

**CONSTITUTION OF KENYA REVIEW COMMISSION  
(CKRC)**

**VERBATIM REPORT OF**

**CONSTITUENCY PUBLIC HEARINGS, MANDERA CENTRAL  
CONSTITUENCY, HELD AT RHAMU**

**ON**

**JUNE 03, 2002**

**CONSTITUENCY PUBLIC HEARINGS, MANDERA CENTRAL CONSTITUENCY, HELD AT RHAMU ON 3  
RD JUNE 2002**

**Present**

1. Com. Salome Muigai – Chairlady
2. Com. Dr. Mosonik Arap Korir

**Secretariat Staff in Attendance**

1. John Watabini – Programme Officer
2. Caroline Ndindi – Assistant Programme Officer
3. Mahammed Fenz – Ass. Programme Officer (Muslim)
4. Martina Odhiambo – Verbatim Recorder
5. Olad Ebrahim – District Co-ordinator

Meeting started at 9.40 am. with Com. Salome Muigai in the Chair.

**Mr. John Watibini:** Kitu ambacho nataka kusema ni hayo makaratasi ambayo yanasambaza muandike majina yenu, useme kama unataka kuongea ama la, kwa sababu nataka msikilize, msikize vile wengine wataongea. Nitafuata hiyo taratibu ya hayo makaratasi ambayo tumempa. Sasa jiandikishe hapo jina lako, uweke address, useme kama unataka kuongea ama unataka kusikiliza ama memorandum unaandika unataka kupatia Tume, halafu tunanze. Kwa sababu nimeona mko wengi hapa na tusipoanza, tukiendelea kufanya vile tunafanya hivi, tutapoteza muda. Sasa tafadhali nawapatia dakika tano, halafu tunaanza kazi. Asanteni sana. Nawashukuru sana, nafikiria nitapatia Madam Commmissioner atuanzishie hiki kikao chetu sasa hivi, asante sana.

**Com. Salome Muigai:** Salaam Aleikum,

**Response:** Aleikum Salaam.

**Com. Salome Muigai:** Salaam Aleikum, Bwana Muheshimiwa tunafurahi sana kuwa hapa na ningetaka sasa kukitangaza hiki kuwa kikao cha Tume ya Marekebisho ya Katiba ya Kenya, na kabla hatujaanza habari yetu leo, tafadhali ningependa kuomba tuwe na mkutano mmoja. Ningetaka kumuomba mkubwa wa dini yoyote aliye karibu na sisi atufungulie hiki kikao kwa maombi. Sheikh, nakuomba utuombee. Kadhi

**Khadhi:** Bismillahi Rahman Rahim, fadigam manta mesha laguqawo fadi xer qawo Ilaxey xanogadigo kuluguliwaney warki an labaxanan wax xanotaro Allah xadogadiyo,Amin,. Dhowlada iyo anaga dhad sharcigotha xal eh oo xeshis eh Alla xanogadigo, Amin, dhad muslim yan naxay dintena sharcigetha yan rabna oo sithi an kuxumuman lexen on kudaqmilexen Alla xanowafugio Amin. Rabaana atii fimaqaminaa xathaa thamba ila wafartan wala ama ila faratha, walaa theila ila qaleita, walaa muriwan ila shqfarita, walaa xajata min xawaji thuniya aqira ....(Arabic)

**Com. Salome Muigai:** Asante sana Bwana Kadhi. Na sasa ningetaka kuwajulisha kina nani tuko hapa na kwanza ningeanza na Mjumbe wa hapa, mwenye yuko hapa karibu nami Hon. Adan Mohammed Nur

**Hon. Adan Mohammed Noor:** Salaam aleikhum!

**Com. Salome Muigai:** Pia ningetaka kuwajulisha kwenye mwanatume mwenzangu, na atatuambia jina lake ndio msikie naye sauti yake.

**Com. Dr. M. Arap Korir:** Jina langu ni Commissioner Mononk Arap Korir.

**Com. Salome Muigai:** Nami naitwa Salome Wairimu Muigai. Mimi ni mwanatume wa Tume ya marekebisho ya Katiba, sisi wote wawili na Daktari Korir na pia tume kuja na watu kutoka ofisi zetu za Nairobi. Tuko na Programme Officer wetu John Watibini.

**Programme Officer (John Watibini):** Salaamu Aleikum!

**Com. Salome Muigai:** Tuna, mwenye kumsaidia yeye mwenye ni Caroline Ndindi

**Caroline Ndindi:** Habari zenu

**Com. Salome Muigai:** Tuna msaidizi mwengine mwenye ni Mohammed Fauz

**Mohammed Fauz:** Salaam Aleikhum.

**Response:** Aleikum salaam.

**Com. Salome Muigai:** Na mwishowe tuna yule mwenye kuchukua rekodi zetu anaitwa Martina Odhiambo. Na sasa kabla sijaanza, ningetaka kueleza maneno machache ili tuelewane tutaanza kwa na mna gani! Kwanza unaweza kutumia lugha zetu za Tume, ni Kiswahili na Kingereza. Lakini kama ungetaka kuzungumza lugha yoyote nyengine kutakuwa na mtu mwenye ataweza kutufanyia tafsiri ili tuelewane. Pia ukiwa umekuja na maandishi yaani una memorandum, tutakupa dakika tano peke yake ili utuangazie tu yale, District Co-ordinator tafadhali ningetaka kuwa na mkutano mmoja ili, tuelewane sote kwani haya maneno ninazungumzia sasa kila mtu atahitaji kuelewa, nitaanza tena kusema sisi wenyewe tunatumia lugha ya Kiswahili na Kingereza lakini ukihitaji kuzungumza lugha nyingine unaweza, tutampata mtu wakutafsiri. Pia ukiwa umekuja na maandishi yaani memorandum tutakupa dakika tano ili uangazie maneno ya memorandum yako.

Tafadhali usije ukajaribu kusoma memorandum yako yote, hautapata nafasi na ukisoma kwa speed ile kubwa sana unakuta hatutakuelewa. Kwa hivyo angazia tu, 'just highlight' yale yenye umeandika sisi wenyewe tutaenda tutasoma hiyo memorandum yote. Ukiwa huna memorandum tutakupa dakika kumi ili ujieleze habari yako. Ukishamaliza kutuzungumzia sisi wanatume tutakuuliza maswali, lakini maswali ya kuwezesha sisi kukuelewa wewe vizuri. Sio maswali ya kukuuliza kwa nini unasema hivi, ni kukuuliza ili utufafanulie.

Mwishoni, ningetaka kusema kila mtu saa zile anazungumza apewe heshima zake, azungumze na amalize. Wewe mwenyewe ukiwa hukubaliani naye, utanyamaza tu, halafu akimaliza na wewe utakuja hapa, utatueleza habari yako. Naye pia atanyamaza akusikilize wewe. Kwa hivyo sitaki kusikia mtu akisema hatukubaliani, kwa nini na kwa namna gani. Utanyamaza tu hivyo mpaka mtu amalize zake halafu na wewe pia utakuja. Na bila kupoteza wakati mwingi, kwani naona nyinyi ni wengi na mngetaka kuzungumza, ningetaka kumpatia mzungumzaji wetu wa kwanza. Jambo jingine lenye ningeomba ni kuwa tunyamaze, tunyamaze wakati tunazungumza tutakuwa tukichukua hayo maneno kwa tape. Kwani sisi ni wawili tu kwenye kamitii, wenye tumekuja, wale wengine watasikiliza hiyo habari kutoka kwa tape rekoda. Kwa hivyo watu wa Mandera Central mkipiga kelele sana tukirudisha hiyo tape, wale Komishina wengine watasikia kelele tu peke yake. Lakini hatutaki kubeba kelele kutoka Mandera. Tunataka kubeba maneno yenu. Si ndiyo?

**Response:** Ndiyo.

**Com. Salome Muigai:** Kwa hivyo wakati mtu mmoja anazungumza ni vizuri kunyamaza na kusikiliza ndiyo hiyo tape ichukue yale maneno yenye mtu anazungumzia. Tunaelewana!

**Response:** Sawa.

**Com. Salome Muigai:** Sasa ningetaka kumuita mzungumzaji wetu wa kwanza. Na mzungumzaji ukija kuzungumza utaketi kwenye kile kiti. Mwenye atakuja kuzungumza ataketi kwenye hicho kiti. Ukimaliza kuzungumzia hapo utakuja upande huu ujiandikishe tena, kwenye kitabu halafu ndio urudi uketi. Mzungumzaji wetu wa kwanza ni Mohammed Ebrahim Alio, lakini kabla Mohammed mwenye ni Chairman wa wakulima hajakuja, ningetaka kusema katikati ya asubuhi nitampa Mheshimiwa nafasi atuzungumzie lakini wakati huu ningetaka kumuomba Mzee Mheshimiwa aketi asikilize watu wake vile wanasema kwanza ndio wakati hii Katiba itaenda Bunge, akumbuke vile watu wake walitaka na vile walimtuma. Kwa hivyo nitaanza na Mohammed Ebrahim Alio. Mohammed!

**Mahmud Ebrahim Alio:** Yes Madam

**Com. Salome Muigai:** Sorry! Mahmud, Mahmud Ibrahim Alio, tafadhali keti kwenye hicho kiti.

**Speaker:** Nafikiri mumesikia vile mumeambiwa hasa nyinyi vijana. Mumeambiwa tafadhali mkae chini muwe na nidhamu kutoka wakati tutaambiwa. Hii si baraza. Tafadhali kaeni chini kwanza, mkae chini tafadhali. Mkae chini tafadhali. Kaeni chini. Kama huwezi kukaa chini tafadhali muende kukaa huko mtasikia hata kutoka kwa ile miti, mkae huko mbali kidogo na sisi. Mkae hata mkikaa kule chini ya hiyo miti nafikiri microphone inasikika kila mahali. Kwa hivyo yule mtu anataka kusikia anaweza hata songea mbali kidogo hakuna kitu hapo mbele. Kwa hivyo mkae chini, msikilize kwa nidhamu na ninamuambia hapa si mahali ambapo tumekuja kuteta, sio Bunge. Tumekuja kutoa maoni. Huyu akitoa maoni yake hata yakiwa mabaya, yakiwa mazuri, wale watu watasikiza ni hawa sio mimi, nyinyi msikie tu yale yatazungumzwa. Kwa hivyo mambo ya kusema huyu amesema vibaya, huyu amesema vizuri, huendi hapo kwa microphone, hatutaki. Tafadhali watu wale wanasikiliza msipige kelele kutoka huko nyuma. Kwa hivyo mkae chini msikilize sawasawa, tafadhali huyo anasikiza na huyo anazungumza. Hii karatasi, wale walijaza hawakujaza vizuri. Sijui walikosa kuelewa ama namna gani? Tuliwaambia tunataka karatasi na maneno mawili, ujaze kila mtu ambaye amefika hapa yule ambaye amehudhuria kikao hiki. Qof kasta o in imathey in ath aisqorto yalara inath innta imatey oth kadagestey, qartas ba nilidiwey dhad yar baisqorey. Marka iko mahali imeandikwa Organizatio in ath kasoqoto inath xalthi rabti inath dageisani rabto marka tafathal ninkasto ojo caruru iyo xawen waxa lagagabaxanye in ath isqortit oo magaca ath buxiso yalagagabaxanye. Marka ninka (In Somali dialect).

Marka ninawauliza Co-ordinator aweke meza moja hapo nyuma kidogo tafadhali kwa sababu mambo yakisemwa na karatasi izungushwe uendelee na registration, watu wataanza kupiga kelele. Kwa hivyo tuweke meza huko kando kidogo ili mtu akija ajiandikishe kabla hajaingia kwa kikao. Nafikiri tutakua na hiyo nidhamu ili tuwajue wale waku jiandikisha ni wapi, mahali pa kuzungumzia ni wapi. Ili watu wasikose mahali au upande ambapo wanaelekea au watapoteza muelekeo. Kwa hivyo mkae chini wale wanasikiliza, wale wanajiandikisha tafadhali tuweke meza moja kidogo huko kando na tuendelee. Kuna watu wengi sana wanataka kuzungumza.

Mumeambiwa yule mtu yuko na presentation ambayo ni memorandum ile ambayo imeandikwa una dakika tano ya brief

shan thagigath yath lethe ninki waraq qoran wato. Qofki xathlirawana towan thaqiqa yath lethe. Marka athey kujirta shega muximka inath kasobaxtho oo shegato, xathi waqtigina udamatho oo fariso lagudoxo in ath kabaxthith waye marka ina sas islufaxano. Commissioners, natutoe maoni yote kwa njia ambayo inatakikana. Asante sana.

**Com. Dr. Arap Korir:** Endelea Mzee. Utasema na Kisomali ama Kiswahili

**Mohammed Ebrahim Alio:** Bismilahi Rahmani Rahim. Mimi nitasema Kiswahili.

**Com. Dr. Arap Korir:** Sawa sawa. Anza na jina lako halafu,

**Mahmud Ibrahim Alio:** Jina langu Mahmud Ibrahim Alio. Mkaaji wa Rhamu. Sisi kama tunakutana sababu ya kutengeneza Katiba ya Kenya, kusema kweli, sisi kama watu wa Kenya, hapa tuko kwa taabu. Taabu yetu kwanza, tangu tupate uhuru sisi hatuna barabara ya kusafiria. Hata mali yetu yote imeharibika, sisi tunakuwa maskini. Hatuna hata fees ya kutoa shule sababu ya barabara. Moja yangu ni hii, kusema ukweli sisi tangu Kenya ipate uhuru, tumekuwa nyuma kabisa. Kwa sababu Msomali ni maskini, hana barabara, hana fees ya watoto. Hata kila mwaka tunaona gazetini, vile watoto wa watu wale wengine wanaenda masomo ya juu. Sisi tuko nyuma kabisa hata mwaka huu ukiangalia, kusema kweli, kwa sababu ya wale watoto wetu wanazunguka mitaani, sisi tuko chini. Hasa North Eastern, hata Mandera, kutoka Garissa mpaka Mandera, kwa sababu uhuru ilifika Kenya, barabara imefika Garissa, kutoka Garissa million ya kilometres, hakuna barabara. Sisi tuna mali, lakini hakuna mahali tunaweza ipeleka kwa sababu hakuna barabara.

Cha pili, sisi tunataka majimbo kabisa. Sisi tunataka majimbo kwa sababu tunaona hatupati haki yetu kabisa. Baraza namna hii, kama sasa vile nyinyi mnaandika wananchi wazungumze, kila mtu aseme taabu zake, sisi hatujawahi kuona hivyo. Hatujawahi ndio kwa sababu sisi tunaambiwa saa zote, “wewe kaa chini”. Wewe hujui haki yako.

Na ya tatu, kiko kitu kimoja kinaitwa Screening Card. Zamani walikuwa wanatofautisha wananchi wa Kenya, Somali na Ethiopia. Leo mtu wa Kenya ndio Msomali wa Ethiopia kabisa. Hiyo Screening Card inaletwa North Eastern inatupa shida kabisa kwa sababu leo sisi sio watu wa Kenya. Kijana wangu leo hawezi kupata kipande. Wasomali nao wanapata kwa pesa. Hilo jambo linatumiza, ndio sababu sisi tuko nyuma kabisa. Sisi tulikataa hilo jambo lakini hatujui lilitoka wapi.

Ya nne, kitu mimi naona kinashangaza katika Kenya, mtu mmoja anafanya kazi mbili. Wengine wamemaliza shule hata wamepata Certificates zao na ni za bure kwa sababu kazi zote ni mtu mmoja tu anafanya, kazi ya education anafanya, kazi ya NCCK, kama leo anafanya kazi ya kura, kila pahali. Leo hii kuna watu wa Kenya hawana kazi, kusema kweli sisi tuna shida kabisa. Sisi tunashangaa kwa nini nyinyi mnakuja kuuliza sisi mambo ya Katiba, Katiba ni kitu gani? Sisi hatujui. Sisi sote ni watu wa Reserve kwa sababu sisi tunaona tu nyumba ya mabati lakini sisi hatujui ni kitu gani kinaendelea, kitu gani kinatokea? Sisi hatujui.

Ya tano, kusema kweli, sisi makaiya hata sisi tuko hapa wametunyima sisi ..... (In Somali dialect), Mafuriko ya maji yanakuja, sisi hatuna msaidizi. Hakuna, watu wanakufa leo, wewe unaweza kufa, hata watu thelathini wanakufa. Watu kumi wanaweza kufa hata na njaa leo kwa sababu hata siku hizi hatuletewi chakula kama zamani. Sisi kusema kweli, sisi kutoka ukoloni, kutoka 1963, mpaka sasa sisi hatuna uhuru. Wewe ukisema haki yako leo mtu Msomali aje kukupiga hadharani kwa barabara, hutalipwa kitu kwa sababu wewe hujasomea sheria na hujui sheria inasema nini. Mambo yangu ni hayo.

Ya sita, naona watu hawa wanapenda Kenya. Wakisikia watu wa Kenya wanakuja kutatua shida zetu, wanakuja lakini tukiangalia, kila mtu anafunga roho, anaogopa kabisa. Sisi tunasema nyinyi mubadilishe Katiba, maana sisi tuko na taabu nyingi.

Ya saba, sisi tunataka kila mtu asome dini yetu. Ukiangalia Uingereza wanasoma kitabu na wanajua dini yetu ni dini ya haki. Sisi tunataka Kadhi mkuu aletwe hapa na awe anajua sheria ya Kenya na ya kila dini. Ndiye tunataka sisi hapa. Hapana mtu atakaye tuangamiza na kuchukua mshahara kutoka kwa Serikali. Dini yetu ikuwe ya haki inasomwa na inaonekana. Hata wale wa dini ya Kikristo wajue dini yetu ni ya ukweli.

Ya nane, mimi nataka sisi tujitawale, sisi wenyewe. Kama unaandika Chief kama zamani, awe anajulikana kwa location. Kwa sababu sasa wanaandikwa tu kichini chini na hakuna Chief aliyeleta maendeleo. Wanawaandika kikabila na ukabila haufai Kenya. Kabla hujasema wewe ni Kabila gani, hauwezi kuajiriwa na wewe unakuja kwa haki kama Mkenya. Ukabila ni kitu cha kuharibu Kenya na sisi hatutaki. Tunataka kitu cha kuhudumisha wananchi wa Kenya.

Maneno yangu ni hayo tu. Hoe! Pole, Sorry Sorry! Sorry! Pole sana. Moja tu mimi nataka kusema, wakati Uingereza, wakati walituachia sisi uhuru, sisi hatukuwa na masomo. Walituwacha sisi bure, walitutupa sisi kama vitu vichafu na walitumaliza. Sisi tunataka jasho letu, tunataka Waingereza watulipe. Waingereza wote tunataka haki na damu yetu ya watu wale walimalizwa. Watu walikufa na waliuawa kwa kupitishiwa gari. Sasa tunataka haki kutoka kwa Waingereza. Kwa sababu wao walitukataza sisi masomo, sisi hatuna masomo, sisi ni ngamia tu walituachia sisi. Mambo yangu ni hayo tu.

Asante sana.

**Com. Salome Muigai:** Asante Mahamud kwa maneno yako hayo. Tafadhali ngoja kidogo nimuulize mwana tume kama ana swali kwako. Una swali kwake? Sisi hatuna maswali kwako Asante sana.

**Mahmud Ibrahim Alio:** Asante.

**Com. Salome Muigai:** Mzungumzaji wetu wa pili ni Abdullahi Madey Adan?

**Abdullahi Madey Adan:** Ni mimi.

**Com. Salome Muigai:** Ni wewe.

**Abdullahi Madey Adan.** Ndiyo.

**Com. Salome Muigai:** Karibu tafadhali. Nakuona una memorandum.

**Com. Mosonik:** Five minutes



**Abdulahi Madey Adan:** No!

**Com. Salome Muigai:** Nakuona una maandishi. Kwa hivyo nakupa dakika tano, sio usome kwa speed hiyo memorandum, lakini utuangazie tu maneno yaliyoko. Asante, karibu.

**Abdullahi Madey Adan:** Thank you very much. First, first is we ask for the repeal of all the emergency Laws. I am Mr. Abdulahi Madey Adan, an Agricultural Officer and Political aspirant in Mandera Central Constituency in the coming election. The first proposal is the repeal of all the emergency laws which have not been repealed in the existing Constitution.

Secondly, we ask for the compensation of the damages caused to our people resulting from those laws especially mass murders and genocidal killings of our people. Thirdly, we also ask for special (Interjection).....

**Com. Mosonik:** Translate. You can translate when somebody is speaking in Kisomali, so that all of us can understand.

**Abdulahi Madey Adan:** Yes! Okay. So I have already talked about compensation. Thirdly, we also want special consideration for the development of this area in terms of infrastructure because the existing Constitution does not put into consideration the most important components of development in this area. So, we need special Constitutional attention to develop our infrastructure in terms of roads, health, education and so on. We also want the deersiminative laws that are still existing which resulted to the issuance of what we call screening cards in 1989. We are not second class citizens, we want those discriminative laws to be dissolved because already we are suffering a lot of damages and we still ask for compensation of the same. For the issuance of birth certificates, ID Cards, screening/vetting Committees which are very rigid have been imposed on us at local levels. We don't know whether it is in the Constitution. We want that to be done away with.

Another proposal is on the education. We want a special consideration of Constitutional rights, concerning education for our children. We are not given opportunity. We lag behind. You will see that the majority of the people who will talk here will be out of context because the level of illiteracy is very high. We want special Constitutional consideration to be given to our people, especially the ladies They should get free education (from primary to University) level because they are the most disadvantaged in the first place.

In terms of pastoralism, our economy is based on livestock, there is a difference between livestock keeping and pastoralism. Watu wetu ni watu wa kuhamahama na Constitution ya kwanza haijaangalia rights za watu wa mifugo wa kuhamahama. Livestock keeping and rearing ni ufugaji ambao mtu anakaa mahali pamoja na ng'ombe wake wawili. Lakini sisi yetu ni pastoralism. Tunataka Constitution ambayo inatunza rights zetu clearly in terms of provision of water, control of pasture and general management as it has already been defined. We want such policy frame work to be included in the coming Constitution.

The system of Government: we need Central Government to stay but we want the devolution of power to the local authorities. We don't want the existence of the Provincial Administration. Its powers should be reduced and local authorities be empowered.

When it comes to corruption, we want Public Finance in every District to be directed to the local authorities such that the Public will know how much money the Government has set aside for the development of that region in a given calendar year. And the heads of departments should also be directly under the control of the local authorities. The resources, in terms of resources management, that is what I am talking about, in terms of resource management, we don't know how much has been given to the Ministry of Health, we don't know how much money the Government has set aside for Agricultural development and all other ministries. We want the Constitution to explicitly tell our people at the local level, "We have this amount of money for development projects, this amount of money for recurrent expenditure." Some development project funds have been misused, especially in collaboration with politicians in power. We want the public to know the use of funds. We want our Public to know if Politicians have taken advantage of development project funds, I am very sorry to say that. That is how it seems to be.

Then I come to National offices. That's what we have here, I am very sorry I am extending beyond my time. The Presidency, the President should, (Interjection).

**Com. Salome Muigai:** One more minute.

**Abdulahi Madey Adan:** Okay. The President be a graduate, terms of office, two terms of five years each. His/her powers of prolonging Parliament be limited, you will get it in my memorandum pamphlet. Member of Parliament should be a graduate, should be a graduate and terms of office be two terms of five years each. We don't want people who will rule for twenty five or thirty years. Ten years is the maximum. Thirdly, we should be given powers to recall our MP if his performance is below our expectations/wanting. If we feel he is not delivering, we should carry out an opinion poll in the constituency and be able to recall him if he fails to garner majority votes in the opinion poll. That is it. Okay, thank you very much for the opportunity and sorry for taking up more time.

**Com. Mosonik:** Umejiandikisha hapo?

**Com. Salome Muigai:** Thank you very much. I would also like to say, ningetaka tukubaliane kuwa leo hatuko kwenye mkutano wa siasa. Leo tuko kwa kikao cha kurekebisha Katiba yetu na Katiba yetu ni kama vile tukiwa kwa nyumba tunafikiria vile tutajenga nyumba, yetu sisi na watoto wetu na bibi zetu na mali yetu na kila mtu katika nyumba yetu, Mtu mmoja akiachwa nje, hiyo nyumba itasimama?

**Response:** Hapana

**Com. Salome Muigai:** Hapana, kwa hivyo hii habari ya Katiba ni habari ya kurudisha kila mtu ndani ya nyumba. Sio wakati wa kutupa mtu nje ya nini? Ya nyumba. Kwa hivyo ningetaka kuomba wenye wanataka kuzungumza, muzungumze mkijua hii ni habari ya Katiba, sio habari ya siasa. Kwenye Katiba kuna siasa, kuna habari ya uchumi, kuna habari ya mali yetu, maisha yetu, afya yetu. Hizo zote ziko ndani yake, lakini ni kwa heshima na kwa kurudisha watu ndani sio kwa kutupa wapi? Nje. Kwa hivyo ningetaka watu watakaozungumza mtilie hayo maanani. Usipofanya hivyo, nina madaraka ya kukunyima microphone na kukukatiza kwa mazungumzo yako, kwani mimi leo ndiye mwenye kiti.

Lakini kabla sijamalizia, ningetaka kumuomba Bwana Abdulahi ajibu maswali machache kutoka kwangu. Kwanza amesema kuwa angetaka habari ya Repeal ya security law. Ningetaka atuelezee kidogo bila kuendelea sana vile angetaka ifanywe. You have also spoken about the compensation that we need in this Region. Pleasa tell us, give us concrete suggestions or proposals that you are making. And when you say that you would like special consideration for this area in terms of education, I would like you to give us concrete suggestions. Ningetaka ukija kuzungumza hapa, ikiwa una jambo lenye unafikiri likifanywa litasaidia watu wa mkoa huu, utueleze. Be very specific. Utueleze, “sisi kama tungefanyiwa hili, lingetusaidia.” Lakini tukiendelea kusema haya ni mabaya, haya ni mabaya bila kuleta mapendekezo yoyote, sisi hatutaweza kusaidia. Lakini ukiwa una jambo lenye unafikiria hili likibadilishwa litasaidia watu wangu, tafadhali tueleze. Okay?

**Abdulahi Madey Adan:** I don't have direct translations of the Acts in place now, but what I am asking for is, like recently, (Interjection).

**Com. Salome Muigai:** We don't want you to translate

**Abdulahi Madey Adan:** Okay, now

**Com. Salome Muigai:** Excuse me!

**Abdulahi Madey Adan:** Yes!

**Com. Salome Muigai:** We want you to make concrete proposals

**Abdulahi Madey Adan:** Okay! Most of the laws have been repealed but laws discriminating against us in this area have not been repealed. There is misuse of power especially by the security forces, it is still there but although the Act might have been repealed, we want the repeal in practice. Most of them have been repealed, that's the way I have written, but still they are in existence.

**Com. Salome Muigai:** Compensation?

**Abdulahi Madey Adan:** Compensation to those who have been killed. If we have reports, they should be compensated especially the victims of Wagala, Garissa, Malkamari, Genzell and Lulli. There were a lot of genocides that took place in 1977, 1994, they were committed by the military, according to the report.

**Com. Salome Muigai:** Special consideration,

**Abdulahi Madey Adan:** Special consideration in education especially to our sisters. They should be given special education. We are very poor and we want free University education so that we are able to educate our people to a higher level. In consideration to our economic status, we are slightly disadvantaged and that's why we want free education.

**Com. Salome Muigai:** Thank you very much

**Abdulahi Madey Adan:** Okay.

**Com. Salome Muigai:** Asante sana Bwana Madey Adan. Sasa nataka kumuita Bwana Kassim Hussein Mohammud. Say your name first.

**Com. Mosonik:** Jina lako, halafu uendelee.

**Kassim Hussein Mohammud:** Asalaam aleikum! Mimi jina langu naitwa Kassim Hussein Mohammud. Sisi tukiwa vijana

tuko na shida sana katika huu mkoa wa Kaskazini Mashariki. Ukosefu wa kazi ni kitu cha kwanza.

Cha pili, kile kinatendeka katika Kenya ama hata Garissa, hatujui ni shauri ya ukosefu wa barabara au nini? Tukitaka kusoma gazeti, tungojee ndege ile imeleta miraa ambapo sasa kwa siku tatu, hata hatujui kitu gani kinaendelea Kenya, hata radio yetu haishiki taarifa ya Kenya. KBC haisikiki hata.

Tatu, tangu July ambapo marekebisho ya Katiba yalianza, leo ndio siku yetu ya kwanza tumesikia munataka maoni ya wananchi. Hatujafanyiwa seminar wala hatujajulishwa. Yangu ni hayo, sina mengi.

**Com. Salome Muigai:** Asante sana Bwana Kassim Hussein Mohammad kwa kuwa maneno yako yalikuwa mafupi. Asante sana. Sasa nataka kumuita Osman, Osman Abdi Sheikh Chairman of the County Council.

**Osman Abdul Sheikh :** Bismillahi Rahmani Rahim. I wish to give my personal view on the following issues concerning regional aspects with regard to the history, religion and culture of the people in Northern Kenya and the Muslims at the National level. That the Constitution to give us security and a sense of belonging to our Country. I take this opportunity to welcome the Commission to Mandera. I am glad that today we have this opportunity to participate in this historical process and the most important aspect in our national destiny. Thank you for coming. I wish to give my personal views on the following issues concerning both regional aspects with regard to the history, region and culture of the people in North Kenya and Muslim at the national level. The Constitution should give us security and a sense of belonging to our Country. Thank you very much. Yangu ni hayo.

Niko na hii memorandum yangu, nitai present kwa Review Commission na nafikiri yote yakiingishwa kwenye Katiba ya Kenya, wananchi wote wa North Eastern na Kenya nzima watafurahi. Asante sana

**Com. Salome Muigai:** Asante sana Bwana Chairman hasa kwa kutukaribisha kwenye County Council yako, tumefurahi kuwa hapa na tunakushukuru sana wewe na Madiwani wenzako. Sasa naona kila mtu mwenye amejiandikisha hapa kwa page ya kwanza ni kina Baba peke yao. Kuna, kina mama hapa?

**Audience:** Wako wengi.

**Com. Salome Muigai:** Hapa Rhamu kuna kina mama?

**Audience:** Wako wengi. Wako.

**Com. Salome Muigai:** Siyaoni majina yao kwenye ratiba ya kutaka kuzungumza.

**Speaker:** Makaratasi ni mengi.

**Com. Salome Muigai:** Makaratasi ni mengi? Okay, kwanza kabla sijamuita mama, nitamuita Abdulrahim Abbas. Na mwingine mwenye nitamuita wakati huo mwingine ni mama. Kwa hivyo jitayarishe mama. (interjection).

**Interjection:** (Inaudible)

**Com. Salome Muigai:** Abdulrahim Abbas kwanza, halafu nitamuita mama.

**Com. Mosonik:** Inaudible. Just summarize. We will take that memorandum.

**Abdulrahim Abbas:** Okay, I intend to make my presentation before the Commission here, they are just on five points. I want to make my presentation as a pastoralist, as a Muslim, as a Somali, as a civil servant and finally as a Kenyan. Now, there are certain aspects within the present Constitution that do not favour us with regard to the first four issues. As a pastoralist, first, there is restriction of the nomadic people's movement through the use of Livestock Disease Control Act. We want that Act repealed because as pastoralist, the system of land tenure does not favour us. So what happens is that, the land is communally owned and during drought, we move with our herds to wetter regions. Recently, a large number of livestock were lost around the Mount Kenya Region that has been gazetted as National game parks and Game Reserves. So as Pastoralists we feel that those rules were meant to protect the settler community around the white highlands. So the restriction of movement of nomadic communities through the use of the Livestock Disease Control Act should be repealed.

Two, there is no compensation of livestock loss to wild game. So we would want compensation made to pastoral communities through the loss of their stock to wild animals.

And as far as pastoralism is concerned, there is lack of organised marketing structure to help us dispose off our stock during times of drought. So, I suggest the revival of the Livestock Marketing Division to have a stock programme during drought and the revival of Kenya Meat Commission to be able to handle our stock during the time of drought.

Four, as a pastoralist, huge livestock losses have been incurred through numerous security incursions, through numerous security incursions. So I suggest a Truth and Reconciliation Commission be set such that compensation, adequate compensation be made to loss of stock through security operations.

And as pastralolists, we have been discriminated upon in terms of education. The first Government African Muslim School was

set up in Wajir in 1940s. This was to cater for all Muslims in Northern Region from Turkana to Mandera.

That was in 1940s, we were catered for after the Kikuyu Central Association had already set up their schools. We need a special provision made as regards to that in this region to help us be able to compete effectively with other regions in Kenya. Or alternatively, scholarships should be provided, scholarships should be provided for students of 'O' Level. They can be taken to India. There is no reason why we should not be given the 'Odinga airlifts' of 1967. And as a Somali, the Constitution of Kenya says that there should be no racial segregation. We have been racially segregated, we have been dehumanized and treated as second class citizens by being given the screening card. Therefore, we need adequate compensation in terms of damages. That is, let the damages be assessed on how we have been devastated and psychologically traumatized as a result of being asked for screening cards. So adequate compensation should be made in terms of those dehumanizing aspects through the issuance of screening cards.

As a civil servant, my recommendations will be the trimming of the Presidential powers. Currently, all civil servants hold their jobs at the pleasure of the President. The President is an elected member. He is a citizen of Kenya and the Civil servants are also citizens of Kenya and are equally serving these people. Therefore, there is no reason as to why we should be subjected to hold our jobs at the pleasure of some persons. That should be scrapped.

And finally, the Constitution allows freedom of worship, a very sensitive point. Well, as Muslims, I think, with all the due respect to our honourable member, our rights to freedom of worship in the Constitution have been infringed. Because the Islamic Law is very very clear. Muslims are forbidden to make any rulings or judgements using any other Law other than those set by Allah. Arabic dialect (inaudible). So, these repeals of the Constitution we are talking about, should not be in isolation. We should consider the Islamic set Laws. So, as Muslims therefore, we are being tried in Courts using other laws but our religion does not allow us to be tried using laws that are set by man, but those made by Allah. Because it is said that those who do that are 'kafiris', those who do that are fascists, those who do that are wadhlimu. So, I recommend the empowerment of the Kadhi's Court. I will recommend the empowerment of the Kadhi's Court to try Muslims for criminal cases. Currently, they are only allowed to try divorce and inheritance cases which can be appealed and the ruling of the Kadhi is over-turned at the High Court presided over by a non-Muslim Judge. That is now a fallacy of two contradictory opinions. A non Muslim over-turning the judgement described or delivered by a Muslim Judge.

So, our rights are also infringed in the two highest institutions of justice. One at the National Assembly, the Honourable Members have been forced to submit themselves or bow before the Speaker. Two, at the Courts, the Muslim is again coerced to bow before the Magistrate or Judge. Failure to do so is treated as contempt of Court and Muslims are supposed to submit themselves only before Allah. So, these aspects of bowing before the Speaker and before the Magistrate should be scrapped.



Finally, the mishandling of the Muslim's Holy Book, the Koran." *La ya masahuu in naal muthaharun*". Why should a Muslim Minister be made to swear by a non Muslim, who in essence, he is not supposed to even touch. So at all these swearing in ceremonies and at the Courts, Muslims should have their faith considered. I have concluded my presentation.

**Com. Salome Muigai:** Thank you very much for your contribution. Yes, you went a bit beyond the time allocated to you but have a seat please. I have a few questions for you. I deliberately allowed you to go on because you had good points and they are very relevant to this area. Time is for our own use, not us for the time so I had no problem allowing you to continue Mr. Abbas. My one question is that Kenya has got freedom of worship as you say but Kenya is perceived as a secular State. So what are your proposals for when Muslims have to be tried for either criminal cause or civilian cause versus other people who are not Muslims? Because we live together, what are your proposals towards this? And you have talked about being racially segregated by the screening cards.

**Abdulrahim Abbas:** One, on the issue of Kenya being a secular state, I think Madam Commissioner you will agree with me that when it comes to God's Law and Man's Law, we will hold God's Law above. But we have no problem with the other members of the Society if they are tried by the secular Courts. What we want is the empowerment of the Kadhi's Court to handle criminal cases and for Muslims to be tried in Khadhi's Courts.

**Com. Salome Muigai:** Supposing a Muslim steals from a Catholic, you are a Muslim and I am a Catholic, and we have a case between, us which Court do you propose that we use?

**Abdulrahim Abass:** Now, on the issue of which Court that we will use, I said that all Muslim offenders be tried in Islamic Courts and for racial discrimination, we have suggested that we do away with the screening cards completely. And adequate compensation be made by the State for the psychological trauma that we have undergone.

Because I for one, who has been in the teaching profession for the last fifteen years and I cannot be able to acquire a passport because my screening card is lost. Then, what about the ordinary Kenyan who has not been to school? So, adequate compensation should be made. Thank you.

**Com. Salome Muigai:** And, I would once again want to thank you very much Mr. Abbas for your contribution. Now, we are going to have, tutakuwa na mama Habiba Isaak. Na kina mama, leo mama mwenzenu ndiye mwenye yuko kwa kiti. Kwa hivyo tunataka mama wengine. Ikiwa ulikuwa umejiandikisha na hukusema unataka kuzungumza, tafadhali rudi tena ujiandikishe, useme, leo kwani ni mama ndiye mwenye yuko kiti, 'leo na sisi kina mama tutajitoa ili hii Katiba isituache nyuma mara hii'. Kina mama nataka kuwaona pale kwa mstari tena, mkijiandisha kuwa mngetaka kuzungunza. Ukitaka kuzungumza Kisomali, nitakutafutia mtu wa kukutafsiria. Kwa hivyo usiogope habari ya lugha, na nitakupa nafasi wakati unahitaji kuzungumza. Kina mama tafadhali, Mama Habiba. Habiba?

**Speaker:** Kiswahili ama?

**Mama Habiba Isack:** English. Let me speak in English.

**Speaker:** Speak English

**Mama Habiba Isack:** My name is Habiba and I am representing an N.G.O. called Habiba International Women and Youth Affairs. I have a written memorandum. It is a bit sensitive to men but circumstances force me to read because everybody knows where the shoe pinches most. Thank you.

Basic rights: My first is gender desks to be established in all Police Stations to protect women from all sorts of harassment. Men who barter women should be jailed for not less than ten years; Men who barter women who beat them and even break their hands and legs. Thirty per cent of the representation in the Parliament should be women. And nominated MPs should be retained and the seats be given to vulnerable groups such as women, disabled and youths. Men who rape women should be sentenced to death or life imprisonment. High rates of divorce, high rates of divorce among Muslims should be minimized by the Kadhi unless it's a critical condition. Muslim women dress code, hijab, should be respected and allowed at all times even in prison for women who are jailed, in working places, in public places and even in private places. Mobile schools and mobile clinics should be established for the nomads.

Basic needs: free education up to Universities for nomads. Free health services for all, clean and safe water for all. Mobile schools and mobile clinics should be established for nomads. Islamic Sharia Law; Muslim children should be under their parents control until they are grown ups. I'll explain that later. Kadhi's Court should be empowered and strengthened. Kadhi's, the Kadhi should solve cases involving civil domestic violence against women and children.

The Kadhi should be educated in both Islamic and secular law. The Kadhi should be somebody who is a graduate, both the Chief Kadhi and the Kadhi. Faculty of Islamic law should be created in Kenyan Universities. Chief Kadhi and Kadhi should be appointed by the majority of Imams.

Citizenship; Irrespective of gender, any spouse should be eligible to get Kenyan citizenship. Dual citizenship should be allowed for nomads, a child can be a citizen and can acquire citizenship by birth. Proof of Kenyan citizenship should be a Kenyan passport and an Identity Card. Your rights and obligations as a citizen is to observe full confidence of citizenship in your country.

Local Government; Mayors and Councillors should be elected directly by the public. The current two year term in the office for the council chairman and mayor is adequate. Councillors should be educated up to form four. The Community has all the rights to recall any Councillor for re-election any time. Councillors' election should be conducted in a multi party system. Nominated Councillors should be retained and seats given to vulnerable groups such as Women, youth and disabled.

Culture: Any harmful cultural practice should be abolished. Wife inheritance should be abolished. Any cultural practice discriminating against women should be abolished. There should be no forced marriage. Our culture should be retained and respected at all times and in all places.

Security: criminal soldiers should not be brought in North Eastern Province. Any soldier who is a criminal should be sacked. Thank you very much.

**Com. Salome Muigai:** Thank you very much Habiba Isack. I have one or two questions for you. One, you have said that our cultures should be respected in all places and you have said that cultures that are harmful to women should be abolished. Can you please give me proposals on what you would like abolished. You have talked about wife inheritance, I don't know whether that is the major problem in this region. Could you please give us a few more practices that you would like to see abolished? You have also said that the Kadhi should be an expert in both secular and Muslim Law. Can you give us good reasons for this because at present, I don't know the areas of qualification the Kadhi has to have. But I would like to hear your reasons for, these two areas of the statute.

**Mama Habiba Isack:** Thank you very much Madam. Infact, we want the Kadhis, that's why I talked about the faculty of Islam to be established in Universities in Kenya. We want the Kadhi to to be educated both in secular and Islamic law. Because before, they used to be educated only in Islamic Law. That's why we want them to know law upto University We want an Islamic Law faculty in the University so that the Kadhi can be educated in both Islamic and secular law.

The other point you are asking me about is culture and I said it should be respected. I even said that harmful cultural practices like FGM should be abolished and other cultures should be retained if they are not harmful. The other thing is about wife inheritance. In Islam, we are discriminated because Islamic law doesn't dictate that if a woman is divorced she must be married again. Lakini on the other hand, that culture gives us a hell of problems. Because if a woman's husband dies and he has left her with big houses and a lot of things, that brother will want to marry you by force. That is why we don't want wife inheritance. We want Islamic law to protect us from all aspects that may be discriminative against women. Any other question? Thank you.

**Com. Salome Muigai:** Thank you very much Madam Habiba Isaak and that's a good example kwa kina mama wenzetu kujitolea kuzungumza kama Habiba. Mnaona kina baba pia wananyamaza, wanatusikiliza maoni yetu, kwa hivyo tusiogope. Na sasa tunataka kumuita Bwana Ali Abishiro Herem, (Interjection)

**Interjection:** Herin

**Com. Salome Muigai:** Herin. Okay,

**Interjection:** Anza na jina halafu uendelee

**Ali Abshiro Herin:** I am called Ali Abshiro Herin. Chairman for disabled, Rhamu Division. I am presenting views from the disabled to the Constitutional Review Commission. One, rights to exist be accorded to the disabled people. These rights are registered in terms of political, economic and social development. Two, free education. Free and compulsory education to be provided to the disabled people. Free treatment to be accorded to the disabled people. Special schools for the disabled should be established in North Eastern Region. The disabled people to be considered in nomination to all posts and have access to job opportunities. Institutions for the disabled should be established in this region of Rhamu. Special services should be provided to the disabled as it was before Independence. Number eight, once we elect an MP, he should have an office here and have a secretary who can record all our problems. An MP should not just stay in Nairobi after his election. He should be coming back to consult his/her constituents and solve their problems. In Northern region here, we have so many problems. We don't have Agricultural boards such as Tea Board, Sugar Board, Coffee Board and Pyrethrum Boards. We are nomads, we have no land to cultivate. We have camels, goats and cows but there is no ready market for these. The government should assist us in marketing these goods by way of KMC (Kenya Meat Commission) so that we can sell the produce and afford to pay fees. Thank you.

**Com. Salome Muigai:** Thank you very much. Today I would like to say that the Chair is protecting everybody including the MP. Today the MP is under the protection of the chair. And I would like people to realize that in the new Constitution, it is not only one thing that we are going to say, "MP does that, and the Chief does that". We are going to talk of the Constitution that we would like today. Therefore please, please let us reason together. Tunakuja leo kujadiliana pamoja na naendelea kusema hivyo. Kwa hivyo sitaki kumsikia mtu akisema ati D.C. amefanya vile, fulani amefanya vile. Lakini tunaweza zungumzia habari ya ofisi ya MP tungetaka ifanye hivi, ofisi ya Constitution tunataka ifanye hivi, kwani ofisi sio mtu, si kweli? Leo mtu mmoja amekaa kwenye hiyo ofisi, kesho ni mwingine. Chairman hata ofisi yako wengine watakuja watuambie ofisi ya Chairman wa people with disability tungetaka ifanye hivi. Kwa hivyo tunazungumzia habari ya ofisi sio habari ya mtu binafsi ndio tuweze kuelewana. Asante sana kwa maoni yako.

Mimi nina swali moja. Umesama kwamba watoto wenye ulemavu ungependa wapelekwe katika special schools. Na huu ni

wakati wenye mataifa mengi yanasema tutoe watoto kwa special schools tutengeneze wasome na wale wengine ili wale wengine wawaelewe na waelewe wale wengine kwani wataishi pamoja. What do you think about this? In other words, internationally, we are rethinking the whole idea of special schools. We are saying many people with disability should go to school with other people so that other people learn to live with them and they learn to live with other people, because there is no world where they are going to live in a special world. So what do you think because you have asked us that we recommend in the Constitution that we have special schools.

**Ali Abshiro Herin:** I have many reasons as to why I recommend special schools. Special schools are needed because disabled people cannot cultivate, cannot look after the cattle, they cannot fetch water but if you take them to special schools they are trained in so many things like tailoring and so many others. Another point that I forgot to say is that nominated MPs seats should be given to the disabled. In this way they are able to live like the other normal people and they don't feel neglected. In this way, they are able to become even Directors of big companies.

**Com. Salome Muigai:** There is somebody else giving opinions before I recognize. Thank you very much. Tungetaka kuwaomba mnyamaze kwa sababu haya maneno yenu yanachukuliwa kwenye tape na hii tape inachukuwa maneno yote hata yenye hayakutakiwa kushikaka. Kwa hivyo tafadhali tunyamaze pahali tuko. Sasa ningetaka kumuita Mohammed Derack, ama Suleiman Mahamud.

**Suleiman Mahmud:** Salaam aleikhum! Tunashukuru viongozi, Ma Commissioner waliotutembelea kwa huu mji mdogo wa Rhamu, kutujalia kukutana na wale wa Kurekebisha Katiba. Baada ya hio, leo ni jukumu letu na tume kuwa na bahati. Sasa mimi kama mtetezi wa Diwani lazima niingie katika miji nijue ile shida ya kwanza ilioko hapa. Ile shida ya kwanza hapa ni kwa uraia, raia ni nani? Swali ambalo kitabu chenyewe cha Katiba kinauliza hivyo. Kuwa raia wa Kenya tulielezwa ya kwamba uwe na barua ya kuzaliwa, ya pili uwe na kitambulisho. Pia tunataka Katiba itujalie na itiwe katika Katiba kila mkenya lazima awe na barua ya kuzaliwa na kipande cha kawaida. Hatutaki kupewa kipande cha tatu. Baada ya kutoka hapo, lazima tujue kwamba sisi wakaaji wa mkoa wa Kaskazini Mashariki tu Wakenya kama wale wakenya wengine. Tukirudi katika ujenzi, kitu cha kwanza muhimu sana ni maji. Tulijengewa mitungi ya maji hapa miaka mingi iliyopita lakini hata wa leo hiyo mitungi haileti maji. Kwa hivyo sisi hatujui umuhimu wa Serikali ya Kenya.

Tukirudi upande wa barabara, hapa tuko panaitwa Stunze, juu ya huu mlima kidogo. "Barrier" inaanza kutoka hapa mpaka Shiedo. Tunataka Katiba iangalie hayo ili hii "barrier" iondolewe hapo.

Ya pili sisi ni wafugaji wa wanyama. Tunalinda mbuzi na tunakuwa na ng'ombe na ngamia. Kila sehemu imegawanishwa kwa kila mtu. Watu wa hapa wanajua tukifika Yabicho tutarudishwa kwa sababu Yabicho ni sehemu ya mtu mwingine. Tukivuka Garissa tutarudishwa kwa sababu sehemu hiyo pia ni ya mwingine. Sasa inatubidi tukae bila mahali pa kuchunga wanyama wetu. Tunataka bila hio itiliwe kwa Katiba ili wanyama wawe pia wanalindwa viwezavyo.

Na itilwe katika sheria kwamba kuwa na wanyama sio hatia. Kitu kingine cha muhimu sana ni soko ya hawa wanyama wetu. Tunaona ya kwamba hakuna bei ile imewekwa ya hawa wanyama wetu wakati tunawapeleka mnanda ilhali tunaona ya kwamba bei ya viazi na mboga huko Nakuru na Molo inajulikana vizuri sana. Lazima tujue kabisa bei ya wanyama wetu kabla tupeleke Kariobangi. Wafanyi kazi ama wafanyi biashara wa hapa wengi wao hufanya kazi ya mbuzi na ngozi. Biashara imeanguka tangu Kenya ipate uhuru, hakuna biashara wamefaulu nayo katika maisha yao. Pesa zote zinaelekea Nairobi lazima tujue ni kiasi gani na iwekwe kwa Katiba kwamba kuwa na wanyama hawa ni halali.

Tukirudi kwa upande wa mashamba, tunaona ya kwamba mahindi yetu hayafiki hata kwa store. Na ni kwa sababu ya nyani, wamevamia mashamba yetu yote. Tunaomba Diwani au Katiba ituondolee hawa nyani, warudishwe kwao Ethiopia ili tuweze kuvuna mahindi yetu vizuri.

Ya pili, kuna miti ilipandwa na jamaa aliyejulikana kama mtu wa NCCCK, yaani National Churches of Council of Kenya. Alikuwa kuabudu Mungu na kueneza dini ya Kikristo. Na kwa vile alikuta watu wengi hapa ni Waislamu, ilimbidi asumbuke sana na kupanda ile miti. Sasa hiyo miti inaangamiza wanyama wetu na hata pia wanadamu. Sasa tunaomba Katiba ituondolee ile miti ambayo yule alileta hapa.

**Interjection:** Inaitwaje hiyo miti?

**Suleiman Mahmud:** Inaitwa yagigorobe. Yagigorobe nasikia mwanamke ambaye hana bwana. Hali anaweza kuwa bibi namna gani?

**Response:** Ni gani hii?

**Suleiman Mahmud:** Iko hapa, inamea chini hapa. Yagigorobe. Inaitwa Yagigorobe. Ni miti ambayo mimea yake ni haramu, ni hatari, ni sumu. Ni miti ambayo ikimdungu mtu, anakuwa kiwete. Wamama wengi hapa wamekuwa viwete kwa sababu wanaenda kutafuta kuni karibu na hiyo mti.

Kwa upande wa Utawala. Huu Mkoa haujawahi kujitawala kutoka zamani. Hio tunataka itiliwe kwa Katiba, eti tunataka kujitawala.

Kwa upande wa Madiwani, Mayors na Chairmen wa Council, tunataka wananchi wawe na haki ya kuwachagua. Tumegundua ya kwamba imekuwa ni biashara, madiwani wanapokuwa wakichaguliwa. Hawafanyi kazi yao vilivyo, ilhali tunajua wale wanaweza kufanya kazi vizuri.

Kwa hivyo tunataka hiyo itiliwe kwa Katiba, tuwe tunawachagua. Pia tuwe na haki ya kujichagulia Mbunge wetu. Wengi wanachaguliwa nje na wanapoenda huko Bunge, hawana support hata kidogo kwa sababu hatupati nafasi ya kujichagulia Mbunge wetu. Kuna ofisi tatu ambazo zinafanya watu sana. Hizi ofisi ni Provincial Administration.

Ukiingia huko lazima utoe kitu kidogo, na failure to do that hutafanyiwa yale uliotaka wakufanyie. Ya pili, ni Polisi. Mimi kama shahidi, na rekodi katika Katiba. Nilikuta jamaa amebebwa na Polisi nikamuambia Polisi nitamfuata mpaka Police station. Akaniambia siwezi kumuona hata nifanye nini, alinipiga kofi nikaanguka. Niliamka na kuenda Police station na nilikatazwa kurekodi statement kwa sababu walisema mimi sina uwezo. Sasa lazima kila mwananchi awe na uwezo wa kurekodi statement yake kwa Polisi. Ingine ni P3. Hatujui hii P3 hutengenezewa wapi. Kila mtu akitaka P3 anatoa tu kitu kidogo na anapewa P3 yake na anaenda kuifanya mambo yale anahitaji. Lazima hio pia iangaliwe na Katiba. Asante sana.

**Com. Salome Muigai:** Asante sana Bwana Suleiman.

**Com. Dr. M. Arap Korir:** Umesema kuna nyani wametoka Ethiopia lakini sheria zetu wana....(inaudible)

**Suleiman Mahmud:** Sijakuelewa, kwa sababu mito yetu ni seasonal. Baada ya mito kukauka wale Waethiopia waliona nyani wanasumbua watu sana, na waliamua kutumia silaha na kuwaondoa. Sasa sehemu hio ndio miti kubwa imemea, wale nyani wakawa pande moja na mito ikakuja na wale nyani wakabakia hapo. Sasa sisi Wakenya wa hapa hatuna walenzi wa kututolea pale wale nyani, wanazidi kukaa pale.

**Com. Salome Muigai:** Asante sana Bwana Suleiman. Sasa nataka kumuita mama Fatuma Haji Dahir, Mama Fatuma Haji Dahir.

**Fatuma Haji Dahir:** Mimi nawakilisha wa kina mama wa Maendeleo ya Wanawake. Na nitaongea Kiingereza. Women in the new Constitution: Women are the pillars in the society. Human rights. Human rights, must be protected and enshrined in the new Constitution. The Constitution should provide for gender equality and basic principles. I'll start with education. Girls should be given free access to education upto University level. We need more mobile schools for pastoralists children especially girls. Health. Women should have free access to health care and nutrition. We need more mobile clinic for pastoral women. Screening cards is unconstitutional and should be outlawed. Disabled. The new Constitution should provide for social security scheme for women with disability in terms of basic needs and housing, clothing, health and food. The Constitution should provide for suitable employment for women with disability.

Culture. The Constitution should outlaw those cultural practice which directly or indirectly discriminate against women, that discriminate against women. The cultural practices like wife inheritance should be abolished. Citizenship. The new Constitution

should provide full citizenship rights for a Kenyan woman married to a foreigner should be granted the right to pass all citizenship to her spouse and children in Kenya. The way Kenyan men do. Family Law. Family law should be more or less incorporated with the Islamic Law especially for Muslims women.

Employment. The new Constitution should provide for equal opportunities for employment. The employment Act is outdated and should be reformed. Discrimination against women on basis of employment should be abolished. The the period of maternity leave for women should be increased with their full employment benefits. Maternity leave should be considered for married men. Marriage. Women should have freedom of choice regarding marriage. Forced and early marriage should be abolished. Social justice. Male rapists should be sentenced to death or life imprisonment. Defilers should be hanged. Men who batter women should be jailed with no option of fine. Minority, women from minority communities and other disadvantaged groups should be protected and empowered, politically and economically.

Property. Women should have the right to own property. The Constitution should provide a guarantee for equal access by men and women to all resources including life. Married women should have an equal share in the family property as per Islamic Law.

Language. The language of the new Constitution should be simplified, gender sensitive and be written in any language in Kenya. Affirmative Action: Affirmative action should be put in place to address in-equalities caused by basic gender basic discrimination. Women should be empowered economically politically for redresse in injustices. Kadhi's Court. Kadhi should be people of high education qualifications integrity and experience. Islamic mode of dressing, Muslim women in employment should be given the right to dress in Islamic dressing mode. The Muslim female prisoner should be dressed as per the Islamic Law.

**Com. Salome Muigai:** Thank you very much Mama Fatuma we don't have any questions for you. Thank you very much. Mtu mwengine sasa nampa nafasi ni Bwana Addow Molu Kike. Tunasoma vile imeandikwa tafadhali tunaomba msamaha kama hatutaji majina vile inatakiwa.

**Addow Molu Kike:** Asanteni. Mimi naitwa Addow Molu Kike. MaCommissioner ambao wametembelea sisi asanteni, tunawarudishia shukurani na maombi yetu ni kwamba, Co-ordinator wetu wa Mandera, hayo mambo yenu ya kubadilisha Katiba hayajatugusa sisi hata siku moja. Tunaomba kwanza turudishiwe seminar. Nyingine, sisi tunachagua ma Councillor ambao wanakaa mamlakani kwa miaka ishirini, wengine kumi na tatu na hakuna chochote wanatufanyia hata siku moja.

**Com. Salome Muigai:** Tafadhali, tafadhali, hapa kuna mwenye kiti mmoja peke yake. Hatuwezi kuwa wenye kiti sisi wote. Leo tuna mwenye kiti mmoja, na kwa leo tafadhali ni mimi. Mimi ndiye mwenye nitafikiri kama mwenye anazungumza nitamkubalia kuzungumza ama la. Tafadhali wale wengine, leo nyinyi ni mashahidi tu, kazi yenu ni kuwa shahidi. Ukiitwa shahidi kortini, kama hujaitwa kuzungumza utazungumza?

**Audience:** Hapana.

**Com. Salome Muigai:** Kwa hivyo leo kazi yenu ni ushahidi kuwa mtu fulani alizungumzia Tume, na Tume ilisikia, basi.



Kwa hivyo tafadhali muache mzungumzaji wangu aseme kile anataka. Nikisikia ameruka nitamwambia mimi mwenyewe. Mnaelewa?

**Audience:** Ndiyo

**Com. Salome Muigai:** Kwa hivyo tafadhali tunyamaze na tupatiane heshima. Lakini nawe mwenye unakuja kuzungumza uelewe vizuri kwamba leo ni siku ya Katiba, sio siku ya siasa. Siku ile utataka kuita mkutano wa siasa utaita na utashambulia kila mtu mwenye unataka lakini leo, excuse me. Can I see these people? Can you stop making noise? Siku ile utataka kuita mkutano wa siasa utaita, utamshambulia mwenye unataka lakini leo ni siku ya kusema njooni tufikiri pamoja. Come let us reason together. Come let us reason together. Njooni tufikirie pamoja. Na tukielewa hio, hata ile mazungumzo nitazungumza itakuwa tofauti. Mimi nikija hapa kuzungumzia habari ya Wakikuyu tutatofautiana, kwani nyinyi ni Wasomali, si ni kweli? Na mimi ni Mkikuyu. Lakini nikija kuzungumzia kama sisi wote ni Wakenya tutasikizana kwani sisi sote ni Wakenya. Kwa hivyo leo ni siku ya kufikiria pamoja. Mwenye kuzungumza nitakupatia Microphone na nitakukumbusha kuwa huu si mkutano wa siasa, huu ni mkutano wa nini? Wa Katiba.

**Addow Molu Kike:** Madam, Commissioner hata mimi nimerudisha shukrani. Asante sana. Maoni yangu ni hayo tu.

**Com. Salome Muigai:** Asante sana, asante Bwana Bwana Molu

**Interjection:** Inaudible.

**Com. Salome Muigai:** Na mtu nataka kumpatia nafasi ni Siad Haji Dahir. Ni wewe?

**Speaker:** Tumesema mnyamaze hapo nyuma wajamaa. Tafadhali mnyamaze, munyamaze kimya hata kama mtu anazungumza namna gani, munyamanze na mkae chini. Na msemi majina. Kwa sababu hio ndio mwanzo. Kwa sababu hatuwezi ona anayezungumza huko nyuma. Kwa hivyo kaeni chini na mnyamaze.

**Siad Haji Dahir:** Asante sana, wananchi.

**Mr. John Watibini:** Tafadhali mnyamaze ama hatutaendelea na huyu mkutano. Nyamazeni tafadhali msikie mtu akiongea.

**Siad Haji Dahir:** Unasikia asante. Mwenye kiti wa hii kamati ya kubadilisha Katiba, Ma Programme Officers ambao walikuwa naye nawakaribisha, asanteni. Na mheshimiwa wetu ambaye ni Assistant Minister, na Co-ordinator wetu wa Mandera, tunawapongeza hasa kwa sababu tulikuwa tunangojwa mwaka ule ambapo Katiba itabadilishwa ndio tuone ni nini itaendelea na pia itakuwa namna gani. Sisi kila saa tunasema tunarukwa upande huu Kenya huku wakitengeneza Garissa.

Watu wanaenda tu Garissa wanakaa, wanaongea na wanamaliza maneno ya Mandera. Leo watu wa Rhamu tunashukuru na tunza kila mtu, hata mtoto aongee, akuje hapa aseme yake machache. Yangu inaanza, nina points nyingi lakini memorandum

yangu haijakuwa tayari. Lakini wacha niwe brief kidogo. Ya kwanza ni mambo ya Birth Certificate. Sisi kama Wakenya, tuko third class hapa North Eastern. Tunapatiwa birth certificates ambazo zimeandikwa nyuma, 'not bonafide Kenyan citizen'. Hiyo ni kuonyesha sisi ni watu ambao ni third class citizens. Sisi Wasomali sasa, tumekuwa marginalised na kupewa screening cards, na hii ni maisha mbaya. Huko Nairobi ukienda, kila saa Nairobi unachapwa na Askari. Wanatuita, Wasomali. 'Msomali' imekuwa jina mbaya kwetu. Hata kama sisi ni Wasomali bado sisi ni Wakenya. Tunaka hilo jina limalizwe.

Ya pili ni mambo ya Polisi. Nikiongea kuhusu Polisi, Polisi huku Kenya wako na number. Hio number, incase akuchape bure una-note hio number na baadaye unaenda kumshtaki. Lakini hapa kwetu Polisi wako na uniform ya green ambayo inaitwa 'jungle uniform.' Hio 'jungle uniform' inatuletea shida nyingi sana kwa sababu sisi tunajua ya kwamba uniform ya Polisi ni blue. Sasa hapa uniform ya jeshi ni green, ya prison ni green, home guards pia ni green, kila mtu ni green. Sasa hatuwezi kutofautisha hawa Polisi wote. Tunataka Polisi wa North Eastern wawe na uniform kama ya wale wengine na pia number ile iko na five digits, ili tuwe tunawajua wanapotukosea. Tuwe pia tunajua kile kituo chao tunaweza washtaki wanapotukosea.

Ya tatu ni mambo ya Wild Life. Hapa kwetu kuna mamba ambao wamemaliza watu wengi sana, karibu nusu yetu. Watu wakienda kutafuta maji wanakuliwa na mamba. Na tunaposema mambo ya compensation, tunapata low per cent compensation, na hio low per cent inachukua miezi tatu au miezi minne. Na huko Rift Valley wako na 'degree' yao ya kulipwa. Tumekuwa kama ndege ambaye amepigwa. Ndege akipigwa na mtoto anakufa papo hapo. Hatutaki kuwa marginalized. Tunaona ya kwamba mtu wa Rift Valley, Eastern na Western, compensation yao ni three million mtu wao akiuwawa na mamba, lakini sisi hatulipwi hivyo. Ndio maana tunasema tunataka majimbo. Mambo mengine ni ya Provincial Administration, hiyo tunataka ikuwe scrapped.

Ile ingine ni mambo ya Sheria ya Islam. Tunataka sheria ya Islam iwekwe katika Katiba. Sitafafanua sana kwa sababu wenzangu wameongea juu yake hapo awali. Ile ingine ni mambo ya free education. Tunaona ya kwamba primary school ya sehemu nyingine ya Kenya na North Eastern ziko tofauti. Tunaona ya kwamba hao watu, watoto wao wameendelea mpaka wengine wanapeleka magari ya benzi na piki piki, ilhali sisi tunang'ang'ana na kutafuta school fees ya secondary hata ya University. Tunataka free education kutoka primary hadi University.

Ile nyingine ni mambo ya animal product. Sisi ni wakulima. Tuna animal product na farm products. Lakini market hatuna hata kidogo.

Market yetu ya kwanza ni Garissa, huko ndiko tunapeleka ng'ombe wetu kwa miguu. Tunaona leo ng'ombe tunapopeleka tunapita barabara ya Moyale, ya Turkana na Samburu na hatuna hakika kama hao ng'ombe watafika Samburu salama. Tuko 'fifty fifty' hatujui hiyo market itakuwa namna gani hata kama ng'ombe wetu watarudi salama.

Ile ingine ni mambo ya disabled. Unaona ya kwamba Serikali hai angalii maslahi ya disabled. Tunaona ya kwamba hata wheel

chair hawasaidiwi nazo. Tunataka hao watu wasiwe marginalized.

Mambo yale mengine ni juu ya mambo ya screening cards. Kwa mfano, mimi leo sina screening card, baba yangu hana, watoto wetu wanapoenda kuchukua kitambulisho wanaitishwa screening cards na hawana. Hii imekuwa shida kubwa sana kwetu. Ya mwisho ni mambo ya elections. Ningependa kusema elections, mimi kama mwanasiasa wa miaka mingi na pia kama Diwani wa Girisa, ningetaka kusema Councillor awe wa Form four level. Hata vile Serikali inasisitiza young turks, at least hata hao young turks wawe na kisomo cha kutosha, angalau wawe graduates. Hayo ndio ilikuwa mapendekezo yangu. Na kwa hayo nasema asanteni sana Makomishna, karibuni Rhamu, jua ni kali na North Eastern watu wanasema, ‘mbuzi, mbuzi’ lakini mtakula ngamia?

**Com. Salome Muigai:** Asante sana Bwana Dahir. Nashukuru kuwa umetukaribisha na tunashukuru kwa maoni yako. Sasa nataka kumuita Bwana Ali Jimale. Ali Jimale!

**Response:** Jimale ama Duale?

**Com. Salome Muigai:** Yuko?

**Response:** Hayuko saa hii

**Com. Salome Muigai:** Okay, kama hayuko basi tutampata Mohammed Abdulahi - Chief. Nilkani. Chief, wapi Bwana Chief! Hayuko! Yusuf Abdilleh!

**Speaker:** Chief anakuja.

**Com. Salome Muigai:** Chief anakuja? Basi Chief aje. Patia Chief nafasi apite tafadhali. Uko wapi Bwana Chief?

**Mohammed Abdullahi:** Niko hapa.

**Com. Salome Muigai:** Okay.

**Mohammed Abdulahi (Chief):** Salaam aleikhum!

**Response:** Aleikhum salaam!

**Mohammed Abdulahi (Chief):** I am Mohammed Abdulahi from ...(inaudible) Location in Banisa Division. I am happy to be with this team Constitution Review Commission that has come to collect our views. Mine will be brief. I just want to request you that when you are going back, you should arrange for a hearing for Religious elders or Religious groups like NCCCK, Supreme Council of Kenya Muslims. You should at least come together as a team and show us that the spirit you are having there, is not to benefit on one side because we might saying you are abit biased. So when you will be with us, I think

we can give most suggestions and we can have trust. That one, I am talking on behalf of Kenyan Muslims. Let us come to the Kenyan Law. You see, it is biased against one side. If we could have Muslims, the Chief Kadhi, hiyo ofisi ya Mkuu wa sheria ingekuwa imebadilishwa halafu tuwe na ile ya Kiislamu labda mtu Muislamu akiiba akatwe mkono. Lakini sasa sisi tunaonekana bado tuko kwa upande mwingine.

Kuna mambo mingi pia, watu wengine wanasema Chief afutwe, wengine wanasema Provincial Administration haina maana kwa wananchi. Nafikiri ile kitu muhimu sasa Kenya ni qualification. Nafikiri wakati niliajiriwa kama Chief in 1993 nilikuwa mwalimu, nilikuwa nimehetimu, nikaenda Teachers College, nilikuwa Mwalimu wa P1. Lakini zile benefits leo huyu Mwalimu wa P1 anapata, sisi ma Chiefs hatupati. Wakati huo qualifications za Chief zilikuwa Third Division.

Lakini sasa unakuta mtu ambaye labda ni dereva wa punda anaandikwa anakuwa Chief. Anaambiwa atawale watu, asimame mbele ya watu awaambie juu ya maendeleo. Na munapewa ule mshahara mmoja mmoja tu. Pia ningependa Serikali ibadilishe hiyo sheria. Na mambo ya Union, Serikali ihakikishe haki ya wafanyikazi wa Serikali inakuwa sawa na ya wale wengine. Ukienda kwa Parastatals, unakuta waalimu kando, wako na Union yao wanayopigia kelele waongezewa mishahara. Lakini katika sector ya Serikali ukijaribu kuongea unaonyesheshwa rungu huko, unamezea, unanyamaza na kuangalia kwa macho tu. Ningependa kurudisha shukrani kwenu, sitaki kuchukua muda kwa sababu najua kuna wengi wanataka kuongea nyuma yangu. Asanteni kwa hayo machache. Thank you.

**Com. Salome Muigai:** Asante sana Bwana Chief. Kuna swali kwa Bwana Chief? Hamna swali. Asante sana, umezungumza na umeeleka. Na sasa ningetaka kumpa nafasi Yusuf Abdilleh, Yusuf Abdilleh, yuko?

**Speaker:** Yusuf Abdilleh.

**Com. Salome Muigai:** Sasa akiwa, okay. Basi kama Yusuf Abdilleh hayuko nampa na nafasi Abdulkadir Rashid.

**Response:** Yuko!

**Com. Salome Muigai:** Yusuf!

**Response:** Inaudible

**Com. Salome Muigai:** Mzee jina lako ni nani?

**Yusuf Mohammed:** Yusuf Mohammed

**Com. Salome Muigai:** Mzee jina lako ni nani?

**Yusuf Mohammed:** Yusuf Mohammed.

**Com. Salome Muigai:** Hatujafika kwa Yusuf Mohammed lakini keti kwa ajili ya uzee wako na kupa hio heshima.

**Yusuf Mohammed:** Bismillahi Rahmani Rahim. Maneno yangu ni mafupi. Kitu ya kwanza tunashukuru leo unakuja kuuliza sisi, (Interjection).

**Com. Salome Muigai:** Anza na jina

**Yusuf Mohammed:** Mimi naitwa Yusuf Mohammed Abdi. Mkaaji wa Rhamu na, mlimaji mwema. Tunashukuru leo Serikali imekuja kutuuliza maoni yetu kuhusu sheria na tumekaa miaka mingi bila kupewa nafasi hiyo. Kitu cha kwanza ambacho mimi naomba ni kwamba, sisi watu wa North Eastern tupewe sheria sawa na Wakenya wengine kwa sababu tunaona sheria yetu ni tofauti na yao. Tunaona ya kwamba kama unatoka hapa, ukiingia Isiolo ndio utaingia Kenya. Ukipita hapa ukifika Garissa, ndio unafika mito ya Garissa na ndio unafika Kenya. Tabia zetu na zile za watu katika sehemu zingine za Kenya ni tofauti. Kutoka Garissa mpaka hapa hakuna barabara. Na pia kutoka Isiolo hakuna barabara na ndio sababu biashara imeharibika sana. Matajiri wote wamehama hapa, kwa sababu hakuna kazi, hakuna college hata moja, hakuna factory hata moja, mito hakuna, hakuna simiti, hata mbao, mabati hakuna kila kitu. Kwa hivyo hakuna kazi yoyote ambayo maskini anaweza kufanya ili ajisaidie. Kwa hivyo hio ichunguzwe katika sheria yetu ya Kenya.

Kwa upande wa Polisi, unaona Polisi wote wanavaa uniform ya green. Wanasema wanalinda usalama wa wananchi ilhali tunajua hakuna chochote wanafanya. Mimi zamani nilikuwa Polisi, na Polisi walikuwa na mavasi tofauti, hata gari zao zilikuwa tofauti. Tunataka hio sheria iondolewe kwetu tuwe kama wananchi wale wengine.

Uridhi. Kidogo, Kiswahilli changu ni cha Kisomali Kwa upande wa title deed, sisi hatujapewa. Unaona mtu ako na shamba kubwa lakini hana title deed kwa sababu hatuchukuliwi kama wanakenya wale wengine. Kwa upande wa ma Chief, tunaona ya kwamba Chief ni mtu muhimu sana na ni wengi lakini anafaa kuchaguliwa na wananchi. Chairman to the council achaguliwe na wananchi.

Ya pili. Sisi Waislamu kile kitabu tunachokitumia hakijaandikwa na binadamu, kimeandikwa jina la Mungu. Tunataka kuwe na sheria ya Waislamu. Ile shida tuko-nayo ni kwamba, mtu akikufa mali inachukuliwa na kupelekwa mahali pengine ilhali tunajua ya kwamba inahitaji kuchukuliwa na familia yake. Kwa hivyo tunataka sheria yetu ya Kiislamu iwekwe na hiyo irekebishwe. Tena sisi watu wa North Eastern ni wachungaji mifugo sana. Lakini hatuna mahali pa kuuza hawa mifugo. Tunataka mahali pa kuchinjia ng'ombe, ngamia na pia mbuzi, pawe North Eastern. Hata kama ni Mandera, Wajir ama Garissa. Kwa upande wa masomo, hapa hatuna secondary hata moja. Na ni kwa sababu hatuna barabara, hatuna wafanya kazi wengi. Unaona ya kwamba wale wako hakuna hata mmoja Msomali. Tuna DC, DO, Walimu, Polisi na hata jeshi lakini hao wote hakuna Msomali hata mmoja. Tunataka hata sisi tuajiriwe kama wanakenya wale wengine. DO analetwa hapa ambaye hajui lugha yetu. Kwa nini

msilete DO ambaye ni Msomali? Tunataka DO au DC ambae tunasikizana katika lugha. Tunataka majimbo ndio tuweze kujitawala sisi wenyewe. Ndio tuache kufinywa sana na Serikali ya Kenya.

Habari ya kazi; Mimi mwenyewe kama raia naitishwa kipande kama zamani. Naambiwa leta Identity card, card ile nyekundu, kwa sababu wanajua sina hicho kipande. Kutoka 1953 mimi nilikuwa Polisi ya Kenya. Kwa miaka kumi na mbili nilikuwa nikifanya kazi ya Polisi. Watoto wangu wote walikuwa wanasoma, lakini hawana kipande. Wakienda kuchukua kipande wanaulizwa cha baba yao kiko wapi, ilhali tunajua hata baba yao hana. Hicho kipande kiondolewe na tuwe tukiangaliwa kama wanakenya wale wengine. Kwa hivyo sasa maneno yangu ni mafupi mimi nitakomea hapo na ni Asante sana kwa vile mumekuja kuchukua maoni maoni yetu.

**Response:** Ngoja mzee

**Com. Salome Muigai:** Ngoja mzee Mohammed kuna swali moja.

**Com. Dr. Arap Korir:** Ningetaka kuuliza kama kuna hali ya kukosekana kabisa kwa usalama ama kuna hali ya hatari, umesema sheria ya emergency iondolewe. Na kama hakuna usalama tufanye namna gani? Ama tungekata shauri kwa njia gani vile kufanya kama kuna kukosekana kwa usalama?

**Yusuf Mohammed:** Kwa upande wa usalama, sisi tuko nao. Kwa sababu sisi watu wa North Eastern hatasukumani na Serikali. Tunaunga Serikali mkono. Tunakaa kwa amani. Wale ambao wanaharibu amani yetu ni watu kutoka Ethiopia na Somali. Kenya Army wanafanya kazi gani? Kwa nini hao hawa fungu mipaka ya Somalia halafu sisi tukae kwa usalama?

**Com. Salome Muigai:** Asante Mzee kwa maoni yako. Sasa nataka kumuita Bi Abdia Mahmud, Bi Abdia Mahamud.

**Com. Salome Muigai:** Andika jina. Abdia! Karibu

**Bi Abdia:** Asante. Hamjambo?

**Audience:** Hatujambo

**Com. Salome Muigai:** Hatujambo

**Speaker:** Endelea.

**Bi Abdia Mahmud:** Mimi naitwa Abdia Mahmud Mohammed. Mimi ni mtoto wa hapa, nimezaliwa hapa, na nimelelewa

hapa. Sasa kitu ninaona ni kibaya, njia kwanza. Njia, sisi Waislamu watu wetu wakikufa, wanazikwa mara moja bila wengine wetu kujulishwa. Kwa mfano, tukiwa Nairobi tukitaka kukuja nyumbani kwa haraka hatuwezi kwa ajili ya barabara zimeharibika. Kitu cha kwanza ambacho kinatuudhi sana ni hizi barabara zetu, tunaomba sheria ibadilishwe ndio tutengenezewe barabara. Na ndio tutaweza kupata ujumbe kwa haraka. Kwa mfano kama ni mtu ameaga tunaweza kufika nyumbani upesi. Katiba ikiweza kurekebisha hiyo tunaweza kushukuru sana.

Ya pili, watoto wetu wanasoma, mama zetu wamewasomesha, mababa zetu wamewasomesha pia. Lakini hawa vijana wote hakuna hata mmoja wao ana kazi na wamemaliza form four. Kwa sababu hapa North Eastern hatuna maendeleo hawana kazi. Wale watu wote wako vyeo vya juu wametusahau kabisa. Tukiona vijana wetu hawana kazi tunakufa moyo wa kuwasomesha. Kwa sababu tukiwasomesha na kile kidogo tuko nacho na bado hawatapata kazi baadaye ili watusaidie, tunaamua kubaki na kile kidogo tunacho tujisaidie badala ya kutumia hizo pesa na kuwasomesha na hatutapata usaidizi baadaye. Kwa sababu tukitumia kile kidogo tuko nacho kesho tutakula nini?

Ya pili, ni sisi Wasomali zamani tulikuwa na mashamba, mashamba zakutosha. Na tunapotembea huko sehemu zingine za Kenya tunapata wakulima kama sisi ndio wako na maendeleo. Sasa, sisi tuko na mashamba ambazo mito iko karibu nayo, lakini mito inapojaa mashamba yetu yanaharibiwa na hatuna watu wa kutusaidia. Sasa hio mashamba watoto wangeweza kujisaidia nayo na wale wamelemewa kimasomo. Lakini hayo mashamba hakuna. Sisi hatujui Katiba ni nini, tumeisikia leo, lakini ikirekebisha sisi na watoto wetu tutafurahi sana na tutafaidika.

Ya tatu, sheria zetu za zamani hazikuruhusu wanawake wasimame mbele ya wanaume waongee. Sasa leo tumefurahi sana tumepewa ruhusa ili tukuje tuongee mbele ya watu wote, tuseme shida zetu. Halafu nyingine, hatujadharau dini yetu. Kile kimetufanya tusimame mbele ya watu tuongee ni kwamba kama wazazi wetu wamesomesha watoto na bado wako nyumbani, tunavunjika moyo tukiona eti tunasomesha watoto wetu na wanakaa tu nyumbani na sisi. Tunajiuliza aje, mbona tupoteze pesa zetu bure ilhali inaweza kutusaidia siku za usoni? Tunataka hiyo itiliwe mkazo kwa Katiba, na irekebisha. Yangu ni hayo tu, asanteni. Karibuni sana kwetu.

**Com. Salome Muigai:** Asante sana Bi Abdia umejieleza vilivyo hatuna swali kwako. Asante sana. Na sasa nataka kumpa nafasi hii mama mwingine ama msichana, Hadija Kali. mpatieni nafasi tafadhali apite.

**Response:** Inaudible.

**Hadijah Khalif Sheikh:** Mimi sijui Kiswahili, mimi najua Kisomali tu.

**Response:** Anataka Translator, translator.

**Hadijah Khalif Sheikh:** Magaceiga wa Khadija Khalif Sheikh.

**Translator:** My name is Hadijah Khalif Sheikh

**Hadijah Khalif Sheikh:** Manta wan kufaraxney dhadkan manta imathen.

**Translator:** We are happy you have come to listen to our views.

**Hadijah Khalif Sheikh:** Ewethken anaga dhad noimathey Ramu anadaxay kawarama.

**Translator:** I represent the community of the disabled and nobody has ever for asked our views we are very glad.

**Hadijah Khalif Sheikh:** Manta xorta sifican ini lawaramo North Eastern waxan nolasha ogathambeino xanolashego oo skula ana uqawin mel jisaska ey waxkubarta, musacitha yan ubaxane wax kasta yan ubaxane.

**Translator:** She says she is speaking on behalf of the disabled of the North Eastern Province. She would like to know why they left them out. Why? They are left out in terms of education, they are left out in terms of development, they are not given a chance in any form of development.

**Hadijah Khalif Sheikh:** Aniga waxan rawa, Ramu yan kudashey weligey wax iskul igeyo maarkin xathana inkasta an iskul kaweynathey waxan ubaxane musacitha ilamaxa jiska, kuwa indolaxa ini skul nolayelo iyo musacitha yan rabna.

**Translator:** She says, though she is now above school age, she has been to school and during her stay she has never received any support or any aid from the Government or any Institution. She now says she would like assistance to be granted to all the categories of the disabled, the blind, the physically disabled, the mentally handicapped so that they are all assisted and can continue with their normal lives.

**Hadijah Khalif Sheikh:** Marka aniga waxan ubaxanye ini musacitha nalasiyo, gari nalasiyo waxan kushaqeisano nalasiyo, skul noladiso, macalin nolayelo dhadka indolaxa macalin loyelo, ilamaxa yar iskul labaro, anaga wax musacithan an jushaqeisano nalasiyo yan rabna.

**Translator:** She says that they would like to be assisted as the disabled community with vehicles, like transport if possible, those are like the wheel chairs and others. She says they should be given free education. She also says they would like to be given free medical care. She would like to be given money to start small business or opportunities so she is asking for special consideration in the new Constitution.

**Hadijah Khalif Sheikh:** Waxa kale intan Ramu jogney waxan o dhad oimanayo manaarkin anaga, waxan uarki wayney maqabno wazazi nowaramo, maqabno magumbe, kansil iyo chief kuli maqabno anaga.

**Speaker:** Inaudible

**Translator:** She says for the first time in the history of this place, it is the first time we are getting such an opportunity. We have not had any representation at any level. We do not have anything, we do not have a Councillor, we do not have a Chief, we do not have any representation. So she says she is going, she would like them to be given such representation.



**Hadijah Khalif Sheikh:** Marka waxan rabna skul in nolayelo, gari nalasiyo waxan kushaqeisano nalasiyo yan meshan uimaney.

**Translator:** So in conclusion, she says that she would like to be given special facilities like transport, she would like to be given health care, she would like to be given free education, she would like also to be given business opportunities and to be supported by the Government or other Organizations.

**Hadija Khalif Sheikh:** Waxa kale ispatal xathan athno kaca iskataga yanladixi wax an xeleyno malaxa thawa maxeleino spatal fican mexaisano, marka waxan rabna anaga jisyaxa in an xagena uwarano yan rabna.

**Translator:** She says all discrimination against the disabled should be outlawed especially in terms of medical care. There is tendency by the medical officers to say that they are disabled therefore they cannot consider them. So she says all sorts of discrimination against the disabled persons should be out lawed.

**Hadijah Khalif Sheikh:** Waxa kale on rabna jiska mela gar naloyelo oo spatal eh , skul gar nolayelo, gari gar nolayelo wax kasta gar nolayelo wazazigena xatha tiin wax kale on rabno malaxa anaga manta.

**Response:** Inaudible

**Translator:** She says that we would like special attention to the disabled. Special and separate care, because the current system is discriminating. She would like them to have the special schools separately, medical care separately; special system for the disabled and any other assistance that can be given to the disabled, they will be very glad.

**Hadijah Khalif Sheikh:** Marka dhadka manta noimathey wan kufaraxney bahati mbaya lakini wax an usameyne malaxa qaflath bey nagusogalin lakin xatha kathambe ini naloshaego yan rabna anaga.

**Translator:** She says that we are very happy to have received Commissioners of the Constitution Review Commission. Unfortunately we had not been informed in good time in order to give them special reception but in future we would like to be informed so that we give them special reception. That's our statement. Thank you very much.

**Com. Salome Muigai:** Thank you. Ngoja. Just wait there. I would like to thank you very much Hadija Khalif Sheikh for your courage to come and share with us. I have only one question for you. You have spoken about people with disabilities in general. I would like to hear from you what the special problems that you face being a Pastoralist, a woman and disabled.

**Translator:** Tan oguxorey wexey kudaxthey maxath yan kucelina, tan lawath wexey daxthey athiga qas axan dhad xola daqata ya tin nagna watexe, curiyana watexe. Dib qas axan ath lethaxay majira.

**Hadijah Khalif Sheikh:** Cilmi laan: Ramu ban kudashey cithena wax bathiya thagan malaxa ini magalathan wax lagawayo

maaxane. Marka waxan intan an ujogo oo carur laan an kusogarey waxa wayey dhad oo wax kawarameynini in ey jiran, oo jismathana nalugu yasayo anaxaisata.

**Translator:** She says that her biggest problem has been lack of opportunities especially in terms of education. That she has been raised in Rhamu, the school is just next to her home and she has never gotten an opportunity to get education. And then at the same time, there are attitudes of the community towards the disabled. The attitude of the community towards the disabled is very negative and this has affected all their opportunities also. So she says may be the government should avail such opportunities. Thank you very much. Asante sana.

**Com. Salome Muigai:** Its okay, just sit down and the book will be brought to you.

**Speaker:** Just sit, just sit there.

**Com. Salome Muigai:** Can the book be taken to her please. I would also like to tell Hadijah that I understand her plight because some are woman with disabilities. So this is I hear you and you definitely have a very empathetic year.

**Translator :** Waxan kuogeynaya Khadija in dib katha an lasocotho wana kaxunyaxay dibka kuxaisto aniga xata jis ban axay.

**Com. Salome Muigai:** Speaker wangu wakutoka kwa huyo atakuwa ni Abdulkadir Rashid! Amekuja. Abdulkadir Rashid! Ni wewe. Kama hayuko basi nitamuita Chief wa Town Aden Farah (Chief Town). Ngoja tu kidogo mpatie time apite.

**Response:** Inaudible. (Afsomali kuxathal)

**Aden Farah (Chief):** Asante sana Serikali ya Kenya, Wanatume ambao ni wageni na wamekuja kwetu, kuangalia taabu zetu, na taabu ya town yetu, na pia taabu za watoto wetu, hio ni furaha yetu sana. Kwa sababu mimi (Interjection).

**Com. Salome Muigai:** Anza na jina!

**Aden Farah Mohamed (Chief Town):** Sina swali juu ya, juu ya siasa hapa Shh Challa Challa

**Response:** Inaudible.

**Com. Dr. Arap Korir:** Endelea, waambie wanyamaze alafu,

**Aden Farah:** Mimi nashukuru sana kwa habari ya leo. Kwa sababu hii group imekuja kuangalia taabu yetu sii mambo ya siasa. Mimi nakuja kuangalia ni njia gani tutatumia ndio sisi tunaweza kufaulu,ndio tuwe watu wa Kenya nzima ama watu wa Rhamu. Nataka tuongee kuhusu ardhi yetu. Nina umri wa miaka sabini na tano, na nimezaliwa hapa Rhamu, na miaka hiyo yote nimekuwa hapa, tumekuwa na mashamba mengi sana kama acre hamsini. Kitu kile kinanivunja moyo ni kwamba, tunalima haya

mashamba na yanakuwa na kila kitu.

**Response:** .....(Inaudible).

**Aden Farah:** Halafu kitu kinanivunja moyo ni kuhusu haya hii mashamba yetu. Kama Serikali ingeweza kutusaidia kwa hiyo upande wa mashamba ndio tupate mapato mazuri kama vile chakula na maembe, itakuwa vizuri. Juzi, juzi tuligawanya shamba watu saba. Watu wengine wanazuia watu wa Ethiopia wasiwanyang’anye ng’ombe wao pia na bunduki, wakati naona wale vile wanapiga “Danyerr” Danyerr” . Kama sasa wewe unakuta Polisi station chini yake hapa ndani ya town umeona, Danyerr.

**Com. Salome Muigai:** Ni nini huyo?

**Aden Farah:** Nyani! Nyani! Nyani ya upande wetu hapa wanaweza kufika elfu thelathini. Saa zile ambazo tunajaribu kuzuia yale maembe na mahindi kwa kutumia bunduki. Tunanyang’anywa shamba zetu kwa nguvu. Tukishanyang’anywa na sisi tunatoroka kwa sababu watu hao wako na bunduki. Kama Serikali inaweza kuzuia hayo yote tunaweza kufurahi sana. Kitu ambacho inatuvunja moyo, sisi kama wazee, ni kwamba hakuna bunduki za kutumia huko nyumbani. Sasa maneno yangu ni mafupi. Mimi naomba kama nyinyi mnaweza kuja kuangalia taabu ya nchi yetu sisi tuko na mashamba za kutosha lakini kitu inaturudisha nyuma kwa hii town yetu ni nyasi.

**Response:** Nyani

**Aden Farah:** Nyani. Tunaporudi nyumbani kuenda kuangalia mashamba yetu, tunakuta nyani, nyani wameharibu kila kitu. Wanatunyang’anya mashamba yetu kabisa hata huyu ni shahidi yangu.

**Response:** Ndiyo

**Aden Farah:** Hii maneno yako hapa hapa tu. Oh sorry! sorry nisamehe. Ng’ombe yetu hakuna mahali pa kuuza na hata mbuzi na ngamia. Shida ile nyingine tunayo ni ile ya simba. Simba anakuja anakula ng’ombe, mbuzi na pia ngamia. Na tunapo ua ile simba Serikali inatualiza kwa nini tumemuua simba. Hawataki kujua kama hiyo simba iliwa mifugo yetu, kile wanashughulika nacho ni simba yao. Hata simba akiwa mtu hakuna kulipwa na Serikali. Tunataka Serikali iangalie hayo mambo na itiliwe kwa Katiba mpya. Asante sana

**Com. Salome Muigai:** Ngoja utaulizwa maswali. Asante sana Chief tumesikia habari ya shida za nyani. Sasa nataka kumpa hii nafasi Mohammed Ulmumin. Mohammed Ulmumin

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

**Com. Salome Muigai:** Mohammed Bule Mumin? Chief Mohammed Osman Fila

**Response:** Inaudible

**Osman Mahmud Fila:** Hamjambo wananchi? Kwanza natoa shukurani kwa hii Tume ya Kurekebisha sheria.

**Com. Salome Muigai:** Anza na, majina yako

**Osman Mahmud Fila:** Jina langu ni Osman Mahmud Fila. Nafikiri huu mkutano wa leo sio wa Chief, sio wa Coucillor, sio wa D.O. wala wa D.C. ama ya mkutano wa MP, Members of Parliament, ni Mkutano kurekebisha Kenya nzima. Watu waelewe namna hiyo. Na si rally ya siasa. Na wakati rally hiyo inakuja, ngojea tu, lakini kwa kitu cha kwanza nataka kuuliza swali moja. Madam Commissioner ndiye ningetaka kuuliza swali moja kabla sijaongea yale machache niko nayo hapa. Hilo swali ni, ile Katiba ya Kenya ya sasa itafutwa kabisa ama yale tunaongea hapa yataongezwa na kubadilishwa, ama itafutwa sehemu fulani faulani? Hilo ndilo swali ambalo limenitatiza sana.

**Com. Salome Muigai:** Asante sana kwa swali lako Bwana Chief. Hilo ni swali lenye watu wengi wanajiuliza na umefanya vizuri kuuliza kwa niamba ya watu wale wengine. Bado wakati huu tuna Katiba ile yenye inafanya kazi sasa. Lakini hii Katiba kama vile mnavyojua ilitengenezwa Ulaya. Ikakuja kutoka kwa Lancaster House. Haikukua na nafasi ya kuhusisha Wakenya kusema vile wangetaka kutawaliwa ama vile wangetaka kujitawala.

Kwa hivyo ingawa Katiba hiyo hiyo bado iko tunazungumzia vile tutaibadilisha ili yale mambo mtakubaliana nayo, yenye bado mnataka na yenye yako katika hiyo Katiba nyengine ambayo tutayaweka. Yale mambo yenye mtakuwa mmekatilia mbali na yako kwa Katiba hiyo nyingine itatolewa. Kwa hivyo huu ni wakati wa kihistoria, wakati muhimu, wakati Wakenya wenyewe wanazungumzia vile wangetaka kutawaliwa na vile wangetaka kuhusishwa kwenye utawala.

**Osman Mahmud Fila:** Asante sana madam. Nimeelewa vizuri sana. Lakini mimi nafikiri wengine tafadhali sana nikiongea msikasirike kwa sababu mimi naona kulingana na ma neighbours wetu hapa wa Ethiopia or Somali sisi wananchi wa Kenya haswa North Eastern Province tukiangalia hapa ama huko Bulla hawa hakuna Ministry ya maji, hakuna barabara, hakuna walimu wa shule. Hata Ethiopia is now one kilometer or two kilometers from where we are sitted now, but there is no school there, but sisi tuko na primary schools ngapi? Na tuko na sekondari schools ngapi?

**Audience:** Nyingi.

**Osman Mahmud Fila:** Nyingi sana. Leo tukiangalia hii market yetu, ukiangalia nchi, ma dams, na tunagawanyiwa na Serikali nchi ya mashamba. Ni ukweli ama ni uwongo?

**Audience:** Ni kweli.

**Osman Mahmud Fila:** Ni kweli kabisa.

**Audience:** Kabisa.

**Osman Mahmud Fila:** Si tukubaliane hiyo! Kwa hivyo niseme maoni yangu. Kwa hivyo wacha munipatie hii fursa tafadhali.

**Com. Salome Muigai:** Ebu kwanza ngoja.

**Osman Mahmud Fila:** Xadow bath xathleisine idafa aniga.

**Com. Salome Muigai:** Bwana Chief umeambia watu kuwa huu siyo mkutano wa baraza wa Chief. Kwa hivyo leo msiwazungumzie watu kama Chief. Tuzungumze kama mtu anatoa maoni yake kwa Tume la Kurekebisha Katiba. Ukiwauliza kama ni uongo ama ni ukweli, hawataki kukuambia ni uongo watasema kwani umeuliza, kwa hivyo usiulize maswali. Eleza tu maoni yako tafadhali.

**Osman Mahmud Fila:** Kwa hivyo maoni yangu ni kwamba Serikali ituangalie sana kwa upande wa security. Kama wewe ni jambazi, Serikali ipambane nawe vilivyo. Mambo ya infrastructures. Mimi naona Serikali ya Kenya haiko sincere kama Serikali ya Ethiopia na Somali. Hawaangalii maslahi ya wananchi wao kama wale wengine. Sheria ya Serikali haifai kushtumu kila mtu, kama vile Waislamu. Tunataka pia sheria ambayo inaangalia maslahi ya wanyama wetu, ili wakiuliwa na wanyama wa mstuni tuwe tunapatiwa compensation kama watu wale wengine. Pia kuna sheria zile za zamani lakini zimesimamishwa. Na tunataka pia road improvements, (Interjection).

**Com. Salome Muigai:** Ngoja, ngoja, ngoja nikuite.

**Osman Mahmud Fila:** Tunataka road improvements. Mnaona hii barabara ambayo inatumiwa na hii bus, iliwekwa lami mwaka wa 1977-78 mpaka 1981-82. Na sasa imeharibika kabisa. Tunataka improvement ya roads kamati wakati huo. Pia hapa tuna prolonged drought na ni pahali pa ukame sana. Karibu miaka saba mvua haijanyesha. Hapa kunakuwa na ukame mwingi sana, na kwa hivyo tunataka food security. Tunataka sheria iweke special consideration kwa upande huo.

Ile ingine there is no animal market except for the towns which are nearer Nairobi. Katiba ya zamani imesahau ngamia. Sijui kwa

nini na nyama yake inauzwa mpaka Nairobi. Kwa hivyo tunataka market kwa ufupi. Tena tunataka District ya pili. Kwa sababu tuna shida ya employment, na hii problem ni kwa sababu District moja ina watu wengi sana. Kama ingegawanywa mara mbili, tungepata kazi. Sasa tuna Districts nne peke yake. Na kwa vile hii Mandera ni kubwa sana, tunataka ziwe District mbili kama vile Elwak, iwe ni District, iwe na walimu wake, na D.C. yake na shule zake na kila kitu chake. That one will solve the employment opportunities.

Kitu kingine tunataka ni mambo ya Kadhi. Ile sheria ya zamani nasikia inasema Chief Kadhi should come from Mombasa. Hiyo haiwezekani. Chief Kadhi should be a graduate and should be somebody who is qualified and should be employed as a Public Service Commission employee. Tunataka Kadhi awe anatoka upande wowote wa Kenya. Ile ingine iko shida ingine, ya industries. tunataka industries ndogo, ndogo ziwe expanded; expansion of small industries, Serikali itupatie machines za maembe ili industries ndogo ndogo zitufikie upande huu. Ile nyingine ni Kadhi should be under the Council of Elders and not under County Council. Council of Elders should be entitled for land. Mambo ya forest iwachiwe wazee wa vijiji ili waamue uamuzi wa ardhi.

Na ile ingine ya mwisho ni kuhusu ni MPs. The MPs should be given power in Parliament ili waende wawatete watu wao huko. Si kutuma mtu mmoja huko, na wakiuliza kitu wapatiwe haraka sana. Security na Police. Police wa-handle watu kwa njia nzuri sio kwa brutality. Kwa hivyo nimemaliza hapo.

**Interjection:** .....(Inaudible). Watoto wa shule nyamazeni, nyamaza hapo. Nyamaza. Mnatuletea makelele hapa.Hapa sio shule.

**Com. Salome Muigai:** Tungetaka kuwaomba wasichana hasa naona hijab, kwa hivyo ni wasichana, mnyamaze ili kesho, nanyi mtakaa hapa kuwa Chairman wa mkutano. Karibuni sana wasichana na watoto wa shule, tunawakaribisha, tunafurahi mmekuja. Kama mngetaka kuzungumza tafadhali jiandikishe jina, nitakupa nafasi ya kuzungumza. Na tunawaomba muache kupiga kelele ili msikie mambo yenye yanaendelea mbele. Mimi nina swali moja la kumuuliza Chief, amesema kuwa habari ya mashamba yarudishiwe Wazee wa Kijiji. Mimi nataka kuuliza Chief, Wazee wa Kijiji ni kina baba ama ni kina baba na kina mama wote?

**Osman Mahmud Fila:** Wazee wa Kijiji ni, what I mean by Council of Elders, wazee wale mashuhuri wale wazee kabisa ambao wako na akili kamilifu. Sio wazee wote pamoja na kina mama lakini wazee wanaoitwa elders wanaosimamia kila boma. Ndio wako kwa ukoo wetu.

**Com. Salome Muigai:** Are they men or women?

**Osman Mahmud Fila:** Hawa ni men.

**Mr. John Watibini:** Men? Aha umejibu.

**Response:** Hebu ngoja.

**Com. Salome Muigai:** If all the elders are men how do women get access to land?

**Response:** Come again. I didn't hear.

**Mr. John Watibini:** If all the elders are men how do women get access to learn?

**Osman Mahmud Fila:** Okay!

**Com. Salome Muigai:** You have answered my question and you have said that all the elders are men and you have said that the land should be taken to the Council of elders. How do women access land according to you?

**Osman Mahmud Fila:** Well, if it is like that we can also consider women totally.

**Response:** Inaudible

**Com. Salome Muigai:** Thank you very much Chief, please register your contribution. Na sasa nataka kumuita Mama Zahra Mohammed. Mama Zahra Mohammed!

**Response:** Inaudible

**Com. Salome Muigai:** Okay excuse me, hebu nyamazeni tafadhali tusikizane. Tafadhali nyamazeni tusikizane. Fatuma Ebrahim Godana! Mama Fatuma Ebrahim Godana. Tafadhali njoo hapa mbele.

**Interjection:** Inaudible

**Com. Salome Muigai:** Mami anza na jina.

**Fatuma Ebrahim Godana:** Jina langu?

**Com. Salome Muigai:** Eee.

**Fatuma Ebrahim Godana:** Asante sana wageni waheshimiwa. Mimi jina langu naitwa Fatuma Ebrahim lakini 'Godana' ni nickname of ya Father. Kwa hivyo mimi natoa shukrani kwa Serikali ambayo imetupatia nafasi hii na pia wageni wetu waje

tuongee shida zetu kidogo kidogo, labda tulibaki nyuma wakati wa Katiba ya zamani. Langu la kwanza ni juu ya Aids. Mimi nafanya kazi kwa Community Health Workers Volunteer in the Health Centre of Rhamu. Mimi ni mmoja wa Committee, kwa hivyo najua mengi kuhusu Aids. Ningetaka Serikali iweke sheria juu ya mambo ya Aids. Kwa sababu kama sisi tuko tayari kukinga Aids kwa nini Serikali isitusaidie? Dunia imekua mbaya. Wasichana na Vijana wetu wameanza kufanya mambo ya zinaa. Unapofuata huyo msichana na kumchapa ili umutie adabu Serikali inakulaumu na kukuliza kwa nini unamuingililia msichana mkubwa hivyo ilhali anafaa kuwa na uhuru. Mimi naomba sasa kwa upande wa kurekebisha Katiba, msichana asipewe uhuru afanye lolote analotaka kwa sababu hio ni kusema aendelee na zinaa. Hapa ninafaa kushika huyo msichana nimchape yeye na pia Serikali inafaa kunisaidia kumuweka ndani kwa miezi kadhaa, hata kama ni six months, ndio apate adabu.

Point yangu ya pili ni kuhusu mambo ya kupata mimba. Sasa msichana anapata mimba na anaua huyo mtoto. Kwa sababu huyo mtoto amepata kwa zinaa. Ingawa mimi sijui Katiba ya mbeleni iliandikwa namna gani lakini sasa mimi nafikiri huyu msichana akiua mtoto na hana baba ndio hataki kukaa naye lazima Serikali iweke kwa sheria huyo msichana afungwe miaka saba.

**Interjection:** Inaudible

**Fatuma Ebrahim Godana:** Sawa, afungwe, labda Serikali itaamua kwa muda upi. Na hiyo nimesema sio kwa sababu ati nataka kukataza msichana haki yake. Lakini ni kwa sababu, msichana akifungwa, wale wengine wako nyuma yake wataona fulani na fulani wako kwa jela kwa sababu ameuu mtoto wake ama ametoa mimba. Kwa hivyo mimi sitakaribia zinaa. Ile ingine nataka kuongea juu yake ni masomo. Sisi tumewafundisha watoto wetu. Na bado saa hii kuna wengine hawana kazi. Na juzi nilisikia mtu wa form four, akipata D+ ama D- hapati kazi ama college. Sasa kama watoto wetu hawapati kazi na mbeleni wakati ule walikuwa wakichukua wale wa D+ or D-, sasa Serikali kama imeamua kutochukua watoto wakipata D- or D, sasa ninaona shida zetu zitazidi kuwa nyingi hapa Kenya. Naomba Serikali ituongezee kwa Katiba kuwa watoto wetu wawe wakichukuliwa wanapopata D- to D+.

Ile ingine ni juu ya kazi. Watoto wakimaliza college hawapati kazi. Nimeona hapa North Eastern mtoto yule amepata alama nzuri hapati kazi lakini ikiwa baba yake ako na pesa na awe hakupita vizuri, huyo mtoto ataajiriwa. Hapa North Eastern hatuna pesa. Ile yote tulikuwa nayo tulisomesha watoto wetu nayo kwa shule na colleges, na bado hio pesa ilikuwa shida kuipata. Kwa hivyo watoto wetu hawawezi kupata kazi.

Now, ile ingine nataka kutaja ni shida moja. Labda hata mimi inanihusu kidogo. Kuna kazi tunafanya, mambo za volunteer in the Health Centre everywhere North Eastern. Mambo ya volunteers tunakaa miaka mingi kama volunteers na hakuna mtu anatumkumbuka na tuko chini ya Serikali

**Com. Salome Muigai:** Ngoja swali. Asante sana baba... mama Fatuma, nina swali moja ama mawili hivi kwako. Kwanza ni kwa habari ya ugonjwa wa Ukimwi. Umesema kuwa wasichana wakipatikana wakifanya zinaa washikwe na wafungwe kwa jela na wapigwe. Wasichana wanafanya zinaa na nani? Hao peke yao? Kwani huzajungumzia hawa watu wengine? Umezungumzia msichana tu peke yake. Jambo la pili, umesema msichana akipata mimba na aitoe, afungwe miaka saba, akitoa mimba afungwe miaka saba? Je baba mtoto akikataa mtoto afanywe nini? Kwani inamchukua mme na mke kutengeneza watoto, kwa nini una-deal na mtu mmoja unamuacha mwingine kabisa nje? Huo ni ubanguzi na unawabagua kina



baba sasa.

**Fatuma Ebrahim Godana:** Asante sana Mheshimiwa mwenye kiti. Ninavyo kuelewa ni kwa vile mimi ni mama zaa wote, tunakasirikia wasichana. Sasa mimi hasira yangu imeenda sana kwa wasichana lakini vile ninavyo kuelewa tunataka hiyo adabu iingie kwa vijana na wasichana. Kwa hivyo both sides, vijana pia waelemishwe wawekewe sheria yao kufungwa wakifanya kitendo kama hicho.

**Com. Salome Muigai:** Jiandikishe pale. Ningependa kuwauliza watu wa Rhamu, mmechoka na mkutano tuuwache?

**Audience:** Hapana.

**Com. Salome Muigai:** Basi kwa nini makelele yamekuwa nyingi kuliko vile tunasikilizana?

Ebu watoto songeni kule nyuma kidogo. Can you organize the children first, so that we have one meeting . Do we have teachers? Walimu? Walimu tafadhali simameni mtusaidie nawatoto, walimu wanasikizwa na watoto kuliko wazazi. Please teachers, could you help us with the children so that we can understand each other? Thank you very much. Tafadhali tungekuwa na .....

**Interjection:** Inaudible.

**Com. Salome Muigai:** Sasa nataka kumpa nafasi hii Abdi Abdulahi, Abdi Abdulahi! Abdi Abdulahi yuko hapa?

**Com. Salome Muigai:** Kama hayuko nampa nafasi Mohammed Hassan, Mohammed Hassan! Kama hayuko nampa nafasi hii Mama Kera Abdulahi, Kerra Abdulahi. Karibu.

**Kerra Abdullahi:** Nataka Translator, nataka Translator.

**Speaker:** Anza na jina.

**Kerra Abdullahi:** Aniga magaceiga waxaladaxa Keira Abdulahi Karani waxan kaimathey Asabito division waxana kasotha qeibta xawenka Maendeleo ya Wanawake organisation

**Translator:** My names are Kerra Abdullahi from Asabito Division of Central Constituency and I represent the Women Group from Asabito

**Kerra Abdullahi:** Anigo afka xawenka kaxathlayo waxan rawa ini sharciga lagutharo xuquqtha xawenka.

**Translator:** Speaking on behalf of women, I would like the new Constitution making the rights of women included.

**Kerra Abdullahi:** Markath sifirisith aqonta gebdaxa ath bey uxoseysa, marka waxan rabna aqriska gebdaxa iyo wilasha iney usinathan.

**Translator:** She says she is concerned about girl child education. She says that there is a disparity between the education of the girl and the boy and therefore she would like to see a parity, she would like to see equality or parity in terms of education

for both boys and girls.

**Kerra Abdullahi:** Mitha kaley gebdaxa markey thambi galan o laxiro in waxan rabna xabsi goni laguxiro.

**Translator:** She is talking about women, especially women inmates or women who are charged in prison, they should be given special services separate from men.

**Kerra Abdullahi:** Xabsi goni marki laguxiro waxan rabna xathana in gebdaxa xijab mar xathey gala yixina surwala athag oo gabdaxa ey kuxafithanthan logaliyo dar athagna xathey islan texe xijabketha iyo darketha der der ini logaliyo yan rabna.

**Translator:** She says again women in prison, she says she would like Religious culture to be respected and therefore a muslim woman should dress according to the Islamic code and even the non Muslims, they should be properly dressed not the way they are dressed currently.

**Kerra Abdullahi:** Waxa kale on rabna gebdaxa xabsigotha Nairobi xal xaba kali ya kuyala gebdaxa xabsigotha Kenya odan ini sethax iyo afar lagadigo oo distrig kasta xabath lagudisoyan rabna.

**Translator:** She says that she wants a separate women prisons and prisons should be many. Currently she says there is only one prison for women in Kenya. She would like to see many prisons for women in Kenya and different in districts.

**Kerra Abdullahi:** Mitha kaley waxan kaxathlaya rer guraga iyo rer bathiyaxa wax xaquq ey dulka kuleyixin malaxa.

**Translator:** Speaking on behalf of the nomads, she says that the postaralist community have no rights in Kenya.

**Kerra Abdullahi:** Xaququ wexey ulexein ayaga wa rer gura biya nalith ey caban maxelayin xolaxothan awar ya dameysa.

**Translator:** She says that the pastoralists are not given clean and safe water, and also the animals are dying because of drought and that means there is no market or security for the animals.

**Kerra Abdullahi:** Dhadkas wexey bathana udamanayin waxa wayey biyixi markey kaguran ama xolixi ey kadamathan wixi wasag eh oo mesha kujiren ya lasini ilmixi islamixi oo umulna ey cabayin.

**Translator:** She says that the main problem of pastoralists has to do with disease, and especially when during drought, the animals take any form of water, especially the filthy water that remains in the dam and the animals die. That is the main cause of problems facing pastoralists.

**Kerra Abdullahi:** Marka dhadkas wax thawa ey dhadka kutharyeleyso oo logeyo maalaxa biya nathis oo ayaga nafsatho lagutharyelana malaxa, Kenya markath sifirisithna diwata saith ya kajirta xaga awarta. Awar bathan oo isthawa gashey ya kudacthey dhadki, dhadkina xos bey udecen.

**Translator:** She says that pastoralists do not have proper medical care. There are no medical facilities within their reach. At the same time, they say that, because of the continous drought, the level of development is so low and the pastoralists,

are the most affected.

**Kerra Abdullahi:** Marka dhadka rer bathiyaxa waxan rabna ini sharciga thib xawenta lagutharo in losameyo mobile aqris oo rer guraga lasocho iyo mobile thawoyin oo dhadkas daxsoco oo lagutharyelo rer guraga.

**Translator:** She proposes or recommends that the pastoralists be given mobile education services that commensurate to their needs and also mobile medical care that is also adaptable to their culture.

**Kerra Abdullahi:** Anaga Somali xathan naxay waxan ubathane rer guraah, reer guragana wax xatha thiyaratha iyo mel kale ey siathayan majirto. Manderu ama North Eastern bey dhadkena thaganyin markasna Kenya waxa ladaxay gel marku tagan yaxay waxaladexe afar lugoth bukutagan yexe sen na wey kalalatha, marka anaga waxan naxay senta kalalatho Kenya moogiye dhad Kenya kaxisabsan manixin.

**Translator:** She is describing the relationship with the other Kenyans. She says that we are like the camel, the camel has four legs and tail, but the tail is just hanging, says that Kenyans are the legs and we Somalis are the tails because we are just hanging, we are not part of Kenya.

**Kerra Abdullahi:** Marka waxa kale dhowlada wexey qawani qof, qofki markixabsiga lageyo ama polista logeyo kaca kienyeji kusokalaba yalada, kienyeji waxasameynayo oo dhadka kala nabtheinayo otheyal waye. Otheyasha wax xaquq ey mesha kuleyixina malaxa.

**Translator:** Concerning the issues of women especially like the domestic problems, or domestic violence or other related problems of women, she says when it comes to the cultural content, it is the elders who deal with those problems. Women are not represented and she says that such elders sometimes do not consider the rights of the women. They do not consider many women issues.

**Kerra Abdullahi:** Otheyasha waxan kawatha chiefka dhowlada ushaqeyan wawalaogyexe, otheyal kaley oo retire qatan oo Police kabexe oo shaqoinka dan markey kabaxan xal marki gel laracayo kor balaxira, korka dhowlada markey kafurto asaga naftisa wuturaya ilmaxa yukusonoqona bananka yusofadisana. Marka otheyashan xatrim ini loyelo yan rabna.

**Translator:** She says that most of the Chiefs, the role of the Chief is known very well, there are also retired elders who have retired from the Government services. She says that on a camel, what guides the camel is the beit, there is camel beit made of wood, when the beit is removed the camel has no guide. So she says that some of the elders are no longer useful and they are not playing the role of leadership and therefore they would like such elders to be done away with.

**Kerra Abdullahi:** Otheyasha ini sifacan loxojo ayaga ey nagaxa ey kabixinin oo thuqowixi ey islasothuqowen ey shaqatha lawathan.

**Translator:** At the same time, she says that some of the elders are very useful and they would like women and the elders to work together not that the elders to set rules separately That they must involve the women and the women and the elders should work together.

**Kerra Abdullahi:** Mitha kale waxa wayey, mathax weynaxa wuxu leyaxay power ath qali ueh oo saith ukoreyo waxan rabna ini power gisa lasojawiyo oo xos lataliya xose oo gewer lagadiyo.

**Translator:** She says that the President has a lot of power. The President is very powerful. She says she would like those powers to be reduced and the post or the position of Vice President be given to a woman.

**Kerra Abdullahi:** Mitha kale, thorashatha markey ey socoto oo nin kasta soqato aniga o siyas kadigeini waxa wayey sharciga waxan rabna wilisha sokacayo in wax nogula diwo oo mamulka ey nowathan.

**Translator:** She says that as regards elections, she would like to propose that as much as you respect those who have been in the system, she would like the youth to take over the leadership of this country.

**Kerra Abdullahi:** Sitha loshegey Nominated marki ladaxo waxan rabna in gebdaxa iyo dhadka jisaska na shaqa der soqawani Karin iyo gabadaxa in lagadiyo ama MP ama Councillor.

**Translator:** She says, she proposes that the position of nominated Councillors or MPs be given to special groups like women, disabled and youth.

**Kerra Abdullahi:** Xaquqtha gebdaxa in kor losoqatho yan rabna oo aqriskotha sikoreyo oo ilmaxa markey aqris damayan waxan rabna lacagta fiiga o lagusitharayo in nalagagoyo oo ilmaxa ey free nogoaqristan oo Kenya an laqabsano Kenya anaga melna ogumadowine.

**Translator:** On the same issue, she says that as regards to education, she proposes the empowerment of ladies, empowerment of women academically and educationally. She also says that education cost is rising, fees is increasing year by year. So she proposes free education for the nomadic community; Free education for the whole of this region.

**Kerra Abdullahi:** Aiga waxan kaimathey mel bathiya ah oo Asaxawito division yaladaxa, mel jit on umarno maalxa. Divisionka waxan kashegayo malaxa wawa mith baqithey Mandera yan mel an ukalamarno laanexe. Marka waxan rabna ini North Eastern Kenya lagosotharo.

**Translator:** The other point she would like to arise is that she comes from Asabito. Asabito is a small Division of Mandera Central Constituency. She says there is no access there because the roads are impassable. They are rough, the drainage is very poor and at the same time, she suggests that since the whole of the region is the same, there is no distinction in terms of area. She proposes that roads be made in some parts of Kenya because she believes that they are not part of Kenya.

**Kerra Abdullahi:** Ani wan sodameyey wax kale on shegayo malaxa, wath sowaregten shaqathinana wath wathaten wana maxathsantixin.

**Translator:** She would like to conclude with thanks and she says she appreciates the concern and effort you people of the Commission are putting in coming all the way from those areas, coming to visit us. Thank you.

**Com. Salome Muigai:** Thank you very much. Madam Fatuma thank you very much for your presentation Madam Kerra thank you very much for your contribution. I have only one question, are the youth men or women? Who are the youth? You have told us that the power should be handed over to the youth. Are the youth men or women?

**Translator:** Maxath yan kkuqelineyna maoni fican yathsojethisey. Suasha dhadka dalin yarathra oo awotha lodiwayo oth shegeyse mana naga, ama wa rag.

**Kerra Abdullahi:** Waxa waye gebdaxa iyo wilasahawo youth wey qawan. Ayaga o youth qawan, xathana iyatha oo inta bathan wilasha wax lodiwo xathan in boqolkiwo sothon gebdaxa lagadigo yan rawa.

**Translator:** Both women and men are youth. While the women make the majority, at least 30% of leadership should go to the women.

**Com. Salome Muigai:** Na wakati huu nitampa mzungumzaji mmoja nafasi atuzungumzie na baada ya huyo tutakuwa na Swalaa za adhuhuri halafu tutakutana hapa tena saa ngapi? Saa nane unusu? Saa nane. Baada ya mzungumzaji, mwenye atazungumza sasa tutaenda kwa Swalaa halafu tutarudi saa nane. Sasa nataka kumpa hii nafasi Hussein Abdulahi.

**Hussein Abdulahi:** Asante sana. Aniga mabathina waxan kaxathli wax yar. Waxa jira curuyaninta sithan unex o Kenya an kuduney maxaye 1977 iyo 1976 melaxas xaquq ban lexein o xaga dhowlada nalugusacitheynaye.

**Translator:** He says that he is talking on behalf of the disabled community. He says sometimes in 1975 to 1977 the Kenyan Government used to give us support.

**Hussein Abdulahi:** Marka xata anaga wax kalma on Kenya kaxelney majiran.

**Translator:** Since 1979 there has been no assistance that the disabled have received from the Kenyan Government.

**Hussein Abdulahi:** Maxa yeley wath ijethan dibka an kugurguranayo on dulka kusoctho xata wheel cahir an xaisanin kalma kalana an xaisanin wax musacitha oo dhowlada ey xatha nasiso majiran.

**Translator:** This is evidenced in the fact that he is not using a wheel chair. He is using his body and it is a very painful experience. There is no support he gets in terms of family. He is a family person. There is no opportunity we get. So he says that they get no support from the Government.

**Hussein Abdulahi:** Marka anaga xaquqtha ini nalugutharo oo dhowlad ey naaqonsato maxayeley waxa jira aniga xata xas ban leye dulka yan kugurgurani on magalatha an kkudaxmara kalma yan rathsani wixi yar an xelona carurteitha yan ugeya.

**Translator:** He says he is a family person. he has no support from any source, he has children and he has no external support he only depends on begging which is very a embarrassing 'profession.'

**Hussein Abdulahi:** Waxan rawa dhowlada in naloogolatho nominated councilor xata anaga curuyaminta ini nalugutharo wan rabna xata MP in nalugitharo wan rabna.musacitha o lacag an kusahqeisano on suq kufirano oo carurtena an kukalmeysano wan jecelnaxay.

**Translator:** He would like first of all to propose to the Government that the rights of the disabled to be included in the new Constitution. He says that they should be given money to start sustaining their families, starting businesses, pursuing their personal obligations like education. So these are his proposals.

**Hussein Abdulahi:** Marka waxan jeclayaxay in magacena th .....o nolaqaonsatho maxa yeley gaja yana thisha wax an xaisano malex wax kalma oo xaga dhowlada an kexelney malex dulkena wa awar dhadkenana weycawathi xayan marka diwata weyn ban qabna on rabno in nalagacawiyo.

**Translator:** His concluding remarks; there is a point that he forgot. Initially, he said that all nomination positions be it at Councillor's level or the Government or the Parliament any level should be given to the disabled. The slots for the disabled should be set aside. Then he said his concluding remark is first and foremost recognition of the disabled community, that is what they lack. And then the second thing is, they have an urgent appeal for assistance. They would like the Government to respond to our problems urgently because there is drought, the community is poor, the poverty level is very high, he says there is nobody who can support them. We have family obligations, so they would like the Government, the Constitution to support them so that we can also live a normal and gracious life.

**Com. Salome Muigai:** I would like to thank you very much Hussein Abdulahi for your courage and contribution.

**Interjection:** Walalalay waxan ithin ogeysineyna xata thuxxur ban atheyna kathibna qathan yan atheina setha sacna Ilaxey xathu noogolathan wath sodawaneysin wana bilaweyna. Ilmixi iskulatha oo magaqotha qorena walo xorena walo xormarini thona Inshaalah xata kuwa primariga kujiran wey xathli karan sas yan kukalatageina setheth sacna wan bilaweyna nithamka meshana in an xagajino waye dhadka wa martithena wa in an sodoweyno. Furthsathisa waye manaqaini karti waxna kamashegi kartith marka ninki xathlayo waxba yalagashegi ila xathalkisa udameysto, commishonka ya majib sinanayan. Gathal mara. Endeni shule. Endeni shule watoto.

**Com. Salome Muigai:** Nilikuwa nimeshamuita Abdulwelly Abdulahi Omar sikumpata. Abdinur Hassan Tashe, sijampata. Sasa nampa Halima, Halima nani? Halima Dabaso. Yusuf Bulle Dahir

**Response:** Bulle

**Com. Salome Muigai:** Si huyu alizungumza.

**Com. Salome Muigai:** Okay. Yusuf Bulleh Dahir. Yusuf amefika? Okay vijana bado wanakula, basi tutawaita wazee wenye wamekuja mapema mapema. Sheikh Abdulahi Kadil.

**Sheikh Abdulahi Kadir:** Salaam AleykumWarrahmatullahWabarrakattu. Aniga marthithan sharafta leh oo noimatey yan salamaya marka kulanka xer Alaa xanogadigo. Salan bacthiget sethax matha o gagawan yan kaxathli. Aniga waxan axay Haji Abdullahi 1982 registration ninli ;aguqorey xaga sharciga islamka an ani wakil uqathey, marka Mombasa aya laigasoqorey malintas iyo xatha daxthotho nika mesha fadiyey wa ani ila manta kamadaqaqaqin mehsas. Eh wixi sharci eh xaga islamka wan garanaya.

**Translator:** First and foremost, I take this opportunity to thank the special guests that have visited Rhamu, and he says God bless this particular occasion, he is a Kadhi. He says he was appointed the position of Kadhi in 1982. He is a Kadhi and he plays an important role as a representative. And since then upto today he is just in the same position. Its almost 30 or 20 years. So now he would like to particularly talk about three major issues related to Islam or Religious issues.

**Sheikh Abdulahi Kadir:** Inkasta oo sithath ey taxay niki soqorey wa Kdhi Mombasa, sithetan iyo lawathi sithan ujozey waxa sodac nin khadi ya laigasoqorey leh. Skul sodameyey oo sharciga in ugaranayo iyo in kaley an ogen marku Mandera imathana wax iga xorey oo registration o igaxorey malex, sharcigi walababiiyey anaga oo notice xelin. Aya mergensi nalasarey wax xukumi karo xaga sharciga islamka wuxu qawa ninki Khadiga xathu jogin wakilu Khathi ya masha xukumi megensi ba saran sharciga islamka. E waxan dhonaya sharciga islamka mergensitha in lagaqatho oo anaga boqol kiwa boqol islam ban naxay sharcii islamka ayan ubaxane. Lakin mathithanin dhowlada qeinunketha polis shaqathetha bey lethaxay ninkastana shaqathisa bu leyaxay, marka waxan dhoneyna magala kasta o islam jogo iney Khadi sharciga islamka xukumayo loyelo oo xathi sharciga. Wan ognaxay lixthan sana oo Kenya nagarebtey oo sharci Kenya thithayo islamka wey jiran mathalan sithi gacmaxa lagoyo, dhadka lathilayo o sharciga thilaya waxas kuli dhowlada umaogolo dhadka musliminta iney yelan tas ini mathax banan lasiyo oo sharciga islamka an iskuxunko ayan dhojneyana.

**Translator:** In his his long address the Kadhi said that first of all, since he was appointed in 1982 upto today there is no formal recognition of his office because he says just recently a Kadhi appeared and said that all those posts of Kadhi's representatives are now nul and void. They cannot do registration for marriage. So he says there is total emergency in the Islamic course.

He wants that emergency lifted, and he proposes that every town should have its own Kadhi. Every town, that every representative town including Rhamu should have its own Kadhi. And they say there are certain penal codes for example, Crimial issues like cutting of the vegetation, canning of alduerous and others. The Kenyan criminal system does not allow the Muslim to do such and he proposes that the Islamic sheria should be allowed to be fully operational in areas where the Muslims are predominant.

**Sheikhh Abdulahi Kadir:** Waxan umaleyna administrationka joga iney dhadka islamka iyo kuwa kalewo ey ujogan amankotha ilalinayo polista amankotho ey wakil kataxay. Lawathi isqaractho iney soqabtan oo kotini lageyo, xathi sharciga islamka ey ubaxanyixin wain sharciga islamka loguthbiyo in u Khadiga xukum. Xukumathka khadigana wain u mel kudamatho tas ilaxey ya ogalathe, xathi lobaxanyexe xerka dhowlada xagetha islamka wuogolyexe qofka xathu .....(inaudible) tacasir uubaxanyexe waloogyey ini polistana ey statement kaqorto qofkina walaxiri sharciga islamkana walaxiri, qofki thil ubaxana sharciga islamka wuxeli kikalana kikalana walaxiri. Tan polista wan ogalne, polista amankena bey xaisa xatha lawatha melbo ayatha ya wakil kaeh wan ogolnaxay lakin sharciga islamka wain mathax banan lagadigo. Tetha kale Khadiga wax Mombasa loguxirey majirti chief Khadigana waxaladexe ila Mombasa wa sharthi tasna wax dici karo maaxa. E magala kasta sheikh calim ya joga, magalatha sheqetha wain loqora oo sithan rabno ee sharciga wain meshas lagasobathala Chief Khadi wax Mombasa naloguxurayo malaxa anaga rer Mombasa isma af garaneyno lakin dinta umban wathagna. Xathan naxay North Eastern wain Khathi iyaga xuseyo oo ayaga ey xorten oo dinta islamka garanayo wain naloyelo melkasta xata division yasha. Ninka wakil khadiga, khadiga xathu jogin sharcigi Khaliga furin laxa in u furiyo waye. Aniga intas ayan shegi.

**Translator:** The old man has also pointed out that the Police, we should recognize their role. The work of the Police should be complimentary with the work of the Islamic Court. That sometimes when the Police arrest somebody for breaking the law, the same arrest is recognized by Islam. If somebody kills and is supposed to be killed, the Islam recognizes that. So he says we should recognize the role of the Police. What we are trying to say is that we would like to have the Islamic sharia having a blanket control of this community. They should be allowed to live within the Islamic Law and that the Police to continue with their work and Muslims to live according to their Islamic sharia. There is this thing ‘curfew,’ we call it the existing emergency law which does not allow Muslims to practice their faith. It should be removed and Muslims be allowed to fully practice Islamic sharia.

The other point he is suggesting is that the current Constitution says that Chief Kadhi should be from Mombasa. He says that is wrong, the Chief Kadhi is there for the all the Muslim community. He says they have cultural differences with the people of Coast, they are Muslims, they share together, but are different culturally and therefore they recommend any Muslim, irrespective of his background should take the role of the Chief Kadhi. He should be well educated, somebody well knowledgable in Islamic sharia, should take the responsibility. He further suggested that all locations, towns (even major towns) should have their own structural system of Courts, that is Khadhi and if the Khadhi is not there, there should be a Khadhi’s representative what they call ‘Wakil Khadhi’ should be in every level. So those are major points he raised.

**Sheikhh Abdulahi Kadir:** Mirha kaley anaga waxan naxay xola daqata, mitka magalatha joga iyo mitka thurka joga wey iskuxiranyixin waxan kudaqaneyno wa xola marka xola suq malaxa mel an kugathano maxaisano. Eh xolanimatha marka xorey down Kenya waxan umaley xola socono oo gurgurayo Kenya xathey xuquq kuleyixin wain nalasiyo, oo xuquqtha dhadka Kenya o kale in nolayelo oo gela suq loyelo, loothana suq loyelo safar an nagakabexeynana an anag gareyno. Ninki sethax sac qawana cithisa mitho xathu gathan laxa wax kagathano malaxa ila Nairobi saci mawathi karo daxtha ya gaja kuthili marka waxan rabna ini suq nolayelo oo sharciga Kenya qabto anaga nalasiyo. Moyale il Mandera dhad xola daqath ba thagan marka



dhowlada waaney aragto o sharciga lagutharo jithathkana jit loyelo xata gawari maqabno oo melaxa an kusogarno. Xilibkana warshath ama cambaxa an qabno wax an kusobsano malaxa sitha Kenya ey taxay sharciga in nalugutharo. Aniga waxan qawa anaga Kenya wanaxay wana kudalaney lakin nalagamit yelin goni ban kanaxay in nalagutharo o lenketha an galno yan rabna.

**Translator:** Now he says that I he is going to address pastoral issues. He says this area predominantly pastoralist, people are engaged in keeping livestock, like camels, cattle and goats. So the biggest problem facing this community is market. There is no market for this community to market their products. He says that, we all know very well that in Kenya there are high potential areas. All their products have got markets. Things are sold. It appears daily in the papers that the market price of everything is known but here, unfortunately, we have no markets. We have to go to a lot of trauma, to transverse very many kilometers to Nairobi. That is our nearest market. So he says they would like to propose that a market be provided for the main products, that is livestock, within the communities reach.

Number two, he proposes again that he would like to see factories which are meat packing factories or slaughter houses that are also within their reach or within this area. He also said that even here they grow mangoes, we they hear the same mangoes eventually get to Western because there is no place, there is no market, there is no factory or somewhere to take them. So he says that they would like this issue be addressed seriously if their poverty is to be alleviated. A person who has three cows and he wants to sell one cow, he will just sell it at a throw away price because there is not even a reasonable market. So he is making that appeal.

**Sheikhh Abdulahi Kadir:** Anaga rer North Eastern waxa diwata kala waxa naguxaya taclinta ilmaxa, ilmixi wey wathi wayen waxa ladexe lacagti fiiga wan bixini wayney xalki canug ya sothon kun lagabixina santki marka afar ama shan canug ath dasho oo kuli sekendari kujitran kikalana waxu rawa jamacath in ugalo kukalana college yu rawa intawa lacag bey rawan fiiga anaga thib noxewayo wain wain nalagaqatho oo free ilmaxa wax nologubaro ila jamacaqtha.xathi sethax thawo an watha xeli wayno sekendariga wain free nalogadigo jamacatha sithan kugeisanawo. Tas sahciga xathi nolabathalo tas ya diwata wein naguxaisa. Ilmixi wan dalney primariga wan geyne sekendarigi ya diwata nagunoqthey xola maqabno masakin ban naxay. Wil iyo gewer ya jamacath loguyerey mitkastana afartan kun il afar boqol o kun aniga weligey afar boqol kun maarkin abaex xata muarkin. Dhowlada waaney sharciga nobathasho o kenyatha kale sithan kugari lexen oo dhadka wax kubarani laxa wain nolayelo.

**Translator:** Finally, he says he would like to address the issue of education. He said the education sector is a serious issue. He says that they are poor. They cannot even afford the normal livelihood, and yet they are required to pay thirty thousand shillings for secondary education. He says that he has five children. How can he ever pay the fees of five children if he is required to pay per child thirty thousand shillings? He therefore proposes that free education from primary to secondary, to University but if the Government cannot afford to pay the University education, he says they would like the Government to consider them at the secondary level.

Or else this region will continue to be backward in terms of education because the biggest challenge in education is the lack of resource. People don't have the resource. He took for example, he said he lives in a rented house and yet he is required to pay four hundred thousand shillings for University education. His father never owned that four hundred thousand shillings. Where will

he get that four hundred thousand shillings from? So it's a very difficult issue to handle. And also he says we are depending on relief, it is paradoxical that they are being supported on relief and then at the same time they are supposed to pay fees. So he says they would like the Commission to address this issue with the seriousness it deserves.

**Sheikhh Abdulahi Kadir:** Marka wexey rawa.....

**Com. Salome Muigai:** Ngoja kidogo. Could you please give us the highlights of your recommendations.

**Sheikhh Abdulahi Kadir:** Ilmaxa skulka markey dameyan shaqa bey rawan askar yalaqori ba ladixi ilmaxa qofka gawan iyo kan der mexey kalayixin ilmiki waxa ladixi wath gawantexey kac aniga wikeiga gabni yaloguthihtey, shaqa kalana lomaxayo. Tas sharcigas wa kuxun xalabathalo nin gawan shaqa wuqani karan. Shaqa waxa jirta ninka der uqawani Karin oo ninka gawan uqawani karo sharcigas xanlagabathalo.

**Translator:** Finally, he would like to address this issue of unemployment. He says there is big crisis when it comes to employment especially in the Police post or the Army, or the Prisons department. He says the biggest problem is when it comes to measuring people's heights. What he wanted to know is, how is the tall man different from the short man? And how is the short man different from the tall man? I think both of them can perform the normal task. He says when somebody's height is measured and then he is disqualified on the grounds that he is short. I have children who have been disqualified from employment because they are short and that is the only opportunity open to this community the Forces. So he says that he would like this condition of height be removed so that any person can work because you know the short man can carry a gun just like the tall man. So those are his recommendations. Thank you very much.

**Com. Salome Muigai:** Thank you very much Sheikhh. We don't have any question for you, you have explained to us very clearly. Sasa ningetaka kuuliza watu wangapi wangetaka kuzungumza alasiri ya leo, kama ungetaka kuzungumza tafadhali inua mkono.

**Interjection:** Wexey ithin weythisey imisa qof o xathli rawan gacmaxa kor uqata. They are many.

**Com. Salome Muigai:** No, no, no its alright. Its okay. Basi, basi naona wazungumzaji ni wengi. Kwa ajili ya hio, unajua mchana Mungu ametupatia wenye masaa hizo na dakika hizo na sisi wanadamu hatuwezi kuongeza sivyo? Kwa hivyo ningetaka kukatisha wakati. Tafadhali ukija hapa zungumzia dakika tano peke yake. Jaribu sana kutuletea maoni yenye hayajatolewa na mtu mwengine.

Tumesikia maoni ya kukosa soko la wanyama wenu, tumesikia maoni ya habari ya elimu, tumesikia maoni kuwa muna shida ya kutoka hapa mpaka pale ya kuhamahama. Tafadhali ukija hapa jaribu kuzungumzia lile jambo lenye mtu mnwengine hajafanya nini? Hajazungumzia, ili tupate nafasi ya kusikia maswala mapya. Na sasa nataka, (Interjection)

**Translator:** Wexey daxthey waqtiga wugawanye inatha fursath kuligina ath xeshin yan rabna, arimaxa oo qofka xoetatha u xathley xaku celcelini kuwa tharan kaxathal.

**Com. Salome Muigai:** Tumesikizana hapo?

**Audience:** Sawa.

**Com. Salome Muigai:** Okay. Mwalimu yuko hapa, yule Headmaster?

**Speaker:** Its school time so he wanted to go back to school.

**Com. Salome Muigai:** Okay. Nitampa mzee Nuno Mohammed kwanza na uchukue nafasi ya dakika tano mzee halafu nitampa kijana wa shule. Nani mwenye anataka kuzungumza? Basi utakuwa wa pili na wasichana bado mna nafasi ya kuzungumza. Can you keep quiet?

**Mr. John Watibini:** Muambie ni dakika tano.

**Nuno Mohammed:** Bismillahi Rahmani Rahim kile kitu ambacho nataka kuzungumza kwanza ni kutoka Chief Khadhi kutoka Mombasa. (Interjection).

**Com. Salome Muigai:** Anza na jina.

**Nuno Mohammed:** Mimi naitwa Nuno, Councillor Nuno Muhamed Adan. Kitu cha kwanza ningetaka kuongea juu yake ni Chief Kadhi sio awe anatoka Mombasa peke yake. Tangu tujinyakulie uhuru, mambo ya ukoloni bado yanaendelea. Tunataka Chief Kadhi awe akitoka mahali popote katika nchi na sio Mombasa peke yake.

Ya pili, mimi ningetaka Judges wa hapa wawe ni Waislamu tu peke yake. Kwa sababu wale watu wanakaa Mandera wengi wao ni Waislamu. Na mtu ambaye anahukumu Mandera awe ni Muislamu pia. Na tunaona watu wetu wengi wao wanaishi kwa mashamba. Na hawa watu wako na pengine one hundred and fifty acres na wako na title deeds. Ihali tunaona ya kwamba wengine wetu wako na acre moja na hawana title deeds. Kwani sisi ni tofauti na wale wengine? Ama mambo ya ukoloni bado yanaendelea hapa kwetu? Tunaona ya kwamba ukoloni uko katika Mandera na North Eastern. Tunataka tuangaliwe kama Wakenya wale wengine. Katika North Eastern, unajua sisi ni wahamaji.

Tukishapata soko za nje za kupeleka mifugo yetu huko Serikali inapotea kwa sababu hakuna sheria. Walre Wakenya wengine

wako na Tea Board ilhali sisi hatuna Board yoyote. Sisi tukishapeleka malalamiko yetu, Serikali haichukui hatua yoyote.

Ya mwisho, unajua sisi Wakenya tunafaa kuwa na haki moja. Kama Mandera iko na District moja na eighteen Divisions. Na iko na MPs watatu. Adan Mohammed Nur anawakilisha constituency yake ni Mandera Central ni hundred and eighty miles. Sasa tunataka hii District, kwa sababu ni kubwa sana iwe na six constituencies, six MPs, mwaka ujao. Na hayo ndio yangu, asante.

**Com. Salome Muigai:** Mzee asante sana kwa maoni yako. Mimi nina swali moja kwako. Pahali pengine penye tumeenda kama Mombasa na Central tumelezwa kuwa mipaka ya Wilaya na mipaka ya Constituency ama ya kikao cha Bunge ipangwe kulingana na wingi wa watu. Kwa kila Mbunge awe na pengine wapigaji kura wamejiandikisha kama elfu thelathini, laki tatu, laki thelathini. Yes registered voters wawe elfu thelathini. Sasa nawe unatambia kwamba tulinganishe hii na umbali wa ardhi kwa vile tuko mbali ama karibu. Sasa sisi kama Tume tutafuata vipi, kwa wingi watu ama kwa umbali wa pahali watu wanakaa?

**Nuno Mohammed:** Hilo swali lako, mimi najibu kwa sababu wale maelfu ya watu wetu wengi wao wamehamia Ethiopia, wengine Somalia. Kama wakati wa ukame wengi washahama kitambo, kwa hivyo ni vigumu kuhesabu watu wote. Kwa hivyo ukitumia hiyo method labda sisi watu wa North Eastern tutaumia.

**Com. Salome Muigai:** Asante sana mzee. Sasa kulikuwa na mwalimu mwenye alikuwa ameniomba kuzungumza kwani anahitaji kuenda kurudisha watoto. Mohammed Absi. Ni wewe? Wewe ni kijana. Kijana basi njoo uzungumze kama bado nangoja mwalimu. Nimepatiwa jina lako? Can you give me his name? Its okay you go and talk.

**Response:** Start with your name. Its just talking.

**Ahmed Hillow Abdi:** My name, I am called Ahamed Hillow Abdi.

**Response:** Hillow?

**Ahmed Hillow Abdi:** Yes!

**Response:** Continue.

**Ahmed Hillow Abdi:** I am from Sheikh Ali High School. Thanks to the Almighty, the Cherisher, the Sustainer and the Lord of this world. Today I am very grateful to meet the Constitution Review Commissioners so I have some few points to present. In the first place, I would like to say something concerning the election of the County Council Chairman. Here normally, the County Council Chairman is selected by the Councillor. So, according to me, I would suggest that the County Council chairman should be elected by all the ordinary people rather than the Councillors, since sometime there is some rigging or

something normally happens, there is corruption. So I would suggest that the County Council chairman should be elected by the ordinary citizens or people.

The second point, I want to say something on education. I think most of the people know the essential and importance of education. I want to suggest that, the Government should provide us with free education, since our parents are not able to pay our school fees. Most of the students leave their education uncomplete due to lack of finance. So I urge the Government to provide us with free education from Secondary to University level. The other point I would like to say is that all the Councillors should be qualified. Other than having people who are not qualified and others are even illiterate and they are still elected.

The other point is that, I think that for the last decade, there was Kenya Meat Commission in Athi River but suddenly I don't know why it has stalled. So I would have suggested that the Government should revive KMC. Thank you.

**Com. Salome Muigai:** Thank you very much. I am happy to see that you got time off from school to come and give us your views. Thank you very much. My one question is what qualifications do you want the Councillors to have?

**Ahmed Hillow Abdi:** In the first place, I would suggest all Councillors must be form four leavers other than electing some guys who have never even gone to class.

**Com. Salome Muigai:** Register yourself young man. Mohammed Nur Hussein from Lancaster House. Mzee mwenye alitoka Lancaster House ni yupi huyu? Mohammed Nur Hussein. Hajarudi saa nane?

**Response:** Inaudible.

**Com. Salome Muigai:** Okay Barre Hassan, Councillor Barre Hassan! Ningependa pia kuwajulisha kuwa Councillor Barre Hassan ndio mwenye kiti wa Committee ndogo ya Tume katika kijiji hiki. Asante Bwana Diwani.

**Barre Hassan:** Mimi yangu itakuwa mafupi kwa sababu nimandika maoni kwa karatasi nanitapeana Insha Allah. Kwa hivyo nitaongea briefly

**Com. Salome Muigai:** Anza na jina.

**Barre Hassan:** Jina langu ni Barre Hassan. Mimi ni Councillor wa Shantolley Ward, katika Mandera County Council. Tume ya kurekebisha Katiba nawashukuru. Ile Katiba sisi tunataka ni ile itaondoa shida miongoni mwetu. Nasema hivyo kwa sababu sisi katika huu Mkoa tunaogopa sana maofisi za Serikali. Tunaogopa, tukiona jeshi na Polisi tunashtuka. Tukitaka kuenda ofisini na uwe wewe ni ordinary person na sio Mjumbe wala Diwani, hutapata space. Hata kuenda kupiga ripoti kwa Polisi tu tunaogopa. Tunataka Katiba ile itatuondolea hii hofu Tunataka Katiba ambayo itakuja ku-change attitude yetu kwa wafanya-kazi wa Serikali kwa sababu sasa tuko na attitude ya kusema tumechukiwa wafanya-kazi wa Serikali karibu wote. Sio kwa sababu ati hatupendi watu lakini kwa sababu kwa vile tuliteswa kuanzia mwaka wa 1963 mpaka karibu sasa, hayo mateso yametuacha katika hali mbaya sana mioyoni mwetu. Na ikiwa tutaishi Kenya vizuri ingefaa tupewe ile attitude mzuri.

Kuanzia 1963 wakati tulipata uhuru, kwa bahati mbaya ama bahati mzuri, wale watu walishika uongozi katika Kenya wamekuwa watu wa wakulima, Waziri, Raisi, wakubwa wa Serikali. Bahati mzuri hao wamekuwa agriculturalists. Wamekuwa ni watu wa kilimo. Kwa hivyo walijinyakulia kila kitu kizuri na hata pia pesa zote na sisi hatukupata hata kitu. Hakuna services tulipata kutoka mwaka wa 1963 mpaka sasa. Tulinyang'anywa kila kitu.

Umaskini katika huu mkoa umeletwa na Serikali na policy yao. Hiyo policy ni ya kufanya watu maskini wakae katika vijiji na waombe relief. Tulikuwa na ng'ombe, mbuzi, ngamia na hata mali nyingine nyingi lakini sasa tumenyang'anywa kila kitu. Tuko maskini kabisa. Sasa tunataka Katiba ambayo itaangalia maslahi yetu kabisa, tuangaliwe kama Wakenya wale wengine. Tunaona ya kwamba mpaka wa sasa sisi hatujapata haki. Mifugo wetu hawana hali tunaona ya kwamba tukipata watering point mahali fulani, baada ya mwaka mmoja Chief anakuja kuweka kambi huko anaambia wakubwa, 'Sasa kwa sababu hapa ni Chief camp, na tunaka kupeleka watoto shule muhamishe hawa watu na mifugo muende mahali pengine. Sasa watu wataenda wapi? Baadaye unasikia watu wakisema ati maji yameisha kwa kambi ya Polisi, wapelekwe maji. Lakini wanyama hawaletewi maji

Community area, yaani mahali pa kuweka chumvi ya mifugo, unakuta ya kwamba wale ng'ombe wengine wanapelekwa kukula chumvi huko lakini sisi tukipeleka ngamia wetu huko utasikia wakisema eti hio shamba ni ya kulima kuanzia sasa. Hakuna kitu kimewekwa to protect these community areas. Kuna mahali pa mto ambapo panaitwa Malka, pale ngamia wanaenda kunywa maji. Watu wamezifanya kuwa mashamba yao, wanalima huko. Sasa ngamia hawapati mahali pa kukunywa maji. Tunataka sheria iwekwe ya ku-protect hawa ngamia. Hata afadhali ngamia wapatiwe priority kuliko binadamu. Na, (Interjection).

**Response:** Inaudible. Na Diwani?

**Barre Hassan:** No.....

**Com. Salome Muigai:** You have a memorandum for us. Don't you?

**Barre Hassan:** I have

**Com. Salome Muigai:** So, you have one more minute.

**Barre Hassan:** Okay, just two minutes.

**Com. Salome Muigai:** You have spent four and a half minutes.

**Barre Hassan:** The other thing I wanted to say is the, (Interjection).

**Com. Salome Muigai:** Half a minute.

**Barre Hassan:** The other thing I wanted to say is about Provincial Administration. Colonial administrations, D.C., mtu kuitwa P.C. au kuitwa D.C. hiyo tite tunataka ibadilishwe. Kwa sababu hiyo tite inaonekana ni kubwa sana na wenye hizo ofisi wanajifanya hao ni Commissioners. Pengine wanafikiria wao wanaweza kutawala hata wafanyi-kazi.

Mambo ya Presidential votes. Katiba sasa inasema President lazima apate 25% kwa 5 Provinces ili awe Rais. Na kwa vile sisi ni minority, sisi katika pastoral areas tulikuwa na umuhimu kwa sababu President lazima awe sauti yetu. Sasa sisi tunataka hiyo iwe scrapped na minority protection iingaliwe. Pastoral communities tupatiwe grants, kwa sababu tumekuwa tuki-lack because of one thing or another. Na kukuwe na Parliament cooperation ndio tuwe na maendeleo. Kuna wale watu walikuwa wanatunyanyasa na bado wanaendelea tu na development. Kwa mfano Central Province ambayo ni ndogo kuliko hii ward na-represent na wako na kila kitu. Wako na access to media vizuri sana. Mjumbe anaweza kuzungumza kwa TV karibu hour moja na hapa hatuna vitu kama hivyo hapa. Wanasema population iwe represented kama one man one vote. Hapo naona wanataka kutunyanyasa. Kwa hayo machache, nawashukuru sana.

**Com. Salome Muigai:** Asante sana sina swali kwako, Bwana Diwani hata watu wako wanakubali umezungumze vizuri. Sasa hizi registration forms zangu zimekuwa totally confused. I don't know which one is which. Okay! Abdullahi! Khadhi ndio mwenye alizungumza? Isack Gabo?

**Isack Gabow:** Bismillahi Rahmani Rahim, Mimi naitwa Isack Gabo Abdi. Chairman ya Kanu Mandera Central. Leo ni siku ya kubadilisha Katiba na lazima tuongee kitu cha ukweli ambacho kinahusu wananchi. Hata mimi ni mtu ya Kanu na lazima leo niongee ukweli. Kitu cha kwanza, tunachagua Diwani, tunachagua Member of Parliament na hatuna uwezo na hatusikii sauti yake. Anaenda kuwakilisha watu kwa Bunge lakini hatusikii sauti yake.

Ya pili ni Provincial Administration. Kwa maoni yangu, ivunjwe. Polisi. Police checking tunayo, ni kawaida lakini road blocks za kila mahali, tafadhali tunaomba hiyo Katiba ibadilishwe, iwe katika mahali pamoja District peke yake. Kitu ambacho nilijionea kwa macho yangu ni Coperative Officer Mr. Charles Mutai ambaye alikuwa Operation Officer. Ni Policeman ni mtu ambae tunajua, sasa yuko Nairobi. Kutoka hapa mpaka Malkamari, kuna watu wamechinjwa na kuuwawa na mawe. Na tunajua hao watu ambao wameua, wako hapa. Lakini mzee ambaye yuko hapa karibu amekaa kwa kiti hiki mguu amepiigwa na bunduki na Polisi ambaye tunajua tu. Wengine wamekufa, kama nyinyi ni wabunge katika Parliament ambao mnawakilisha sheria, tafadhali angalieni hayo mambo. Sisi watu wa North Eastern Province, kwanza sheria yetu na yenu ni tofauti. Serikali inasema tumeondoa hao watu wabaya lakini bado watenda maovu wako. Mimi naomba Polisi wa Nairobi wawe ni sawa na wa hapa. Lakini Polisi ya Nairobi wanafunga watendaji maovu lakini wa hapa hawafungi. Tafadhali mimi naomba hayo mapendekezo yatiliwe maanani.

Na Members of Parliament pamoja na Diwani wapatiwe power ya kutosha, hao ni watu ambao wametuakilisha, ambao sisi tumewachagua. Kwa hivyo mimi na-fikisha hapo. Asante sana.

**Com. Salome Muigai:** Asante sana Bwana Isack Gabo nina swali moja kwako, ni madaraka gani unataka tuwape wajumbe.

**Isack Gabow:** Tunataka sasa Parliamentarians ambao tunawachagua, wacha D.C., D.O. ako na mamlaka kubwa kuliko yeye, D.O. sauti yake inasikika lakini ya D.C. haisikiki. Wananchi wana jukumu la kwamba chochote wanachosema, Parliament ikubalie.

**Com. Salome Muigai:** Asante sana Bwana Gabow. Sasa naona watu wakiinua mikono wakitaka kuzungumza ama wanataka nini?

**Response:** Ndiyo

**Com. Salome Muigai:** Mimi nafuata ile registration yenye ilifanywa asubuhi. Kila mtu alijiandikisha na .... Excuse me. Mngesikiliza kwanza kidogo. Tafadhali keti chini, tafadhali keti chini. Asante. Mimi nafuata, excuse me, tungesikizana tafadhali, mimi nafuata kujiandikisha yenye tuliandikisha asubuhi lakini najaribu kufuatanisha tuone tumesikia wazee, tumesikia kina mama, tumesikia walemavu, tumesikia watu wa shule, yaani wakati wa kutengeneza Katiba tulisema ni wakati wa kujadiliana pamoja sio. Kwa hivyo lazima tuchanganyishe watu. Kwa hivyo ukiona wakati mwingine nimemchukua kijana, kama bado sijamsikiliza kijana lakini pengine nimesikia wazee watatu, sasa najaribu kuweka kijana.

Pengine nimesikia vijana wawili, najaribu kuweka mama. Lakini, isipokuwa hiyo, nafuatanisha vile watu walikuja. Tunaelewana? ndio usiulize kwa nini mimi sijazungumziwa na mimi naona kijana amezungumza, mama amezungumza, mtu mwenye ulemavu amezungumza. Ndio tusikie maoni tofauti kwa kutoka kwa wakaaji wa Rhamu. Tunaelewana? Kwa hivyo sasa nitamuita Mohammed Ebrahim Isack. Alizungumza? Mohammed Ebrahim Isack? Ni wewe? Ni wewe?

**Mohammed Ebrahim Isack:** Karra dagaya, yoo guya kan duguman nuu sharri bedel, ka sharrin kun ka bedelam tat, darra ya wan issan bedeltanu hinjirtu

**Translator:** Listen, if it is true that today you are changing the Constitution, then it is not true because they are is nothing you are changing.

**Mohammed Ebrahim Isack:** Yoo amo warri dugumani sharii bedel issan tatte ark isan kenin edin

**Translator:** If it is true that you are changing the Constitution of Kenya then we shall give you all our support.

**Mohammed Ebrahim Isack:** Man jennan sharii dhur kannu diggaf ijesa malle wani nutallian hinjirtu



**Translator:** .....(inaudible) is that because all the Constitution the Laws have been changed were only laws of oppression and blood bath

**Mohammed Ebrahim Isack:** Hag amman tanna ijesaf diggan arm ga gen malle wani tok ka nuhin hurumidhin arm ga gen hinjirtu

**Translator:** We have reached the level we are today not because of the liberty or freedom but because we have been killed and there has not been any cooperation.

**Mohammed Ebrahim Isack:** Maan jennan shariin Kenya ka dhuri wanjed namichi school some male namichi kani jirrate jirrate hindhandhau jed

**Translator:** The Constitution of Kenya says its only those who have gone through the education system that can survive, the rest cannot survive.

**Mohammed Ebrahim Isack:** An ammo yo sgul hinsomin hindhua? Naa ijesani

**Translator:** If I have not been to school. Shall I be killed because I have not been conversant with the Constitution.

**Mohammed Ebrahim Isack:** Ann sunifu tabarti sunifu Kenyan mujumbe karr ha nukenu

**Translator:** Because of that we would like to get the majimbo system of Government.

**Mohammed Ebrahim Isack:** Ta lamesittu ammale Chief, Councillor, D.O, D. C. chufumann hag issin laft ten kessa fuddan malle laff dibbi duffte issin nuun hukkumn, ta an fedd

**Translator:** The other suggestion that he is making is that the Chief, the D.O., the Chief, the D.O., the D.C. or any other civil servant should be a local and not a non –local person.

**Mohammed Ebrahim Isack:** Kenn waria kessa mmbanne

**Com. Salome Muigai:** Tutakurudishia microphone, just one moment. Ningependa kuwaomba wananchi, Muhammmmed Isack Ebrahim anazungumzia Tume. Kwa hivyo mkipiga kelele kabla mimi sijapata tafsiri yake, mimi sitasikia vile amesema, na sitaweza kupeleka hiyo habari mbele. Na nyinyi habari yenye anasema nyinyi wenyewe mnajua, si ni kweli?

**Audience:** Ndiyo.

**Com. Salome Muigai:** Kwa hivyo tafadhali hata akisema maneno mazuri sana msipige makelele sana mngojee mpaka Co-ordinator anifanyie tafsiri ndio na mimi niwe ze kumuelewa vile anasema. Okay? Asante.

**Translator:** Commissioner nan wan issan yette horti namidageffat issamit yet wallin dageffan jett, yoo wan namichi kun yedd

issan hindageetan annin hindagain wan kan korrachu hindhandhau yet, baka annin tafsir argadutt yoo hatta wan kan issan yalattanille kaidhi lakisa yet, fadiggin kun fadiggi dafettani, am ak nam kan fahamun

**Translator:** I think what he said lastly Commissioner was that he said that the non local from the Chief, the D.O.s and D.C. no non local should be serving this area because we still advocating for Majimbo.

**Mohammed Ebrahim Isack:** Hagg nuu nam nuu fenne gabaffan male Sirkali nam nuu dhur dabe nam kannat kessan nuun hinjenn

**Translator:** He says that the Government should not force us on people who we have not elected. He says it is our mandate to elect the people who shall run our affairs in our community.

**Mohammed Ebrahim Isack:** D. O. lless D.O. laff dhibiy gath duffe dir kan hukukum hag inni jirre ardha kamu muchan it dallat hukukum male muchan gar dibhiy gath fuddan arti hukukum hag inni hinjirne

**Translator:** He says that the D.O. should not come from elsewhere to come and control, the D.O. should come from the community and be born within the community and know the community's aspirations.

**Mohammed Ebrahim Isack:** Judge llen Judge alla gadh fuddani nam hukukum nam gess hagg inni hinjirre Judge yars kenn nuu tahe Sirkallinu ardha kennat nuu gathebbiyu jarsi ken nuu khabatt

**Translator:** On the issue of Judges, he says that he would like the judge to be a local just like the way old the system used to have and that all issues are handled at the local level and not Judges coming from elsewhere.

**Mohammed Ebrahim Isack:** An haggannafu nakesa bae yoo issan war dugguman sharri bedhel tataan sharri ak dhurri kan ka diggi malle woma harka nuu kabu hagg sharri nuu gath thebissani karr Sirkallinu ardha ken tahuu, ka

**Translator:** He is finalising his stressing remarks by saying that if it is true that you are changing the Constitution, you should also replace the oppressive rules with new rules. We would be very glad if you make laws that bring the power to the community such that we control all our affairs. We control all our affairs and issues that concern our District and not be controlled from outside. With those remarks he says I he is grateful. Thank you..

**Com. Salome Muigai:** Asante sana Bwana Mohammed Ebrahim Isack. Mimi nina maswali mawilli kwako. Wengine wametambia kuwa wangetaka sheria za Kenya zote ziwe sheria zenye ziko Wilaya ya Mandera ndio sheria ziko Kenya nzima. Kwa hivyo tunataka kuwa Kenya moja. Wewe nawe umetambia kuwa ungetaka D.O. awe ni mtu wa hapa, hata mwenye atatumwa awe Commissioner mwingine awe mtu wa hapa na kumbe mimi nikija kama mtu si wa hapa najifunza mambo mengi kuhusu hapa na mwenye anatoka hapa anaenda pengine Kikuyuni ama Nairobi anajifundisha maneno mengi kutoka huko na tunafanya kukuwa na exchange programmes. Sasa ni ipi tunataka-kuwa majimbo na tukae peke yetu ama tunataka kuletwa karibu na wakenya wengine tuwe Kenya moja? Hapo panaonekana pana kasoro ya vile tunataka. Tunataka lipi?

**Translator:** Wan siin yeddann wan arm jirra kaat irra dhubatee majimbo feen yett ka nammuman kenn wankan chuffi nuu mammul ka nammi alla nutt hinduffn, hatta annu ka arm siit duffe annu Commissioner sitt duffe yet, akkas fakkat yet majimbon att fett ammo wal gaffan yet yoo nami alla sit duffe innillen ak att dakkat barrat yet, yoo atillen arma dhemte garr dakte atillin

dakkanki issi barrat yet, amman talle nami Kenya gudhin achii jirru nuu Kenyan tokkon feen yet ka wal harka kabnu, attillen wan jechutt jirtu koffa banne wan kenn koffa kuttan yet, (inaudible) garri bass si yeddán, tamti irr maslahin kess nuu jirti yeddán, nuu gargarri ban moo nuu walkabbane tokko.

**Mohammed Ebrahim Isack:** Nuui gargarri bannun maslahin kess nuu jirt, man jennani dhurriyu nuhi dhurri tokkota maslahi irra debbane dakkan dhidh kannat nuu fittan

**Translator:** He says that he wants majimbo because they had no solution even when it was a unitary government because they were just killed outside here.

**Com. Salome Muigai:** Asante sana Bwana Mohammed Hassan Sorry! Mohammed Ebrahim Isack. Thank you. Asante sana. Sasa nataka kumuita Bwana Adan Abdi. Anza na jina!

**Adan Abdi:** Bismillahi Rahmani Rahim. Aniga Adan Abdi ya laidaxa. Waxan kkuxathli afsomali waxan cothsanaya ini af Somali lagufasiro maxayele dhad an garaneyni af swahil ba jogan.

**Translator:** I would like to suggest to the Chairlady

that the popular language here is Somali and they would like it to be translated to Somali. That I just wanted to say on your behalf that the hearing is meant for the Commission.

**Com. Salome Muigai:** Watoto songeni nyuma kidogo ili kina baba wenye wako nyuma wasikie. Songa nyuma kidogo asante. No its okay, wenye wameketi chini wakae tu, ni wale wenye wamesimama ndio nataka wasongee. Okay. Ninataka kukubali kuwa lugha ya matumishi leo ni Kisomali na ninakubali kabisa, lakini mimi sielewi Kisomali. Kwa hivyo ni lazima tufanye utafsiri ndio mimi mwenyewe nielewe yenye wananchi wanasema ndio niweze kuipeleka kwa Tume.

**Com. Salome Muigai:** We will do that. Mwambie. We will do that.

**Translator:** Waan ogyaxay tas xathii antafdiri dhadka odan iney faxman.

**Adan Abdi:** Xaga wax barasha yan kabilawaya waxan dhonaya primary anaga xathan naxay dhad islam eh in gebdaxa iyo wilasha ini lakalasaro.

**Adan Abdi: Translator:** I would like to address the issue of education first. He says that foremost he would like to suggest that since this is a Muslim community he will recommend the separation of boys and girls in the system of education.

**Adan Abdi:** Tas waxa kamit eh Mandera waxa jira iskul ladaxo Khadija Mumuni oo gabdaxa kali ah tas camal ayan rabna iney kukalaxathan iyo jamacatha.

**Translator:** He cites an example of a school called Khadijah Omornil in Mandera, where the girls have got their own school separated from the boys. So he would like to say the same recommendation, the old primary schools have should be separated for boys and girls. The same should apply to secondary and even Public Universities.

**Adan Abdi:** Marka sastaxay, xaga xawenka : waxa jirta ini bilcanta gur ey laxariran waxa dhoneyna gurka in wax barasha ukaxiri oo ayatha oo primary kujirto in lagursan karo oo wax barashathana ey wathan karto. Maxa yeley itho macalin o mishar qathaney bey dali misharkethana wey qathani. Lakin magaranayo waxa kaxirayo iney dasho ey waxna barato.

**Translator:** I would like to address the issue of ladies or girls or women. We would like the system whereby women can continue learning or girls can continue learning when they are even married. We wouldn't like preventing one from learning. We say that so long as somebody is married and like to pursue the learning her being pregnant should not be the issue. Pregnancy or marriage should not interfere with the education of the child, especially on the girls' side. She should be able to continue with the education.

**Adan Abdi:** Waxa jirta naga rer Mandera wax barashathana iney xoseyso, maxa eyle athunyatha waxa jirta dhowlada xormaren iyo kuwa xatha sokacayan xathi Kenya axan nalofiroyo dhad xatha sokacayo yan naxay Kenyana wa dhad xormaren. Marka malinti lathamaco ini dhadka la shaqaleyo mitixan ba dhadka laislasiya waxan rabna gradka dhadka North Eastern kaiomathey iyo kenyatha ey isku garde ey axanin oo logarawo.

**Translator:** Another recommendation I want to make is, first of all, I would like to ask if some part of the country is developed and other parts still developing. In Kenya, there are two categories; there is developed society and the developing society. We are included in the developing society while the rest of the Kenyans are in developed societies. Now it is very unfair when it comes to qualifications for joining institutions. If the same must apply to the people of the developing societies like ourselves, for example the Teachers' Training Colleges and they are saying the criteria for selection is that people should come with the same qualifications and yet the standard of education in this region is very low. He says there should be such considerations in the Constitution or anything.

**Adan Abdi:** Waxan unoqonaya xaga dinnta, anaga Kenya axan wax Khadi ladaxo North Eastren Province afar ba loogolyexe, afarta distrigbo afar Khadi yaloogolye marka dhowlada wexey subisey xathio daqala lagaxathlo sub- location lagasobilawi ila PC dhowlada bey lathagtey marki dinta losaokaco wexey qori distrig kali marka kalii locationka ama divisionka so dhad maalaxa.

**Translator:** I would like to make a recommendation as far as religion is concerned. Commissioner, in the Government

system, there is hierarchy. For example there is a Chief representing people from the sub-location and then the P.C. who represents the Provincial Administration but when it comes to the Muslim Court there are only four Muslim Courts in North Eastern Province and at District level for the graduates and yet we know such people up to the location. Why should the Courts be only at the District level and yet the Muslim community is found as far as the locations.

**Adan Abdi:** Xathi mesha ey daqala kuxirne waxa dhoneyna ini Khadiyasha labathiyo divisionkasta Khadigisa iney dhowlada mishar ey uqorto.

**Translator:** And therefore I would like to recommend that at all Divisional levels, there should be a Kadhi or Muslim representative.

**Adan Abdi:** Xaga thorashatha ama barlamanka ama konsolka , anaga dhad ath uthambeyo yan naxay wax barashathena ey xoseyso mathoneyno waxbarashathena sithi Kenya okale MP ama Councillor grade kas ey laxathan. Xatha mathax weynaxa okale niman bathan ya kacilmi abthan oo jamici ah lakini asaga ya xukuma. Xaga dinta islamka markan ukacno Nawiya Mahamed (p.b.u.h.) wuxu axa nin an aqrin Karin ana qori Karin. Marka asaga marku Ilaxey dhorteey ya inti aqrineyse o ka cilmi bathneth asaga ya ficil nocthey marka ficil wujira madhoneyno waxbarashathena an yaseyno North Estern axan Kansila ama MP in laguxiro jamaciyal ama form four madhoneyno.

**Translator:** I would like to talk about electoral issues.

**Com. Salome Muigai:** And that is the last point.

**Translator:** On the same we do not want a situation like what is happening in Kenya where people are taking education level into politics. For example the issues of graduates. Local Councillors should of form four. Already the level of education in this region is very low and therefore if we make such a recommendation it is going to tie us up. For example the President, there are many Kenyans who are more learned than the President, and yet the President is a better administrator and a better head and he also took the example of Prophet Mohammed (Peace be upon him), the Prophet (Peace be upon him) was a good leader. He never used to read or write and yet he was among the most learned and the best administrators who lived in this world. We should not consider the academic level as far as political issues are concerned.

**Adan Abdi:** Marka xathan ukacno wax barasha oo cilmi ya dhowlada shaqa kuxirto ama wixi barlaman galayo ini grade laguqato gradki naga maqabno, Kenya yana kamit naxat sithen oga qeb galeyana xuquthi Kenya?

**Translator:** We usually qualify in terms of education. With the current status of education in the region, how shall we be able to catch up with the rest of Kenyans? We will not be able to catch up with the rest of the Kenyans, therefore we should not use it as a criteria or we should not qualify everything on education. Thank you very much.

**Adan Abdi:** Xaga agonnta xoran waxa jirijirtey agonta ini daqala goni ey qawi jirtey okenya lasini jirey sharcii asaga axa mel

lageyey manaqano waxan dhoneyna ini agonta lagadaqaleyo Kenya oo sharciga lagaliyo.

**Translator:** Finally, I would like to talk about the welfare of the orphans. We say, we used to know that the Government is to take a special care of the orphans. Has that law been fulfilled? Has the Government forgotten its obligations towards the orphans. I would like special care and concern even to the orphans since there are so many or phans in this community.

**Adan Abdi:** Waxan unoqonaya wax barashatha dinta islamka, anaga dhad islam oo dinta islamka baranayo yanaxay dhadki dinnta islamka nabarana waxan sino carabta yanasisa carabta dhowladthena maaxa, dhowlada Kenya waxan rabna marki budgetka laaaqrinayo macaliminta dinta ini lagutharo budgetka oo dhowlada ey misharka siso maxa yeley anaga bey wax nabaran dinta an kudaqanan wa dinta islamka yan rabna.

**Translator:** Finally he says, that he wants to raise the point concerning the mobile teachers. He says first we are Kenyans. Somalis are Kenyans, they are part of this community. They are tax payers. And he says the mobile teachers are very important to the life of the Muslim community. They educate us, they enlighten us on the special issues and he wants to see the government budget especially on the education, primary, secondary up to University. I would like the Government to budget equally for mobile teachers. They are paid because they are important as primary and secondary teachers of this community, those are my recommendations.

**Com. Salome Muigai:** Thank you very much. Tunashukuru sana kwa maoni yako. Nilikuwa na swali moja kwako, umesema kuwa msichana akishaolewa asiache masomo ya juu kwa kuwa ameolewa. Na kumbe kuumba nayo ni kazi ngumu kwa msichana akiolewa na anze kupata watoto, ana bwana wa kuangalia, ana nyumba ya kulinda, ana mimea wakati familia inakuwa ni ya kulima na pia na ana mifugo kama ni familia . yenye kufunga. Kweli msichana ataweza hizi kazi na aweze kusoma ama tumuache tu msichana asome amalize jambo moja halafu akishaolewa aendeleo na hio kazi nyingine kwani masomo yanaonekana yenyewe ni kazi ngumu na kuolewa pia ni kazi ngumu.

**Translator:** Wexey kudaxthey gewer xathi lagursatho oo loogolatha iney aqrisketha siwatho, waxan kuweythiyey cithana shaqa bey ubaxantaxy cilma bey dalani iney shaqeysani yalagayawa marki lawathi shaqa gewadi mamashqulineyso.

**Adan Abdi:** Wexey iskuguwathi karta ayatha oo skulka bogtey yalagursanaya markas college beyso aqrisaneyisa marka ayatha oo college aqrisaneyso xathey xor istagin ama shaqatha dhowlada ey xaiso maaxayeley walith bey lethe sithey udacaleyana ayaga ya kasayan marka sharci axan in lasharciyey oo gowrac waxbarasha ey noqonin ban rabna.

**Translator:** He says that he would like to give an example, an example of a teacher. He says that when a teachers goes to a training college. She completed secondary school, she got to Teachers college and since she is married, she is pregnant, she could manage their family chores and everything. Using the same example, he is saying, the ladies can also pursue their education because there are others who are working and still they are becoming mothers. So the same is now qualifying here would like that aspect to ensure that marriage does not curtail somebody's interest or one's education.

**Com. Salome Muigai:** Asante sana. Upepo inanisaidie kufanya habari ya kazi yangu na wakati nyingine inanichanganishia, sasa nataka kumpa hii nafasi Bi Sadia Alinoor. Sadia Alinoor. Sadia yuko? You are there? Where are you?

**Speaker:** At the back.

**Com. Salome Muigai:** Please mpatieni nafasi mama aje.

**Sadia Alinoor:** Salaam aleikhum!

**Response:** Aleikhum salaam.

**Sadia Alinoor:** I want to talk about circumcision.

**Com. Salome Muigai:** What is your name?

**Sadia Alinoor:** I am Sadia Alinoor.

**Com. Salome Muigai:** Endelea.

**Sadia Alinoor:** I was talking about circumcision. We would want special Doctors to carry out circumcision. We have mothers but they are trainers, so we want special Doctors. These mothers don't know about it, they can end up hurting the girls, so we want trained Doctors.

**Com. Salome Muigai:** Just talk.

**Sadia Alinoor:** Okay. The second one, is about caring HIV/AIDS. We want to have a testing kits so that we can test who has it or who hasn't. The third one is about men who are married to many women, and they do not care about the others and their children. Something should be done about in the new Constitution. The teachers beating the children don't care about the children. They beat them and they even end up damaging them. That is all I had.

**Com. Salome Muigai:** Ningetaka kuwaomba tena tunyamaze ili tuweze kuelewana, tukiwa na mikutano mingi zaidi hayo maneno yatashikwa kwa tape na wakati wanatume wenzangu watakapotaka kusikiza vile watu wa Rhamu walisema watazisikia tu hizo kelele. Nanyi hamtaki turudishe kelele Nairobi. Mnataka tutoe kelele hapa mpaka Nairobi? La tunataka maoni yenu ndiyo yabebwe kutoka hapa mpaka Nairobi. Kwa hivyo tafadhali tupunguze makelele kule nyuma. Asante sana Bi Sadia. Ebrahim Abdi.

**Ebrahim Abdi:** Asante sana makamishina na hata wananchi wa Rhamu. Nashukuru, kwa kunipatia hii fursa niseme ile shida nilikuwa ninayo kuhusu Katiba ya zamani. Nanilikuwa na hamu sana kwa wakati mmoja kwa sababu tunasikia tu kwa radio sheria inabadilishwa lakini leo mko hapa mbele yetu ili tupate nafasi tuseme tunayotaka. Yangu ya kwanza ni land ownership. Hapo, katika mkoa wa Kaskazini Mashariki ama Kenya kwa ujumla kwa nchi yetu tuna jirani wetu kama Sudan, Uganda, Tanzania, Somalia and Ethiopia. Hizo nchi jirani zetu, wale wananchi wako kwa mpaka kwa umoja, wanaishi upande huu na upande mwingine wanaishi. Maoni yangu, leo nataka watu wa Kenya wawe na sheria moja yaani isiwe mtu awe na nchi mbili. Kama Msomali wa Kenya na Msomali wa Ethiopia. Msomali wa Somalia, halafu mtu ako na uraia wa upande huo na upande huu pia. Kutoka ukoloni kuna wazee ambao wamezaliwa 1919 wako kwa hii meeting saa hizi wanajua wenyeji wa Kenya. Kwa hivyo tunataka wale asili wa Kenya rasmi wapatiwe haki yao; Kitambulisho ya lazima ni birth certificate. Na wachunguzwe wale ambao jukumu hilo liko kwa mikono yao.

Yangu pili ni Shamba. Mashamba yetu yanaitwa msituni. Kutoka zamani, kila corner ya Kenya mimi najua, mahali kuna mkutano wowote. Lakini hakuna title deed ya hio shamba, shamba imekuwa boma ya nyani, nyani wanalala huko. Watu wengine hata wameuza Shamba shauri wazazi wanataka kulipa karo ya shule ya watoto wao. Wameuza hizo shamba na hawana mahali pa kuhama kwa hivyo wanakufa hapo maskini. Kwa hivyo tunataka title deed sisi wtu wa Mandera Farmers Association.

Yangu ya tatu, ni vulnerable groups kama wazee. Kuna wazee kutoka familia maskini ambao hawapati nafasi ya kukuja hapa kama leo kusema shida yao. Wazee kama hao tunataka iingizwe kwa Katiba, Wakenya katika kila pembe mtu kutoka jamii maskini akifika mwaka themanini, kutengenezwe mahali fulani pa kuangaliliwa usalama wao, shelter, hata upande wa haki yao, afya yao na security yao. Ingingine ni mambo ya ID Cards na birth certificate. Birth certificate tunazopata hapa zimeandikwa maandishi mengine hata yanatufanya sisi kama wageni tu, tunaiishi juu ya gorofa. Hii Kenya ni yetu kwa hivyo tunataka ibadilishwe ili tupate ile birth certificate ile wakenya wengine wanapata.

Ya nne ni culture and religion. Culture katika Kenya mila imekuwa zaidi, na sisi ni Waislamu katika dini ya Kiislamu wale ambao wako na dini mbili hawawezi kuwa Waislamu. Tuwe tunakaa kwa dini ya Islamu, sheria ya Islamu tubadilishwe hiyo sheria ambayo sisi tulitengeneza chini ya miti ile mila. Yangu ni hayo kwa upande wa religion. Kuna mila ingine tena inasaidia hata religion. Hiyo wazee wanajua wanaweza kusaidia na hayo ni maslahi.

**Com. Salome Muigai:** Ya mwisho. The last one.

**Ebrahim Abdi:** Natural resources. Sisi hapa katika mkoa wa Kaskazini hii ardhi yetu, ardhi hii nafikiri ni yetu tu kama wakenya wengine. Lakini kuna watu kutoka ng'ambo. Kama mimi, natoka mahali panaitwa Yabicho Location iko hapa karibu. Naona tu helicopter inakuja kutoka huko karibu milima ingine inaitwa Bullakhatt. Halafu juu yake kuna kitu fulani kinatengenezwa, mzungu anakuja na anaketi na kupanda. Naenda kuona lakini siruhusiwi kuangalia ama kuuliza kinachoendelea



ama mzungu huyo anatoka wapi ilhali mimi ni Mkenya. Kwa hivyo tunataka kabla chochote hakijaendelea, wenyeji tujuliswe. Kuna 'cut lines', sisi hatujaomba 'cut lines' zimetengenezwa katika North Eastern lakini kuna ma-cut lines nyingi sana kutoka Garissa mpaka District ya Mandera bila sababu. Sisi hatujui hizo 'cut lines' zinaelekea wapi na sisi tuko na barabara yetu ya mguu na ile ya gari hata kama ni mbaya.

Kw upande wa education, examinations katika North Easter Province, inaharibika kila wakati watoto na vijana wa shule kutoka North Eastern

Province wanapata D na wengine wa Kenya tunasikia hata wanapata A na above. Hapo mahali tunataka kuhakikishiwa, kuandikwa kwa sheria kuwa watu wa North Eastern Province kuna ma-professors, lazima wawe kwa group ile ya ku-mark exam of North Eastern Province wawe members. Upande wa afya, (Interjection).

**Com. Salome Muigai:** Hiyo ndiyo ya mwisho.

**Speaker:** Tafadhali, tafadhali, tafadhali,

**Ebrahim Abdi:** Upande wa afya, tunataka hospitali ziwe free kwa sababu kuna maskini wengi sana wanakuja hata hawapati aspirin kutoka hospitali. Unaulizwa kama una pesa? Ukisema hapana unambiwa ende huko nje na wanakupanga. Tunataka hospitali free iwe.

Upande wa barabara, tarmac, tunataka itoke Nairobi hadi Mandera.

Administration; tunataka maChiefs wawe kama administrators wengine, wawe wakienda transfer. Sio wanakaa tu sub-location na location wawe wamechaguliwa. Mimi maoni yangu ni kuwa hata D.C., P.C. wote waende transfer. Na Chief awe Administration lakini D.O., AP, wabadilishwe kutoka laini hiyo. APs waende kwa jeshi, D.Os pia waende upande mwingine. MP, Councillor na President., wawe na masomo ya form four and above. Councillor vile wale wengine wenzangu walisema hapo awali, sisi hatujafika hicho kiwango cha Degree na whatever, from standard eight and above. Proposal yangu ni hiyo. President awe anaelewa lugha kumi katika nchi ambayo sisi tuko sasa. President tunataka aelewe hizo lugha. Nomination of Councillors and MP must be abolished.

**Com. Salome Muigai:** Thank you very much. Asante. Sina swali kwako. Mohammed Shiekh Mohammed Sheikhh?

**Mohammed Sheikhh:** My names are called Mr. Mohammed Sheikhh Mohammed. Iam a local who hailed from this Division. My first point which I want to talk is on unemployment. Unemployment is the really a problem in this country. So I suggest civil servants who are currently serving up to the age of fifty five should retire earlier, probably at forty five.

That's my proposal because the youth who are from college and secondary schools have nothing to do and they are unemployed. In the Armed forces, askari wazee hao pia tunaomba those who are serving now should retire and pave way for

those who are unemployed. My second point is that the Presidential terms of office should be limited. Should be Two terms only of five years. The other thing is concerning the administration; I suggest Chiefs should be elected by locals and the administration should stay intact as it is now. The issues concerning the Chief Kadhi as a Muslim I propose the Chief Khadhi to be elected and not as it is done now.

**Com. Salome Muigai:** Asante sana Bwana Mohammed Sheikhh. I have one question for you. You have said that the Chiefs should be elected and we have also been told in this sitting that Chiefs should be transferable. So if we elect Chiefs, are we still able to transfer them? Because the Chief is our choice then it will be difficult to take this choice which is ours to another location.

**Mohammed Sheikh:** The issue of transferring will not arise in the case of his/her election. If the Chief is elected, that issue will not arise.

**Com. Salome Muigai:** Asante sana, sasa namuita Addowa Abdsalan Ebrahim. Addow Abdlsala Ebrahim yuko?

**Addow Abdisalan Ebrahim:** Salaam Aleykum aniga Adow Abdisalan, waxana kaxathli rawa afar shey.

**Translator:** I am called Addow Abdisalan Ebrahim and I would like to address four issues.

**Addow Abdisalan Ebrahim:** Mit wa xaga jitka, jitka koley ninki tagey wutagey Nairobi jithaketha sithey ugalan wath aragten.

**Translator:** The first issue is about roads. I am sure most of you are staying in Nairobi, you have seen the conditions of Nairobi as compared to ours.

**Addow Abdisalan Ebrahim:** Jithathkenana sithey uyalan wath aragten, jitka Nairobi waxa lagayawa othey sagashan jir kurigisa jitka galayo sithey uyalana wath aragten kuwanana wath aragten garii lawa bari kaxqorey sobaxay inta masogari karo.

**Translator:** When you are in Nairobi, a mother who is ninety years old has access to learning facilities are at the her door steps. Here you stay two or more days to travel from Nairobi to where we are.

**Addow Abdisalan Ebrahim:** Lamiyth Isiolo kweg wain nalosofuro ila Mandera lakena ayan rabna.

**Translator:** Therefore I recommend that the tarmac road to Isiolo be extended to Mandera upto BP1. BP1 is border point 1 which is at the far end of Mandera.

**Addow Abdisalan Ebrahim:** Mitha kaley, Magensi law wax ladaxo oo xaga polista eh.

**Translator:** The other issue I would like to address is about the emergency law and in particular refers to the Police.

**Adoo Abdulsalam Ebrahim:** Wath aragten polista Kenya wexey xirantaxay dar blue light ah tenana wexey xirantaxay dar

green maxa Kenya xathan naxay anaga iyo kenyatha kaley nakalasurey oo darkena iskumit uuaxani wayey?

**Translator:** As you are well aware, the official uniform of the Police is light blue shirt and dark Blue trousers and here in this part of country, the Police put on green uniform or what they call the jungle uniform. Why should we have that difference in the Kenya Police uniform and yet we are in the same country.

**Addow Abdisalan Ebrahim:** Tas waxa kamit eh 1980 aya nin shufta Garis wax kaxaleyey thambi ninki uxaleyey ninki lamarathsanin wananchigi Garis odan yalogujwey.

**Translator:** An incident which happened in 1980 or 1981, one person did an offence against the government and that one qualified the whole of Garissa to be under fire and many people who were innocent were killed, and the offender was just an individual.

**Addow Abdisalan Ebrahim:** Anaga waxan dhoneyna ninki thambi gali ini asaga loqabsatho oo wananchiga kaley loqabsanin.

**Translator:** Therefore what I suggest and what I would like you to take issue with is that an individual offence should not be used against the innocent wananchi because the law should seek or should address that individual, should apprehend the individual.

**Addow Abdisalan Ebrahim:** Nin ba wax thilaya ninki wax lithey ini lothilo aya lathonaya, nin ya zineysana zinathi nin dagax logayogo ayan lathonaya, nin ba wax xathi ini gacanta lagagoyo aya lathonaya, tasna nin kristan nomayeli karo nin anaga nagasocho oo muslim eh aya gali kara nin maxkama aqan eh oo miuslim eh wain naloyelo.

**Translator:** About the Islamic Sheria, the Islamic rule requires that if somebody kills a person, he should be killed. If somebody steals, his hands should be amputated, he should be sentenced to death and therefore that requires somebody who is expert in Islamic Law. And therefore we would like Islamic Law to be managed by people who are experts.

**Addow Abdisalan Ebrahim:** Mitha wa xaga taclinta , anaga ilmexena wey aqristan oo skulaha wan geina inta markey kaaqristan oo kor lothiro waxa laarki in bathan mitihanki o lasokanseley ilmaxena waxba an kugeisanin sababta lokansalayo waxa kamit ana o Kenya kamit exen .....;.. maxa logakansalaya.

**Translator:** The other issue I would like to address is within the education sector. Recently we had a situation where the national examinations of the whole country, a class or school or even a whole District have been cancelled. This is very wrong because parents have invested heavily in the education of their children but it is disheartening when all the results of candidates of a particular area or even a whole District are cancelled. This is an issue that we would like the current review commssion to address.

**Addow Abdisalan Ebrahim:** Xaga jitka yan kunoqonaya, meshan lagabilawo ila Isiolo waxa laga yawa boqol isbar oo polis faditho oo gawaritha lagurewayo, kenyatha kalana traffic officer umba laarki dhad kaley oo traffic exen o gawarotha rewayan lamaarkin dibkas anaga kali bey naxaisata ini nalagabathalo ayan dhoneyna.

**Translator:** Finally I would like to address the issue of road blocks. In Kenya, when he says Kenya it means the other parts of Kenya, we have Police checks. That is the official Police check, but here we have road blocks manned by all types of security personnel including APs. And there are so many in the provinces he says. We would like these barriers to be removed even in the Urban cities today we have no barriers.

**Addow Abdusalan Ebrahim:** Warka mabathinayo intas ayan ogabixi waqtiga nalasiyey aya naguyar intas ayan kugawinaya.

**Translator:** Since our time has been limited and I had many issues to address I would like to conclude with that and thank the Commission.

**Com. Salome Muigai:** Thank you very much I have only one question for you, that's on the administration of sheria law. What happens when the dispute is between a Muslim and a non Muslim?

**Translator:** Suasha waxa wayey maxan yelana nin muslim eh iyo nin an muslim exen xatheey isgafan maxan yelana.

**Addow Abdusalan Ebrahim:** Waxan kuxukumeyna sharciga muslimka, ninka muslimka aya kiwar batrhan ninka kristanka xaga dinta tas ayan kuxukumeyna.

**Translator:** When a Muslim and a non Muslim have a dispute or complaint, we should use the Islamic sheria to judge because the Islamic sheria is the most superior law in the Universe.

**Com. Salome Muigai:** Thank you very much Mr. Addow Abdusalan Ebrahim. Mzungumzaji wetu mwingine sasa ni Hussein .....what is the other name? Mheshimiwa, Mheshimiwa you are here to be my local technical guide. Hussein Wadhu. Hamna jina kama hilo? Hilo nimeleta kutoka Kenya. Okay Hilo Hussein? Hilo Hussein? Hassan Mohammed Adan. You have three minutes.

**Hassan Mohammed Adan:** My presentation is on behalf of Abdi Aziz Bashir who is in Nairobi.

**Mr. John Watibini:** Tafadhalini. Tafadhali mnatupa makelele, si mnyamze msikie wenzenu wakiongea. Tunawaomba sana mnyamaze. Asanteni.

**Hassan Mohammed Adan:** Thank you. I think I will address you as the Chairlady, the provision of the current Constitution. My name is Hassan Mohammed Adan. I am making some presentation on behalf of Abdi Aziz Bashir who has faxed this document this morning to me in Mandera. So I had to rush over and come over to you. I think I will address you as the Chairlady. The provision of the current Constitution has governed us for over thirty years. This is a clear proof that this was a well done document. In most cases, the only problem is lack of implementation. However, most Kenyans do not have the capacity to go to Court or have the provision enforced. There is no need for having good Laws unless they are implemented to latter. The lack of implementation is what has created room for people to steal, loot, rape,

**Com. Salome:** You will not be able to read, so please can you highlight the major issues just highlight.

**Hassan Mohammed Adan:** Okay. Thank you. I think I will highlight a few issues here. Okay we should retain the Presidential system of Government and unitary system because it won't be fair to ask people of Northern Kenya with limited facilities and infrastructure like poor health facilities, poor roads, poor education system and lack of an Airport to compete with the Rift Valley Province who have all the facilities at their disposal. It won't be fair to have any other system of Government. That is why we feel that those who are advocating for federal or majimbo system should tour the country and I am sure they will find something that will make them feel humble.

The next thing I want to highlight is being a Member of Parliament should be a full time occupation. The citizens of this country endure hardships and inconveniences to elect their Members of Parliament. Unfortunately all of them are least seen after they have won the election. They do other businesses in Nairobi. You are aware that it can be easier to go to Heaven than to get access to a Member of Parliament either in Parliament or in his office if he has one. It is for this reason that I propose being a Member of Parliament should be a full time occupation. This regards MPs, they should not fail to visit their constituencies in three consecutive months. Let me highlight. There should be a provision that can make us deal with them say a 'vote of no confidence' and so on and so forth. Constitution should permit a coalition Government since at the end of the day all MPs represent the interest of the public from different constituencies that form the country. That is a united Government of different races, languages, geography, Religions and parties. This will encourage a national unity and a call for development. Most people suggest abolition of Provincial Administration but if they had looked at it closer they would have been left out without them. There are areas in Kenya where you will not find a Police post but people live in harmony because of the distribution of service by the Provincial Administration, the Chiefs, and others.

We as Kenyans are lucky we have been holding elections for Presidential Civic and Parliamentary seats simultaneously. I feel we can simplify the elections by announcing the results of every polling station to discourage the risk of manipulation of ballot boxes during the transportation to counting halls especially in remote areas.

The Chief Kadhi should be elected by the Judicial Commission in consultation with the Islamic bodies such as the Supreme Council of Kenya Muslims. This is because the current provision of section sixty six for paper qualification is not enough. Now, they have to have at least be forty five years of age, person of good moral standing and have been engaged in Islamic studies for a period of may be ten years. The Kadhis Court should not be restricted to handle marriage, divorce and inheritance cases only. They should also handle interpretation and enforcement of the Islamic law. It is not right for a non Muslim Court to interpret the provision of the Islamic Law. In the existing Constitution, something has been left out pertaining to Muslim rights. There is only one national holiday for Muslims while there are many holidays for Christians. Idd Ul Fitri should be recognized as a national holiday for Muslims. More so special preference should be given on Fridays. Chairlady, corruption is a vice that has to be eradicated for this country to regain its lost glory.

We will welcome the establishment of anti corruption authority to create the 'down side' of corruption. Corrupt persons are

viewed by the society as successful and this attitude has to be changed. This has made corruption is to be institutionalized. In this regard, adequate provision should be made in the Constitution to fight corruption at all levels. Chairlady, the wealth of the country should be distributed as fairly as possible. Whereas the infrastructure in Nairobi and other parts of the country has benefited, certain parts of the country like this constituency have been outrightly ignored. The people in this region also pay taxes and are therefore entitled to basic infrastructure such as electricity, roads, water, sanitation and health centers.

You may note that this constituency has no girls' secondary school and no electricity. You cannot show any example to the Ethiopians or other places as far as paragons of excellence is concerned. That is what we always want to say. We have to look into some of these things seriously.

We therefore need to have adequate provision of this Constitution to ensure that we get compensated for being neglected by successive regimes. Under the current Constitution defence and national security is a responsibility of the President subject to Certain Constitutional provisions. In other countries like Bangladesh and Namibia those disciplined forces; that is the Military, Paramilitary, Prisons and the Police are established under the Constitution. Likewise, we would like to do so.

**Com. Salome Muigai:** The last highlight.

**Hassan Mohammed Adan:** Okay, MPs should not be allowed to determine their salary and benefits. We have in the past witnessed MPs voting in record time to increase their salaries and benefits. This is tantamount to the abuse of the office. The MPs salary should therefore be similar or pegged to Constitutional offices. Constitutional office holders such as Judges or Commissioner of Public services. As is common knowledge that some Councils cannot even pay their staff, the remuneration of Councillors should therefore be based on the ability of the Council to generate revenue.

In any case, Councillors and their staff remuneration should not exceed thirty per cent of the revenue in order to make funds available for development. I am time barred I can give you the document, (Interjection).

**Com. Salome Muigai:** Thank you very much, for those Hassan Mohammed Adan for your contribution and thank the good son of this province that actually bothered to send a memorandum by fax. Thank you very much. Now I would like to give this a chance to Abdi Sheikh Mohammed a youth. Abdi Sheikh Mohammed Kijana.

**Abdi Sheikh Mohammed:** I think I need someone to translate because I will be talking in Kisomali. No, I am very fluent in English.

**Com. Salome Muigai:** You are talking in English.

**Abdi Sheikh Mohammed:** No.

**Com. Salome Muigai:** Talk in English. Unajua umeruka watu wengi kwani wewe ni kijana si unajua lugha? It takes us less

time, when you speak one of the languages that you can understand. You save time, okay? So speak English or speak Kiswahili. Then you have five minutes.

If we translate for you, that time becomes ten because you have to speak and you have to translate, okay! are you going to speak a language I can understand?

**Abdi Sheikh Mohammed:** No, I won't be taking time whatever is here has been said so I will only take a few minutes.

**Com. Salome Muigai:** And you don't want to ...Whom are you speaking to? To these people or to me?

**Abdi Sheikh Mohammed:** To the Public. I am speaking to the Public.

**Com. Salome Muigai:** But you are supposed to be addressing the Commission.

**Abdi Sheikh Mohammed:** You will be told, you will be told.

**Com. Salome Muigai:** Then you have a chance to say just one thing.

**Abdi Sheikh Mohammed:** Yea. Wax yali lasoshegey

**Translator:** I am Abdi Sheikh Mohammed from Asabito Division.

**Abdi Sheikh Mohammed:** Wax yalixi lasoshegey qoral keiga wey kujiran.

**Translator:** Whatever has been said today is also included in my memorandum.

**Abdi Sheikh Mohammed:** Lakin xabath ath noquseyso anaga dhad weynaxa somalitha in an xogeisano inan kunoqtho ayan rawa.

**Translator:** There is a particular issue which concerns the people of this region, specifically the Somali community, which I would like to mention.

**Abdi Sheikh Mohammed:** Wixi dib axa manta an shegeiney waxanogatharan constitutionki xorey marki ladisayey waxanala daxay jogina shaqesta ninkasta oo shaqa majirin sitha garaneysin dulkena rob bathan malaxa xola daqata ayan naxna, markas ugarti thurkan kujirtey oo wax daqaleynayo an jirin aya xoloxi nala leh.

**Translator:** When we got independence, we were told that Kenyans should work hard and out of that we have worked hard using our meagre resources, drought throughout the Province. We have a livestock, but the livestock is being attacked by the wild animals.

**Abdi Sheikh Mohammed:** Meshan ninki konto nef qawo xalki xawen bo oguyaran libax iyo durwey ama lawa ama sethax bey



lexein daily.

**Response:** Inaudible.

**Translator:** As an example, he says, in Asabito where I stay, you are all aware that if you have a boma of animals or you have got fifty goats in the boma and you are attacked by either a hyena or lion, you are sure either two or three will die. That is a daily occurrence.

**Abdi Sheikh Mohammed:** Dhadka digisa xanalasiyo waxa kasiktharan warawa ushaqey.

**Translator:** If you are killed by a wild animal you are given compensation of thirty thousand but what is even worse is that we are working for wild animals.

**Abdi Sheikh Mohammed:** Marka waxan dhonaya constitutionka cusub in unoqoro lawa wax iney constitutionka somaran.

**Translator:** And therefore in the new Constitution that we are making, I would like these issues to be addressed seriously.

**Abdi Sheikh Mohammed:** qof xathu durwa ama yaxas thilo ninka raga wa boqol gel xaga islamka marka dhowladaxathey intas nasineyso .....(inaudible)

**Translator:** Therefore one recommendation I am making is that if you see a person killed by another the community, the cultural customary and Islamic law says that the compensation is hundred camels. Now what we are trying to say is that, the issue is that in the new Constitution, I would like such a recommendation that if a wild animal kills one person, the compensation from the Government should be one hundred camels.

**Abdi Sheikh Mohammed:** Xathey arintas noqoni Karin constituionka waxa lawath waxan rabna lamadaqaneyno warawa umanashaqeyneyno wan iskalaineyna.

**Translator:** If the new Constitution cannot guarantee compensation that is commercial to the provision of the culture of the community, or the religion then what we are asking for now is that the new Constitution should allow us to deal directly with the animals, we shall kill them.

**Abdi Sheikh Mohammed:** Aniga wax yalexega wa wax lagasoxathley xatha waxath umaleysa maxa yeley dhad kena wa xola daqata mel thurbeyjogan waxan iskuracney division kasta wain dhadka gamenka ladaxo iney jogan manarabno wax Nairobi lageinayo waxan xatha ninki lagaqunu ini islamarkas in loiwiyo wa condition.

**Translator:** He says that, as I am addressing you, without the picture that I have as if the land and the .....(Inaudible) and he says that it is now mandatory that the ministry that is concerned with the wild life should be having representative at all location or divisional level and a compensation should not a matter of filling forms but a matter of seeing and paying. You

confirm the animals and then you pay immediately because this is business and we need compensation immediately. Not something that will go for long procedure. That is the final word.

**Abdi Sheikh Mohammed:** Arimixi wixi Kenya kasocthotey waxa lagayawa anaga manta iney no kowtaxay yalamotha lakin thatha kale banalashaqeynayey lakin wax yalaxa wexey nosogaren marka dhowlada xathey wax noqawaneyni wax kena in ey cunto ama ey qathato marabno , waxan kukalsonaxay dhowlada ini tos nalogadigo.

**Translator:** Like the lady who mentioned this morning about the camel legs and the tail, we are the Kenyans who are the tail that is always wagging. We want all the Kenyans who will always say we, are paying for registration which is not working. So what we are saying is that, we would like the Commission to recommend that the government should provide us services. That is we cannot be part of the country and then we fail to get the services so we must be given services like any other Kenyan. Or else we cannot continue being oppressed throughout our lives.

**Abdi Sheikh Mohammed:** Thank you I am Abdi Sheikh Mohammed from Asabito. Thank you.

**Com. Salome Muigai:** Thank you very much its nice to hear the voice of the youth because they are the ones who are going to lead this constituency for along time, so its good to hear you.. Thank you very much. And now I would like to call Councillor Sarah Mohammed. Councillor Sarah Mohammed.

**Sarah Mohammed:** Aniga afsomali yan kuxathli.

**Translator:** I will speak in Kisomali.

**Sarah Mohammed:** Kow waxan kaxathli waxan umaxathceliniya commsihnaska manta noimathey waxan kusifarxaya mama commishna eh na chairman no eh meetingka manta.

**Translator:** Foremost, I would like to thank the Commission. I am very much delighted, I am a woman Councillor, and today I have the pleasure to see a woman Commisisoner who also chairs the session.

**Sarah Mohammed:** Anaga mel tuloyin ayan jogna dhowladan markey wax qorsheini iney nosoqorshesho nal.

**Translator:** We stay in the rural areas, we are part of the rural community. There is something called rural electrification and the government has always been talking about rural electrification.

**Sarah Mohammed:** Anaga waxan nal uwaney oo Ramu ioyo Elwak ey mug uxini nalki nalogusotalagaley mela kale yalageya o ointerest lagaqawo melaxa nimanka lacagta leh ey leyixin.

**Translator:** She says that we what we know is that rural electrification is a long term project of the government, which has

existed but what we know for sure is those programmes were supposed to target our Location and Division like here, Rhamu and Elwak, have been transferred to other places of the country. Otherwise our concern here is rural electrification programme.

**Sarah Mohammed:** Mathama shrci labathayo waxan rabna ninwalbi share gisa ini lasiyo o logutalagaley ini dulkisa lakena waxan rabna qebti nalkena o dhwolda kulexen ini manta sharcigan lagaliyo o si thag thag an kuxelno.

**Translator:** She says the new Constitution is there to guarantee justice, to guarantee equity to guarantee equal rights to all the Kenyans. She says that I would like to recommend that the new Constitution especially the Review Commission progress should ensure that our share of electrification be returned back to this region and we are given equal treatment like other Kenyans and we get lights too.

**Sarah Mohammed:** Tan lawath waxan ubaxaney budgetka Kenya o laaqriyo waxan karabna ini budget gar axan nalasiyo oo jit kena lami logududiso.

**Translator:** She says that every month, every year at around June, the budget is read in the country, and the budget raises the some issues but now the new Constitution, we are appealing to the Commission to do consider 20% special provision from the budget to develop this region.

**Sarah Mohamme:** Tan sathaxath, Kenya wa sitheth province anaga waxan cabna appointii ministry xalko melaxa kaley sethax iyo afar bey qawan xaqa an lexene maxa wayey.

**Translator:** The second and third issue concerns provinces. Kenya has eight provinces, when it comes to appointment specially the cabinet appointments, other areas have got three to four Ministers. Unfortunately we only happen to have one minister. What makes us different from other Kenyans? Why can't we be given equal appointment or even more shares?

**Sarah Mohammed:** Tanafarath scholarship, anaga scholarship maxelno waxan rabna special request oo scholarship yan rabna ini sharciga nalogutharo.NEP.

**Translator:** On education sector, what is known is that, this is area with low levels of education, the community is still in it's developing stage. So we would like the government's scholarship, and a lot has to be done to bring us to the level of other Kenyans. So that all scholarship or at least some scholarships should be given to us to improve the status of the community.

**Sarah Mohammed:** Tan kale wa mathax weynaxa waxalayiri lawatan iyo shan basentejki oo shan provis yalagarawa sithas xathey kujogto anaga in an wax xelno walagayawa xathi ey noqonin xalkena wuxun yexe.

**Translator:** The issue of the Presidential candidature requirement according to the current Constitution, a Presidential candidate should garner atleast 25% votes cast in every province. If that clause is removed then we are at risk because that is not giving us convenience. That is what is making us important to Kenyans. That 25% presidential aspirant requirements from five provinces should be retained in the new Constitution dispensation.

**Sarah Mohammed:** Tan lixath, waxan rawa mamoinka marki laqogo o maxkamatha lageyo wax yala bathan bu jajka warsatha oo geweda kuthi Karin maxkamatha xortetha sithe laguyele waxan rabna maxkamatha.....(inaudible).

**Response:** Inaudible.

**Translator:** The issue of rape. What happens, in a Court situation, the victim of rape is asked questions by the Judges. For example; 'how did the man rape you?' 'or which angle did he attack you from?' In this case these kind of questions, that the Judge ask and the lady cannot respond because they are touching on her personal life. We would like such cases to be handled privately, especially in the Court so that the lady can tell her problems to the Judge.

**Sarah Mohammed:** Geweda xathi makmatha lageyo mamajawi karto sualatha wey xishoni gebdexena mey aqrisanin lawa gor xathi kalmath laguceliyo ninka kumaqogin yaladixi walafijini ninki ya qil lorathini marka waxan rabna mamoin jaja iyo lawyers eh in an xelno.

**Translator:** On the same, ladies are very shy. They are not very much educated, and it is also against our culture to be outspoken. So she says when it comes to rape cases most of the time, the lady cannot respond as required and then the men become the winner, the ladies become the losers. All Judges handling the cases of rape should be women Judges or advocates.

**Sarah Mohammed:** Mitha xaga xola thurka jogan anaga wan iskacawatheyina xola nalagacuney ban dexeina waxan rabna dhowlada iney mel xara uyesho oo xarithas dhowslada ey kuogato.

**Translator:** The issue of wild life is a major concern especially to this community. We are hearing of crocodile or by lions and others. Just like what happens in other parts of the country, these animals should be under control, they should be put in wild life sanctuaries or reserve and the government controls them otherwise the risk of wild life in this region is one of the greatest and something must be done.

**Sarah Mohammed:** Mitha kale yaxas ya qof cuni fom aya lagubuxini oo sothon kun eh sitheth biloth yu maqnani interest kumajirto dulka kaley o kenyatha kale waxaliisiya sethax ama afor boqol o kun yalasiya anaga maxa sothon kun nagurewey?

**Translator:** Crocodile menace is another issue. It is a common animal living here because we have a seasonal river and when somebody is attacked by a Crocodile or even killed by a Crocodile the compensation form indicates thirty thousand and it might take even two years or even more than eight months and to get compensation.

What makes us different from the other parts of the country? There, such compensation goes up to three million shillings, three hundred thousand. What makes us different from other Kenyans and yet we are more exposed to these risks?

**Sarah Mohammed:** Dhowlada waxan kacothsanaya xathi nomination loogalatho nagaxa ama gebdaxa iyo wilasha ini xaquqthotha lasiyo oo lakalmeyo iyo indolaxa iyo jisaska wax lasiyo oo nominationka lasiyo ayan rabna.

**Translator:** As regards nomination positions, I recommend that those special interest groups like the disabled, the youth ,

children and even the pastoralist and women should be considered. Specifically I emphasis that the disabled are always undermined and isolated, they should be given these position when it comes to nominated positions.

**Sarah Mohammed:** Anaga dinta wan kabaxney manadixin lakini xaquqthena ayan ujthotheyna waxan rabna in nalarixin oo si thacath eh an sharciga asn uqathano.

**Translator:** The tendency that women cannot participate in the Constitutional issues, she says we are Muslims, we will speak the rule of law, we will speak the sheria , we will also want to get our share and that is why we participate otherwise we have no other ill intentions. Thank you.

**Com. Salome Muigai:** Asante sana Diwani Sarah, kwa maoni yako, tunakushukuru sana. Jiandikishe pale na uambie kina mama wengine waje watuzungumzie wana maoni mazuri. Na sasa ningetaka kumpa mjumbe wetu nafasi hii ili, it is okay let her talk. Hata mjumbe leo amekubalia affirmative action kwa hivyo huyo mama azungumze kwanza, baada ya hiyo tutasikia mjumbe wetu tafadhali.

**Fatuma Hassan Hussein:** Salaam Aleikhum warahmatulahi wabarakatu. Waxan rawa nin nafaaa eh oo .....in laikalmeyo o laigarab qabto oo ispatalka thawa nalosiyo.

**Mr. John Watibini:** Jina lako?

**Translator:** Fatuma Adan. Fatuma Adan Hussein

**Fatuma Hassan Hussein:** W alala yal.

**Mr. John Watibini:** Tafadhali mumerudia hio kelele. Mnyamaze, msikie mama akiongea.

**Fatuma Hassan Hussein:** .....(inaudible).

**Translator:** I am Fatuma Adan Hussein. I am disabled. I am making a special appeal to the Commissioners. I have public obligations to meet. I am poor. I also have this disability. Therefore I would like a special assistance to be granted to me. I may not understand the issues we are handling now as the Constitution issuebut I am appealing to you because you are the government representatives. You are senior Government officials. I am asking you to assist I am because of my special problems.

**Fatuma Hassan Hussein:** .....(inaudible).

**Translator:** I don't get any support from the Chief, from the Councillor or the Government and that is why I came to the Commission and I am booking my case.

**Fatuma Hassan Hussein:** Walala yalow xathath dhowlad tixin in waxan rabna in athna garab qawatin.

**Translator:** I am appealing to you as a Commission since I have special a problem and I would like to be assisted and I will wait for your assistance to come.

**Com. Salome Muigai:** Asante sana mama Fatuma Adan Hussein. Tumeshasikia kilio chako. Leo tuko hapa kama Tume, tuna MP hapa, Councillor wetu wako hapa, kwa hivyo tuko watu wengi wenye tunasikia shida yako. Na sasa ningetaka kumkaribisha Mheshimiwa Hon. Adan MohammedNoor MP, wa Mandera ya Kati na Mjumbe wa hapa. Karibu hapa Mheshimiwa. Leo pia wewe unatupa maoni yako kama Mheshimiwa na pia kama Mkenya, na tutakupa dakika kumi.

**Response:** Mpe ishirini.

**Com. Salome Muigai:** Ninaambiwa nikupe ishirini lakini nafikiria umesikiza watu wako na maoni yako yatakuwa mengi yake ni yenye watu wamezungumzia. Kwa hivyo tafadhali chukua dakika kumi ndio tusikilize wananchi wengine. Karibu sana Mheshimiwa.

**Hon. Adan Mohammed Noor:** Asante sana Madam Chairperson. Jambo langu la kwanza ni kushukuru wana Commission kwa utulivu wao na kwa kufahamu vile sisi tunavyopasa kupeana maoni yetu. Nina tatizo kidogo kidogo ya hapo na pale. Nafikiri pia nataka kuchukua fursa hii kushukuru wananchi wa Rhamu vile wameshiriki katika kikao hiki cha leo. Asanteni sana kwa ushiriki wenu na kwa kufahamu kwenu. Naweza kumueleza tunyamaze kidogo, tuko karibu kumaliza. Basi vile umesema Madam Chairperson. (Interjection).

**Com. Salome Muigai:** May be you should speak to them in Kisomali and have it translated to me.

**Hon. Adan Mohammed Noor:** Amusa kisto amusa.

**Com. Salome Muigai:** And they will hear you.

**Hon. Adan Mohammed Noor:** Okay. I should not speak in English? I will speak in Kisomali.

**Com. Salome Muigai:** No,he speaks in Kisomali and you translate to me. So that they can keep quiet.

**Hon. Adan Mohammed Noor:** Okay, basi mimi sina maoni tofauti na yale ambayo wananchi wamezungumza kwa sababu shida yetu ni ile ile. Na kama kawaida tunawakilisha hawa kulingana na matakwa yao, na wamesema umesikia kutoka kwa mdomo yao wenyewe tumesikia watu wa tabaka mbali mbali, tumesikia wasiojiweza, tumesikia vijana, tumesikia kina mama, tumesikia wakulima, tumesikia wafugaji, hata wanafunzi tumesikia kutoka kwao. Lakini nidhamu tu ya kusema pengine

tumeyazungumza yaliyo sawa lakini ni presentation ndio iko tofauti tu, lakini yenyewe kwa jumla maoni ni yale yale. Kwa kutoka yule alizungumza kutoka asubuhi mpaka saa hii nafikiri mmeona kilio ni kimoja tu.

La kwanza hii jamii kusema kweli ni Waislamu, mia kwa mia na wana roho ya dini na hilo ni jambo mambo moja muhimu sana katika jamii yoyote, mambo ya kiroho ni mambo ambayo inasaidia kutawala, inasaidia kwa tabia watu, inasaidia kila kitu. Jamii ambayo haina dini nafikiri ni ngumu sana kutawala. Angalau wamesema hapo tayari, hawakusema hasa wanataka sheria iwe sawa kila sehemu. Lakini mahali ambapo ni muhimu, kwa sababu katika sheria kuna sehemu zengine ambazo mukiguzia, wewe uwe unatoka katika hiyo dini. Yaani kitu kama ukulaji wa nguruwe, kitu kama zinaa. Kuna kitu kingine ambacho mkifanya wewe sasa umevunja dini ya Kislamu kabisa, ni kama umekatwa kichwa. Kwa hivyo hiyo ndio kitu kile cha haramu kabisa ambacho tunataka muyaangalie katika Katiba.

Chanzo cha hiyo, ni system ya sheria katika mambo ya wale wanatekeleza hiyo sheria katika nchi yetu. Nimesikia Chief, Kadhi lazima aandikiwe, the Judiciary Commission vile inandika ma-Judges wengine. Kwa hivyo hiyo tunakubaliana na hawa Chief Justice awe anatoka katika sehemu yotote ya Kenya na awe na elimu ya kila upande. Anaweza kuzungumza kiswahili sio lawyer by profession lakini awe na secular education pia. Sio ile dini peke pia yule anaweza kuangalia katika sheria kwa upande mwingine inasema hivi kama hajatoa amri yake. Kwa hivyo Chief Justice awe na level moja wa Chief Kadhi, awe karibu na Chief Justice. Wawe wamefika level moja na Chief Justice katika sheria. Chini ya Chief Justice, tunataka kuwe na Court of Appeal ya Waislamu. Na Chief Justice asikae Nairobi, awe based in Mombasa ama Nairobi the headquarters.

Halafu Court of Appeal under him, tuwe na Kadhi katika District level. Katika sehemu hii sasa mukisema Kadhi akae Mandera na Wazee wengine wako mbali sana kama four hundred kilometers, wanatembea kuja kutafuta sheria inakuwa vigumu sana. Chini ya Khadhi ambaye atakuwa muakilishi wa Chief Khadhi katika wilaya ama District, tunataka tuwe na Assistant Kadhi at the Divisional levels. Structure iwe ya Kadhi kwanza, Iwe down to the grass roots ili watu waweze kufika huko kwa haki yao. Na pia, isiwe jambo la kufunga nikaa, kuhusu divorce na kuridhi peke yake. Vile wamesema katika nchi hii Constitution vile mama wamesema kwa sababu hali ya Ukimwi na kadhalika lazima zinaa ipigwe zinaa marufuku. Ukipatikana na watu ambao hawajaoana wanafanya zinaa lazima wapelekwe kotini na washtakiwe katika sheria ili tuweze kuepukana na mambo ya usherati, mambo ya kuua watoto, wasichana kupata mimba ovyo ovyo ina yatatiza masomo yao. Sio wasichana ati peke yao, vile mmesema ni vijana na wasichana, wote lazima watii hio amri na iwekwe katika Katiba ili iweze kuajiriwa na Katiba.

Mambo ya rape nafikiri yametajwa na inatakikana itiliwe maanani sana, ipelekwe na kutiwa adabu kali. Siwezi kusema kifo lakini itiliwe adabu kali. Kwa hivyo unaona katika nchi zingine za Wilaya, kwa sababu ya difference of language kama Holland utakuta watu wengine wako na wizara katika lugha ya Dutch, wengine wako lugha ya Uingereza. Kwa hivyo Court lazima iwape Waislamu nafasi ya kutaka kuhukumiwa katika sheria za Wislamu ama waende sheria ile ingine. Kwa sababu sasa katika sheria ya ki-Islamu, mtu akiuwawa na mtu, jamii ina options tatu katika dini ya Kiislamu, wanaweza kumsamehe huyo ambaye amemua mtu, au wanaweza kupata ridhaa ya shilingi mia moja, anaweza kusema anataka huyo mtu aliyemua mtu wake auwawe. So there

are those three options. So it is our wish that Muslims should be given an option to go to Islamic law or to Kadhis Court. So it should not be restricted. It should only be judged by the secular law.

Jambo ingine ni mambo ya ardhi ambayo wananchi hawajataja sana hapa leo. Nifikiri watataja. Tunataka ile trust land law ibaki katika nchi hii, katika sehemu hizi za wafugaji. Ardhi lazima ibaki katika mikononi mwa wananchi kwa sababu sisi ni watu wa kuhamahama na (inaudible) hatuwezi kufanya ranching kwa sababu ya anga, kuna ukame kila mara kwa mara watu watoke wilaya hii ama wengine wanahama kutoka hapa kuenda Ethiopia.

Kwa hivyo tunataka ardhi ibaki katika trust land. Lakini kuna shida moja ambayo iko katika hii trust land. Trust land iko mara mbili. Kuna ile ya upper places kama hapa na Mandera na kadhalika, hiyo ambayo inasimamiwa na County Council. Tunataka County Council washirikiane na wazee katika vijiji. Mambo ya administration, lazima tuwe na Council of Elders katika vijiji hivyo ambao wanaweza kusikizana ama kushauriana na council; kutenga ardhi fulani kwa shule, kutenga ardhi fulani kwa soko. Katika miji hiyo lazima Council washauriane na wananchi badala ya kushauriana na utalawala. Nifikiri mambo ya access kwa maji imeleta vita sana katika sehemu hizi. Hizi tribal clashes, tunaona yote saa zingine inatokana water points. Zamani tulikuwa na kimila ambayo watu wakifanya jambo fulani wazee wanakaa chini wanawambia hii sio kawaida. Hata katika grazings, kuna sehemu zingine ambazo wakati wa mvua wananchi wanakubaliwa ku-graze na sehemu zingine hawakubaliwi. Lazima kuwe na nidhamu hiyo kati ya the grazing parties, kwa sababu ya hali yakiangazi katika sehemu hii, watu waende wafuge katika sehemu fulani

Such areas must be gazzeted. Iko sehemu zingine ambazo ni muhimu, na ni sehemu za chumvi ambazo zinaweza kuwa za kila mtu, lakini hio imesekana watu wengine unaweza kuforge waanze ku-fence. Lazima ziwe gazzeted ziwe special areas ambazo zinaweza kutegemewa na kila mtu.

Nina jambo moja ambalo ni Presidential election, Parliamentary election and Civic election. Nataka ziwe separated kwanza. Tunataka Presidential election wafanyishwe kando, Parliament election ifanyike kando. Presidential election must remain as it is in the Constitution now, that the President should serve for only two terms. Halafu kuna shida moja ambayo tunayo kwa wakati huu, kunalo jambo linaitwa separation of powers. Sasa katika Katiba inaandikwa executive, judiciary and Parliamentary. Lakini saa zingine utakuta President yuko katika Executive, yuko katika Parliamentary na sometimes he has a hand in Judiciary. So the separation of powers enforced and the President should not be a Member of Parliament in any constituency. He should not present any constituency. He should be elected directly by the public. There is this issue of ceremonial President at this time when we have got a very fragile structure of the community, I think it is also very crucial. You must have a President with executive powers who can be a custodian of the national unity. Pia, Mawaziri katika nchi hii; kuna shida kwa sababu Ministers go to the Parliament to make a policy for the government. And then at the same time, they come to Parliament and vote in Parliament. They either vote against or vote for and they are in the whole system of executive and the Parliamentary board. So the Ministers should not also be elected MPs. The President must have powers to appoint his Ministers outside the Parliament. At the moment the demarcation of constituencies depends on the size of the land. But it seems now that the population now



overrides the largeness or the size of the constituency. That should not be overlooked, both factors should be put into consideration. Lazima iangaliwe idadi ya watu katika constituency na size ya constituency katika sehemu hiyo. Kama ninaweza kutoa mapendekezo yangu, a constituency's size should not be more than five hundred square kilometers. That means hundred kilometers by fifty kilometers or fifty kilometers squared. So it should not be more than 500 kilometers. In terms of population factors, it should not be more than fifty thousand people to be presented by the Parliamentarians. The terms of office for Parliamentarians, if we have got term limits for the President, we must also have term limits for the Parliamentarians. I think three terms for Parliamentarians is enough. So after the three terms you should not be allowed to contest.

The last issue on Parliament is the issue of constituency offices and the headquarter offices. I think the government should fund and give facilities to both the Constituency and Nairobi office for the Parliamentarians so that they can be able to do an effective job and be able to communicate with their people. At the moment it is very difficult; an MP works single handly, he is a secretary for himself, he is a messenger for himself, he is a researcher for himself and it is very taxing for a Parliamentarian to do all these jobs. So he must have an assistant or P.A who should be able to assist him.

I think the issue of appointment of Chief Justice, Speakers to the National Assembly, the Auditor General, all those appointments should not be done by the President. They should be done by a different Commission, an independent body so that the Chief Justice can be independent from the Executive. They should not be at the mercy of those people.

Finally it is the issue of natural resource distributions. Sisi hapo awali wakoloni walitudhulumu walituweka chini ya .....(inaudible) ...District katika sehemu hii na baada ya uhuru tulikuwa na shida ya usalama katika sehemu hii kwa sababu ya siasa mbaya. Tulikuwa tumejaribu kujitenga na Serikali imetusukuma, watu wamenyanyaswa vile umeambiwa hivi Polisi walifanya operations nyingi na shida na kifo tu peke yake ndio tulipata. Kwa hivyo sasa hali ya umaskini katika sehemu hii imefika zaidi ya themanini kwa mia. This area has the highest rate of poverty than any province in this country. Na jambo moja ambalo limetutaza sana sana na limetajwa na Councillor Barre, ukiangalia kutoka tujinyakulie uhuru mpaka wa leo hakuna project ambayo imekuwa donor funded katika wilaya hii, hata katika province hii. Na hapo awali wafadhili walikuwa wanaleta pesa nyingi, uchumi nzima, mamilioni. Ma-Ministers na Permanent Secretary katika wizara fulani wanapeleka katika sehemu yao na hizi sehemu bado zimebaki pale pale tuliwachwa. Kwa sababu hiyo wakilishi katika Serikali na wafadhili wakikuja wanakuja kwa Minister ama Permanent Secretary kwa sababu hawawezi kuja kwa Mbunge. Tumepata shida ya kupata haki ya resources katika nchi hii. Kwa hivyo tunataka tuangaliwe kwa makini. Kwa kila nyanja iwe na mawasiliano ya barabara imetajwa, mumesikia wananchi kilio chao, iwe elimu. Kwa sababu sasa population katika wilaya hii sitini kwa mia tunapewa relief. 90% of the community depends on relief. Halafu nawaambia wa-mama wanapo- shika mahindi ya relief na tunafukuza watoto kutoka shule tunawaambia walete fees, is it logical? It beats logic. Kwa sababu hata bursaries ambayo tunapewa, tunapewa kwa idadi ya watoto ambao wako katika shule. Haipewi kwa mahitaji ya watoto katika shule ama shida au matatizo, ya kifedha katika sehemu hiyo ama hali ya umaskini katika sehemu hiyo. Tunataka hiyo yote iwekwe katika Katiba. Kwa sababu Serikali sasa kama kuna mavuno katika North Rift, inatenga pesa fulani ili wanunue mahindi kutoka kwa wakulima. Na

hapo katika sehemu hii hata mahindi tinalima. Hata Cereals board wanaacha ile mahindi ya farmers katika store waleta mahindi kutoka Kitale kwa trailers hapa. Inakuwa shida sana, tunataka Serikali iweke kiwango maalum ya raslimali katika wilaya ili waweze kununua mazao ya sehemu hii ili wananchi waweze kujitolea kulima na kuzalisha chakula katika sehemu hii. Si hivyo, ukiangalia hii katamani, grade hii na cereal board ambayo ni mwakilishi wa Serikali kwa upande wa maghala na kununua mahindi wanajaribu kubaguwa mahindi wanasema, hii ya-toka grade fulani, na hii na hii, kwa hivyo hatutanunua mahindi yenu.’ Na wananchi wanategemea chakula cha relief..

Si wanunue mahindi na wapee wale ambao wanahitaji chakula katika sehemu hiyo hiyo. Sio mahindi inaenda kwa export lakini inatumika katika wilaya hii na inanunuliwa na wananchi hao. Na mwananchi anaweza kuzalisha na kuweka katika store yake.

Mambo ya wafugaji, wako na shida. Wizara ya kilimo iko na jina tu. Hakuna vyovyote vile inaweza kusaidia wananchi. kwa hali ya madawa hawasaidii, kwa hali ya maji, hata wizara ya maji ama wafadhili wanaweza kumsaidia waziri. Lakini wizara ya Mifugo na Kilimo hakuna kitu chochote, ina jina tu imefunikwa na hii wizara ya Kilimo. Kwa hivyo tunataka iwe separated. Ministry of Livestock and Agriculture iwe separated. Livestock iwe ni Ministry by itself. Tunataka iwe separated kabisa ili wananchi wafugaji pia wawe na haki zao. Kwa upande wa uzalishaji wa chakula, kuna maji mengi inatumika katika hizi Malaga, katika hizi milima. Ndio sasa Serikali iweke mabawa. Mabawa sio ya maji ya mifugo na wananchi kukunywa peke yake, ni ya uzalishaji wa chakula kutumia irrigation katika sehemu hii. Tunataka waweke hizo mipango.

Kwa hali ya wanyama na wafugaji, tuna matatizo mengi sana. Huwezi kuona wana-Game na wananchi wanaambiwa hii ni mali ya Serikali, huyu simba usiguzwe, huyu fisi usiguzwe. Tunataka wananchi wapatiwe ruhusa to deal with wild animals. Iwe katika Game Park Serikali inaweza kujenga Game Reserves, wanaweza kuweka hawa mifugo na wanaweza kutulinda, ni sawa. Lakini kama wananchi wanaachiliwa hao wanyama na hakuna mtu anaweza kulinda hawa na wanaambia 'usijilinde, usi waue hawo wanyama, ukiua ni hatia,' tuna shida sana. Na pia mambo ya compensation, vile wamesema inapasa Serikali iweke katika County Council. Budget ya Serikali iwe katika Council, katika District ili District Committee inaweza kuangalia merit ya hilo jambo na wanaweza kulipa katika wilaya. Badala ya kutuma form huko Nairobi na zinaenda kukaa. Nafikiri kwa jumla mambo ya barabara yametajwa. Tunataka tuwe kiwango kimoja. If a road is connecting a District to a District or a Province to a Province, or a country to a country, it should be tarmacked all through. Hapana Nairobi kule peke yake.

District fulani kama haina njia ambayo inaweza ku-connect district kwa wilaya ingine ya jirani, tunataka Serikali iweke hiyo barabara lami na kusimamisha zile zingine za kijiji, lami ambayo zilianzia mwanzo. Mpaka sisi sote tupate kiwango kimoja, from a District to a District, and then we can move from a Division to a District and from a Location to District. Nafikiri hio ndio kutuleta at par in terms of development.

The issue of rural electrification is the same. We need atleast to be given a priority in the rural areas. In a constituency there may be no electricity at all. In one constituency, the entire village is electrified. So what justification is there? So, we have to arrange our priorities in a manner that every person, or everybody in this country can be able to get a share of these resources. Tunajua ya kwamba hali ya rasilimali katika wakati huu ni ngumu sana, lakini tunataka Serikali iangalie level gani Wilaya fulani imefika katika kiwango fulani. Elimu wananchi wamesema wanataka ya bure kutoka standard one mpaka form four. Nafikiri hayo mumezasikia kwa makini sana na lazima Serikali itilie maanani hilo jambo ili ifike katika Katiba ambayo tunajaribu kuandikisha hivi sasa.

**Com. Salome Muigai:** Imekuwa dakika ishirini Bwana MP.

**Hon. Adan Mohammed Noor:** Pole sana. Kwa hivyo Madam Chairperson, nafikiri kilio chetu mumekisikia, tunataka rasilimali ya nchi hii katika kiwango fulani kitengwe ili wakati wa ukame wananchi na mifugo wao wanaweza kulindwa na Serikali iangalie kwa makini iwe hali ya dharura, isiangalie maisha ya watu peke yake, watu wanaweza kula hii relief mahindi lakini hiyo ikiisha, watabaki hapo hapo. Hawa watu unaona wengi walikuwa wafugaji kitambo, wameingia kwa mji, hawana biashara, hawana viwanda, hawajui waanzie maisha wapi. Wanangojea cha Mungu. Kwa hivyo tunataka Serikali iweke rasilimali fulani, itenge rasilimali fulani iangalie hawa watu vulnerable katika centers hizi. Badala ya kutegemea relief peke yake. Vijana wapatiwe kiwango fulani cha pesa, miradi fulani ambayo wanaweza kupata mapato, kina mama Group hii, group hii, 'Ili tuweze kuanza maisha mapya hata kama ni kuleta kwa schemes, ukulima. Nafikiri itatusaidia sana badala ya kutupatia relief. Relief, miaka nenda miaka rudi tunasema tunangoja relief.

Tunataka hayo mambo ya relief yabadilishwe ili Serikali iweze kuweka rasilimali katika sehemu hii hata hizi agro industries ndogo, ndogo ya kusaga maembe, ya kusaga paipai ili watu waweze kujitegemea katika sehemu hii. Nafikiri naomba msamaha kama nimezungumza kwa urefu sana lakini nimebakisha bado moja mbili lakini kwa sababu wananchi bado wanangojea kuzungumza, nasema asante sana. Thank you very much.

**Com. Salome Muigai:** Asante sana Bwana Mheshimiwa. Umezungumza kwa niaba ya watu wako, kwa hivyo kukupa dakika ishirini ni kutumia wakati wetu vilivyo. Sasa ningetaka kumpa nafasi hii Mwalimu Mahmud Omar. Nilimuita tena alikuwa hajafika. Amefika sasa?

**Audience:** Ndiyo.

**Com. Salome Muigai:** Mwalimu tuliagana wewe ndio utakuwa wa kwanza in the afternoon na tukakupa nafasi na hukuwa umefika. (Interjection).

**Mr. John Watibini:** Tafadhali songeni nyuma hapa kidogo. hapa hivi, songeni nyuma kidogo tafadhali. Narudia, songeni nyuma kidogo hapa muache hapa mahali penye tunafanyia kazi pakue wazi kabisa.

**Com. Salome Muigai:** Kama mwalimu bado anatafuta homework, amepata!

**Mahmud Omar:** Bismillahi Rahman Rahim

**Speaker:** Start with your name.

**Mahmud Omar:** My name is Mahmud Omar. I think I have prepared this memorandum and I will not be reading all of it but I will be talking on some issues concerning this province. The first issue I would like to address is about citizenship. And I

think this morning people have addressed this very seriously. Somalis are known as third class citizens and in one of your questions in the booklet you prepared was 'who is a Kenyan citizen?' A Kenyan citizen is the one who has lived in this country for a minimum of five years, born in this country or is legally married to a Kenyan spouse. In our current Constitution, that is very clear. It is not implemented. So I would suggest what we have written, be implemented. Then another problem concerning citizenship, a question was asked, 'What documentations should a Kenyan carry?' I think the issue of ID card has become a born of contention in this province. I would suggest that the document that a Kenyan should carry be a birth certificate and a passport which can easily be acquired and not by the hard way that we are getting now. Screening cards should be abolished. The screening cards have become a problem to us. I was born in this country, educated in this country, I am now a manager in a school but when I want to apply for a passport, I will be told, 'Bring your screening card. Why am I a Manager in a Kenyan school if I am a foreigner. This is a question I would like to be addressed.

The other issue I would like to address is about defence and national security. The President should not be in charge, he should not be the Commander in Chief of the Armed Forces. Because Kenya being a multi party country, different parties will rule this country at different times. So if every President who will come in will be incharge of the Armed Forces, then every other President will be following his interest in the Armed Forces. So I will suggest that the armed forces be separated from politics and to become a separate entity run by a Commission or a Parliamentary committee.

The other issue concerning defence is the case of emergency has become a problem in this province. This morning the issue was addressed about Police who do not wear their numbers on their uniforms. I heard that as a point. Currently our small children here in front of you, when they cry at home they are told, the askari wanakuja. Keep quiet. Their mothers will tell them. We have gone to that level. We were brought up in that situation. So the issue of emergency law must be removed from this province, and I think our mheshimiwa here has said we are marginalised and this place we are feeling terrorized.

The other issue that was addressed by one of us this morning is, Police should wear their numbers. Police should have their numbers. About the power to invoke authority of emergency, the President should not have a say himself. This must be done through the Parliament. It's the Parliament to empower the President to declare an emergency of any part of this country, whether it is famine, whether it is the war, whether it is floods, but not the President waking up one morning and saying 'we have declared emergency in the North Eastern. And that power has come down to the District officer and the D.Cs. The D.C.s can even declare a security zone these days. So in the current multi party era, this must be removed.

About the structure of the government, I will suggest the issue of the Prime Minister, we should have a Prime Minister, and then a ceremonial President. A Prime Minister that has a lot of power. Still on the structure of government, I will suggest that we should have a federal system of government where we have the national government and then we have the regional government that was there in the colonial times. Where every province will be electing its regional government, which will also be represented in the national government and I am saying this because the national cake has not been shared equally. About,

(Interjection).

**Com. Salome Muigai:** You just highlight the issues one by one.

**Mahmud Omar:** Yes Madam. The other issue I would like to talk about is on Members of Parliament, The Members of Parliament. This morning it was suggested that he must be a graduate and there are various conditions you have written here, I think you are going to read them. And about the Judiciary, this is an area of importance. This morning a lot of people have talked about it. The Kadhi must be appointed by the muslim community and not be appointed by the Attorney General as it is now. Because it is the Muslim Community that he will serve. Qualifications, I said that he must be having a degree in Islamic Law and he must be a educated up to form four or even to a University level or any other equivalent level. Then he should not be dealing with divorce, marriage and only inheritance. The Islamic law is a well balanced law and all the other laws have been derived from the Islamic law and so he should not be involved only in these small issues. About the local government, this morning people have talked about it, about the mayor being a graduate, and I support the same.

About basic rights. Education has been highlighted this morning and I will still highlight. The Mheshimiwa said that famine relief is being given to the parent and here is the child whom I am away chasing from the school, so the issue of giving us relief must be stopped. This money that it is being pumped into relief must be put into viable project where we can really benefit rather than supplying us with maize. When I was born this maize was being supplied, and now I am becoming old. I am now forty years. Will it be still be supplied when my children will be going to school and will be needed in this country? It must be stopped and then that money pumped into other projects in this country. Then I will also suggest that affirmative action to be given to the hostile areas in terms of development, in terms of education, in terms of health because we are very much behind. Then I will also suggest there should be freedom of religion not freedom of worship, there should be freedom of religion. Where we Muslim are allowed to wear our own form of dress like the Chiefs the government employs cannot put on his beards. Immediately he is employed he will be told to shave and our religion does not allow. So there should be freedom of religion. About land, I support what the Mheshimiwa said. Trustees of land must be handled by Council of Elders one of Chiefs said this morning.

Still on land and then property, our camels, I teach agriculture in school but there is no place where I teach about camels in the Kenya curriculum. The present Government has ignored camels. The camel is a very important animal to us. It is self sufficient and if something happens today, it will be the mode of our transport. It will be source of our milk. It will be the source of meat for us and it will be a source of our business today. We would like the marketing of camel meat or the camel itself to be highlighted. One time when Hon. Nyachae was a Minister for Agriculture, the agriculturists of this Province went and told him 'Please, why don't you market the camels for us.' He said that the camel is a very dirty animal. It is not dirty to us, it is a very very special animal and we would like it to be considered in the Constitution review. We would also suggest that.....

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

**Mahmud Omar:** Yes, yes I have finished. Then we would like the Kenya Meat Commission to be revived. To empower the Kenya Meat Board that will revive the Kenya Meat Commission so that we can have market for our animals. Then I will also suggest we are neighbouring Ethiopia and Somali. We have business links with Ethiopia which is still a government state. I would suggest bridges to be constructed across the river Dawa where we can take our businesses across the river. Now we are using small kind of things called crafts when we are crossing with our sugar or whatever that is being exported from here. We would suggest in terms of development, bridges to be constructed across the river here in Rhamu. In Hareri, Kalaleu and then in Mandera especially to enhance business. Those are my views and more details are in the paper.

**Com. Salome Muigai:** We have two questions for you. We will start with Commissioner Arap Korir,

**Com. Arap Korir:** I want to know the location of the Kenya Meat Commission. If it were to be revived, where should it be located?

**Mahmud Omar:** I will suggest Wajir. Because it is the central point in this province where Garissa people can come and we can take our animals from here easily.

**Com. Salome Muigai:** May I have that. Asante sana Mwalimu, wewe na Mheshimiwa mmetuambia kwamba mnetaka kuona ardhi ikirudishwa kwenye baraza la wazee na mmetueleza kwamba baraza la wazee lina kina baba peke yao. Je na kina mama watabakia wapi, msimamo wao kwenye hii habari ya ardhi?

**Mahmud Omar:** When we say an elder, we are not, or although the English we are using is not our mother tongue. It could mean a bit of masculine, it could mean that a man is an elder. An aged mother can also be an elder.

**Com. Salome Muigai:** But the real, the elder that is practical now, when we talk about the council of elders.....(Inaudible).

**Mahmud Omar:** Currently in our system here in Somalis is the men but we would like gender sensitivity there so as to include the women.

**Com. Salome Muigai:** Thank you very much mwalimu. Kama kawaida, palipo na walimu panakuwa na maelezo mengi mazuri na tunashukuru. Sasa ningetaka kumpa hii nafasi Mohammed Idris Mussa.

**Mohammed Idris Mussa:** Salaam aleikum Commissioners, wageni wa heshima ambao walikuja.

**Com. Salome Muigai:** Say your name.

**Mohammed Idris Mussa:** Mimi naitwa Mohammed Idris Mussa. Yangu ni neno moja tu na inahusu examination ya watoto. Mimi nataka hiyo examination iwe kwa sheria ili watoto wasiwe wakitumia majina yao. Mwalimu yule ana-mark au mtu yeyote ana-mark hiyo examination anaona fulani anaitwa Okello ni Mjalu, ama anaitwa Koinange ni kabila fulani ama anitwa Mohammed ni Muilsamu. Mimi maoni yangu, ile nataka kuongeza kwenye Constitution ni ya kuwa mtoto saa zile anafanya examination yake, ifuatiwe index number peke yake, jina lisiandikwe. Hayo ndiyo maoni yangu ili yule mtu ana-mark exam asitofautishe ati mtu fulani ni kabila fulani ametoka Kisumu ama ametoka Mandera. Hayo tu ndio maneno yangu, Asante.

**Com. Salome Muigai:** Hatuna maswali kwako Bwana Idris Asante sana. What was your name? Can we now have the Dawa River Development Section? Na ninakupa dakika tano kwani nilikuita wakati ulikuwa hauko, najua ulikuwa ukifanya kazi nzuri lakini najua maji yakipita hayazoleki tena.

**Abubakar Abdow Ali:** Thank you Madam Chairlady. My name is Abubakar Abdow Ali. I am the Secretary Manager of Dawa River Development Association. Dawa River Development Association is a community based organization concerned with the plight of nomadic communities living in the region of the Dawa River. It is the only NGO which is providing civic education at the moment. Madam Chairlady, I won't speak much but I will speak only on few issues as what I wanted to say has been said before.

I will speak on citizenship. Regarding the Kenyan citizen, one has to be born in Kenya irrespective of his parental citizenship. Registration is another way of defining citizenship of a person. Investment, if you have money, if you have a good sum of money, you can also be given citizenship. And with good money in Kenya, let's say ten million, let's follow an example of countries like America, where you can also buy citizenship by investing into the country. Okay. Another issue is about the screening card. The proponents of screening card should be condemned, prosecuted as they are discriminative. It was undemocratic because it targeted only a section of Kenyan citizens.

Madam Chairlady, let me talk on defence and national security. The President should not be in charge of Armed Forces of Kenya. He should be in charge of his politics. The other thing is about political parties. Political parties should be allowed to seek funds internally and externally to foster its policies. Public funds should not be used for political purposes by political parties. The other thing Madam Chairlady is about defections. Since we developed a multi party system, an MP is free to cross the floor. I will talk about the structure and the system of government. The Presidential system of government be banned from the grassroots as given the first case. The Presidential election be abolished by the new Constitution. Presidential deputies be selected by the MPs on professional basis from every province within the Republic of Kenya. President or deputy to elect Prime Ministers or deputies. We shall name or form a government from among the President or the deputies or otherwise Ministers, call the Ministers.

Prime Minister shall not appoint more than one President or Minister or selected or elected by people's representative MPs



from every province and therefore approve the will of the people. Nomination slots for Members of Parliament or Councillors be scrapped in the new Constitution. Unitary system, I mean Serikali ya muungano be done away with because it has failed to deliver the services it has promised. Forty years ago since independence poverty has risen partially with compliance of incurable HIV Aids. Ignorance and disease has taken the toll. Education and healthcare are the prerogative of the rich, thanks to the introduction of cost sharing.

Corruption, nepotism, cultural, political patronage have come the main theme. Immunity of being above the law of this land has been used for successively to the detriment of the economy. Taking donors aspirin so as to 'cure' agriculture in the name of privatisation. No agricultural output due to top standard imported items. Given the above factors, unitary system of government has failed not forgetting the policy slogans of 'water for all by the year 2000.' Federal system of government be given a chance to try share the national cake, to be distributed to regional units as opposed to the concentration because concentrated sugar is poison.

Madam Chairlady, let me talk about the Legislature. The Legislature appoints the Prime Minister, Deputy President, and appointments be vetted by Parliamentarians.

Members of Parliament be on full time occupation. Minimum age requirement for Parliamentary seats be over forty years with sound mind. Education qualification O level with sound financial capital of not less than five million in a savings account because if you are not rich, how can you contest? Because if you are poor, you will plunder the economy. So one requirement is that for election as a Member of Parliament, you have got to have something in your account. I think that is what is also done in some developed countries. A procedure be set up for recalling MPs who fail to visit their constituencies on development agenda on time, MPs should act on conscience and commission, with instructions from their constituents or their parties. MPs salaries and benefits be determined by Public Service Commission. Dominate party to form the government. Multi party representation at all levels of Government be done. Parliament powers to remove executive through vote of no confidence be adapted. President or Prime Minister should have the power to veto legislation registration passed by the Parliament.

Let me talk about the Executive. The Executive should have Constitution should specify qualifications for the Presidential candidates, have a minimum of 'O' level qualifications. Presidential tenure be only term or one electoral year. The functions of President be defined in the Constitution as a President has to have regional qualification, the required qualifications be elected by people as the Member of Parliament, be selected or elected by the people he is representing. All powers enjoyed by the President be taken away and he or she should be answerable to Prime Minister and be subject to face the law of the land while in the office or out of the office for misconduct. Equality, before the law should apply to all Kenyans irrespective of bureaucracy, (Intejection).

**Com. Salome Muigai:** So, can we have your last points.

**Abubakar Abdow Ali:** So we want the new structure of government to be based on federal system since unitary system has failed. Under the local government Mayors to be elected by the Councillors.

Mayors and the Chairmen to the Council to be elected by the Councillors. The current two years terms for Mayors and Chairmen of County Councils is adequate. Council should limit their expenditure to its revenue. The minimum qualifications for a Councillor should be O level.

**Com. Salome Muigai:** Those are the main last points.

**Abubakar Abdow Ali:** Yeah. Age requirement for Councillor should be forty years with sound mind and a financial background of not less than two million in the saving account. A machinery be set up for the Constitution to recall a Councillor. Thank you Madam.

**Abubakar Abdow Ali:** Yes

**Com. Salome Muigai:** Thank you very much. Did you give us your name Sir?

**Com. Salome Muigai:** What was it?

**Abubakar Abdow Ali:** Abubakar A. Ali.

**Com. Salome Muigai:** There is, kuna mzee mwenye alikuwa akiniambia alikuwa na nyuma ya Barre. Tafadhalli na utupe jina lako.

**Kora Abdi Bille:** Mimi nitaongea Kisomali, Bismillahi Rahmani Rahim. Aniga waan kuxathli afsomalli wax batham mashegayi waxn shegi laxa dhad iga cilmi bathan ba shegen Kora Abdi Bille from Rhamu Dimtu Division

**Translator:** I have been preceded by people who are very intelligible, well conversant with Constitutional issues and I am sure most of these issues that I will contribute have already been said.

**Kora Abdi Bille:** Xalka kothob oigutharan an kucelinayo waxa wayey, waxa jirta shaqa laan aya kajirta NEP. Waxa kale waxa jira qof lawa saxan qatha kucuno qofna xal saxan ayu laaye.

**Translator:** There is the issue of unemployment which has very much affected people of this region and yet there are cases of people who have two jobs and yet others are suffering.

**Kora Abdi Bille:** Marki lasi barbaryo lawa saxan qof shaqa xayey ama dhowlada daxthetha ama NGO waxa shaqatha lasiya ki shaqatha xayey ki shaqa laannta xana sithi umbu ubaxan ye kas ba lawa saxan malinti kuqatheya.

**Translator:** Whenever there is any government job like in Electoral Commission or in the NGO, they just continue

employing those who are already employed. They employ those who already have jobs yet those who don't have, have already applied and are jobless.

**Kora Abdi Bille:** Sitha awgeth in xisabta lagutharo arimaxa oo ninka lawatha saxan kuqatheyo afar boqkol in kabathan oo walalixisna afartan kuna .....(inaudible)

**Translator:** Therefore I am appealing to the Commission that in this new Constitution we are making, I would like you to include that it should be one man one job in Kenya.

**Kora Abdi Bille:** Waxan kusogawinaya intas waxan shegi laxan xorey baloshey. Asalamu aleykum waraxmatulahi.

**Translator:** I would like to conclude with those few remarks. Whatever I have said has already been said. So with those few remarks, I am very grateful.

**Com. Salome Muigai:** Thank you very much Bwana Kora Abdi Bille, hatuna swali kwako. Sasa ningetaka mtu ambaye anafikiria ana jambo lenye halijazungumziwa bado, ukiwa unafikiria una jambo lako lenye hujasikia mtu mwengine akizungumza ningetaka kuwapa nafasi ya kulizungumzia. Lakini watu wenye wangetaka kurudia tu yenye yameshazungumzwa tafadhali usiinue mkono.

**Translator:** waxa lithi ogeysina qofki xathala an lagaxathli kaxathlo qofki kalana oo xathlaxa lagaxathley kaxathlo xanadiwan tafathal.

**Com. Salome Muigai:** Nataka unionyeshe kwa mikono watu wenye wanafikiria wako na jambo ambalo halijazunguzwa. Tafadhali usiinue mkono halafu uje utuambie kuwa hapa kunashida ya mashamba, kuna shida ya .....

**Interjection:** Nyani.

**Com. Salome Muigai:** Kuna shida ya barabara. Hiyo tumeshasikia. Tunataka yale mambo mapya yenye bado hayajazungumzwa na mtu yeyote. Mzee number one, number two, number three, huyo mama mwenye huo mkono number tatu, number nne. Naangalia. Number tano, number sita, kuna mama mwengine hapo nyuma, na sasa nina watu sita. Mzee hebu kuja kwanza. Number saba. Wewe ulikuwa umeshazungumza? Number saba.

**Speaker:** Challa Challa hinjudhubattani, wan dansa issan hima ka warri kun irrafat

**Com. Salome Muigai:** Wapi mzee wangu, mwenye alikuwa upande huu?

**Speaker:** Ako hapa.

**Com. Salome Muigai:** Tayari?

**Adan Mohammed Noor:** Amusa waqtiga wusodamanaya xalaamuso arimaxa an dameysane. Salaam Aleikum. Waxath ogatin inti laxilmameye in agtatha talo ayan kabathan

**Com. Salome Muigai:** Sema jina lako.

**Adan Mohammed Noor:** Jina langu naitwa Adan Mohammed Noor kama jina la Mbunge wangu, hata nafikiri ni jina langu. Tuna furaha kuwa mumekuja kutusaidia. Sasa kama ulisahau maneno si mzuri na neno hii wakati uliopita tunafikiria sana hii kurekebisha Katiba. Tulifikiria mambo haya hayatafika lakini kwa bahati mzuri, (Interjection).

**Com. Salome Muigai:** Tiyari matatu yangu imeingia kwa hivyo una dakika zingine kama kumi na tano hivi. Kwa hivyo mzee unipe points kinaganaga kama mtu mwenye ana shoot mshale. Ukifanya mshale hivi hivi nyani itatoroka. Nataka points, points, points unasikia. Una dakika mbili.

**Adan Mohammed Noor:** Kuna wakati uliopita hapa, Kenya, munakumbuka yaliyotokea Malkamari, Wagala, Garissa, munakumbuka? (interjection)....

**Com. Salome Muigai:** Excuse me, mzee wangu usifanye baraza, niambie pointi tatu.

**Adan Mohammed Noor:** Ndiyo, si ndiyo. Mimi nasema tuunde sheria kwanza, mimi nakuomba wewe dada yangu. Sasa wewe dada yangu, kwa mfano Polisi hapa. Hapa iko emergency, emergency hii sisi hatutaki. Ukienda Nairobi leo utakuta watu wakiwa na risasi. Lakini hapa hatuna, hapa tuko ukoloni. Tuko kwa nchi yetu lakini tunafinyiliwa sana. Kama Katiba itarekebishwa Serikali ya Kanu ilipe mali yetu yote iliyopotea na watu wetu ambao walipoteza maisha yao.

Hio ni point moja. Ya pili, MP wangu anasikia haya maneno yote. Kwa sababu yeye akizungumza wazee wenu wa Nairobi wanasema hakuna 'waria'yeyote alimalizwa. Mamia wamemalizwa. Kama hii Katiba ni ya haki kwa wananchi wote sisi tunataka tupate haki yetu ya North Eastern ya miaka thelathini, Serikali hii ya Moi imetufinya sana na itulipe haki yetu.

Tunataka hio iwe point. Ya pili, watoto wetu wa shule ya secondary ama standard seven wakifaulu waende huko Nairobi. Mambo ya mtihani yao yote yanabadilishwa. Wanaangushwa mitihani kila wakati. Kwa hivyo tunataka tuwe na watu wetu wa North Eastern kutu-represent. Mimi sitaki kusema Polisi wabadilishwe, fulani abadilishwe. Mimi nataka hayo tu asante sana.

**Com. Salome Muigai:** Number two alikuwa natoka kwa ile corner. Ilikuwa ni wewe? Wewe ulikuwa hapa? Lakini, number 2, ni wewe, you have two minutes.

**Rashid Adan:** Okay. I think since you have given me those two minutes I will be as brief as possible. So can you get a pen and a paper and write whatever I wish to say.

**Com. Salome Muigai:** Your name first.

**Rashid Adan:** Yes. My name is Rashid Adan. Sorry, Rashid Adan and I am a resident of Rhamu. Let me put it that way because there is nothing else I can say. Anyway, there is also another thing. If you read my proposal, I will just encourage you to have .....(Inaudible). In any case, what I want to address is, here people have misunderstood. They don't know that we are here to amend the Constitution, that's what we are here for, so this is not a political gathering.

What I mean is that the law or the Constitution of Kenya to really review and consider corruption. Corruption is the biggest problem, the way I see it, in this country. The biggest problem is corruption right from the highest rank to the lowest. By the way, just to mention a very small example, I am a Kenyan citizen and I failed to get an identity card to go around and every night we are being bothered around here and we are being told to bring our identity card, this and that while people/refugees or people from other countries come and get identity cards in Kenya and they are not Kenyans they are not really Kenyans just because they have money to grease hands and that is what we call corruption. Corruption comes in everywhere. I could be corrupt or I could be doing something corrupt. There is nothing else, my main points are number one and number two and number is about corruption. Could the law or the Constitution go back to our books and do something about corruption? That's all I have to say. Thank you very much.

**Com. Salome Muigai:** Number two, ulikuwa pale mzee?

**Abdi Salan Hassan:** Ndiyo.

**Speaker:** Jina lako please.

**Abdi Salan Hassan:** Abdi Salan Hassan. *Authu bilahi minasheitani rajiiim dhadka walalexain manta noimathen wathsalamantixin salan kabacthi, waxan naxay umath o lathulmey oo xaqotho lathufiyey oo wexey Kenya qabto an qawin xanaxay.*

**Translator:** Foremost I want to start in the name of Allah the most gracious, the most merciful. I pass my regards to the Commission representatives here. Our Community has been denied its right from the onset of Kenya.

**Abdi Salan Hassan:** Kabilawato lixthan iyo lawathi ila manta waxanaxaisata diwao weyn.

**Translator:** From 1962 to the present day we have been leading a difficult life

**Abdi Salan Hassan:** Diwatatha waxa kamit ah in an kathuwane kenyatha kaley.

**Translator:** One of the biggest problem we have is discrimination, and that is we are different from other Kenyans. We are treated differently.

**Abdi Salan Hassan:** Waxan ogathuwane waxa wayey jit malixn,xolalitha xolxotho an sharciga kujirin,carurtena skulka an

lagasexeynin.

**Translator:** The biggest problem concerns the Livestock. We are livestock owners, livestock marketing is a problem and on education, access to free education is also the other challenging thing to this community.

**Abdi Salan Hassan:** Mitha kaley aniga waxan kudashey magalathan waxa igaeryey col emergmsithi markan nawath galyatheitha an labaxay walelkey iyo abexey intey kudinten.

**Translator:** I was born and raised in this town. I became the victim of emergency oppressive laws and I ran away from Kenya and my brothers and my families were wiped out during the emergency time.

**Abdi Salan Hassan:** Markan wadhan keiga an kusonocthey waxa laiyir kibanda dhaki an lanoyaley.....(inaudible) markan neyrobi tagawo walaisocelinaya.

**Translator:** Every time I apply for an identity card I fill the form and every time it goes to Nairobi it is rejected.

**Abdi Salan Hassan:** Waxan ithinka cothsaneyna anaga iyo dhadki ..... **(inaudible)** wainey arimaxan wax kaqawatan.

**Translator:** The Constitutional Review Commission, I would like you to address this issue of discrimination and especially the issue of identity cards and other related problems.

**Abdi Salan Hassan:** Marka maderanaiyo intas ayan kusokowey.wasalamu aleykum warahmatullah.

**Translator:** I would like to conclude with the remarks of thanking God for having given us this opportunity. Thank you.

**Com. Salome Muigai:** There were some .....(Inaudible). Okay let her talk. That is number what?

**Speaker:** Number four. We have three more.

**Halima Ebrahim:** Mimi sina maneno mengi ambayo nitaongea. Niko na watoto karibu watatu nimesomesha. (Interjection).

**Com. Salome Muigai:** Sema jina mami.

**Halima Ebrahim:** Halima Ebrahim. Na hao watoto wananishinda kuwatunza na nimekosa msaada kwa upande wa Serikali. Na sasa mtoto mmoja ako form four. Nimekosa mtu wa kunisaidia, kwa Serikali. Kwa raia hakuna yeyote ananisaidia isipokuwa mwalimu. Shida ambayo niko nayo, nimekuwa mgonjwa karibu mwaka mmoja, nilikuwa hospitali, hivyo ndivyo miguu ilianza kuumia. Nilikosa nguvu mtoto huyo akakosa vitabu na kalamu. Na hata pesa sina na ako form four. Shida yangu ni hiyo sina mengi ya kusema zaidi ya hayo. Asanteni sana wageni pamoja na Mbunge Minister wetu.

**Com. Salome Muigai:** Sema jina.

**Abdulahi Adan:** Abdullahi Adan.

**Speaker:** Ongea mzee.

**Abdulahi Adan:** Hakika yo guyya an sharra inni bedel hortey nasibki kaba na argat

**Translator:** If the Constitution will be changed it's a great opportunity and we appreciate.

**Abdulahi Adan:** Sharrith bedellan horti thansa hamtu miti

**Translator:** Changing Constitution is something we appreciate and is something we would like.

**Abdulahi Adan:** Lafti tanna Kenya eddan Kenya mitt, lafti egge jirti, Kenya egge jirti

**Translator:** This place is called part of Kenya but this is not Kenya because this area is under developed and it is under previlged.

**Abdulahi Adan:** Wanti tochhi laff Kenya madhahithi tenn ka Kenya kee dakkat

**Translator:** And that is as a result of the leadership, locally and also those in other areas.(Interjection).

**Com. Salome Muigai:** Uko na dakika mbili peke yake

**Abdulahi Adan:** Wan dikko tokk dhubachu fedd, an nami waa gafachu fedd mubunge kiyy ka minister, wan Katiba horti nasibki hag kan chuffuma wan taka walli kabni

**Translator:** Everybody has the same opinion about the problems facing us as regards the Constitution.

**Abdulahi Adan:** Ann mill hinkabu, nam milkab nam il kabbu mitt

**Translator:** I am partially deaf and I am also partially disabled.

**Abdulahi Adan:** Nam kuddan ka sababti issa ka horri hinkabne ka akassi bir taa

**Translator:** I have school going children with no support, no animals and I am poor.

**Abdulahi Adan:** Nammi dhur nam sunn mamullu Sirkallat huji kessa bas yeddann ilman sun rawwachut jirti

**Translator:** My only appeal, my only son who was working with the government was sacked by the government.

**Abdulahi Adan:** Owrru dhurr nami sun dhurr besse isatin fal amman tanna binnessat ke gall

**Translator:** The farm he used to cultivate on has now become a grazing ground for wild life.

**Abdulahi Adan:** Marka wantti dibbin nuu gaffan dibbin hinjirtu namich amm wan fedd fago argatte, dhowlatti wan gaffu faggo argate jarsalle dhubbi tan chuff wan sharrith chuff it gessa

**Translator:** We are loyal to the government, we support the government, the government has achieved its goals and therefore this issue I have just presented to you about my child should be taken to the highest office.

**Abdulahi Adan:** Shariithi yo ammo beddel akk adha dhegg dheggy feddan ka laff tan ke tett ka wan chuff at kabbattu sunn sirra feddan jedd

**Translator:** If we are going to change the Constitution, you must also mobilize the people to come back to us and help us to understand what you have changed. (Interjection).

**Com. Salome Muigai:** Now can you give us his very last points.

**Speaker:** Mwisho.

**Abdulahi Adan:** Markann wanti dibbin nuu am dhubb dhubban hinjirtu laffti issan harka kabba laff tan jiressan fenna nullen issan eggu jirra tan jirra oggaw yedd

**Translator:** You are the people who control the land, we have the resources, we have the ability, we expect change from you, we will expect support from you. You are the last, you are our last resort. Okay.

**Com. Salome Muigai:** Asante sana mzee. Mama keti. Sema majina.

**Amina Ebrahim Abdi:** Makkan kiyya Amina Ibrahim Abdi

**Translator:** I am Amina Ebrahim Abdi.

**Amina Ebrahim Abdi:** Ann dhubbi gudho hinkabu an dhubbin an kabb dhubum lam challa yedd

**Translator:** I have don't have much to say but I would like to mention a few issues.

**Amina Ebrahim Abdi:** Nuhin orti karr dhibatithin nuu kabbni hort Kenya kess hinjirnu labda Ethiopia Kess jirr

**Translator:** The kind of hardships we face and the kind of problems that we face in our daily life depict or show that we are not part of Kenya . It shows that we are part of Ethiopia or Somali.

**Amina Ebrahim Abdi:** Yaani wanni nutochh dibbum yedd, dibb dibbumat nuu toch yed thubu sun bedel nura duffen

**Translator:** What has made us say those statements is because of the problems. (Interjection).



**Com. Salome Muigai:** Can the lady give me the things that have not been said.

**Amina Ibrahim Abdi:** Amm dhurri hagg dallane Kenya kess nuu Kenya tenn Bandera tenn malle Bandera dibbi hinagar eddan

**Translator:** We are Kenyans. We are loyal to our country, we have never gone anywhere, we have just been here since independence.

**Amnina Ebrahim Abdi:** Wann chuffti ammanki dhansa, naggay thansa eddin, wanni naggay dhura hinjirtu eddin, nuu naggay fenn

**Translator:** Peace is something very important. It is something that should be protected and safeguarded by everybody.

**Amina Ebrahim Abdi:** Marka nuhinn wan naggay dhurra ka nuffen hinjirtu ammo dibatithi arka nuu khabthu yaani ilman kenn iskuli hinkabthu nu maskinna abban issi na dhue oggonti, oggonti sunn nami akkan yedde nuu karkarr hinjiru, ilamn satheth dale sathethu

**Translator:** We would like the Constitution to address poverty, Aids orphaned children. I have not been educated, I am poor, I am also aged. So we would like the issue of poverty to be taken seriously by the new Constitution.

**Amina Ebrahim Abdi:** Mwisho, asante sana wanni narra dhuff hagg sunn ammani thansa ammanum laff Kenya nuu ammani fenna amanni ha nuu kenani

**Translator:** Since we enjoy life, since we like peace then the new Constitution should also guarantee us peace.

**Com. Salome Muigai:** Mtu wa mwisho. Na huyo ndiye mwenye atakuwa mzungumzaji wetu wa kikao hiki wa mwisho. Mwenye anasikia hajazungmza na angetaka kuzungumza kesho tukutane Banisa.

**Response:** Banisa

**Com. Salome Muigai:** Banisa. Lakini ulikuwa umekuja na maandishi na hujapata nafasi ya kuzungumza tafadhali njoo ulete maandishi yako huko na ujiandikishe kuwa umetupa maandishi. Ningetaka kukuhakikishia kuwa hayo maandishi ya itasomwa neno kwa neno na kila mmoja wetu kwenye Tume.

**Response:** Wann issan kubb kabbachissu, borri yo rabb yedde nam kannat mwisho dhubbatta, borle yo rabb yedd Banis dakkna, yo attin dhubbi fa daggefachu fett dubbachu fettele Banis, nami kann dibbillen ka wa korrattellen marka nam wakorri massulat gessa yett

**Translator :** Waxa lithin shagaya xathu Ilaxey iraxthi ninkan ya nogothanbeya ninki barei rawo in ukaqebqatana beri Banis

yaniligudaweyni, ninki qoral xaistan oo wali ladadageysanin tafatha dib qoralkatha walaqrini thona.

**Hussein Abdi Hassan:** Asante sana. Mimi maoni yangu ni kwamba nataka kueleza hii Tume, kwanza ningetaka

**Com. Salome Muigai:** Ongea tu.

**Hussein Abdi Hassan:** Jina yangu naitwa Hussein Abdi Hassan. Na maoni yangu kuhusu hii tume kwanza ningependa sana kwa maoni yangu hii Serikali ya sasa iwe ya Majimbo, ndio ningependa sana. Nasema hivyo kwa sababu,

**Com. Salome Muigai:** Endelea tu.

**Translator:** I want to thank the Commission, and the current.....

**Com. Salome Muigai:** Endelea mzee nitakusikia.

**Husein Abdi Hassan:** Jina langu naitwa Hussein Abdi Hassan. Nataka kueleza hii Tume maoni yangu kuhusu Katiba hii. Katika hii Katiba iwe tuwe na Serikali ya majimbo, kwanza ndio ningependa sana. Majimbo ndio ningependa sana kwa maoni yangu mimi. Na-sema hivyo kwa sababu mimi naona ya kwamba kile kitu kitatukaribishia huduma, mimi naona kama ni hiyo tu. Kwa sababu Serikali ya majimbo kama tungepata, ingetukaribishia huduma zetu hapa katika Wilaya hii ama North Eastern Province. Kwa sababu Serikali ina budget yake, saa hii Serikali inafanya budget ya shilingi karibu elfu mia mbili, bilioni. Hizo pesa zinaweza kutusaidia sana kama tungeletewa upande wetu. Na hawa MPs and Councillors wetu waje karibu nasi wakae pengine Mandera, Wajir ama Garissa waache kukaa mbali na sisi ili huduma iwe inatukaribia. Otherwise saa hii wanakaa Nairobi shauri wanajua pesa ziko huko na maafisi kubwa ziko huko na fedha zote ziko huko. Kwa hivyo kama tungekuwa na majimbo, hii huduma ingetukaribia na mambo yote yangeenda vizuri sana.

Ya pili, tukiongea juu ya serkali naona ya kwamba jeshi inalinda nchi. Tukiongea juu ya Polisi inalinda sheria, tukiongea juu ya Prison, inachunga mabusu lakini mimi nashindwa Adminsitraton Police inasemekana ama Game, ile kazi wanafanya hatujui. Kwa sababu wanyama ndio hao watu wanalia hakuna msaidizi. Kwa hivyo hizi idhara mbili afadhali ziondolewe zibadilishwe na idara zingine zile zitafaidisha wananchi, otherwise tuone kazi yao ni gani.

Mambo ya mali hao wanyama wa pori vile inasemekana wanatusumbua sana. Kweli tunataka huduma ya Serikali kweli kweli ya kwamba fisi akiua, mamba akiua, simba akiua lazima tuone Serikali inajua wanatulipa hiyo hasara yule mnyama analeta.

Ya tatu, Mambo ya kazi. Nafikiri imezungumziwa, kwa hivyo yangu kwa uchache, kile kitu ingetuletea huduma ya hii province ni mambo ya majimbo. Tupate budget yetu kando, tulipishe tax yetu kando, huduma itukaribie, MP akae karibu na sisi, Councillor akae karibu na sisi, wafanyi kazi wa Serkali wote wakae karibu na sisi. Asante.

**Com. Salome Muigai:** Asante sana Bwana Husein Abdi Hassan na hivyo tumefika mwisho wa kikao hiki cha leo cha Tume ya marekebisho ya Katiba katika kikao hiki cha Bunge cha Mandera Central. Kabla hatujamaliza ningetaka kuwashukuruni nyote wananchi wa Mandera kwa ajili ya utaratibu wenu na vile mmekaa mkiwa na nidhamu kutoka asubuhi na mmekaa na sisi, ningetaka kuwashukuru sana, ningetaka kumshukuru Bwana Mbunge kwa kuwa na sisi hapa amekuja safari ndefu na amekaa na sisi kwa utulivu mkubwa. Ningetaka pia kuwashukuru madiwani wenye wamekuwa na sisi na pia Wanatume wa 3 C's yaani Constituency Committee mmetukaribisha, mmetulisha, tunasema Mungu awabariki na kwaherini. Lakini kabla sijamaliza ningetaka kumuomba mtu mmoja atufungie kwa maombi.

**Com. Salome Muigai:** Nani atatuomba?

**Translator:** Waxalithin ogeysinayana fadigena wunadamaley xathalixikna wan dageysan wan ithin maxath celineyana wana kuguleysaten wixi fkrathinana walaqoridhona ayathana xas axan wexxey umaxath celisey Mheshimiwa Adan Mohamed Noor asahga oo imathey iyo committithina kuli maxathnaq atya lithin celiyey sas ayan kudameysaney.

**Sheikh Hassan:** Rabbanaa aatina fiddunyaa hasanatanw-wa fil-Aakhirati hasanatanw-wa qinna adhaaban Naar, Rabbanaa laa tudhig quluubanaa ba-ad id hadaytanaa wa hab lanaa milladunka rahmah innaka Antal Wahaab, Subhaana Rabbika Rabbil Izzhati ammaa yasifuun, Wasalaamun alal-mursaliina, Wal-Hamdu lillahi Rabbil Aalamin, Allahu ma swalli alla sayidna mawlanna.

The meeting ended with a word of prayer lead by Sheikh Hassan in Somali Language.

Meeting ended at 5.30 p.m.

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