu nikimshika yule kuna hatia? Kwa hivyo, hii ni chanzo cha fitina ni katika yale mavazi. Pia mavazi yazingatiwe katika sheria. Kila mila na desturi zina mahali pake. Watu wa mwambao wana mila zao na desturi zao, na miji mengine pia ina mila zao na desturi zao. Kwa hivyo vitu kama hivyo napenda vizingatiwe.

Na jengine ni kuwa kama sisi watu wa Mombasa, tunastahili kuwa na share zetu, na share ile isiwe ni kwamba ita-hold-iwa na viongozi ambao hatuwajui. Maanake kuna viongozi, viongozi jina, ni mtu amekuwa appointed akae, akitudanganya sisi, wewe ni kiongozi lakini huna power, wa-controliwa na mtu wa chini, nimekuweka mbele, mimi niko nyuma yako nakugusa fanya hivi, fanya hivi, ndio serikali inavyokwenda. Sisi hatutaki. Tunataka tuchague yule mtu ambaye tuna moyo na yeye, sio kudanganywa sisi.

Jambo la pili mambo yawe wazi. Ikiwa serikali imejitolea kufanya jambo itangaze katika redio, televisheni, ndio vijana wajumlike wote, sio mambo ya kuwa viongozi na viongozi watafute vijana vichorochoroni, wahonge pesa, wapite wakisema twataka jambo fulani, twataka jambo fulani, wala hilo jambo si la sawa. itaonekana ni vijana wote waliokubali, kumbe sio vijana wote ni wale waliohongwa. Na kama ni jambo la sawa sidhani kama mtu atataka kulipwa atataka kulipwa na Mungu. Pia hayo mambo yazingatiwe.

During abuse na security; security iko chini sana hapa nchini kwetu. Tukija upande wa drugs nasema kwamba hii ni siasa ya kumalizwa sisi generation tusiwe na haki ya kudai. Maanake generation yetu ndio imeharibika. Ndugu zangu wengi na marafiki zangu wengi wamesharibiwa tayari kulingana na ma-drugs. Na nikisema hivi sio kwamba hazijulikani drugs zinatoka wapi. Ajulikana supplier wa drugs, serikali ina mkono mrefu, ikiwa yaweza kujua mambo yasiojulikana, sidhani hao kama waweza kushindwa waliokodhahiri. Maanake hata magazetini twayaona. Utasikia mtu ni drug dealer ametia container za ma-drugs lakini hachukuliwi hatua yeyote. Kwa hivyo serikali kwa mambo kama haya yazingatiwe.

Maanake utakuta watu wanalalamika vijana wanavuta brown, wanatoka maskani, wanaenda kuwashika, sidhani kama ule ni hatua, hiyo ni business, because nimeona tayari unamshika mtu na bangi. Sasa unapelekwa ndani ama una kitu kidogo, unatoa five hundred, this is corruption, inakuwa yule umemtajirisha, unampa mia tano na mshahara bado na wewe mwenyewe walia njaa. Sasa ikiwa umeshikwa na ile pesa umekopeshwa na huna kazi ya kufanya, utafanya nini, utaiba? Kwa hivyo lazima mzingatie haki zetu kama sisi vijana.

Na jambo jingine ningependelea, kwa mwaka hata kama ni mara nne au mara tatu iwe ni official utaitwa vijana wa mji mzima waje waeleze maoni yao na shida zao ambazo wanataka msaada kutoka kwenu ninyi. Hayo mambo tunataka yazingatiwe, sio kufanya mambo kupitia viongozi. Kuna viongozi hapa wanatushinda nguvu kulingana na pesa mtu ni kiongozi, kura amezipata kwa kununua, kwa hivyo mimi simuhesabu kama ni kiongozi wangu. Nataka mutuite sisi vijana, na vijana na mambo ya siasa muweke kando, mkifuata mambo ya kisaa ni mambo ya saa, siasa kando. Kwa hayo machache nafikiri yanatosheleza, mengine

yasashemwa tayari.

**Com. Salim:** Asante sana. Thank you very much (inaudible)sasa wacha tumpatie nafasi (inaudible) but I hope one of you is going to present the memorandum (inaudible) Your name and your position and your rank for the second of the proceedings.

**Mr. Said Ali Said:**Salaam Aleikum. My name is Said Ali Said, am an advocate of the High Court of Kenya, practising in Mombasa, and am here both in my personal capacity under the spokesperson for the Muslim Lawyers Trust, Mombasa. Gentlemen of the commission I thank you very much for this opportunity and I feel humbled to address you when so many have already addressed you, and people have poured out their feelings to you on this very important subject. I have no doubt in my mind, that I need to impress upon you that to be a Muslim citizen of this country is undoubtedly an experience in being a second class citizen.

You will have heard it in many other words that we all feel denied the opportunity to live and work in the same capacity as other Kenyans. And this is also terrible because Arabics are the only people in this country, who have fought to pay a valuable consideration for the guarantees that we allegedly have in the present constitution. I will explain this in a moment, but no Kenyan, no other ethnic group or any other religious group has ever paid any consideration to ensure that his rights in this country are guaranteed. Arabics are the only ones who are made to pay this valuable consideratoin and it took the form of the Ten mile Coastal strip seceded by the government of Zanzibar to the Republic of Kenya. As a return for the intergration of the coastal strip into the Republic of Kenya and as a result of the report of Sir James Robertson, he was appointed in 1961 to make recommendation for the seceding of the Ten mile Coastal strip and condition under which it should be done. If you will give the leave, just to read to you what the summary of the recommendation were, they were as follows;

One, the Coastal strip should be intergrated and...(inaudible)...before self government and its independence takes place. He said that this intergration could not conveniently be achieved by Her Majesty's government as propagated in the 1895 agreement, which was between Kenya and Zanzibar. And in the event of the solutions, that he provided to be unworkable, he recommended that the government of Zanzibar forego its sovereignty over the Coastal strip in return of constitutional, sectors which the government of Kenya should provide to all Arabics. Among those sectors which were agreed upon are the following, and these were contained in legal documents exchanged between the late Prime Minister of Kenya, Mzee Jomo Kenyatta and also Mr...(inaudible)...who was the Prime Minister of Zanzibar. I understand the commission is already familiar with these two documents, but I will just try to emphasize four items.

One is that there will be free exercise of any creed or religion which at all time will be safeguarded and in particular the present subjects of the coastal strip were Arabics of the Muslim faith and their descendants. We shall all time be ensured of complete Freedom of worship and preservation of their own religious buildings and institutions.

Nothing could be farther from the truth. We have neither experienced, the preservation of our institution and of our language or religion, since 1963. As anybody would know, the key to the Muslim faith is the Muslim language. It was also one of the conditions of the agreement, that the Muslim language would be taught to all Muslim students and the government of Kenya undertook by written agreement to do so. I am not aware of any single school in the republic where that language is taught.

If the language is taken away, the key to our religion is taken away. I am not aware of any single grant or any single funding by the government to support the speaking of this language in any of our schools. Not a single institution has been spared whether it is a school, whether it is the current polytechnic, any college that has ever existed as an institution including the only library that stood in Mombasa belonging to the Muslim community has been taken over. The latest example I can give you of the deteriorating rational situation was the repeal of the Succession Act cap 160. This took away the right of all Arabics to have their inheritance governed according to their personal law, and only after extensive lobbying was this Act repealed four years ago. Now if there were constitutional safeguards as exhibits, it would have not required any lobbying nor would it have required any intervention by any single person in this republic, to ensure that those individual guarantees were upheld.

The other condition the government agreed to was that administrative offices in predominantly Muslim areas should so as is be reasonably practicable themselves Muslims. Now I have heard a speaker who came before me who complained bitterly and at length that this has never been the case. One condition was that the intergrating of the office of the Chief Kadhi would be at all times maintained, yet we have seen a deterioration in his authority to an alarming extent. Whereas the constitution has defined its jurisdiction to the Muslim personal law. Personal law has been belittled down to only three areas; marriage, divorce and inheritance, yet Muslim personal law covers other areas such as child or children's custody, burial and matrimonial property. The problem, gentlemen of the commission, is not so much as this gurantee had not been taken care of in the constitution but the fact that the constitution safefuards were inadequate so inadequate as to render those guaranteed impractical.

I will render this memorandum to gentlemen of the commission so I will not waste too much time going through all the contents. Surprise to say that it is our recommendation to the commission that the new constitution of the republic should contain in it a preamble stressing and stating the history of the secession of the ten mile Coastal strip, as consideration for the constitutional safeguard now embodied in the new constitution. Let the people know that there was a price paid for these sectors and that these sectors are in nature unchangeable and should not be certain to change, because law any provision which is there for valuable consideration cannot be the subject of change at a later date. In our recommendation the constitution should be the supreme document of the land and all other laws should emanate from it and be static to it.

On the question of citizenship, the bias towards gender should be removed. At present one example of this bias is the fact that any spouse of a Kenyan male citizen is an eligible to citizenship but any spouse of a female Kenyan citizen is not illegible for citizenship. The word African in all our statutes relating to citizenship should be deleted and not mentioned for two reasons. The word African is amorphous it has no real meaning. Any person who is aware of the geographic layout of African knows that they are white, brown, black and all in manner of Africans who can easily fit into this description. But we know for a fact that the word African has been used in a prejudicial manner ever since indepence to mean only black indigenou. I submit the word indigenou is itself amorphous, but we all know that on strict terms what the politicians mean by indigenou Africans. This is pure discrimination, simple. No condition to restrict for citizenship that one must be an African or indigenou. Any person who satisfies the requirement for acquiring citizenship irrespective of his race or his religion, or his colour, or his beliefs of his creed should be eligible for citizenship. Any person who is born of any single Kenyan should be eligible also for citizenship, and gentlement of the commission, the power of the minister to revoke anybody's citizenship should be abolished. No person in this

republic should have the power to terminate the citizenship rights of any citizen no matter how he attained his status.

We submit that the offences under the penal code should adequately punish any citizen for whatever alleged crime he may have committed and the punishment of revocation should not be an option. We have seen it misused and I can refer to a particular incident when Sheikh Balala had his citizenship temporarily revoked and this incidence is well known to anybody who has ever paid attention to that particular subject.

On defense and national security, no single person should have the authority to declare war. A much broader based structure should be put in place for that mostly typical and honourous task. On the issue of systems of statutes, it is our humble recommendation that we adopt a proportional representative system with a Prime Minister in place for he is invited to form a government if he has the largest number of seats in parliament and if he can command 70% of the vote in parliament. This is especially our view because it would be an ideal system to represent the interest of all minorities and the different groups and gatherings that we have in our country. All judicial appointments, heads of parastatals, the commissioner of police, the commissioner of prisons and similar positions should be done or vetted by parliament, and should not be the preserve of any one individual. It is our proposal that parliament should have the power to impeach both the Head of State and the Prime Minister if there shall be one in existence.

The concept of nominated members of parliament should be abolished. They have served no useful purpose in our history and no example can be cited in support of this trend, in fact it has nearly been abused to show up the authority of one group against the other in parliament. The Head of State should have no authority to dissolve parliament. Parliament should regulate itself independently of the executive. The deletion, the office, the powers, the responsibilities of the holder of the top office whether it will be the Prime Minister or President should be specifically mentioned in the constitution should be self regulatory in this respect. It is our recommendation that the provincial administration be scrapped entirely and civic authorities be put in their place and strengthened to take over their functions. The office of mayor or chairman of local councils should be up for direct election by the public; and the local police should fall directly under the mayor.

On the judiciary, gentlemen of the commission, it is our recommendation that there be a Supreme Court established, which will handle all matters of constitutional nature in line with the U.S. Supreme Court, both in function and stature. It is also our recommendation that the office of the or rather the court of the Kadhi and the Chief Kadhi be strengthened and not weakened; and the Chief Kadhi should be uplifted to the level of at least, a Court of Appeal judge. He should have a Kadhi's Court of Appeal and his jurisdiction should extend to all areas of Muslim personal law as embedded by the current constitution. If I may explain this point, the difficulty comes in that the Chief Kadhi's Act specifies muslim personal law to be only those areas of marriage, divorce and inheritance, yet the constitution itself does not make these difference and muslim personal law should extend to custody, matrimonial property and burial. All judicial officers should not be appointed by a single person in this country. Preferably there should be a commission made up of judges of the Court of Appeal, or the Supreme Court, members of the Law Society of Kenya, members of religious groups and representatives from the office of the Attorney General. Those recommendations by this commission should be approved and vetted by parliament. The Chief Kadhi and the Kadhis should also live up to the same standards as other judicial officers and be appointed on the same criteria over and above the fact that they should be well versed and have learning in Islamic jurisprudence.

**Com. Hassan:** ...(inaudible)....

**Mr. Hussein:** Thank you so much. Can I wind up. If I may say there is one item I would like most that this commission should consider, is the introduction by trial by truly in all criminal matters if we had trial by jury rather than judge or by magistrate you would have one big try by his peers and the pressure of corruption would immediately be alleviated and in political cases, pressure from the executive would dissipate. I will submit my memorandum to you and I hope you will have time to look at it, otherwise, I thank the commission most greatly.

**Com. Mosonik:** Maybe I could ask you about you have no problems in any way at all on the issue of majimbo because everybody else is supporting majimbo.

**Mr. Hussein:** I was actually coming to that but the Honourable commissioner told me to cut short.

**Com. Mosonik:** Maybe you can....(inaudible).....

**Com. Hassan:** I was also going ask you one question in response you also add up that point. I was talking about the powers of the Kadhi's Court. This morning we had other Muslim Imams and leaders saying it should be increased and include civil case, so we wondered outside the .....(inaudible)....itself. I don't know whether you the Arabics want the view clustered on that point whether also Arabics who want their civil matters heard by the Kadhi's Court or to be handled there.

The qualifications I did not hear you mention the qualifications for the Kadhis and Chief Kadhis. What do you think about that?

**Mr. Taib Ali Taib:** Thank you very much Mr. Commissioner. I think any expansion of the Kadhi's jurisdiction would be welcome, whether it be in the realm of personal law or civil law. Because those are many disputes which arise out of a religious basis which end up in the commercial realm. But what we were more concerned about would be the minimum authority of the Chief Kadhi and our minimum would be that he must have jurisdiction of over own matters of personal law no matter their description. He should also be in charge of all matters affecting Muslims whether they be of a contentious or judicious nature or otherwise. For example the decision on when Ramadhan should start or when it should be declared or otherwise. At the moment it is being done on an ex-gratia basis and I think jurisditial foundation is going to be set for this.

On the qualifications of a Kadhi or a Chief Kadhi. It is our opinion and we have contained in the memorandum that we are submitting, that they should be as well qualified as any other lawyer who occupies any other office within the republic, with the rider that they must also be learned in the Islamic jurisprudence. In this respect they would have asked the government to ensure that the law courses offered in this country should include a course on Islamic Sheria so that any student who studies law in this country has the option of taking it as one of the subject for his degree.

On the issue of majimbo, it is contentious issue. We believe that the physical territory of the Republic of Kenya is too small to



adequately provide for a federal system of government and am assuming the federal system of government and majimbo mean one and the same. Had our territorial limit been something the size of East Africa, that would have been highly recommended system of government. We are territorially and physically too narrow for the form of government which my learned commissioner has mentioned.

**Interjection:** .....(inaudible).....

**Mr. Taib:** In fact I have already mentioned earlier on when I said we were supporting a representative system of government, where parties would elect their members to parliament who will in turn depending on the number of seats available, be invited to form the government under a Prime Minister. This is a government system similar to the system in India.

**Com. Hassan:** I think we have your point. Thank you very much for your time. Please sign for us the register and give the submission to the lady. I assume therefore that Mohammed Abdi and ....(inaudible)....are part of your group. Si ni vizuri, I thought you are all together, but if ....(inaudible)....subject may be that is also, highlight equally. Please keep reasons for that.

**Ms. Yasmin A. Ali:** (Arabic dialect). I am Ali an advocate of the High Court of Kenya. I do practise in Mombasa and also am here as a Muslim woman to give my views in respect of the equality bill 2000. I would first and foremost to clearly state that the Arabics are governed by the Koran. All our rights whether they are personal, whether they are criminal or otherwise they are all governed by the Koran. Our human rights are also endorsed in the Koran. If you open any provision of the Koran you will find human rights there and these have been ordained by God Himself. They cannot be changed, they cannot be altered. They are there for us to be followed, that is the Muslim population.

As far as the equality bill concerns it does discriminate against the Muslim rights to practise their religion. For example if we look at section 4 of the equality bill, it says that every person is entitled to equality and lists three of the things that actually touches the Muslim's way of life. If I may refer the Commissioner to section 4 (c), (d) and (e) the equality bill which is on page 1342 the first issue that I have a quarrel with and I believe most of the Muslim women and men do have it is that the equality tribunal shall have the right and responsibility to deal with marriage and its dissolution and all partnerships in union. That cannot be so, because the Koran provides for the way of marriage dissolution and everything else that goes under personal law. That offends the religious view of the Arabics which religion is guaranteed under the constitution of Kenya.

The second issue I would like to point out is talking about the use, distribution, disposal of property acquired during marriage. Those rights have been laid down in the Koran, you cannot enforce other rights on a Muslim other than the ones that are there. If there is property which belongs to the woman it is hers, if it is for the man belongs to him. There is nothing like property during marriage and that cannot be enforced.

The third issue is inheritance. For 1500 years back we have been given our right to inherit. The women has a right to inherit and believe me when I say the Muslim woman has the absolute right to inherit which some of the women today in the world do not have it. We have had it for 1500 years back. We have women today in Kenya who cannot inherit their father's property or

their husband's or their brother's. The Muslim women have been given that right to inherit from my brother and they still have a right to look after me, that law is supreme and cannot be in any way interfered with. Those sections violate or....(inaudible).....in a way of practise.

Now if I may also turn to the issue of association, that is section 14 in which it says that no acquisition shall discriminate directly or indirectly against any person. We are talking about different people in Kenya, we are multi-racial society. We have different cultures, different use to everything. Whatever club each culture or each religious group has is different from the other. If you do put this 'blanket' rule we are going to have problems where somebody will insist in a Koran school and becoming a member there or a Muslim sitting in a church school which he has knowledge whatsoever. So could we kindly look at those provision very clearly before we go ahead and enforce them.

Lastly, am trying to be as short as possible, we have the issue of jurisdiction of the equality tribunal. To my understanding what will happen if we will have the constitution as the supreme law? After the constitution we will have the human rights which is the equality bill which will be second in command; and then they will be all these other laws and all these courts that come up. Now if the equality tribunal decide to hear a matter it will be supreme to all the other courts, meaning that you are actually extinguishing the Kadhi's Court totally. We do not even have to have them there because even if we go to the Kadhi's Court and we go back to the tribunal, the tribunal law is supreme and that is actually now interfering with even the administration of the Islamic law itself.

I would like to make it very clear that this bill does and in many days many women in Kenya who do not have those rights, and as a Muslim woman, I would happily stand behind them and support them to have this bill passed for their protection. But as far as the Muslim woman is concerned this does not incline to her. And therefore I would suggest or recommend that there be a provision in the equality or human rights bill or whatever it is going to be called. The bill provision that it shall not in any way interfere with the Muslim sharia law. Should there be a conflict between the equality bill and the sharia law, the sharia law shall be supreme to the equality bill as far as a Muslim is concerned.

I would further also like to make a proposal that the constitution itself also should now have a clear provision saying that its got freedom of worship, freedom of practising whatever religion and as far as the Arabics are concerned there must be a provision stating that should any law be in conflict with the sharia law, then the sharia law shall be supreme or supercede any other written law. It is the law that we cannot change, it is God's law and that is the practise for the Arabics. For that I thank you for listening to me.

**Com. Hassan:** Thank you very much Yasmin. I was just wondering whether I thought of processing a pending bill....(inaudible)....know yet. I am sure the political lawyers quorum can be a very good quorum to block it. It should not be parliamentarian, try and push all these reforms you would have opposed it or alternatively you could...(inaudible)....a positional reference to try and see whether it can be a constitutional reference point so that the reasons of those other....(inaudible)....

**Ms. Ali:** Okay why I am here today is that we are dealing with the constitution. Whatever law is going to be applied whether it is a bill or to be applied in the future, all those laws are subject to the constitution, and if the constitution says that Islamic

sheria will not be set aside or revoked or anything, it shall be protected. Everything that comes later on is not an issue. So I don't have to go the commissioner or to lobby for anything because I know my constitution protects my religious rights.

**Com. Hassan:** Thank you very much. Please sign for us the register, I thought Mohammed is the...Now lets have Residence Wemali Benson, Youth Secretary Mombasa.

**Mr. Wemali:** Ma-commissioner siku ya leo. Good evening. With me here today I would like to give my ideas concerning the constitution of this land. First of all, I would go to the economy. I would like the ...

**Com. Hassan:** For the purpose of recording although I have mentioned your name, please repeat again because you have.

**Mr. Wemali:** My names are Wemali Benson, secretary for the youth, Mombasa. And my views are as follows...

**Com. Hassan:** Could you tell us what youth, what you....(inaudible)....

**Mr. Wemali:** Mombasa Youth Secretary for churches-Church of God. Okay my views are as follows;

First of all I'll go to the economy and would like the government that will be formed when they are talking about the economy they should come to the citizen and get their views. Recently we had an economic talk in White Sands whereby all members of parliament were there and they spent a lot of money talking about the economy without knowing what the common mwananchi has in mind. So we would like when they want to talk about anything concerning the economy they should come back to the common mwananchi to find how common mwananchi is suffering, find out how common mwananchi is finding things hard, so that they can know which way they can make it. Wasiwe tu watu wa kuongolea kule na kumaliza mabilioni za pesa, jinsi walivyofanya ama jinsi wanavyofanya.

Second thing, is to do with the Presidential powers, the Presidential powers are too much, while I would like the President to have one purpose in this land. The President should be the leader of the nation and the leader of the military only. All the rest of the powers should be left independent like at the moment whereby you have the President being the chancellor of all the Universities should be scrapped out. The President heading some ministries in all corners should be scrapped out. The President heading the electoral commission should be scrapped out. The President being the final man when it comes to, let us say, dissolving of parliament should also be scrapped out so that we are remaining with only one that the President should be the head of the military and the head of the nation and the rest of the other constitutional bodies should be independent and the parliament should be given those constitutional bodies to elect the leaders.

Thirdly, I will go to our traditional way of life many have talked about it but what we are receiving at the moment is quite wonderful and disastrous. We would like people to maintain the cultural way of life they used to have in the past. First of all, when you consider dressing on, we would like this constitution to impose or give Kenyans the best way of dressing. There should be a national code of dressing.

Fourth, the media. The media has failed. There are many useless pamphlets on the streets. The media should establish a body to register the publishers and should strictly censor all publications.

When we come now to the entire leadership at large, the President and all the MPs. In my opinion and my suggestion, they should only have two terms. The President should be in the leadership for only two terms and then he goes. The MPs should also have two terms. Second thing, right now we are hearing that we are having some offices in Nairobi for MPs, we would like those offices not to be put in Nairobi, those offices should be built in their respective constituencies whereby a common mwananchi when he has a problem, he would go to those offices. Now you will find that it will be difficult for somebody like me when I have a problem goes to Nairobi to the office there to go and talk to my MP. So we would like these offices to be built in the constituencies whereby when the MP is not having a parliamentary seat, he comes straggled away to the office to listen to his people to channel the problems to his people. That view must be there. I wonder how they are treating those offices in Nairobi and yet we have the constituencies. Then the MPs should be accountable to their people whereby we need if this MP is not coming or his people he should be called and if all goes well or if all goes bad, he declared he cannot work so that he can have an election. The idea of somebody going to Nairobi after being elected and he spends whole of 4 years and then the 5<sup>th</sup> he comes to ask for a vote should be rejected.

Fifth we need to have the parliament bill bunge iweke katika television. Tunataka tuone jinsi hao wabunge wanajifanya hapo ndani. Wengine wanaenda pale wanakaa tu, wanalala tu halafu wankuja wanatudanganya jinsi wamefanya huko. Tunataka tuone jinsi wabunge wetu wanavyoongea ukifika wakati wa mswada, wanavyopambana na kuongea kufika maswala ya mwananchi. We don't want an idea of an MP being in parliament throughout the decade and he talks nothing and is just being there for the (inaudible) So we want the parliament iwe katika televisheni na iwe kipindi yetu kwa televisheni and we know hawa MPs and we can rate them through their talking.

And then another idea, specifically is now on the side of local government. At the moment we have a situation whereby mayors and the town, the chairmen of the councils now have is an idea we must have a mayor who is well conversant and educated mayor. We should not have a mayor who cannot express even when he is being visited by the ambassadors and all other kind of people. The mayor should have at least an O'level education whereby he can express himself to somebody. Second thing also the town chairman should also be an O'level person and if all the councillors should also be seen and be people who are well educated. An idea of pushing somebody who cannot the ideas of the people should not be there.

Then we are seeing so many commissions being formed. Tume nyingi jambo likishatokezea tume inatengenezwa, unasikia tume ya moto, sijui tume ya Bombolulu, sijui Mtongwe. We want hizi tume zitupiliwe mbali. Pesa nyingi zinaenda kwa zile tume ambapo hizo pesa zingekuwa zinapatiwa wananchi kila mwisho wa mwezi....(inaudible)....anapata shilingi mia mbili mia mbili, tungeli-benefit wananchi. Unapata tume imechukuwa million sijui mia ngapi for nothing. We want jambo likitokezea the concerned ministry to work on it, hakuna mambo ya tume kwamba tume imebuniwa. For what purpose? We are seeing hizi tume haziwezi chochote. Tumekuwa na tume ya Akiwumi about the clashes, what has it given us, nothing! So tunataka jambo likitokezea ministry concerned ideal na lile jambo la tume.

**Com. Hassan:** Please summarise

**Mr. Wemali:** Education yetu is still in disaster, you find that education now is...(inaudible)...watu ama wanafunzi wapata a shallow education. Now is form four and there you go for a job or form four to university. There is no credibility in that. We would like the system that used to be there. 8-4-4 should be thrown out. We don't want this idea of 8-4-4, it is benefiting nobody. People are in the street at the moment, they are jobless at the same time, the subjects should be reduced, we should have five subjects only in Secondary level. In primary at least if they are many, they should be six. They are having a lot of subjects at the end of the day, somebody cannot know what he is learning. Mwanafunzi unapata amejaa na vitabu kwa mgongo, he is doing nothing in school. The minister concerned should be somebody ambaye pia amekuwa mature enough and amesomea, he has a degree. Mambo ya kuchukua mtu from nowhere anakuja hapa anakuwa minister for education hajui hata what the students are getting vile wanafunzi wanasumbuliwa. Hatutaki that idea and then teachers wafundishwe how to handle students. Idea of somebody kutoka huko halafu anaanza kuongea na mtoto kama hajui nini inaendelea. Halafu students wakuwe na democratic rights wafundishwe even mambo ya sex education in schools, wafundishwe hii mambo ya katiba in schools, civic education should be taught in schools so that people can know, students can know where to go after the education, what to do and how to do it. The idea of somebody coming to school and hata hajui ku-handle matters hajui kuji-handle mwenyewe, we don't want this idea for that matter the commissioners. Thank you for giving me this time.

**Com. Hassan:** Thank you, thank you very much Mr. Wemali, please sign for the register. We would like to close this station at six o'clock, so we are going to request those who are going to talk to please be very brief and to the point. I would like to ask Abubakar Awadh to give his now. And please be brief and to the point.

**Mr. Abubakar Awadh:** Salaam aleikum. Hakika nitakuwa na maneno machache sana kwa sababu nilikuwa hapa kuanzia saa mbili mpaka saa sita u nusu na maoni mengi ambaye nilikuwa nataka kuyazungumza. Nitayataja hayo majina ya wale watu kuisitiza kwamba maoni yangu na yao wanaowana. Halafu kuna point mbili ambazo zitakuwa ni mpya. Mohammed Sheikh Dor, Mohammed Sheikh Amin, Sheikh Ali El-Maawy na Hassan Omar. Maoni yangu yanaowana na yao. Langu ambalo nataka kuisitiza zaidi ni kwamba katika katiba hii tunayoandika sasa kuwe kuna provision maalum kwamba commission zote zilizoko kaa katika nchi hii kuanzia uhuru mpaka leo litalazimika kikatiba kwamba lizungumze na walio makosa wachukuliwe hatua baada ya kuunda serikali inayofuata. Hilo ndilo jambo liwemo katika katiba.

Jambo la pili ardhi zote ambazo zinachukuliwa kidanganyifu zichukuliwe tena zirudi katika mikono ya serikali na mikono ya municipal ama ya jimbo na zigawanywe kwa masilaha ya wananchi wa sehemu zile. Liwe ni jambo la kikatiba.

Jambo la tatu, pension za watu ambao wame-retire ziwe reviewed kila mwaka. Na wale ambao wamestaafu na mishahara yao ni mdogo wawe watapewa matibabu ya bure katika serikali, katika hospitali za serikali bila malipo. Jambo lingine ambalo nataka kuisitiza ni kwamba mwananchi iwe ni wa kuzaliwa peke yake maadamu amezaliwa Kenya hata kama wale wazazi si wa Kenya, maadamu walikuja wakakaa Kenya mpaka wakapata mtoto, mtoto yule awe automatically anakaribishwa hapa Kenya. Na mzazi wa Kenya akisafiri, akitoka nje ya Kenya na akapata mtoto kule maadamu vile mzazi ni Mkenya, basi mtoto yule awe automatic ni Mkenya hata kama hakuzaliwa Kenya. Pia kuwepo na uhuru wa kuwa na dual citizenship uwe unaweza

kuwa raia wa nchi mbili. Jambo lingine ambalo ningependa lakini si la kikatiba lakini ni la kisiasa. Maitha asubuhi hapa alikuwa...(inaudible)...akisema kwamba IPK imeanza Kisauni. Kweli IPK imeanza Kisauni na sote twakubali, lakini hatukubali kwamba Kayabombo haikuanza Kisauni. Iwe report katika record za commission hii. Kayabombo haikuanza Kisauni wala haikuanza Digo wala haikuanza Coast, imeanza State House Nakuru. Kwa hivyo si jambo la Waislamu wa Pwani. Asanteni.

**Com. Hassan:** Asante sana Awadh. Tafadhali Awadh ukitoa maoni unapiga sahihi kwa kitabu yetu. Peter Mulamba. Please anza na jina ndiyo isikike sauti vizuri.

**Mr. Peter Sewe Mulamba:** Thank you very much. Ladies and gentlemen, the commissioners who are here. My name is Peter Sewe Mulamba, am a teacher and a school administrator. What I had planned to say I will not say because it will be just repetition. I want to try and confine myself in the areas where I have not heard people say so much but are of very much concern to me. This is particularly the school issue. There is very strong feeling by the Kenyan about the kind of education that we are having. But as an implementor of these policies. The best education which we ever decide in this country is 8-4-4, but the biggest problem is that this thing instead of it being managed by the professionals it was hijacked by the politicians. Many of them are semi-illiterate and know nothing about it.

The other problem is about the education officers in that they have left the proper management of this policies to people who are not qualified to do this. The problem here at hand is the competition which has been brought by listing schools. This has created a cut-throat competition which benefiting only the entrepreneurs who have started private schools. And it is doing a lot of harm to the child and again it is taking the cost of education to be too high above the ordinary mwananchi. How is it making the cost of schools to be high. It is because the teachers have to work 24 hours and pupils have to learn 24 hours. In this case we are sacrificing one thing because education is not only meant for academic work. It aims at achieving certain things like spiritual development, physical development but these ones are sacrificed. So we have gone back to the old problem of competing to be number one. So when we do these we sacrifice these other areas therefore you find this country is well known in sports but these days we hardly have time to teach students sports. Because we have always been called upon to teach a subject that is coming in the examination so that you have the highest mean score. This means score mania has brought the biggest problem we are facing in this country today. And therefore the teacher has to do a lot of work to add more time. And adding more time we will demand for a stipend a little thing for workers and that is in the name of extended work or tuition as it is generally referred to.

So this is what is driving the cost of education to be higher. Otherwise our public schools are well endowed with facilities because they have...(inaudible)...and they are now a classrooms which are built according to the engineering and professional way it should be but many of them are half empty. Why? Because the Kenyan public has endured to think that the only schools that produce are the private ones. Where they are mediocre teachers and in facilities these people only teach children examinations. And these children are not taught the spiritual education slightly and this is why the country is suffering. You will find our products, the products we produce these days people tend to believe that they are ill trained but there is a lot of teaching

in them.

The only thing lacking is that the religious issues we have discussed so much here they are not given time to go to the Mosque to learn about their religious, I mean pastoral education in the churches so this people end up as not God-fearing pupils. This is the reason why you have a lot of problem here like the drug abuse it is because we don't have sound spiritual education which was well designed in the syllabus, but it is hard to implement because we are going for competition to make the child get number one and yet we have never heard a shortage of form one places or higher education places.

So my recommendation or what I would like to propose is there should be no listing of schools, because it is not benefiting the child. We have children who are not endowed with brains to be taught but they can do very many good things. Some of these ones are like in sports or in drama where they can also even earn a lot of money if they pursue those lines so this is why we are saying that we should try and embrace systems that we use to have in the past where the school should just concentrate in teaching all areas. If they should be a mean score system then all these other avenues should be considered to be put in the mean score to consider its school number one not just bookwork only, but all those other areas. The other thing is about intergrating our students. When we were secondary school I hope some of you can remember.

**Com. Hassan:** Could you please summarise.

**Mr. Mulamba:** I am summarising. We used to have students mixed in secondary schools so you could find one from Garissa or Siaya or Busia coming to Mombasa to learn here. That brings national cohesion and should consider these things once more, rather than making children be in only one particular area like here in highlands. One has never seen outside. You will never understand what Kenya is. No wonder this is why we are talking so much about separatism, the federal kind of government because there is not that feelings of us feeling as Kenyans. The other thing quickly is about the elections of the Presidents. I just wanted to touch on this area. Tribalism can only be killed if for example when electing a President then most of the provinces that President comes should not be counted in the name of that President. He should seek votes from other provinces, so that he could be seen to be a national leader and that could commit that President to looking at the entire country as one, but if you use your community to take you to any place you will have to consider only that community alone, so because I am being so pressed...

**Com. Hassan:** Thank you very much. We are very grateful for your views and this brings us to the end of this session. We are very sorry that we cannot be able to hear others who are listed. It is going to six O'clock. We have been here from nine thirty, I think we have captured the majority views of the people of Kisauni. So I want to apologise to those who are here and who have not been able to give their views. If you have written submissions please go ahead and give them. We will not be able to sit further and listen to more and I therefore want to call upon ....

**Interjection:** I am sorry for interruption but I feel it is my right to do so. We were told during the previous meeting that the maximum number of days we can have the commissioners is two and...(inaudible)...can be added to the third day. I don't

