CONSTITUTION OF KENYA REVIEW COMMISSION





VERBATIM REPORT OF

F





MANDERA EAST CONSTITUENCY,

HELD AT ARABIA

ON	









CONSTITUENCY PUBLIC HEARINGS, MANDERA EAST CONSTITUENCY, HELD AT ARABIA ON 3RD JUNE 2002

Present

- 1. Com. Nancy Baraza
- 2. Com. Isaac Lenaola
- 3. Com. Alice Yano

Secretariat Staff in Attendance:

1.Joash Aminga	- Programme Officer
2. Absalam Gure Hassan	- Assistant Programme officer
3.Regina Obara	- Verbatim Recorder
4. George Wachira	- Rapportuer

Com. Lenaola: Ningependa kuanza mkutano, na kabla ya kuendelea, ningependa kuwajulisha kwacommisioner ambao wako hapa sasa, na baadaye mtoe maoni yenu.

Translator: ...(inaudible) Wuxu daxay intan xathalka bilawin waxan rawa dhadkan iney amusa.

Ningependa kuwajulisheni commissioner mwenzangu, Nancy Baraza,

Translator: Nagtan bithixtha kajirto waxaladaxa Nancy Baraza.

na commissioner mwenzangu Alice Yano.,

Translator: Mithan mithigta jirto Alice Yano baladaxa.

tuko na Programme officer-Joash Aminya,

Translator: Ninkan waxaladaxa Joash Amingo.

tuko na Recorder- Regina Obara,

Translator: Nagta wax qorey Regina Obara.

tuko na recorder mwingine George Wachira,

Translator: Ninkan kale Goerge Wachira ya ladaxa.

na tuko na Absalam Gure Hasan, ambaye pia ni programme officer.

Translator: Programme Officer Abdisalan Hassan waye.

Na mimi ninaitwa Commissioner Isaac Lenaola.

Translator: Asagana waxalada Commissioner Issack Lenaola.

Nimeshukuru kuwa hapa ningependa kumuita Mheshimiwa Shabani, atueleze kamiti yake ya Constitution review commission hapa katika Mandera East. Karibu Mheshimiwa.

Translator: Wadth maxathsantixin wana uyeri rawa Mheshima Shaban xanoshego(inaudible).

Mheshimiwa Shabani: Thank you very much, mimi naitwa Mheshimiwa Shabani Ali, mbunge wa Mandera East, nitapatia

nafasi Mr. Tero Maalim Thamo ambaye pia ni chairman wa Mandera East constituency Constitution review committee.

Tero Maalim: Asante sana mheshimiwa Shabani, kwa kunipatia hii fursa, wana-committee wangu: on my left ni councillor Yusuf, followed by mzee Mahamood Ibrahim, and Mheshimiwa himself, is also a member of the committees and my name is Dero Maalim, I'm the chairman of the Mandera East constituency. Thank you.

Commissioner Lenaola: Ningependa sasa kuwajurisheni, taratibu ya kutoa maoni,

Translator: Waxan rawa in an ithin shego nathamka ath maoniga olabexeysin.

jambo la kwanza, nitawaita kupitia hii list ambayo nimepewa.

Translator: Listigan xatha lasoqorey yan racii.

Nikiita jina lako njoo hapa karibu na Regina,

Translator: Magacatha xathan shego Regina agtetha imauw.

ili tupate kuchukua sauti kutumia hicho chombo cha kunasa sauti.

Translator: Sifa cothkatha mesha logaxelo.

Utasema majina yako, na utatoa maoni kwa dakika kumi.

Translator: Megactha bath shegi, xacyigathana towan thaqiqa yath kagabixin.

Kama kuna swali kutoka kwa ma-commissioner, nitakuuliza maswali baada ya wewe kutoa maoni yako.

Translator: Xathi Commishna yalka ey sual qawan markath damey kathib ban kuweythinena.

Ukishamaliza kutoa maoni, utaenda pale kwa Absalam, utajiadikisha, kama umetoa maoni.

Translator: Abdi Salam meshisa yath iskaqori in ath racyi bixisey.

Jambo la tatu, uko na haki ya kutumia lugha yeyote, Kiingereza, Kiswahili, ama Kisomali.

Translator: Mitha sathaxath xaq batyh ulethaxay in ath afkath rabtith ath kuxathashith. Afsomali, af Ingiris af kath rabthith.

Kama uko na barua umeadika memorandum, utatumia dakika tano,

Translator: Xathath racyi qoran ath wathatith shan thaqiqa ya lagusini ath racyiga labaxthith.

kuangaza tu, kutoa zile point za maana kutoka ile barua yako. Na baada ya kutoa hio utakuja kupeana memorandum pia kwa Abu Salam na Amina.

Translator: Xath dameysith racyigi Abdisalan yath waraqtha ukeni.

Jambo lingine, ningependa heshima, kwa hii shughuli ya kutoa maoni.

Translator: Mitha kaley heshmath yan karabna marki racyi labixinayo.

Mtu akitoa maoni hapa na huyapedi, usimpigie makelele.

Translator: Qof racyiga udibto waxba xakashagin.

Ongoja mpaka wakati wako ukuje useme yako yale unapenda kusema.

Translator: Meshan qofkasta racyi yulabaxa, marka sug ila waqtiga(inaudible).

Na ukipenda maoni ya mtu, ningependa upige makofi baadaye, baada ya kumaliza,

Translator: Marka qof xathu shego racyi ath kufarahthin marku xathlo kathib sacab utuma.

kwa maana makofu katikati ya maneno, itaharibu ile recording katika kile chombo, **Translator:** Sacabka iyo qailatha wexey diwi thuwista. Mtu akiongea vizuri sana na unapenda maneno yake, pigia yeye makofi baada ya yeye kumaliza. **Translator:** Marka qofka markath usacabeyneysith marku bogo xathib usacabey. Basi nafikiri tumeelewana. **Translator:** Wan isfaxaney ban umaleyni. Kama kuna mtu ambaye hasikii na hajui kuzugumza **Translator:** Qof an xathlikarin. na atapata nafasi ya kuwa translated maneno yake. **Translator:** Translater ya loyela. Basi nafikiri tuko tayari kuanza, sawa sawa, Ningependa kumuita Ali Robo. **Translator:** Thiyar batixina umaleyna. So thiyar mataxthin. **Ali Robo:** Ani waxa laidaxa Ali Robo. **Translator:** He is called Ali Robo

Ali Robo: Waxan kaxathlaya.

Translator: He wants to give his views on,

Ali Robo: Wixi onakana dibkaina eh. Translator: Our problems, are,

Ali Robo: Wax Kenya kaley ey qawin yan qabna. we have problems more than what Kenyans don't have,

Ali Robo: Dib an kenyatha kaley kajirin yan qabna.Translator: We have no problems on other Kenyans

Ali Robo: Waxa dibkena eh.

Translator: One of our problems is

Ali Robo: Okenyath kely ey gawin. Translator: Which other Kenyans don't have, Ali Robo: Baxal lairaxtho iririn kar. Translator: The identity cards of the Somalis

Ali Robo: Kenyatha kaley maqabto anagana wan qabna. Translator: other Kenyans don't have

Ali Robo: Moogoli kas.

Translator: We don't want screening cards.

Ali Robo: Waxa kaley odibkena eh.Ali Robo: Meshan a jogno mawa katirsanin dhowlada Kenya.Translator: We are not part of the greater Kenya.

Ali Robo: Waxan naxay dhad laxilmamey olagatagey. Translator: We are forgotten people

Ali Robo: Skulkena ya lawarqawin. Translator: Our schools are not even known

Ali Robo: Jitkena yalawarqawin.
Translator: Our roads are forgotten
Ali Robo: Xolaxaina iyo dhadkaina iyo thunyathaina odan waxa cuna cathow.
Translator: Both our animals, livestock and human are all taken away by enemies.

Ali Robo: Wax nosocithmey onposodiciyeyna maxaino. Translator: We do not have people who come to our rescue

Ali Robo: Intas oo kenyatha kaley ey qawin yan anaga qabna. Translator: We have those problems more than other Kenyans.

Ali Robo: Waxan rabna.

Translator: We want

Ali Robo: Inan kenyatha sithey kunoshaxay an kunolano.

Translator: We want to live the way other Kenyans live.Ali Robo: An xelno mel xolaxena ey suq kaxelan.Translator: Where we can market our livestock

Ali Robo: An xelno secuth ilaliyo dhadkeni iyo thunya thaini.Translator: We need security that takes care of both human beings and livestock.

Ali Robo: Waxa wayey aniga xathalkeiga bathin mayi. Intas yana ogabexey. Translator: I have finished.

Com. Nancy Baraza: Asante sana bwana Robo, unaona kama hakuna police au unafikiria, mungesaidiwa namna gani kwa haya mambo ya security?

Translator: Xaga nawath galyatha se in lagugusacitheyo rabta.

Ali Robo: Polis wan qabna.

Translator: For the policemen in Kenya,

Ali Robo: Markan qabno, mitka xaley sogaley oo Kenya udalanin iyo anaga isku mit yan unaxay.

we are equal, to that one who comes from Somalia, and yet we are Kenyans. We are considred equal to him.

Ali Robo: Mithas yan amanka cariri ogujirna.

He does not know the difference between the Kenyan Somalis and the Somali Somalis.

Translator: Wath maxathsan taxay yalagudaxay.

Com. Isaac Lenaola: Unasema jina, halafu unatoa maoni yako, halafu mtu akitoa shinda apeana pendekezo.

Translator: Waxala rawa markath dib shegatin san yalogabixi laxa in ath daxthin.

Galoi Nuruo: Waxa laidaxa Gaaloy Noor.

Translator: She is called Galoi Nuruo,

Galoi Nuruo: Aniga masibathinayo dhad bathan wey igathambeyan suala yar yar yan kuxathla.

Translator: mine will not be many,

Galoi Nuruo: Waxan umaleyana aniga xathan kaxor marban KANU jirey on Nairobi an tagey.

Translator: I have one been a KANUmember, and I went to Nairobi,

Galoi Nuruo: Anaga mesha an jogno North Eastern qashin qubka wax laguthathiyey yan lamit naxay, dhadka mesha jogana dhad waxa wayey dhowlada ey aqonsatexe.

Translator: we people in North Eastern province have become useless people. Where all the rubbish is thrown.

Galoi Nuruo: Xathey sikasta taxay iyo dulka nawath gashin taxay, dulka kaley nawath galya weyqawan anaga wax naga wixi nagabathaley wan layabanax.

Translator: We wonder what has changed our security our peace.
Galoi Nuruo: Mitha carurta iyo xawenka yan xorta kaxathla. Ninka marku islan qato
Translator: She wants to talk on children and wives
Galoi Nuruo: Marku towon ilmoth kadalo wufuri.
Translator: when she gives birth, when she only has ten children, she is divorced.
Galoi Nuruo: Amaga cunugu kadalo gewer xaaxatho.
Translator: Or he does not even give birth to boys but gives birth to girls,

Galoi Nuruo: Tii gewrta exeth wey iskaxamalano karta e thurasha bey iska baryi karta. Translator: The girl would be married or could make her ways

Galoi Nuruo: Tii ilmaxa bathan qabtey ninki wuburiyey gurigina wukafigiyey.Translator: He chased her away from home

Galoi Nuruo: Plot dhadth kale bey thagi ilmixi yalagathili ayatha wey thagali. **Translator:** She got herself settled in another plot where she is turned away.

Galoi Nuruo: Polista bey utagi weysothacwoni polistana wexey dixi wawalagufurey maxa kudaxdigey poltka. **Translator:** She goes to the police and she is told, who you are and what do you do in this plot?

Galoi Nuruo: Mexer kehina walothiyey ilmixina malugubilayo. Translator: He also refused her "mar" dowery

Galoi Nuruo: Ninki xola bu qawa mishar yuqata xalki ogufican ya lawa boqol logagoini cunugiwo. **Translator:** The highest that is done is to deduct Ksh. 250 or 300.

Galoi Nuruo: Kikaley wax mawasinayo xathu xola qawo iyo xathi kale. Translator: And he does not give anything to the child

Galoi Nuruo: Tii bilcamaxa xorta meshan yan ogabaxay.Translator: that is one of the problems being faced by we mothers.

Galoi Nuruo: Nagta ilmixi markey intas lamartey iskul bey geysey.

Translator: the mother has taken the children to school,

Galoi Nuruo: Sithey canjera mel oguthuwi ama aqal nag ogudisi ilmixi standi 1 iyo 8 ila ey kadameya. **Translator:** With all obstacles, when they finish primary education,

Galoi Nuruo: Ila xathana form 1 iyo form 4 daxthotha ilmixi xamal bey kukorisey. **Translator:** she takes them to secondary school without the problems again

Galoi Nuruo: Cunugi fiis umaxaiso wax garab qawanayo malex.Translator: the child does not have fees, he does not have any other relatives to take care of him.Galoi Nuruo: Kii ilmixi kadaley mishar bu qathanaya.Translator: The father is earning and does not care

Galoi Nuruo: Dhowlath umaqawaneyso. Translator: the Government does not take any action

Galoi Nuruo: Dhadki baathiyaxa jirey oo ninka qorawathisa eh wexey daxayan ninkan anaga bunagathyaxay tawar umaxaine islan yexey ilmaxatha xaiso.

Translator: His relatives will tell you, "my friend, just take care of your children we cannot do anything with him".

Galoi Nuruo: Wax walbo canugu wubaqthey. Ninki waxey wathawo canugi mitixan buqatey form four-budameyey wubasey. Translator: The child completes secondary school,

Galoi Nuruo: Xaga dhowlada shaqa kamaxaisto canugi asaga axay.

there is unemployment again,

he becomes a daily bird as the mother does not have a house.

Galoi Nuruo: Chokora bunoqoni melaxa buiska tag taganxayax mul ey sehisana maqabto.

Galoi Nuruo: Mitha kaley dulka an wadino wa dukeni. Translator: Our area is a dry land.

Galoi Nuruo: Athunya yan kudaqana.

Translator: lastly

Galoi Nuruo: Athunyathi xathan safrisano bec nomalex.

Translator: livestock do not have any market

Galoi Nuruo: Garisa inta xaga kajirto Kenya wa dul laaqonsanyexe oo xolexetha lagathanayo.

Translator: In Garissa, the people are known and their livestock are marketable

Galoi Nuruo: Xoli inta yalagaqumiyey melkastana anshur yalogaqathey.

Translator: When we take our livestock on our way to Garissa, all these stations, in between, we pay revenue to every station.

Galoi Nuruo: Meshi ey xolixi kugumaqnayen daxtha yalagudixci athi waxba mawakugurin bo. Translator: sometimes we are even robbed by bandits.

Galoi Nuruo: Qasarathas weyn ban qabna. Translator: we have all those problems

Galoi Nuruo: Xolaxa ila Gariss iyo Kenya losafriyo int yalagaqumiya. Translator: The animals that are taken to Kenya and Garissa are all taken from here.

Galoi Nuruo: Waxan ubaxane dhowlada iney mel an xilib iyo xolaxa an kkugathano iney nofurto.

Translator: it is our request that the new Constitution takes care of our place where we can market our livestock and a meat commission. She wants to answer the question.

Commissioner: Ungetaka namna gani? Translator: Cilimaga sitheth karabta.

Galoi Nuruo: Ilmaxa ini shaqa nalosiyo yan rabna.

Translator: She wants employment opportunities.

Galoi Nuruo: Xathy iskulka dameyan.

Translator: If they finish school.

Galoi Nuruo: Mitha ilamaxa ninki xathu islanti furey in u ilmixi kudaqaleyo.

Translator: We want our children, the father has to take care of the children, **Galoi Nuruo:** Wixi uxamalaye yana ilmaxa xaqa ayaga umbalex.

he has to take care of them, that is the solution.

Galoi Nuruo: Xadowna ilmixi markey qan garana itha iyo asaga umba kalagosani.

Translator: because eventually, there is going to be a beneficiary when he gets the job.

Commissioner: Ulianza na kusema kwamba ulienda Nairobi ukitaka kuwa member wa KANU, halafu ni nini ilifanyika hukumaliza, hukusema vizuri Translator: Kanu yan utagey Neyrobi markath daxthey maxath rabtey. Galoi Nuruo: KANU Delegate yan axay. Translator: I went there as a delegate Galoi Nuruo: Dib makalakulmin lakini dulka an jogno in u dul larawin exen yan aragney dulkasna ini rawo.

Translator: She says she has done some comparisons and she has known we are lugging behindGaloi Nuruo: Maalintas an mehsan tagayey afartan iyo kow distirig bey exeth xathana meqa distrig bey mari xaisa.

Translator: she has seen there is a big difference.

Commissioner: Sheik Tawane

Sheik Tawane: Sheikh Tawane ya laidaxa. Translator: He is Sheik Tawane

Sheik Tawane: Waxan xorta kabilawa anaga marki nolaimatho oo barsayalka nalogu imatho waxanala daxa waxa tixin dhowlad.

Translator: I will start by saying, when people start coming to us, people start saying, we are the Government

Sheik Tawane: Dhowlathi itha exeth afka yanalogashegaye maaxane anaga manaarkin.

Translator: The Government as it has been said, we do not see it in action

Sheik Tawane: Wax nawarsathey onadaxay dhowladthi intey jirta ithinka kaqor manaarkin.

Translator: and before you we have not seen people ask us where is the Government.

Sheik Tawane: Xath waxan jeclani laxa dhowlada meshey jirto in an ithin sualo lakin xatha in an ithin sualo marawo.

Translator: I wanted to ask you where this Government is, but I don't want to do it now

Sheik Tawane: Aniga waxan axay nini culuma eh. Translator: I am a religious leader,

Sheik Tawane: Xaga dinta yan kasoctha.
Translator: I am representing the religious community
Sheik Tawane: Anaga dhowlada Kenya xagetha sharcigena wulita.
Translator: On religious issues, The Kenyan Government is very lenient on religious matters, on Islam especially.

Sheik Tawane: Waxan jecelnaxay sharciga islamka ini lagutharo sharcigi Kenya ini kor loqatho yan rabna.

Translator: He says the religion of Islam, has to be part of – Khadhi's court has to be strengthened.

Sheik Tawane: Tan kalana waxa wayey. Kenya waxa jira Wizarath lairatho Wizaratha beraxa. Translator: In Kenya, there is a ministry called the ministry of Agriculture,

Sheik Tawane: Waxa kale ojita Wizarath laraxtho xayewanka. Translator: there is a ministry of Livestock Development

Sheik Tawane: Wizaratha beraxa waxan maqalna wexey qatan shax iyo bun thiwatha bey geistan. Translator: People export their tea and coffee to other countries,

Sheik Tawane: Anaga wizathi xolaxa meley kujirto manaqano warna kamaxaino.Translator: Surely we do not know as pastoralists where that Ministry of Livestock is.

Sheik Tawane: Dhadka yan kamaqalna.Translator: We only hear it by hearasy.

Sheik Tawane: Waxan rabna wizarathi xolaxa xatheina sithi dhadka beraxa okaley inan xor uaxano oo mehsan rabno an geisano.

Translator: We want to have independence on our livestock and take them anywhere we want.

Sheik Tawane: Xolixi kor loqatho. Translator: The market price for livestock will be very high Sheik Tawane: Waxa kale ojira.

Translator: The other thing

Sheik Tawane: Anaga cilmiga Kenya ilamigaina wukaxoseya. Translator: Our education background is not good, its not fair.

Sheik Tawane: Sababta o eh meshi dhowlada ey uxogbathan taxay wan kaderna xorta. Translator: We are far from other parts of Kenya.

Sheik Tawane: Dul der ninki jiro def tisana wey dertaxay.

Translator: When somebody is far, his resources will also be little.

Sheik Tawane: Waxan naxay xolaley.

Translator: We are pastoralists.

Sheik Tawane: Xolixina mel an geino oo bec maxaino.

Translator: We have nowhere to market our livestock.

Sheik Tawane: Waxan rabna xaga ilmiga iney dhowlada nagabixiso xola mel an kugathano xolixina shan sana awar yan jogney.

Translator: We have had a dry season for the last five years, there was no rain

Sheik Tawane: Waxan jecelnaxay dhowlada iney naga bixiso fiigi ilmaxa iney nagabixiso.

Translator: We want free primary education, up to university level

Sheik Tawane: Xathan lawathabixini in nalagayarey.

Translator: if that will not be done, then something has to be done to reduce this

Sheik Tawane: Waxa jirta sithi xata ey islanta shegeysey nag waxajirta cnugetha agon uyaxay.

Translator: There are orphans,

Sheik Tawane: Wexey kukorisa wexey dhadka ey kaxogto.

Translator: They are living by begging

Sheik Tawane: Sekendariga marki lagaro waxaliyiri iskabixi.

Translator: When the child who is taken to school is told to pay the fees

Sheik Tawane: Mel ey kakeneyso Malaxa.

Translator: she has nowhere to get it from.

Sheik Tawane: Wa agon xola maqabto.

Translator: she is an orphan, and has no animals.

Sheik Tawane: Wexey kubiso malexe canugi wuxunoqona randa,randa wuthugowi.

Translator: The child will end up being a thief, and he will be a thief and leave school, he will be a dropout,

Sheik Tawane: Bilcanta dibkoi ogante kusokorisey oxin bey xaga kuladaci.

Translator: The mother will just end up crying

Sheik Tawane: Waxan jecelnaxay ilmixi ayaga axay ini lafiriyo oo laxananeyo oo dhowlada ey inda uyelato yan rabna xaga taclinta.

Translator: we want free primary education, for if there will be no free primary education, up to university level, then there has to be that one for orphans,

Sheik Tawane: Waxa kaley on kaxathli xaga agomaxi. **Translator:** The other one is the orphan issue, Sheik Tawane: Iyo xaga dhadki cawolka axay. Translator: and the disabled. Sheik Tawane: Dhadki saga axay xanana maqawo. Translator: Those people are not catered for well, by the Government Sheik Tawane: Athunkana xathi ladaxo(inaudible) wan ognaxay walaxananeya dhadka asaga eh. **Translator:** and because we listen to news, we always here that those people are taken care of. Sheik Tawane: Waxan rabna dhadka asaga eh oo masakinta iyo agonta axay iney dhowlada xananeyso. **Translator:** We want the Government to take care of the orphans and the disabled Sheik Tawane: Waxa kale on kaxathla. **Translator:** The other one, Sheik Tawane: Xaga Councillor. Translator: councilors, Sheik Tawane: Waxan jecelnaxay anaga nin form 4 wax kaxoseyo iney exen an kujirin iney Councillor ey usoistagin. **Translator:** The other one he says the minimum qualification for a councilor should be a form 4 leaver. Sheik Tawane: Asagana meshas yan kagabaxay. Translator: The other one is that Sheik Tawane: Aniga dhad bathan yaigathambeya warkeiga wan sogawini lakini wax kale wan rawa. Translator: As much as I would like to speak, he says the other people have cut him short. Translator: Sual malaxa xaga tag. Com. Isaac Lenaola: Katar Nuru Omar

Katar Nuru Omar: I'm called Katar Nuru Omar; I would like to talk about Islamic law. Islamic law must be included in the Constitution, Khadi should be extended to include civil suit, domestic violence. Faculty of Islamic at Kenya school of law, i.e VON, presentation in the judiciary service commission.

The second point I would like to talk about gender: All women cultural practices should be outlawed eg. FGM. 30% of the

nominated positions in both parliamentary and civic elections should be given to women. Women should be represented in all commissions i.e MPs.

The third point I would like to talk about President. 25% win in the provinces should be retained.

The 4^{th} point I would like to talk about is Legislative (Graduate post degree, High moral integrity). Nominated MPs should be givent to people with disability and the youth. MPs should be called back if he/she does not perform as expected.

The 5^{th} point I would like to talk about is basic rights. The right to security, health care and water, Education, free education from class one to university should be provided.

Employment – employment should be included as basic right to all Kenyans. Thank you

Com. Nancy Baraza: What did you say the 1st thing about culture?

Kabar Nuru Omar: I'm talking about circumcision,

Com. Nancy Baraza: What did you say about it?

Kabar Nuru Omar: it should be stopped.

Com. Isaac Lenaola: Ningepeda sasa kumwita MP. Shaban. Karibu Mheshimiwa.

MP SHABAN: Me I will speak in English, thank you very much. We welcome you to Arabia, to take our views. First and foremost, we would have appreciated, if you would have come by road from Nairobi, so that you appreciate the problem of the people of Mandera, the people of Arabia, the people of Mandera East. You would have come by road; you really would have appreciated, and understood the magnitude of the problems we are presenting to you. Because, at least if you would have come road, and that's what we expected from the beginning. I came by road myself, it has taken me about 3 days to reach my constituency. I was with my colleague from Mandera Central, and we had quite a good good car in very with good condition. Before we came to Mandera, our vehicle broke down; we had to ask for assistance from Mandera. They have sent us another vehicle. So if you had come by road, if you traveled from village to village, you would have really appreciated. I know what you thought about the timing, and reaching, areas, but if you have to really appreciate the difficulties those who have been here have talked about, then you would have really known what that hardship means.

In Kenya we have three systems, we have the Parliamentary, the Judiciary and we have the Executive, so I will give my points and then you will put them down depending on how you will put in them in those three of arms of Government. One, I will talk about trust land, North Eastern Province, including Mendera East, Mandera district is a trust land. For now I think we want the trust land continue, and have communal land ownership. Why I say this is because, the people in this area do not have enough civic education, although they know their land rights. If we say we give this land to individuals, as what has happened to other areas, they will end up losing it all. So for now, we say there must be trust land, where there is communal ownership. If there is any land alienation, then the people themselves, it should be stressed that the people should be consulted. We want the 25% rule of Presidential candidate, he must gunner 25% from 5 provinces in Kenya. We are supporting that, because, we feel that the people from North Eastern province, where even its difficult to reach, even you guys you could not come by road, and where people even say there is not a lot of population, they say if you remove from the 25% rule, a Presidential candidate will even forget this region. They will not even see these areas, and being that Kenya is about land, it is not only about population, and North Eastern is one third of Kenya land size - the 25% rule, must stay, so we support that

The National Assembly, the area we represent is very large, very diverse and our representation cannot be very effective. Others may say our population is small, but every individual is important, every Member of Parliament must reach that individual, and I will give comparisons. Whereas in a constituency in Nairobi, or a constituency in Molo where there is big population, a Member of Parliament, in those areas, can be able to reach those people within a day or within two days, because if have announced for a public baraza, that the constituency in that area to come, in either two or three places, and the Member of Parliament will have effective representation and will be able to reach those people. If we talk about civic education, if we talk about governance, about representations, it is able to reach. For me now, I represent Mandera East, I have about 6 or 5 divisions. The road network is poor, the area is large, for me to reach every constituency, of mine, say even in a gathering in locations, or a particular village, it will not take me less than 3 weeks. Everything is about representation.

Therefore, Kenya is not only about people, about populations, it is also about the land, it is about effective representation. I propose that Members of Parliament, or constituencies be increased in this province and in particular in Mandera East. I want, for effective representation, at least we want a minimum of another constituency. So in this constituency here, I want it to be divided, we need to have two more constituencies for effective representation. If you ask me why, I will tell you more.

About the Judiciary, - The kadhis court, we want the Kadhis court to be strengthened. Right now we have the magistrate courts, and if anybody, a muslim is agrieved, he will appeal to High Court. You will not have the same spirit, so the High Court will interprete if somebody complains not according to the Islamic law, on which they had a lot of problems, and as such we need the Kadhis to be taken up to High Court. At the High Court they should not be appealable on issues of inheritance, or issues of divorce and other jurisdictions. We want the khadi's court to be strengthened and they should not be appealable.

On the issue of development, and marginalisation, that is a very serious issue, it is not a small matter. We have seen those who have come here, how they have reacted, that is the story everywhere. We are part of Kenya, North Eastern is one third of the Kenyans' land size, we have a right like every other Kenyan, must have access to all the social amenities and everything else like any other Kenyans. What we are proposing, there must be affirmative action, for these areas: For Mandera East, for Mandera District, so that we are developed like the rest of Kenya. And I propose this because, for (affirmative action) for us to come nearer to the rest of Kenyans, what has happened has happened.

We need certain funds to be set aside for this marginal areas, including Mandera East. We say for every budget, we say 10% be given to every province. We are talking about Kenyans budget of about 220 billion or even 300 billion. Then we inject about 30 billion in this province, then we will be able to have the infrastructure we are talking about - the roads, the schools. Last year, I think we sent less than two three students to the university. It is a serious matter, because the infrastructure in schools is not there, the poverty level is so high. So if we inject those funds, here is just like a family. We say in a family when you have a girl and a boy that is your family, you should educate them in the same way – give them equal opportunity.

So Kenya is just like a family. If you don't develop North Eastern Province, and you develop other provinces; it is just like you are living with a girl or the boy. So you will have a Kenya, which is highly developed, and Kenya, which is less developed, then we will have a limping Kenya. When one country, one part of the country is limping, we will pull you back from the rest of the country. ______ (inaudible) for affimative action, we want to have that budgetary provisions, so that we are at par with the rest of the country. So that we have a sense of belonging, we do not have the cries that we have.

On the issue of resources, our major resource is from this province, from this district from this constituency. We have the livestock industry. Kenya needs to diversify its economy. There are countries like Botswana, where we have livestock, and Governments in those areas have done serious policies, to market their livestock, to diversify their economy and they are sustaining. Like a country like Somalia, has sustained itself because of livestock industry. This is a sector where the Government does not have any policy, since independence, or it had a divided policy, and our mainstay of economy, and I'm sure if we had a serious policy we would not have been beggars, we would have been contributing the country's coffers. We would have been paying enough taxes. We would have been, not only people's recipients, we would also been paying if there was that policy.

So that policy has not been there, that's why you people feel that they are forgetting, and that is their resource, the Government must have. Like if you take tea, coffee, and other agricultural produce, there is board that looks into the interest of that cash crop or that area, of that food crop or that particular resource. There has been no livestock policy, and even when the Government put KMC, they put it far away, even where the livestock is. It is in Nairobi, and we must take all our livestock up to Nairobi. So that's why even we are saying, a policy has not been there to develop our resources, so the Government must have a serious policy and I would have insisted that they should create the Ministry of Pastoral affairs, and then they form a livestock board that can market, can develop the livestock industry, so that we can sell our only resource.

We have talked about education and unemployment, the serious unemployment in this district and I think in Kenya at large. And even us, we have very few people who are even educated. Because of the poor level of education, because of serious unemployment, it is the major crisis. So something must be done to help unemployment. And because of the poverty levels, the human development in this province is very low, and in this district and in this constituency, the human development is interrelated with human poverty. And because of less human development in these areas, and even unemployment for those who are educated, and even poor standards of education, the human poverty is very high. It is the highest in the country, I think it is even not official figures we are getting about 50, I think it should be above 80 to 90%. That is the poverty levels. So in order to see human development in these areas, it must be enhanced. Because of the human poverty, there should be free education. Because of this affirmative action, there should be deliberate effort to provide free education; after I must say minimal upto 4th form and if necessary to the university level, so that we have enough human development.

On the issue of, I know it is a touchy issue on the federal system, it is a very touchy issue and it has been discussed, and we still discuss among Members of Parliament, from the province and even other colleagues. The only issue is, this province is not developed at all. While on that issue we will talk as Members of Pparliament from this province, because we have a unique problem. You will give us a hearing, one of these fine days we will see you, is that the unit of development. The only fear, people now think they shall be divided, thinking about themselves. But if a unit development is done at the district level, constituency level, and there is equitable distribution of resources, we have no reason to ask federal system.

But if you continue to remain an appendix, that is the fear and agter 37 years of indipendence, this province has nothing much to show the basic, even the basic of basics are not there. The basic of infrastructure. You are talking about the basic of basics, we are talking of all social amenities. If you talk of hospitals, if you talk of primary schools, if you talk of the road network, you cannot even market your own ng'ombe or mbuzi, you cannot even take to Nairobi. Even the road to Nairobi, when it rains, if it is closed half a year, then what the people are saying is, "what is the need of having unity system?" This is what we are telling the people. But know Kenya is having more than 40 ethnic tribes, and if you have a unity system, it will bring us together, and we have a sense of nation. But, what is happening is, if we are in the same nation, we have our resources, we belong to the same country, why don't we have the same. What is wrong with our planet? Why do they think that Kenya and North Eastern is different when it comes to distribution of resources? This is what these people are asking.

And that is the mind we are having. If we were federal, we would have minded our own things. We sould find our way, we sould find our policies. Livestock - Even Somalia which is the country which is selling its livestock to the Middle East, to Europe, and they are getting dollars. But in this country people don't think about us. And they don't care about us. So why don't we stay as hungry, think of ourselves, because necessity is the mother of all innovations and then we can do our things. So this is a subject that is very sensitive and I think as I promised you, we will talk about. People will say their individual things. But I'm saying,

Com. Nancy Baraza: Basically what a re you saying, what kind of devolution do you want....?

Hon. Shaban: You know this is a subject matter that I think is still being debated, and when you came you brought the timetable. Members of Parliament are still going round and then taking the people's views everywhere we have not yet come to a conclusion. But I'm saying, unity system was not bad, but what is bring about the issue: here we belong to the same country, the resources are (inaudible). If you get oil here, is for Kenya, is it for people of Mandera? If we get it here it is for this

country. Then Kenya would get rich with equitable distribution of resurces. But if you have a budged of 200 - 300 billion, and for 40 years, we do not have a bit of a tarmac for the whole province, that connects even district to district, even forget about division. You cannot market your livestock. As a Member of Parliament I cannot have effective representation because I can't reach my people. These roads are closed six months in the year, then what I'm I talking about?

Do we say we belong to the same country? Where is that sense of building? There seems to be a lot of discrimination. Then people say then why don't we have federal and then probably if you have then we can have some sort of autonomous, then we can have a policy, then instead of depending on policy makers in Nairobi and our ministers, if we have our own policy, then we can sell our livestock, find other donors to come in. Then because we have now some sort of autonomy independence, we can do, this is the thinking of the people. But if we are in the same country, the same people, why should it be that people from North eastern Province, they can send one child to universities and one district, like Kiambu or Rift Valley, they can send about 300 students or 100 students from one school to the universities. Are we belonging to the same country?

Its because we have not been given the resources, we have not been given any development or the basic infrastructures are not there. When those schools are developed, like now I have a secondary school here, it does not have laboratories; they have no physics teachers, mathematics teachers, all those teachers. Those students went there until up to form 4, how are they going to pass? We are talking of industrialization, are our children from these areas going to compete with the rest of the country? When it comes to practicals, they do not have the equipments, they do not have the teachers, so, they will just present blank papers. That is what I was saying about it. (*Inaudible nterjection by Com. Lenaola*) I have many issues and I know I will present the papers the written which I will present to you, and then I will see if there other major issues, because I also want to give others time to think.

I think what I see as important is infrastructure, even this thing is also very far away. When we talk about airports, we need a major airport, because of security reasons. We are near the horn of Africa, and even for marketing, and even for feasibility. We need major airport also to be built. The time says, we have a problem in Somalia or Ethiopia, we don't even have the road network. If these people come, and attack the people in Mandera, how will our ministry reach us? How will area support come? The roads are closed, how will it if there is no facility? So this is the thing, people you know I was thinking, if it happens, we don't even have a a link with the rest of Kenyans. Then how are we going to be protected?

We just even take the security issue, if we have even to sell our livestock, we have the military, I know it is important for security, it is a good idea, but right now the public is not using it. Even that airport, we use it for the general public so that we can use it to market our livestock. We can have big planes coming there, put our mbuzis on them, sell to Europe, sell to Middle East, I think these are the major issues that we need to have major facilities.

And the issue of human rights, the biggest human right violation happens in this province raping of women is a lot; people being

killed a lot; extra judicial, a lot; infact the whole of this province even there is no law firm. And there is a lot of human violation. A lot of time here, e.g. let me tell you, you the Wasomalis, we have a lot of security, those people are armed, Kenya people according to the law, no civilian is supposed to be armed. And those people have the arms, they come, they rape your women, they come and take your livestock, because there is no police in those areas, and then they go away with it: what happens? These are very serious issues, and if you would have known, I know there are ladies here, if you have the serious violations of human rights, in this district, it is very much alarming.

And then the other issue of the basic rights, we said 80% or even more people are below the poverty line. What I would say, Kenya must do everything possible to have good schools. The issue of good security, every Kenyan has a right to life, and has the right to live, when the drought come and because we cannot market our own livestock, we cannot sell them, we cannot do everything, the infrastracture is not there, a lot of people die when there is serious drought, and yes every Kenyan has a right to access to food. The human rights are the rights of the world, and no lives should be lost because of food. So there must be enough food for every Kenyan,

Com. Alice Yano: Mheshimiwa thank you very much for that wonderful presentation, you touched on the constituency boundaries, and you said that like your whole constituency is very very large, and you brought in the issue of population. We know very well that the deciding on constituency boundaries, the deciding factor is the population of that region, may be you may not have that kind of population to warrant you as per the law that we have right now, to have the constituency divided, do you suggest any other mechanism? Can I hear you very clearly on that, if the population has not worked to your advantage, is there any mechanism you would suggest to this commission? And

Secondly, you also talked about the issues of development and marginalization, and you talked about the affirmative action. Our act also mandates us to look into the issue of devolution of power, and I was very happy when you really delved into it. Ok you taked about about federalism and you did not want to commit your self. Is there any other structure, let you not even call it federalism, the structure that can ensure that power goes nearer to the people and that now you can manage your own resources, using that kind of power. Like for example, you have talked about the livestock development, you think if the power was nearer to the people, could it have assisted you in developing your own resources? And I heard this issue of screening of Somalis, may be I would want to hear much more from your side mheshimiwa.

Mheshimiwa: Another question from you. Give the questions together then may be I can answer both

Com. Baraza: The one I'm asking - I will just have follow up to the last question about the screening card - its quite an issue, we were in Moyale and Marsabit and its quit an issue, I can understand how people feel about it. But taking into account, the situation at the border, I think I would want your report on that but just to the people of Arabia. Tulikuja na ndege, sio kwa ubaya, tungetaka tuwe na wanainchi tuone vile wananchi, tuone shida zao, tungekuja na magari lakini kama mnasikia haya

mambo "harakisha hii kitu, maliza maliza" Hata na sisi tumekataa tumesama lazima tuende tuone wananchi, watu wangemalizia hio Katiba Nairobi, lakini sisi ndio tumekataa. Na aya mambo ya kutupatia ndege tukuje Mandera, ni kwa sababu, lazima tumalize. Kama ungekuwa uwezo wetu tungekuja na barabara tutebee kwa vijiji tuwe na Wanakenya ndio tuone shinda zao. Si kwa ubaya.

Mheshimiwa: About the issue of constituency and population, I think that is not always a major factor and I have taken time to explain that. The issue of population is geographical, communication and other issues. We will give a letter, I think a very very strong letter on that as Members of Parliament from North Eastern Province. Our opinion is this, the issue is about representation, I said, effective representation. You must represent every person who voted for you, and a Member of Parliament must have access to that person. When I say, a member in developed constituency, or a smaller constituency, has an access to his constituents, in a lesser time, in a lesser period, in a quicker time, it takes different times for me to get that voter I represent, to hear his views.

I gave you an example, of Mandera East. If I have to go and get, atleast a majority of those who voted for me, it will take me a month. When it rains, I cannot even go. What has happened, now we have started developing these roads. When I was campaigning in 1992, and in times of El Nino, I had to foot from Mandera to the last part of my constituency. This is about 160 km long, and it took me more than 10 days. Forget about that, that's not (inaudible). My constituency is about 160 km and about 100 kms wide. It takes me, just travelling on that, just asking me for votes, and even those who voted, because of communication, because of those problems, less than 40% voted. And even those who voted, its because of the same accessibility, people don't even know or even have accessibility.

What about my effective representation, and me how do I represent the views of these people? So I think the issue is not only population, the issue is about effective representation and that is what democracy is. We should use all those factors: geographical, communication, size of the constituency, and about effective representation because those problems and development, those marginalization, those problems. I have a smaller constituency myself, I will concentrate on the small constituents, develop better, reach better, represent those people better.

When we have all those problems and all those things are not there, the communication is not there, the size is there, the people you cannot reach them, then you are not doing effective representation. You are not like somebody like Raila, when you go to Langata, and everybody in three forums, everybody is here, and he gives whatever he wants to give to his people, our Government policy, whatever, everybody is able to hear. For me I have to reach another village, I have to go to the interior, I have to go to another place, some places the roads are not there, I have to foot, I have to reach, so who will represent those people I am not able to reach? So that's the reason I have said, the population alone should not be a factor, because here we need more constituencies.

And then the question of power, when you said, if the power was nearer, and that's what many people think about. You know we are also leaders, we think as a country, if there was effective distribution of the resource, and Kenya being multi ethnic, and that unity would have been very good for the country, but you see when others are always doing for themselves and other areas are not done, this is a question which comes above, about federalism - doing your own things. We think even if we were on our own, we would have gone further, we would have better developments than now.

But when you also think about Kenya, and we need to stay together, we are definitely telling Kenyans, if they were to distribute their cattles and resources, and we think Kenya as the same, me I have no problem, I will represent them, but if it is the same attitude that North Eastern is a place of nothing except problems, there is no need to do anything about it, and a lot of attitudes which are there, then other options come. After all, why don't we do our own things? That's what finally comes, but if we are together, and we are one family, and tomorrow if you can have oil in Arabia, its going to be a national asset and we are going to be very rich. What is happening, no that's what he is asking, what is happening?

For the devoluation of power of course. My opinions are that the district or constituencies be strengthened. And that resource is brought to the district and people in the district be given more power to say what they want to do with their resources. If it is a way of saying that we are not going to distribute our resources, like there are some people that are saying that everybody should get what he gets, then definitely you will see people going for federal and then there is no question about it. Let me have my own livestock, even before there was no Government, and we are doing our own things together, let me think about it, (inaudible) they will fight for their own policies, that's what is going to come. That is definitely the issue, that is going to come. It's a matter as I have said we debating as Kenyans, we are multi ethnic, lets think together, unitary we would have been a better option. But if the way we are thinking is everybody for himself, and God for us all, this is a resourceful area, then definitely you cannot avoid. I will tell you, let me have my own, let me have my pride, let me do my own things, have your money, have your resources, have your coffee, forget about me, mimi nitakuwa na imani yangu. That is exactly what is going to come, so let us have everything, which we have together.

On the issue of screening, I know Kenya is one country, we must have the same rules, we should not have any discrimination, we are one people. I know what those people who have brought the idea of screening, what came about, we have Somalis on the other side who we are the same, it's a way to identify Kenyans as Kenyans, people from other areas are to identify themselves, The original issue was a good idea, although it discriminatory, and somebody can see it's unConstitutional. What came out, the thing came briefly and it disappeared, many who are Kenyans have not got the ID as a screening card. Are you saying those people are not Kenyans? Because everybody does not have them?

 2^{nd} , this is not a continuing issue like ID cards, then what came out after those ones have been born, whereas who have lost those screening cards, we have nowhere to get them. All those things came, so people who are Kenyan citizens are denied their rights. I think about 70% of the youth do not have ID cards. That's why we are making this issue as very serious as we are

going. That means they don't have Constitutional right, they don't have the right to vote like other Kenyas. In the Constitution of Kenya have been infringed. This is what is coming out. This is why we are saying the screening, be removed and other methods be found to ensure that those who are Kenyans have the right documents.

So a way must be found, it is discriminatory. These people, the Somalis are saying why should we have this tag alone. Then if this thing is not a continuous process, then people are supposed to have the cards and they are not there. It is important that only Kenyans get the right cards? How do we do it? Justice for us. That is what I would have said about this screening. Even the Idians don't have, what about these indigeneous Africans, why do we have this? This is a question we are asked as politicians and we are unable to answer. But the idea is for Kenyans to have the right documents. But how should they have? That's a method. A better way must be found. We must figure it out.

Well I think one issue, there is a lot of corruption for those who give the documents. People say they blame the leaders they are the ones who make, but those officers like for example, a passport in Nairobi, It is very difficult for Kenyan Somalis to get passports in Nairobi, but Kenyans from across are the ones who are getting the passports, all the time and all the documents. They are up for sale. It's something that is known. We are not party to it, how are they getting? You go somewhere you get the birth certificate, you go somewhere you get the ID card, it's not us - the Somalis, who are giving them. They are going to the office.

Corruption: You must have zero tolerance. This is one way of doing it, and Kenyans must not sell their rights. This is something, and we require a lot of civic education for these areas, for people especially North Eastern, we need a lot of them. What about even us, sometimes we are being told, it is us the Somalis who are giving these things. In Nairobi, and passports, who are those people sitting in those offices? They are not Somalis, many of them. Infact there was one guy who went the other time, and I know sometimes we might be party to it some of us. Nobody is free from blame, but sometimes people interact that is the Kenyan problem. We must address that Kenyan problem; We must not sell our citizenships, its something for us all.

Com. Isaac Lenaola: Asante sana Mheshimiwa, (not clear) Abdi Rahaman

Abdi Rahaman: Asalamu aleykum. Mimi naitwa Abdi Rahaman, natoka Damasa location, aniga waxan shegaya mesha xatha an jogno Kenya ban jogna lakini uhuru kumaqabno

Translator:

Abdi Rahaman: Inan uhuru qawin waxakutusi Kenya anaga wey nalini xoloxi yanalaga laini, shuftathi onalaineysana waxba nogamaqawaneyso, xethey dhowlada wax noqawani xolaxena nalolibeyso dhakaini ey thishana xanolibeyso xathan uhuru qabno.

Translator: Anasema tuko katika Kenya lakini hakuna uhuru. Anasema kitu moja ya kuonyesha kwamba hatuna uhuru ni ya kwamba, wanyama wetu wanachukulia, watu wanauawa, nje na ndani yote, hakuna usaidizi tunapata kutoka nje, tunaangaliwa

hivyo. Kama kuna kweli uhuru, tungependa tuwe compensated, ili mali yetu ama wale watu wamepoteza maisha yao.

Abdi Rahaman: Emergence kale oo Kenya ey nalaqawin yan anaga qabna North Eastern.

Translator: pia kuna emmergency, law nyingine, ambayo sisi watu wa sehemu hii tuko nayo kuliko Wakenya wengine wako down.

Abdi Rahaman: Emergensiga xata ithanka wath kaseysin, xata askarta marki Garia lakeno darka xata walagabathali waxa ladixi darki shuftatha ath kulaini lexethen qata shuftathana wa anaga.

Translator: Hakika labda mmeona, mavazi ya police, ama askari wa mkoa huu, ni tofauti kuliko huko, kwa sababu askari wakitolewa huko down Kenya wanaingia mkoa wa kasikazini mashariki, wanapatiwa jungle uniform, yaani nguo dalili ya kuonyesha kwamba, ni watu ambao wanaeda kuangamisha wananchi.

Abdi Rahaman: Waxan rawa aniga primary ila university ey ilmaxa kagaran dhowlada xathey tena taxay iney bilash noguaqristan ila jamacath ey kataganj.

Translator: Anapendekeza pia, watoto wa shule kuanzia darasa la kwanza, mpaka university wapate masomo ya bure.

Abdi Rahaman: Kibandaxan ninkastawo wuiskaqata waxan rabna dhowlada iney passport nogubathasho oo anaga rer Kenya naluguaqonsatho.

Translator: Anasema kawaida, mtu akiwa ni mwanakenya, anachukua kitambulisho, lakini hasa, kile kitu ambacho inamuweka wasiwasi kuliko hata kujisughulisha na mambo ya kitambulisho, angependa apatiwe passport, kwa sababu passport ndio gumu kuliko kitambulisho.

Abdi Rahaman: Kibandaxa ninkasta wuwata lacag ba lagugosani lallush yalabixini walaiska gosana.

Translator: Kitambulisho ni rahisi, mtu labda analipa pesa ama ana njia za kuipata lakini passport ndiyo imekua ngumu kabisa.

Abdi Rahaman: Waxan rawa Administarationka nimanka ladaxo oo PC iyo DC iyo Chiefafka kuli iney thorasha watha galan wana niman ey dhowlad sodigatey meshas oo wa ilin.

Translator: Anasema, upande wa utawala, administration, hasa kuanzia mtu wa wilaya, chief, DOs, waadikwe, ama waingie kwa upande wa uchaguzi, sio kuandikwa. Kwa sababu hawa ndio kichini kabisa, ndio wanatumiwa kwa kuzuia haki za wananchi, road blocks

Abdi Rahaman: Dinnta islamka waxan karawa Khadiga ninki kotka jogo in uxatho nin dinta kaley iyo tan bo kasayo in uaxatho ninka mahkamatha jogo.

Translator: anasema kuhakikisha upande wa Waislam, angependa mtu anaelewa both ways, Kenyan law na pia mambo ya

Abdi Rahaman: Waxan rawa nimanka oo itharathyasha uweyn ini inti mathax weynaxa uthorani laxa waxan rawa inibarlamka laguyo oo barlamanka ey kathothan yan rawa.

Translator: Pia kuna ma-ambassadors, ama PSs, kuliko President kuwachagua, ni maoni yake kwamba, Wabunge wajadiliane katika Bunge, halafu, wachaguliwe kwa huu utaratibu.

Abdi Rahaman: Screening card waxan rawa ini laturo.

Translator: Mambo ya screening cards hio kwanza angependa itupiliwe mbali kabisa.

Abdi Rahaman: MP iyo Council yasha anaga thorana.

Translator: MPs pamoja na madiwani, wote hao wawe watu wanawachagua.

Abdi Rahaman: Waxan rabna ninwalbo inti sothoratey sathax meloth xathi lodigo mesho xathey complain kakena ini lasoceliyo.

Translator: Tukiangalia three quarters ya wale ambao waliwachagua, kama wataleta malalamiko, huo uchaguzi urushwe.

Abdi Rahaman: Waxan rawa dulka an xatha thagane kena maaxa waxa iskale DC, County Council Chairmanka yaiska gath gathta dulka keni maaxa, waxan rabna dulka ini othey yal wananchi nalogudiwo oo anaga ey nasiyan.

Translator: Hii ardhi tunaishi si yao, ni either DC, ama ya mtu fulani, ama mayor, ama kitu kama hicho. Kwa hivyo angependa hiyo ardhi irudi kwa mikono ya mwananchi.

Abdi Rahaman: Marka ninka DC ga matku imatha oo sethax biloth jogo oo kun plot bu gathani. Translator: Mtu labda ametimiza miezi 3 tu, amekuwa posted akiwa mkuu wa wilaya, ananunua plots kama million moja.

Abdi Rahaman: Wax intas kabathan xathan shegno wanalaguqawani.

Translator: Anasema zingine hata hangependa kuguza,

Abdi Rahaman: Aniga waxan axay nin xolaley eh. Translator: anasema yeye ni mtu wa mifugo, ako na mali,

Abdi Rahaman: Waxan rawa dhowlada iney thawa bilash ey isiso oo iney biya bilash ey isiso, iney syq on xolaxa kugato iyo mel an cara an kaqato xolaxena cara bey cunan yan rawa.

Translator: Yeye akiwa ni mfugaji wa mali, angependa Serikali kwanza ilinde maisha yake, ya mali yake, imtafutie mahali pa kupata maji. Pia kuna ule mchanga, salt ambayo wanyama wanakula, ili apate usaidizi kutoka kwa Serikali kama kweli ni mtu ambaye anatabuliwa kama mwanakenya. Na soko pia.

Abdi Rahaman: Waxa kale on rawa ninki Councillor lothoranayo in standi 8 iyo kakorey uaxatho.

Translator: Wakati wa kufanya uchaguzi wa madiwani, angependa mtu yule ana masomo kuanzia darasa la nane mpaka form 4.

Abdi Rahaman: MP waxan karawa in uaxatho form 4 iyo waxi kakoreyo. Translator: Kufika kwa wanabunge pia, iwe kutoka form 4 mpaka juu.

Abdi Rahaman: dhowlada mehsey guryaxa kadisatey, meshey jithathka kasameysatey wa mel ber dhad leyaxay ama guri ey xog kuqathatey iney dhowlada ey lacg soceliso yan rawa.

Translator: Anasema kuna ardhi zingine ni ya wananchi, Serikali inachukua kwa nguvu, inatumika kwa barabara, ama inatumika kwa office, ama inatumika kwa njia zingine. Hizo pia ni maombi yake kwamba, wale wenye hiyo ardhi, wawe compensated. Warudishiwe mali kama plot imechukuliwa.

Abdi Rahaman: Waxa dhowlada kaqothsana Garis ila meshan inta udaxey anaga jit maqabno, gawaritha xata shan biloth lix biloth bey jitka kujiran waxan kaqothsaneyna jitka xata uithinka naftina yanilithithey waxa thiyaratha nilisosiyey wa sas.

Translator: Kama kweli Serikali ni yetu ama ni yangu, nione kwamba, hii barabara kutoka emkoi, katika kaskazini mashariki yote vile iko mbaya, angependa irekebishwe. Hata vile mlipewa helicopter, ni kwa vile ma-commissioners wasione barabara vile iko ndio mlipewa helicopter.

Abdi Rahaman: Xata inta kabathan mawashegikari dhowlada ya naqaqawani askarta yaqawa bananka xathan ubaxno. Translator: Anasema kama angetaja zaidi, labda pale mlango ni atashikwa, kwa hivyo hangependa kuguza hiyo.

Comm Lenaola: Wacha niwaeleze kitu, si kusema hivi asubuhi nafikiri, hakuna mtu atakushika hapa kwa maoni utakayoyasema.

Translator: Qof racyigi ath shegtey kuqawano maalaxa.

Hii kazi ambayo Serikali yenyewe ilikubali kwamba kila Mkenya azungumze, aseme anayapenda bila kusubuliwa na mtu yeyote.

Translator: Dhowlada ya fasaxthey ini ninkasta oo rer kenya eh in u waxuqawo shegto.

Ukitaka kusema leo kwamba chief achaguliwe na wananchi, sema hivyo,

Translator: Xathath rabtith chiefka ini lathorto sheg.

ukitaka President akuje hapa achaguliwe na wananchi, sema hivyo,

Translator: Xata xathath rabtith mathax weynaxa in u xalka imatho oo lathorto sheg.

ukitaka mjube kama baada ya miaka miwili unataka kumwita nyubani, sema hivo.

Translator: Xathi ninki MP ushaqathisa kaosbixiwayo oo rabtith ini lasoceliyo sheg.

Usiwe na wasiwasi wowote,

Translator: Shaki xaqawin.

kama baada ya kutoa maoni hapa OCPD, ama OCS, ama chief, ama sub-chief, akuulize kwa nini umesema yale umeyasema. Pigia huyu mzee report,

Translator: Xath markath xalkan kabaxthi qof dhowlada kamit u wax ithindoxo ninkas yath ushegeisa.

na tume itachukua hatua mara moja.

Translator: Commission ka ya thilaba bey kaqathayan.

Kwa hivyo msiwe na wasiwasi.

Translator: Marka xor batixin waxath rabtin shegta.

Tumeelewana? Haya, ok bwana Abdi Rahaman. Kuna swali.

Com. Baraza: Umeguzia mambo ya mashamba, land, umesema ya kwamba, irudishwe kwa mikono ya wananchi. Ungetaka irudishwe kwa mwananchi individual au community au ishikiliwe na nani?

Translator: Wexey daxthey xaga beraxa iyi dulka yatha daxthey maqof shaqsi axan ya lodiba madhad weynaxa oadn yath rabta ini lodibo yan rabta ini ldibo.

Abdi Rahaman: Waxan rabna otheyal oo thuqey eh ini lodibo.

Translator: Anasema labda hiyo labda itapeanwa kwa mikono ya wazee ambayo ni wanakamati.

Noises, no introduction

Abdula Washi: The first point is free education in schools. Point No. 2 is free medical services, No. 3 is provision of modern medical facilities in hospitals. No. 3 is security, No. 4 is livestock Social Welfare System, Citizenship, unemployment, empowerment of the ______ (inaudible).

I ask for free eduation because of the prolonged drought, that has taken the province for long. We feel livestock areas don't have markets, that's why we feel that there should be free eduation. Equally, due to prolonged drought, or famine, the diseases are prevalent in the area. So it will be expected to meet those expenditures or those bills.

Our hospitals have poor medical facilities, and also we require trained medical personnel.

Security has been a major obstacle to development in our province, this province borders Somalia and Ethiopia, which both do not have a proper Government that takes care of security. As tax payers we are entitled to security all the time. The security personnel in our area themselves join in butchering, harassing and robbing of our belongings. Our children, women and livestock regularly fall in the hands of these bandits. That's why we need that security.

Also I propose that policemen carry identification badge. Rustiling of Livestock will only come to an end if locals are armed. Arming a number in each location, with automatic guns can solve the problem. It will be upon the elders and the leaders to identify those with good conduct. The paying of these men who are armed should be the responsibility of the Government of Kenya. Special welfare system, like other parts of the world should be upon the Government to take care of the umployed people by providing them with sufficient living. The aged should also be taken care of, providing an institution for aged people.

Our animals are eaten by wild animals all the time, killing of these animals is not permissible by law. The Government should also find some ways like compensating the affected ones. We propose the following composition to be effected.

- Each camel killed by a lion or a hyena Kshs. 20,000
- Each cow killed Kshs. 20,000
- Each goat killed Kshs. 5,000
- Each donkey Kshs.10,000
- Each cow killed Kshs. 20,000
- Chicken get killed on daily basis, but may need not to be mentioned.

Even human beings are not spared either. Lions and crocrodiles kill these human beings when either herding or looking for water in rivers. So we propose the following compensations to be effected.

- Each person killed - Kshs. 500,000 men, 400,00/- women.

Com. Nancy Baraza: A man 500,00/-, a woman 400,000/- why?

Abdi Rahaman: That's my opinion.

As per Islamic law or sheria, we require a provision of a better market for our animals as people who solely rely on these animals for their living, without a good market, the following factors are about to happen:

High drop out rates in schools, hunger, and underdevelopment. As Kenyans we have a right to be treated as other citizens. In the present form there is no differece between us and Somalis of other countries. Identity cards have proved meaningless in the eyes of the law enforcement officers. It is hard to obtain a birth certificate unless you pay bribery ______ (inaudible) it does not guarantee you your citizenship. Meaning one time it will be retrieved and end up being null and void. Screening cards have to be abolished. We feel humiliated, isolated and underestimated, we resolve to the following:

 We should undergo the same procedures as other Kenyans in attaining the following: identity cards, birth certificates and passport. The Government should use its own network to identify between Kenya Somalis and Somali Somalis.

Com. Nenaola: Habiba Ali

Habiba Ali: Magaceiga Habiba Ali yaladaxa.Translator: Kwa jina anaitwa Habiba Ali

Habiba Ali: Waxan kaxathlaya dib ey kenya naguxaise.

Translator: Anasema angetaka kueleza hii commission ile shida anaface hapa Kenya

Habiba Ali: Kenya manawaogawa in an dalaney iyo in kaley.

Translator: Katika hii nchi ya Kenya tunauliza kama tumezaliwa, ama tuko ama hatuko, hatutambuliwi kabisa.

Habiba Ali: Shufta ya kuqabsani, markey kuqabsatana xathath report ugeisa walaguxiri 5 days gutha yath kujiri.

Translator: unakutana na majabazi, kama wewe ni msichana unakuwa unajisiwa ama unafanyiwa kitendo kibaya. Unapeleka report pale kwa police, huko nako unawekwa ndani.

Habiba Ali: Askar oo security o fican onailalliso majogto Kenya.

Translator: Hata wale askari wako hapa, hawafanyi kazi kama kawainda, hawatuchungi, na hawafanyi kazi kulingana na vile sheria imeandika.

Habiba Ali: Meshas xathey shufta kuguqaratho hata ukileta repoti mawaogawa.

Translator: Amesema si maajabu, uko hapa tu bali unaweza kuonekana sauti yako inasikika, unaomba usaidizi, askari wamepeana bunduki, lakini hakuna usaidizi unapata.

Habiba Ali: Waxan rawa kenya iney kenya noqoto.

Translator: Tungependa hii nchi yetu ya Kenya iwe Kenya kabisa.

Habiba Ali: Mitka kor fadiyo iyo mitka inta jogana iney iskkumt noqthan.

Translator: Yule anaishi mwisho wa Kenya, pamoja na yule ako hapa, wote wawe sawa.

Habiba Ali: Sifican askarta oo misharka qathaneyso ruxa shaqa marku yaxay lacagta ushageyeisanayo wuxu ushaqeista lacag ey kaxalawin ey shaqathatha firso lakini askarta mishar bey qathaneysa wexey xayana malex.

Translator: Kawaida ya mtu akiwa ni mfanyi kazi awe ni askari, ama awe wapi, anafanya kazi yake kwa ile njia inatakiwa ili achunge mshahara wake. Lakini naona askari wa hapa Kenya upande huu, wanakula mshahara wa bure kwa sababu hawafanyi kazi yote.

Habiba Ali: Mitha kaley waxa wayey ilmaxa agomaxa eh oo aboxoth uduntey isla marku dinto lacagta yalagaistajina dhowlada waxba kamaogo.

Translator: Watoto ambao baba zao wamekufa, baada ya baba kufa, labda alikuwa ni mfanyi kazi wa Serikali, immediately akikufa mshahara inakuwa stopped halafu mambo ya benefits hapewi, mtoto anaumia na pia mama anaumia

Habiba Ali: Lacgta xaqi abaxa ulaxaina an lasineynin ey atheg kutaxay dib kutaxay.

Translator: Kupata hiyo benefit yake, yote inachukua muda mrefu, inakuwa ngumu kabisa.

Habiba Ali: Mamathan sharciga mel lomaro ey aqanin oo ilmaxa gaja ey udamanayin.

Translator: Mama hajui ile taratibu ya kufuata, anaumia, anazunguka, ni kama anawaombea watoto tu.

Habiba Ali: Kenya waxan karawa iney ilamaxa aboxoth dinto ey sifican ulisheyso.

Translator: Ningependa Serikali hii ya Kenya iangalie hali ya watoto na hasa wale wamefiwa na baba.

Habiba Ali: Baxalaxa ey nagusothayen oo xalko xathi lathilana ey dhadka qabsanayin ey nagabsathan oo sharci ey laxathan xola oo baxala damey nayin in nalagaqabsatho.

Translator: Pia kuna wanyama wa porini, pia wanasumbua wananchi, pia kuna sheria ukiua mnyama wa porini, ni makosa unashikwa. Naye inaanza kunyanyasa wananchi, hiyo pia itafutwe njia ya kupunguzwa.

Habiba Ali: Kenya xanagaqabsato xolaxa xathey nagathishana xanasiso digotha.

Translator: Kama kuna mtu yeyote ambaye ameuawa na wanyama wa polini pia angependa apewe compensation.

Habiba Ali: Asante intan yan qawa ani. Translator: Ni hayo tu.

Comm Lenaola: Shilo Ahmed Arai

Shilo Ahmed Arai: North Eastern Province, as a genesis marginalization, child labour (I'm Shilo Ahmed Arai), forced marriage, wife inheritance, police brutality and negligence from the Government are some forms of cultural practice, and are popular Government policy, wide spread in Mandera district.

On politics, the Local Government minister should be relieved of the powers to nominate councilors, you should not nominate councilors, because it will be influenced by MPs. There are plans of favouring those who have lost an election. One who has lost an election should not qualify to be nominated as an MP or a councilor. The language test should be deleted and the councilors should have a minimum of primary education to qualify. MPs, form four leavers and above. A councilor should take over from assistant chiefs, as it is a duplication of work and a waste of resources. Primary education must be compulsory and the powers of the chief XXXX (inaudible) schools and those who refuse to be taken to court.

On education: the Government should take a resolution of providing education facilities, physical infrastructures, in schools in North Eastern Province, as the cost-sharing policy in education has not been very successful, since the community living here are 80% illiterate, compounded with poverty. The current campaign on education for all will not work if the service is not done. Education in North Eastern Province will not be for all by the year 2015. NEP peope are distinct social groups and their interest be catered in the new Constitution. University education should be made accessible to the people of North Eastern.

On water: while the decentralized water usage in other regions is working well, I propose the Government must ensure that they have piped water system for every Kenya by 2007.

On famine relief, the Government and donors, must scrap famine relief in North Eastern province and convert that money to income generating projects like irrigation, to eliminate poverty. The famine relief programmes have no impact and have left the people of NEP dependent and hopeless always timing trailers as the process continued way back from ______ (inaudible). This contradicts the current poverty eradication programme as they have been getting maize from investers, and still remain poor. The former livestock marketing division must be reintroduced and a central place be located for a meat commission where the people of NEP can market their livestock.

We seriously need a Constitution that is going to achieve interests of wananchi. In so doing, the issuance of passport should be decentralized to the provincial and district headquaters. We people of NEP are really segregated in the issuing of passports. The Government is really making our lifes more difficult. Members of Parliament should not decide their salaries and allowances, instead, an independent commission, separate from Parliament should collect views from the public, be appointed by religious groups, these are amounts the public offers. The Government has committed itself legally on paper and should consider giving teachers their second, and other phases of their salaries' award. There should be a clear scheme of service, for teachers where they can further their education. In North Eastern Province, dispensaries and health centers, medical provision is not adequate. We even miss first aid kits in schools. Our solution is the provision of medical facilities be tendered by the district tender board.

Inheriting the wife of a deceased by sleeping is not only barbaric culture, but bound to spread Aids. The AIDS virus, as Islam does not not equally condon wife inheritance by relatives only. The chief kadhi has to give the wife of a deceased the liberty to marry anybody by choice but remain a beneficiary of his property only. There should be a Kadhi's court up to the High Court, who should address inheritance divorce, and etc.

(inaudible interjection)

Kenyans should have an identity card, only as proof of citizenship, and a passport and not discriminate by giving Kenyan Somalis a screening card.

On defence and issue of security, the administration police be scrapped as it is a colonial reign, instead, they should be combined with the regular police and given one name as "police". I concure with the President being a commader in the armed forces, but he can be impeached.

Parliament - Parliament there must be displine, and I will recommend, anyway I have done that.

On foreign policies: if our foreign policies we will have a negative impact on our domestic lives, then the people of Kenya must be consulted. The President is not just to reach conclusions or anybody, we people, Kenyans, must be contacted.

And finally, our land – the Kenya current Constitution seems to be a catalogue for the rich, who own the largest estate, and does not guarantee access to land vulnerable to groups like the poor. Every Kenyan must have the right to own land. There should be restrictions on land by none Kenyans and the transfer of land be supervised by local authorities. The method of land distribution should be well addressed by the new Constitution, there should be communal land ownership.

Com. Leneola: You were very clear please register. Abdulal Bilan Abdi

Abdulal Bilau Abdi: Mimi ni mtu ambaye hajiwezi kutoka location ya Arabia, sasa nataka kuongea Kisomali na mimi nimesoma lakini wenzangu wengine, watu wa disability, wajue vile naongea. Sasa huyu mwenzangu ata translate.

Abdulal Bilan Abdi: Anaga xathan naxay dhadka curiyamatha kenya xaququ yan ulenaxay inan xaquqthena xelno oo sith larawo an kuxelno.

Translator: He is talking on the disabled, and he says they have a right and they should have their right by law or something.

Abdulal Bilan Abdi: Mana xelno Kenya namasiso. Translator: but they don't get the same from Kenyans

Abdulal Bilan Abdi: Wan aqrisaney shaqa maxelno. Translator: they have gone to school but there is no job for them.

Abdulal Bilan Abdi: Dhad an aqrisanin oo bathiya iskajogo dhowlada kenya waxba masacitheyso.

Translator: there are others who are also in the bush, they have not been to school, they are disabled, there is no assistance they get from the Kenyan Governing Council.

Abdulal Bilan Abdi: Dhowlada kenya bilcan iyo rag wey tixgalisa lakini wax xaga curan mamaqlin ani.

Translator: The Government makes the welfare of mothers, children and others but he has never heard of a case of disabled, whose welfare has been taken care of especially on this area.

Abdulal Bilan Abdi: Aniga natetha caruru yan daley dhowlada kenya aniga xaquq imasiso aniga xaquq theytha waxan rawa ila ey iskul kadameyan claska sitheth ila form four ila university iney bixiyan carurteitha xaqotha.

Translator: He says on top of being a disabled man, he is married and he has got kids, and he would like his children to get free education, (he is not employed), until they complete school so that in future they may be assist him.
Abdulal Bilan Abdi: Mitha kale meshan xuthuth.

Translator: There is a boarder here,

Abdulal Bilan Abdi: Markasta shufta iyo wax badacan. there are banditry attacks,

Abdulal Bilan Abdi: Xathi lacala xatha lasogalo oo risas ey dactho dhadka lugaxa qawo wey cararayin **Translator:** if there is banditry attack, and then the bullets start, those who are well-of will help it, they will run away because they have the legs,

Abdulal Bilan Abdi: Askarta kambigotha kamasobaxayin. Translator: the soldiers will not be able to leave their camp, they will just be staying in the camp.

Abdulal Bilan Abdi: Qofka curiyanka eh macarari karo Translator: A disabled man like him will not be able to run,

Abdulal Bilan Abdi: Marka waxajirta qorya dhadka lasiyo oo home gurdka lasiyo. Translator: in other places there are people who are being given guns by the Kenya police reservits.

Abdulal Bilan Abdi: Waxan rabna anaga ini nalatixgali oo xori an fadigena kuxelno.

Translator: He should also like recommendations for him and others could be armed so that they can take care of their lives and their property.

Abdulal Bilan Abdi: Mitha kale aniga dhowlada kenya waxba imeysin dhadka qarawathetha axa arigi ey isiyena warawa ba igalainaya.

Translator: On top of that, he doesn't get anything from the Kenyan Government. He has been very fortunate he got some few goats from relatives, and the same goats have been finished by hyenas.

Abdulal Bilan Abdi: Wax xathana isoceliyey oo imagayo malaxa. Translator: And the same goats have been eated by hyenas, there is no compensation again.

Abdulal Bilan Abdi: Intas yan shega e dhowlada xaloshego. Translator: That's all

Com. Baraza: Adulal abdi umesema ile shida yenye mnapata kama walemavu, kuna jambo lingine ama maneno yenye

tumewahi kusikia tukitembea kuchukua maoni ya wananchi, wengine wanasema kama ingewezekana, pengine wapatiwe viti kwa baraza la madiwani na pia viti kule Bunge ili waweze kutetea maneno yao. Wewe mwenyewe kama mlemavu, na venye umesema pengine unasimamia walemavu wenzako, ungesema nini kwa jambo hilo?

Translator: Wan maqalney waxath daxthey dhadka curiyanka eh oo sithatha okale wexey dexen MP ama Diwani ini nalagadigi yan rabna marka athi arinta ayatha eh maxath kaqabta.

Abdulal Bilan Abdi: Sisi zote tumesoma, hata mimi nimesoma, kuna kazi nyingi ninaweza shika, kama chief naweza shika, councilor naweza shika, MP-bunge naweza shika. Kitu siwezi shika ni bunduki niende nayo kama askali, lakini kazi ya Kenya katika kenyatta naweza shika kalamu.

Com. Lenaola: Asante sana.

Mohamed Mudi: My name is Mohammed Mudi from Arabia Secondary School. I wish to air my views, and present few things on the Constitution change. First before I proceed let me thank the participants and the commissioners.

First as a student I will start with education, in my opinion, education of a paramount importance. I will urge the Government to provide free and fair education for the youth. When I say fair, the No. of teachers in each school should be depending on the population of the students. For example, you will find a school with no biology teacher, and another school with even 10 teachers for one subject. That's all about education.

The Judiciary: I need the Constitution to empower the chief Kadhi, as far as the High Court. He should also deal with all other matters not inheritance and divorce only. Cases like criminal cases.

The other one is Executive: First limit the powers of the President, by saying this he should not appoint so many senior public appointees and I will delegate this one to the Parliament.

I will also limit the maximum age as 65 because a person older than 65 cannot command at all because of so many reasons.

The other one is Legislative: in my opinion I will reduce their powers. 1st the idea of remunenation, this one should be performed by an independent sector. How can you tell your employees to determine your salary? These are the people who were elected, they are just like our employees.

The other one is the vetting of all senior public employees, that one is sorted in Parliament also.

The 3^{rt} point is about the structure and system of the Government. – from my experience, for Kenyans we should retain our normal Presidential system and unitary, because most of our regions are not self sufficient, to meet their demands at all. For example if it rains today, heavily some people in various regions will starve.

The other one is political parties: I decided that political parties should participate development and join in the conducting of the referundum. The Constitution in my opinion should replace the formation on a number of political parties. By that I mean, I suggest 3 political parties only: one to form the Government, and the other two to check on the Government. I also suggest that the political parties should halfly be financed by the state and, the other other half they should finance themselves.

The other one is citizenship - out of my own opinion, a Kenyan citizen should be regarded anybody who lived in Kenya before 1963 and, any person born of such parents who live in Kenya. The other person I can regard as a citizen is a woman who is married by a Kenyan citizen, vice-versa to me shoud not be accepted, because it will bring lots of problems.

(interjection: say the last one)

The other one is Constitutional supremacy: I decided in the Constitution, Parliament amendment should be replaced with conducting of referendum just like this, and this referendum should be conducted by political parties and interested groups like the organization of Africa Unity and the UN.

Interjection: last point sir,

Direct principals of the state policy – to air opinions, we need statements capturing the national philosophy and guiding principles in the Constitution. I propose the following principals, should be entitled in the Constitution:1. justice, 2. equality, 3. consultation, and liberty. I suggest that it is important to reflect respect for African values, in the Constitution and indeed they should be enforced to some extent.

The last point is the need of a Preamble: to disclose my opinion as a Kenyan citizen I suggest that, a Preamble that contains the quality of life, freedom of all Kenyans in the country is necessary. The Preamble should reflect acceptable laws participated in their making by all Kenyans in connection, just like this one. Thank you.

Com. Baraza: Mohamed I interrupted you sorry, but I just want you to tell me the problems that would occur if a woman confers citizenship on a foreign husband.

Mohammed: I will give you an example, if a woman from mandera district marries a man from bulahawas he might bring ammunition to the country.

(inaudible conversation)

Mohammed Mudi: I am a former form four.

Muslima Sheikh: Asalamu aleykum. Muslima Sheikh Abdulahi, waxana xaisa diwata weyn o kark eh oo kar woriya lairahtho. **Translator:** she is also talking of a similar problem, she says there is a problem on screening cards, on the Somali screening card.

Muslima Sheikh: Waxa dacthey ninkan xaisanin karkas ilmixisa inan kibanda logoyneynin.

Translator: the problem goes: their children do not get Identity Card ub tge absence of the screening cards.

Muslima Sheikh: O ilmixi an karka ugoiney lawa iyo sethax gor lasoceliyey.

Translator: There are children who have attained the age of 18 years, they wanted to obtain an ID card, but they could not manage because of the lack of the screening card.

Muslima Sheikh: Xathi walithka ey lexein karkas.

Translator: The child does not get an ID card it is lacking the screening cards. The school children.

Muslima Sheikh: Mitha kale waxa naxaisata shida weyn oo xaga ilmaxa iskulka eh. **Translator:** The other problem she would like to tell the commission is about school.

Muslima Sheikh: Skulka xalotathalo aqriska ilmaxa mesha xathan an fadino dagaxya an gawana kusogurney yawana ya lagu as asey.

Translator: She says we women have done our best. The hall where we are sitted today, it is we together with our chief, who have collected stones and who have built this room.

Muslima Sheikh: Ilmixi ayaga oo iskulka an rafath oguaqriney ya waraqahotha nagayalan skulka Mandera Secondary. Certificate oo fiis ey nogaxiran yixin.

Translator: after along struggle, the children have finished the school, they have completed their studies, but the certificates are being held in the school because of outstanding fees.

Muslima Sheikh: Mithe kale ilmixi aqristen wexey qorey oguthurqi laayixn oo lacaglaan fiis oo kosaska ey kuathilaxayen. **Translator:** Those ones who have completed their O' levels cannot be able to go for further studies or go to colleges due to lack of finance.

Muslima Sheikh: Mithe kale ilmixi aqristen shaqa laan tharbi tharbi, kii aqristey xathu tharbi tharbi yaxay kikale ath kathawagwini lexethna wuxu kudixi kanbo shaqa maxaiste aniga iskul maxath igudiwi.

Translator: In absence of not getting an employment, the child after completing school, becomes an idler, and sits on the corridors, so even the parents lose hope because there is no point of taking the second child to school, because he says this one has not got a job where do I take the next one?

Muslima Sheikh: Waxan rabna ini waraqaxa ilamaxa iskulka nalosothayo o dhowlada ey nagasamaxtho oo fiitha nogaxiran. **Translator:** She would like the certificates to be released to the children and out outstanding fees to be forfeited.

Muslima Sheikh: Tetha kale waxan rabna ini screenig karka nalagathayo. **Translator:** the idea of the screening cards to be waived.

Muslima Sheikh: Aniga diwathatheytha intas yaogubathan mithe kale mel wowi eh majogno ee niman lacag yeinin skulka kamasoqathano xal garjan diwatatha wathanka wath lasocotin.

Translator: She says its unfortunate that there is no river here, we depend on borehole and they are charged and they are not able to pay for the water bills.

Muslima Sheikh: Waxan rabna biyaxa ini nolasamaxo oo biyaxa an lacag laan kucabno. **Translator:** She also wants to take the water for free

Muslima Sheikh: Tan kale ispatalka tacab yanaguxaisata ninki jiratho thawa malex. **Translator:** there are no drugs at the health center, there are no drugs Muslima Sheikh: O xaga dhowlada eh.

Translator: no assistance from the Government side

Muslima Sheikh: Ini thawa nolakeno yan rabna. Translator: she would like the Government to bring drugs.

Muslima Sheikh: Waxan rawa mamoinka aniga okale eh iney dhowlada inda der u yelato oo shaqa loyelo lawatan sana yan iskulka dax ayan kujoga harambee an lacag lexen.

Translator: the mothers like her should be assisted, she has been in this school and she has been working on harambee basis. She has not been earning salary, but she has been volunteering to work with no salary for the last 20 years.

Muslima Sheikh: Wan ithinku faraxney bilcama oo dibka wathanka kactho ey noimathen. Translator: she is very happy to see other mothers like her who are sitted who are recording our problems.

Muslima Sheikh: Waxa jirta shey shufta ladaxo oo carurta yar yar an xolaxa laracsin karin oo dhadka ewer kasiyey oo jiran nalaeh oo adh iyo adh nodiwan dhowlada iney inda der nogayelato yan rabna.

Translator: about the insecurity, she says the neighbouring Somali war town, which also can bring problems, children cannot look after goats either they are raped or killed or whatever, that one we would like the Government to look into it.

Muslima Sheikh: Xath keiga intas yan kusogawiyey macsalama. **Translator:** That's all.

Com. Baraza: Serikali ikileta dawa kwa hospitali, uendelee kulipa au mko na pesa ya kulipa hiyo dawa ya hospitali? **Translator:** Waxa lagudaxay xathey dhowlada kemto thawo fican lacag ath iskagabixisin maqabtin.

Muslima Sheikh: Ispatalka lacag mauxaisano thawa free yan rabna. Translator: There is no money we would like to get it free.

Com. Baraza: Asante sana.

Abdisalan Noor: to start with, my points - the right to education. I want the Constitution of Kenya to provide education to all Kenyans in equal terms up to O' level, freely again. The Constitution should also provide necessities in schools that cannot be done without e.g. in North Eastern Province, students don't have access to something called laboratories and other basic necessities, so I urge the Constitution myself, to see all those problems and provide to school necessities that cannot be done without them.

My second point is participatory governance – the Constitution to provide effective participation of all forms at all levels in the governance. The Constitution should allow Non-Governmental organizations to have a roll in governance and should undertake development and business necessities on behalf of the Government. The media should have rules governing its conducts also. The Constitution should institutionalize the roles of civil society organizations and should set up organizations or civic society.

Women should have a share in governance through the Constitution, whereby they should be employed by the Government as per their education. They should not be undermined at all levels under any circumstance.

The disabled should also have their own share in the Government through setting their own organizations where through them they can get their employment. The youth should have to undertake governance also by their own organization.

Minority groups and the elderly should also have their organizations that will raise their standards in the Government. The Constitution should set up an organization to all groups which will provide for their rights and welfare, eg. in terms of employment.

 3^{Rt} point is international relations: the conduct of foreign affairs should be the sole responsibility of the Government. The Parliament should have polls where dignitries are sent to foreign countries. The role of Parliament should distinguish from that of the Executive where the Parliament should have elected members for forein affairs in their own hands. Kenya should have law and regulations made by regional organizations, so they have automatic effect on domestic law.

The Legislature: the Government should retain the present system of Government in which the dominant party forms the Government. The multi party system should not be abolished but it should be there. The Parliament should have the powers to remove the President from office through vote of no confidence. The President should not have the powers to dissolve Parliament. Its only his or her responsibility close the Parliament when elections are on the way.

My last point is distribution of resources. The Constitution should provide adequately the resources of Kenya to all people nationwide. The Constitution should also provide development, strategies to all and for equal terms. There are several other resources in Kenya eg. in North Eastern Province, there are a lot of unknown resources which can be done. For instance, there are a lot of petroleum deposits in NEP, which are not taken care of. I urge the Constitution to do something so the people of North Eastern Province can get their share in development. Thank you.

Com. Lenaola: Maalim Abdulai, Hassan Bilo

Maalim Abdullahi Ali: Asalamu aleykum. Maalim Abdulahi Aden Translator: He is Maalim Abdullahi Ali, Maalim Abdullahi Ali: Waxan kaxathlli rawa xaga taclinta. Translator: I would like to talk about education

Maalim Abdullahi Ali: Wax barasha dulkena ath bet oguthathasha. Translator: the Government is really hard on the part of education,

Maalim Abdullahi Ali: Xaga Ingriska iyo luqatha ath bey oguthathasha. Translator: on the side of English and other languages it tries its best.

Maalim Abdullahi Ali: Lakin anaga dhad Muslim banaxay dhowladana kama war qabto. Translator: Since we are Muslims, yet the Government doesn't recognize the religion of islam, i.e

Maalim Abdullahi Ali: Waxan raban dhowlada Kenya iney dinta islamka ogawarqabto o iskulathka ogutathasho.

Translator: the way the Government is assisting these other religious education; we would also like the Islamic education to be there.

Maalim Abdullahi Ali: Waxan rabna dhowlada markey aragto xayath oo dinta islmka mel udistey oo lagubaranayo dinta xeyath ya kathambeysey, xeyathina wey fijisey. Xeyatha masa Kuwait masa Saudi Arabia xayath muslim xathey imato dhowlada wey fijisa dhowlada umaogalo dhadka musliminta ini latagero.

Translator: There have been some NGOs, from Saudi and other places, who have constructed buildings; who have been assisting us as far as Islamic schools are concerned, later the Government put some preassure on them and then they were repartriated to their countries.

Maalim Abdullahi Ali: Mitha kaley waxan kaxathla xaga agonta, ilmaxa aboxoth dintey.
Translator: He would like to give his views on orphans – children who have lost their parents.
Maalim Abdullahi Ali: Xal canugu oo agon oo dhowlada ey mishar uqortey malaxa.
Translator: There is no single orphan who has been assisted so far in this area.

Maalim Abdullahi Ali: Waxan rawa agonta iney dhowlada ogato oo xara outho ey daqaleyso iyo wax barashathotha, canugi abixis dintey iney mishar uqorto yan rabna.

Translator: the orphans should be well looked after, may be make an institution where they can learn and get food and other maintenance.

Maalim Abdullahi Ali: Marka aniga racyigeiga waintas. Salaam aleykum warahmatulah.

Translator: That's all

Туре.....

Hassan Bilo: Waxan shegaya dintena islamka dhowlada kenya heshmath umaogo.Translator: the Government does not respect the Islamic sheria or rather it doesn't recognize it.

Hassan Bilo: Wqaxan rabna dintena islamka ini laxojio.Translator: He wants the Islamic sheria to be recognized like all others.

Hassan Bilo: Xathi laarko nin dinta islamka aqrisanayo waxa lagayawa in an heshmath lasinin.Translator: Unfortunately if one is found in pursuing the Islamic studies, he is not given respect..

Hassan Bilo: Dintena ini nalagu heshmeyo onolaxagajio.Translator: we should be given freedom of worship, and studies.

Hassan Bilo: Waxan shegaya anaga rer gura ban naxay, rer bathiya.Translator: There is always a herdsman,

Hassan Bilo: Markastana shufta ya nadactha.Translator: they are always being robbed by bandits.

Hassan Bilo: Shufta markey nadacthana waxan xos jogno wa dhowlada kenya.Translator: when bandits attack us we are under the umbrella of the Government.

Hassan Bilo: Markan uimanana maxath nososhegten wanalagaraci qofka liiskathili. Translator: when we make reports to the authorities we do not get the necessay assistance

Hassan Bilo: Qofki asaga axa waxa lagayawa ini thunya u shuftatha tharahteth ogasocararey.Translator: when making these reports, could be one was looking after his livestock, his livestock are lost,

Hassan Bilo: Shuftathina wexey nalethaxay askartini xumuth awe bey nalethaxay.

Translator: unfortunately the bandits have seen that the Government is not doing anything, when they meet us they ask us, "where are your soldiers"?

Hassan Bilo: Mitha kaley waxanaxay rer gura waxan qabna mator. Translator: this area relies on a borehole and there is no river, Hassan Bilo: Biyaxisana wey yaryixin. and the borehole has no much water

Hassan Bilo: Waqtikastawa waxa dactha awar.

Translator: its unfortunate this place in most cases, there is drought, there is no rain.

Hassan Bilo: Dhadka wa rer gura xolana wey iska baayin.Translator: unfortunately due to the lack of rain, people lose their livestock.

Hassan Bilo: Qofki asaga axay oo xolixi kabeen yalaleye lacag ken.Translator: then on losing their livestock again, when somebody is poor they ask for money again.

Hassan Bilo: Waxan rabna dulka biyaxetha nolasaithiyo oo nonal free nalasiyo oo matorana nalasiyo. **Translator:** recomendations are that people should be given free water.

Туре.....

Mohamed Hussein: The first thing I'm Mohamed Hussein, One point I would like to raise to the commission is that most of the people in this area are illiterates. As a Kenyan citizen one must first of all know the law. In this case although nobody ______ (inaudible) from learning the law, most of them do not know the law. Its my suggestion that from early primary upto the university, people be let to know the law, i.e. we should have teachers in the first place.

 2^{nd} thing is wildlife – we have wildlife: innocent people have actually lost their lives, either because of hyeba menace, lions, crocodiles when people go to fetch water. You will find that when one kills wildlife, the game department, actually, they are on our neck. The lives of the human beings is not valued the way the lives of wildlife are valued. This one, its my recommendations are that wildlife be controlled by the department concerned, and workmans compensation be given to the relatives of the deceased persons.

One other thing which has actually not been mentioned, and which is even more worse than people who have been eaten by wildlife, is that there are civil servants who by virtue of their employment, they have been involved in road accidents, and they have got some permanent interferance, doctors have recommended, others are bedridden, but when you go for your compensation, one is told they are supposed to get the same amount of money after attaining the age of 55 years i.e. the pension for injury. I don't find that to be proper because, at 55 years somebody is old, he/she will will not be able to do anything. If that sum of money is released to the same person, may be when he is still young, it will be able to assist him. There is no surety that this person even at attaining the age of 55 years he/she is going to get the money. So I think in some cases,

somebody gets an injury and the same disease may be activated. You would like to get some drugs. So giving this person the amount when he is going to 60, 50, I don't think its going to work. My recommendations are that, the money be paid on the spot so that the person actually benefits.

The other one is, insecurity: the commissioners have been hearing about security, but where is this security? Is it within ourselves or is it outside? It is from the war torn Somalia, there is no law, guns are in the arms of bandits, they have guns illegally. The wananchi go in search of water and good pasture, ladies are raped, innocent people have lost their lives. Whose duty is it now to defend the wananchi? I belief it's the Government's, starting from the department of defence, the police should not be blamed alone, it's the department of defence.

One major change may be I would like to request is that the department of defence, i.e the military, we have an OCS in Mandera district, but in the case of banditary, and such things like the shiftas, you will find that OCS who will tell you, "unless I get instructions from the department of defence in Nairobi", when he is seeing somebody, a lady is raped. I think these things should be brought closer, the OCS should be given instructions so that he takes the necessary actions on citing the same instead of ringing to Nairobi get it instructions from the commandant.

Thirdly, if that it cannot be, it is my request that the locals be armed, be vetted, and be given guns, i.e if the police and the military cannot be able to do anything: because it is not a war between a country and a country. There are cases whereby people have business, they have wealth, and may be somebody due to other indifferences, he fears for his life. People are crying for firearm certificates, particularly in this North Eastern Provinces. Firearm certificates have become very difficult, even if somebody is trustworthy, and he has all the qualifications, that there is no single case, that somebody has been given a firearm certificate. Reasons, may be best know to others.

The issuance of the ID card, is actually there, the screening card is there. The commissioners have also asked a question, in some cases it is because of the border. If I may mention, it is not only we who are bordering Somalia or Ethiopia, we have Uganda, we have the Luos, they are not Kenyans, when they come to Kenya, do we give them screening cards? We don't.

(inaudible interjection from Com. Baraza)

We have the Sudan, there are people who are refugees in Kenya, Masaais, they don't get the screening cards, so we believe we are very much discriminated. My recommendations are that the same screening cards be waived. Let the elders decide who is a Kenyan and who is not a Kenyan, because even after bringing these screening cards, the aliens still get their Identity Cards through other ways, other dubious ways.

The other one is, we feel very much oppressed, not only on the issuance of Identity Card. If you come to birth certificates, you will find that even that is more complicated. We are told to bring a screening card, you are told to bring the parents birth certificates, may be you lost your father some years back, before Kenya became independent, so many complications. When

you come to passports, the same thing again, with passports. I think may be Members of Parliament, prominent businessmen get the passports, otherwise the common man here does not get the passport. I wish I had one birth certificate, I would have shown the commission. It says that birth certificate is not ______ (inaudible) that you have attained Kenya citizenship. This one does not apply to other Kenyans, it is only in North Eastern Province. Why does one apply for a birth certificate? What is its benefits? If you are given, and here below, it is written that one is not approved, one is not a Kenya citizen. It doesn't help.

The other one is on gender balance: I believe, it is true there should be gender balance, on employment, on everything, I know our people here, they believe that mothers are supposed to do this, and fathers are supposed to do this. This is not the case. If the mother can cook better, or may be she can do the farming better, she should be set free. Employment: I know the religion is somehow restricting them, let them be given the freedom, there should gender balance.

Relief: there is somebody who has commented before me here, this one is bringing laxity, to our people. I'm now 44 years, we have been getting relief, why musnt the relief be in rice forms, why musnt it be in wheat flour, why musn't it be a balanced diet, why not delicious food, why necessarily maize,? You see, somebody gets maize maize, maize, this is the thing. Why don't we look for other ways? Because I believe this maize is bought, not free. We invest this money into other activities which can bring something back to place. Or alternatively you make a change.

The last few points are: I believe every child born in Kenya has a right, and he should benefit, but in this case, in this province, there is no profit that we get. Welfare should also be quoted. Finally on the issue of, there was an issue where we were talking of population, and the land, when coming to electio. You should consider the land, the distance, not the population. So that's all I have.

Com. Lenaola: Ashmi Abdi, say your name and then continue,

Ashmi Abdi: I am Ashmi Abdi, I would like to make some points here. If I may start, we have got problems in water. Since water is the basic for life, and here we pay for the water, we would like the Government to make it free of charge.

On security: we are bordering Ethiopia and Somalia where there is no proper security, we would like the Government to strengthen the security.

On livestock: we would like the Government to look on our affairs concerning livestock, for marketing, because we don't have anywhere else to market our animals.

Wildlife: there is some wildlive that is endangering the people, we would like the Government to compensate for these people who have been killed by these wild animals, as it has been said. For a man probably 300,000, for one camel 20,000, for a

cow 15,000 and chicken 10,000.

Free education: we must have free education, since we don't have the animals that used to pay for school fees, and you will see several dropouts from schools.

Free medication: medication should be free also because we cannot acquire the medication and so on.

Roads: poor infrastructure during the rainy season, we really suffer, on roads and we don't have an ------ (inaudible) to transport our goods or to bring for us.

Empowerment of Chief Khadhi: this Chief Khadhi must be empowered because, as we are Muslims here. In this part of the country, we are bound by the religion, we are run by the religion, so the Chief Khaadhi must have his powers.

Citizenship: as other Kenyans, we must have proper citizenship, on IDs, passports, and birth certificates. You apply for a birth certificate and then it shows that it cannot prove that you are a Kenyan citizen.

Screening: these screening cards should be abolished completely, because it is discriminating us from other Kenyans.

On the disabled: the disabled are forgotten completely, so we would like them to be seen also.

On the FGM: it has been claimed by some of our members, we abide by the religion and our religion forces us to make this kind of circumcision or whatever, we cannot leave our religion and it should be there.

On elected members: these elected members are known for making several promises during their campaigns, and as soon as they get the seats, they forget about the promises they made. So we would like as we have the powers to take them to the seat, we must have the power to remove them from the seat again in 2 to 3 years time, if they don't fufill our promises. With that, I'm through.

Com. Baraza: Whom do you pay the water bills to?

Ashm Abdi: Some other organizations who put diesel to the machine, and then as we are livestock keepers, we have to buy that diesel.

Com. Lenaola: Ibrahim Gari.

Ebrahim Gese: I'm Ibrahim Gese, a teacher at a place called gali,

My opinion to the Constitution review commission:

1. The Government should provide free education in primary and secondary schools. Education is as though it were for only the rich. Education for the poor is only limited to primary school, and after completing primary schools, its only the

rich who pursue, the poor are reduced to hardsboys, waiters and housegirls. So there should be free education for all, both in primary and in secondary schools.

- 2. The other one also: I'm of the opinion that the Government should undertake the construction of the schools, unlike currently where it is the responsibility of the wananchi to construct their own schools, to fund the construction of the schools. Because the public or the wananchi are very poor, they cannot meet the cost of constructing a school, and they end up not having a school, and remain ignorant.
- 3. the other one, I am of the opinion that MPs should have terms of office, just as there are for the President. May be 2 Parliamentary terms as maximum so that at least all Kenyans will get exploited, and we will get to know of their talents.
- 4. The other one is also I'm for the idea that councilors should have a minimum of O' level certificates, unlike currently where people from the bush, claim to be councilors and they cannot address the problems of the wananchi in the office.
- 5. I'm also for the idea that the Government should provide free medical facilities, since the purchasing power for the people living in this area is low, and they connot be made to contribute towards the so called cost sharing that is normally taking place in the district hospitals. The poor are likely to remain, when they get sick, they stay at their homes only to wait for death since they cannot meet the cost sharing charges.
- I'm also of the opinion that the Government should enact laws to stop wildlife menas. Compensation to the victims of wildlife should be as follows:

For a person, both men and women - 1,000,000

Camel - 30,000

Goats - 3,000

And this amount will also vary with the market as the market price increases then you don't expect the amount or the compensation for a camel to remain 30,000 so obviously its going to increase in the cause of time. So its also going to vary.

I'm also for the idea that marketing of livestock and livestock products, should be provided by the Government. Marketing branches should be opened in our district headquarters just as there are in other parts of the country.

The other one also is, the Government should prohibit the sharing of resources and jobs on tribal lines but on individual achievements and qualifications.

My last one is, any person who is guilty of mismanagement, and misuse of public funds, should be apprehended and brought to justice.

Derow Maalim: My name is Derow Maalim, I would like to tackle some few topics.

I would like to start with education. I'm appealing for free education from primary to university. I wish the Government would introduce mobile education, for pastoralists, we have books on pastoralists' life, so why not also start normal education in

pastoral groups.

I'm also requesting for madrasa education system to be recognized by the Government because we have graduates from Islamic institutions and they are not recognized.

Local Authority: I would suggest the minimum qualifications for councilors to be at least form 4 level. Local religious leaders to be consulted when nominating councilors. Mayors/chairmen of local authorities, to be elected by the community directly and not by councilors. Terms of office for mayors and chaimen should be increased to 5 years and not 2 years as it is currently.

Taxation should be determined by the community.

Trustlands – all salt lick areas must be opened to the public, all areas initially meant for drinking or water by livestock along the river which we call Malka, should be opened to the public. All public lands, boreholes should be be opened to all Kenyans. All pastoralists to move freely from one area to another for the purpose of grazing. This is a pastoralist communinity, we depend on livestock, and our livestock is being eaten by wild animals every now and then and we don't get any compensation. I will suggest the following measures:

- A human being whether one is a man or woman - 1.5 million to be compensated by the Government.

- Livestock for any luctating camel 30,000 to be compensated.
- Expectant camel, you know camel is our backbone 25,000
- Female camel between the age of 3-6 years 15,000
- Female camels between the age of 1-2 years -10,000
- Male camel between the age of 8-15 years -20,000
- Male camel between the age of 4-7 years -15,000
- Lactating cow 25,000
- Expectant cow 20,000
- Female cow between the age of 4-10 years 15,000
- Female cow between the age of 1-3 years 10,000.
- Goats/sheep 2,000
- Donkeys of all types 8,000.

Thank you for listening to me.

Abdirashid Maalim Mohamed: My name is Abrish Maalim Mohamed, and I would like to give my opinion on the Constitution review process in Kenya, and the first one is basic rights.

I suggest that our Constitution's provisions for fundamental rights are inadequate therefore; certain provisions like social rights should be included. What I mean; social rights include the social system welfare. I also propose that, though the Constitution guarantees the right to life, death penalty should also be put in place and should not be abolished. The Constitution should have the responsibility ensuring that all Kenyans enjoy the basic rights such as education, employment and etc.

I as a Kenyan, I propose that since the increase on drought and famine in our land, like Mandera East Constituency, all the animals have been claimed by drought, and the farms are becoming unproductive due to prolonged drought and unreliable rainfall, therefore, I would like the Constitution to guarantee us or to provide us with compulsory and free education up to O' level.

Rights to vulnerable groups: according to me, the people with disability are not fully taken care of by the Constitution. People like the cripples, the deaf, the mad, and others. Centres should be built for them, for caring fir the disabled, and they should be given salaries by the Constitution. The vulnerable groups also should be given positions in the Government, either they should contest for councilors, or even MPs. I also propose that the Constitution should guarantee and protect the rights of children for free education, proper displinery and guiding and counselling. Also consider the orphans as vulnerable because they have no parents to take care of them and I suggest that they should be protected by the Constitution by building orphanages.

Land and property rights: I suggest that the community, should have the ultimate ownership of land. The Government should control the use of land by ownor occupier. May be he will misuse it or he may do other things. The Constitution should put some limits on the use of land by the owner, for example I also support that Constitution should put restrictions on the owning of a land by a citizen. And also, those who own the land in Kenya, it should put some limit at least. You see may see someone who is owning very large sections of land while the other one has no land.

Cultural ethnic, regional diversity, and communal rights. Our cultures should be promoted in the Constitution. I consider myself as part of the youth, and the youth are a distinct social group whose interests should be catered for by the Constitution. As long as these are a distinct social group, I propose that our interests should be taken care of i.e specific concerns such as employment. I support that the current problems of the youth is unemployment. A public officer may employ somebody because of his face or unionism but he does not employ because of what he knows. Also proper discipline, guiding and counselling should be provided to the youth. I suggest that the Constitution should provide protection from discriminatory aspects of culture.

The Constitution should also recognize and promote indigenous language, management, and use of natural resources. According to me, the Constitution should give the Parliament the powers to control the management and distribution of finance and the management of human resources. The Parliament should retain the powers to authorize the raising and appropriation of public finances. Besides______ (inaudible) other finances like the collection of funds from prisoners can also be used as a source of private finance. I would like the Constitution to guarantee equitable distribution of natural resources.

I think that through giving incentives, and providing remuneration services to the competent Kenyans, they can be attribute to work in the public service. I also suggest that a select committee from the Parliament should be made responsible to elect

members of the Public Service Commission, and problems of public officers. They should have a code of moral and ethical qualifications, ie they should be morally upright and modest in character.

The holders of public offices should have a code of moral and ethical values. Also, the select committee from the Parliament should also elect the members of the Public Service Commission.

The other point is, environmental and natural resources. I suggest that the Constitution should include the issues of fundamental protection such that the enactment of laws govering pollution. The public should own the natural resources, in our country, I also propose that the local community should play a very good roll in the management and protection of the environment. They should not allow the burning of the pollutants in the open. They should advise the community to dispose the thing that can bring problems to the environment.

The natural resource like wildlife, forest and rangeland should be protected in the Constitution. The Constitution should be responsible for the management and protection of the natural resources. I propose that the natural resources should be managed and protected in a good manner for example, the wildlife should be protected by building of national parks and game reserves where they are taken care of. A place like Eastern Province, the No. of game parks or national parks are very few, we would like them to be increased for the good management.

Forest rangers should be employed to ensure the protection of forest from damages by human and animals. Anyone convicted, to have done the act of poaching, or to have damaged the forests should be brought before a court of law.

Local Government: I suggest that mayors and council chairmen should be directly elected by the people. According to my opinion, the current 2 year terms for mayors and council chairmen are not adequate to some reasons such as, the two years may not fit for developing a project. To see what the mayors and the chairmen have done, they should at least be given 3 years in the office.

I propose that, councilors should have a minimum education qualifications, the qualifications of a councilors, may be according to our opinion, he or she must be one who has completed his O' level education, must have attained a certificate not less than a D plain. He or she should speak in eloquent Kiswahili or English. He or she should have moral and ethical qualifications, they should be morally upright, or modest in character. Thank you.

Com. Lenaola: Tungependa sasa baada ya Mohamed Abdinoor, tufunge kwa maombi (not clear)

Mohamed Abdinoor: Aniga waxa laidaxa Mohamed Abdi Noor.

Translator: He is Mohamed Abdinoor

Mohamed Abdinoor: Waxan kaxathlli rawa shan racyi.

Translator: he wants to talk about 5 things.

Mohamed Abdinoor: Tan oguxorey waxa wayey kenya sharciga uyalo.

Translator: The first one is, the whole of the _____ (inaudible) of Kenya there is only one Constitution.

Mohamed Abdinoor: Lakin sharci kale oo gar oo North Eastern ey iskalethe oo kaliget ey kennya xata laqawin yajirta. Translator: But there is one Constitution, which is specifically affecting the people of North Eastern Province.

Mohamed Abdinoor: Waxa kamit eh cithamatha Kenya markey kos kasobaxan ey Embakasi ey sodameyan kathammbe kos lageyo ya jira oo lagutowbaro.

Translator: One issue that is in the Constitution in Kenya is, after the Kenya police or administration police complete their training in Kiganjo for 6 months or 9 months or whichever, they are given another training when they come to Garissa for 3 months, specifically for _____ (inaudible) soldiers who have been assigned duties in North Eastern Province.

Mohamed Abdinoor: Kenyatha kalana ey qawin. Translator: and that is not done in other parts of Kenya.

Mohamed Abdinoor: Taas olairahtho security tharatheth yaloyeley ladaxo.

Translator: and it is said so, its done so because of security.

Mohamed Abdinoor: Sant katana waxa lobixiya lix million o shillin 1963 ila xatha. Translator: in every year, a budget of 6 million shillings goes for that specific purpose.

Mohamed Abdinoor: Shuftatha marki banditry lokaqana Kenya wexey sububusey shuftatha naftirketha bey mitna ey sharci yeysey mitna ey shufta xaran kadigtey.

Translator: and when we go to the issue of banditry the Kenya Constitution, legalizes one bandity and then other one they condemn him and call him a bandit.

Mohamed Abdinoor: Shufta Neyrobi wax ogabathan maloxo.

Translator: The highest cases of banditry or shifta, is in Nairobi,

Mohamed Abdinoor: Taas waxa ladaxa gangsters.

Translator: when it calls those people who do these activities, gangsters.

Mohamed Abdinoor: Kuwa North Eastern na waxa ladaxa bandits.

Translator: and those who do such activities in North Eastern are called bandits.

Mohamed Abdinoor: Kuwan qawil ba loyela abaa yaloyela.

Translator: those who do evil activities in North Eastern Province, are given tribes, Somalia, etc.

Mohamed Abdinoor: Kuwa xagana qawil lomayelo.

Translator: but those who do evil activities in Nairobi are just persons, not Kikuyus, not Kalenjins, not Somalis.

Mohamed Abdinoor: Weligey qawil kamamaqlin.

Translator: I have never heard anyone say that a Kikuyu has done this or this.

Mohamed Abdinoor: Xathi manta Ilaxey ithin keney. Translator: If you have come today,

Mohamed Abdinoor: Dibkas yanaxaya e. Translator: Our problem is that,

Mohamed Abdinoor: Tan itha waxan rabna ini sharciga nalogubathalo oo kenya xal sharci ey laxato. Translator: We want a Constitution that caters for all Kenyans without any discrimination.

Mohamed Abdinoor: Cithamathana markey koska damayen "wariya, tu "wariya" a shaqatha lagudameya. **Translator:** After these men who complete the college and they are given the slogan, "waria to waria"

Mohamed Abdinoor: Wax lakala bixinayo maalaxa Somaliya jirya, Ethiopia jira waisku mit. **Translator:** They are told that Somalis are Somalis wherever they are. Treat them the same.

Mohamed Abdinoor: Mitha waa mitixanka ey ilmexena kadacan oo North Eastern. Translator: The other issue is examination. For North Eastern

Mohamed Abdinoor: Bugta laaqristo waiskumit. Translator: The cost books are the same,

Mohamed Abdinoor: Macaliminta isku kos bey kasowathabexen kenya odan. Translator: Teachers have undergone the same training

Mohamed Abdinoor: Supervisorska wa isku mit. Translator: supervisors who conduct examinations are the same. Mohamed Abdinoor: Fail wixi daitha North Eastern keney.

What has caused the failure in Eastern province?

Mohamed Abdinoor: Segrigation bey ilataxay aniga wax kale umaarki.

Translator: I believe it's the issue of segrefation, just like other things, discrimination

Mohamed Abdinoor: Taa itha waxan rabna ini nalagailaliyo. Translator: We want the Government to look into that, the Constitution to look into it.

Mohamed Abdinoor: Xathi nalosubini karo anaga meshana ama Garis okale nalogusubini karo. Xanalogusubiyo.

Translator: If the Government can establish and an depend on the examination system in North Eastern province, we will prefer so

Mohamed Abdinoor: Mitha sathaxath waxa wayey. North Eastern wexey qabta lawa kar.

Translator: The third issue is, North Eastern has got two cards

Mohamed Abdinoor: Kenyatha kalana lawa kar bey qabta.

while other Kenyans have got only one card.

Mohamed Abdinoor: Anaga somali xathan naxay xola yan sumath kudigna.
Translator: As we Somalis we brand our animals,
Mohamed Abdinoor: Anaga xoli lasumathaye yan naxna North Eastern.
but here, we Somalis have been branded.

Mohamed Abdinoor: Kenya wexey qabta wathama kale sithi Maasi tha okale oo Tanzania lajirto. Translator: There are other Kenyans who stay in different nations like the Maasais who stay in Tanzania nd Kenya, Mohamed Abdinoor: Jalwa Uganda bey lajirta.

Luos are both in Uganda and Kenya.

Mohamed Abdinoor: Inta qawilaxa kale xata wexey lajirta xata Turkana wexey lajirta Sudan. Translator: Turkanas are in Southern Sudan,

Mohamed Abdinoor: Anaga kaligen wixi kar nalogugoyey. Translator: when it is so, why should the Government put in place screening cards? Mohamed Abdinoor: Anaga dhad axan nomey xisawin. Translator: because they do not see that we are part of them.

Mohamed Abdinoor: Xath imaten kenya xasho xanoqoto. Translator: If you have come, Kenyans should be one. Without any discrimination

Mohamed Abdinoor: Tan afarath waxa wayey dulka marki laxisabtamo Translator: the fourth issue is, when we look at the land, Mohamed Abdinoor: North Eastern waxan naxay nambarki sathaxath.dul weyninka. North Eastern is the 3rd largest province in the republic.

Mohamed Abdinoor: dulkena xatha Mandera East kali.Translator: Mandera East if we look at it,Mohamed Abdinoor: Waxan kufarxi lexein ithinko gari kusowarego.I would have been pleased if you would have gone round and see what it is made up of.

Mohamed Abdinoor: Mark wax population ladaxo yanolaracin. Translator: We are not advocating any one time for population for ourselves.

Mohamed Abdinoor: Land ini naluguxisawo yan rabna. Translator: We want the land to be catered for, there should be effective representation in Parliament.

Mohamed Abdinoor: Xathi anaga an rer kenya naxay oo runn eh.

Translator: We are Kenyans and we are true Kenyans.

Mohamed Abdinoor: Population yanaloracine xanolaraco land.

Translator: If we are Kenyans and we are true Kenyans, we don't want population, like any other Kenyan we equally need ______ (inaudible) like other Kenyans, the focus should be on land and not on population.

Mohamed Abdinoor: Thorasha mathax weyna marki lagaro.

Translator: If we come to the election of the President,

Mohamed Abdinoor: Anaga kenya ya naxay.xathana exen. Mesha xanalagabixiyo.

if we are not Kenyans, let them remove us from the list or so

Mohamed Abdinoor: Xathan naxay 25% support yan sineyna.

Translator: If we are Kenyans then the issue of 25% should be put in the Constitution, its already there, and we support that.

Mohamed Abdinoor: Mitha kale anaga waxan naxay xola daqata.

Translator: We are pastoralists,

Mohamed Abdinoor: Xolaxena dhad kale ya kafaitheysta.

people benefit from our lifestocks,

Mohamed Abdinoor: Xata xilibka iyo maqara naftotha dhad kale yakafaitha.

the hides, the skin the meat that we take, other people are the major beneficiaries.

Mohamed Abdinoor: Sothan iyo sithatha sana kenya xolaxa ey cuneysey anaga lex. Translator: 38 years of the independence, the Government of Kenya has been eating our meat, from North Eastern Province.

Mohamed Abdinoor: Bunka iyo shaxawa mel balageyaye.
Translator: If they can market the coffee and the tea,
Mohamed Abdinoor: Dhadkaeina rer bathiyo.
why can't they benefit from their livestock?
Mohamed Abdinoor: Factori maqar manalosubini wayey.
Translator: Why can't they service hides and skin factories?.

Mohamed Abdinoor: Mel an xilibkena kadofsano manolayeliwayey. Translator: why can't they establish for us a place where we can make it for export?

Mohamed Abdinoor: Wadhamaxa kalewo waloyelaye. Translator: if there are such institutions in other countries.

Mohamed Abdinoor: Marka intas yan warkeiga kusogawinaya. Translator: Thank you very much.

Mohamed Ibraham Omar: Mimi naitwa Mohamed Ibrahim Omar, chairman wa peace and development committee in Mandera district. Ningependa kusema kwanza mambo ya usalama kidogo.

Ya kwanza mimi nataka usalama katika Kenya, nguvu ya usalama wote uko kwa mikono ya President. Tunataka President aangalie wale watu wako nyuma yake, nguvu ya usalama ipunguzwe, apatie wale wako chini yake, sio awe akibeba peke yake. Ya pili, ningetaka wazee wa peace wapatiwe mahali ya DSC na ile ya province.

Mohamed Ibraham Omar: Waxan rawa in nationalka Nairobi lagutharo otheyasha.

Translator: I would also prefer the peace elders to be added to the national security committee also.

Mohamed Ibraham Omar: Waxan sas uleyaxay otheyalka shaqa bathan bey qabta o hukumathka kkusabsan o loogen. Translator: We are saying so because elders have done a lot which of course the Government cannot recognize.

Mohamed Ibraham Omar: Marka waxan jeclaxay otheyasha ini awoth weyn lagasiyo si ey uqatan xisab weyn wadhanka. Translator: so we are requesting that these elders to be empowered to participate in district development committees, because they are the locals, they understand the problems of the area. Persons from outside the district will not be able to understand the problems that are there.

Mohamed Ibraham Omar: Mithe kale waxan leyaxay xayewanka lirahtho yaxas, libax iyo durwa intawa dhadka iyo thunyathawa wey diwan.

Translator: The other issue is lions, crocodiles, hyenas - both people and animals.

Mohamed Ibraham Omar: Waxan jeclnaxay nef gel xathii libax uthilo ini boqol kun nalogu math gutho. Kan locthana sitho kale.

Translator: Once, if an animal is killed, whether it is a camel, cow or a goat, it is killed by a crocodile or a hen or a wild animal, there we want to be compensated with 100,000 shillings. For example the cattle.

Mohamed Ibraham Omar: Qofka binaathamka waxan karaban ama rag ama bilcan shan boqol okun. **Translator:** A person killed by these wild animals, we should be compensated half a million shillings.

Mohamed Ibraham Omar: Sababta dhowlada thena owol bey thaman qathey oo ey tiri nafsathina iyo malkani wa llalini. Translator: I'm saying so because the Constitution of Kenya provides protection of life and

Mohamed Ibraham Omar: Marka waxan rabna sharciga ini nalaxiragaliyo yan rabna anaga xathi rer North Eastern anaxay dibkas yanaxaista.

Translator: we want to support the Constitution that legalizes that

Mohamed Ibraham Omar: Passport markan dhono ilmaxena ama nin becshara xaukece markey than kasogasho sithi rer kenya kale ey paspotka kuxelan kumaxelno dib ban kuxelna shan sana ama lix sana markan rathino yan lacag kugathana. **Translator:** When we go for passport issuance, we are not given passports like other Kenyans, we follow the police for almost 3 to 4 years, and at a later time we buy the passports. We are not legally issued with them but we buy. Mohamed Ibraham Omar: Marka sas awatheth waxan rabna sithi kenyatha kaley marki chiefka iyo DO ga ey usosaxixan waraq ey kuqathanayan papotka anagana an kuqathano yan rabna.

Translator: We want to be treated equally like other Kenyans and be issued with passports like other Kenyans without any conditions.

Mohamed Ibraham Omar: Mithe kale askarta sitha sharciga kenya ushagayo nafsatheni iyo malkeni iney ilaliso ya nologubalan qathey nolomadaqqaleyo.

Translator: The other thing is, according to the Constitution, the Government or the soldiers of Kenya are supposed to be defending our lifes and property, but they do not do so in the real sense.

Mohamed Ibraham Omar: Xawen iyo malinbo gebdexa yalaxoga, xolaxena yaladaca, guryaxaina yalajabsatha askartina wey jifta.

Translator: Day and night our girls are raped, our property stolen, our animals raided, continuously.

Mohamed Ibraham Omar: Askarti wax noqawani lexethna guryaxa yalaguxelini gaawarithi sithi Nairobi logakene aya bishi tothowath marki lagaro gari oo meshi tagan yalagusicelini.

Translator: The soldiers do not make a step outside their compound. The vehicles are still brand new and they are put into the station and they are as new as they been from the beginning.

Mohamed Ibraham Omar: Xathey waxba noqawaneynin maxa nalogukenaye.

Translator: If they are not doing anything for us, why should they be brought here? Why waste resources?

Mohamed Ibraham Omar: Anaga waxan jecelnaxay xathi askartas ey rer kenya yixin anagana an naxay nefko arii xathi nimankan qoryaxa xaistan ey nagaxathan iney xuthuth galan oo nefkaini ey sogqabtan ama ey nafsathenaey ey ilaliyan. Translator: If these are our true soldiers who are supposed to be defending our lifes and property, we request the Kenya Government for follow up, or step down. If any animal is taken from our side, even from boarder, let them cross the border and get our property back because it is their duty to protect our lives and property.

Mohamed Ibraham Omar: Mithe kale screening karka.

Translator: The other issue is the screening card.

Mohamed Ibraham Omar: Cuthur weyn ban kaqabna screeninka.

Translator: it's a cancer, it's a disease

Mohamed Ibraham Omar: Masaai, Kisii, Turkana intas bo xuthuth bey fadiyan kenya.

Translator: the other communities like the Maasais, the Kurias, the Luos, the Kisiis, who border international boundary, and they are neighbouring other states,

Mohamed Ibraham Omar: inta ayatha eh walaloxoth wey usoguthban weyna uimathan. Translator: Those people, their brothers come from those sides and they come to Kenya.

Mohamed Ibraham Omar: Af ey iskulaxathana wa isla afko. Translator: they speak the same language,

Mohamed Ibraham Omar: Anaga thugag thurka kujiro maaxa nologadiye oo waraq goni nolasiyey.

Translator: why should we be discriminated from these other Kenyans? If others are coming, why not us? Why should we be different?

Mohamed Ibraham Omar: Wan kaxunaxay tas ayatha eh wexey natusineyna rer kenya mannixin.

Translator: We are very bitter about the issue and unless the Government takes legal action and stops this, then we have all the reasons to say that we are not Kenyans.

Mohamed Ibraham Omar: Intas yan ogabaxaya.

Translator: I'm leaving that

Mohamed Ibraham Omar: Waxan rabna carurtena ini iskulka ila university ey dhowlada kabixiso.

Translator: As the parents of North Eastern Province, we would prefer the Government or the new Constitution to give us free education from primary to university.

Mohamed Ibraham Omar: Sas markan lenaxay dulka an jogno xola kudaqath an naxayna dhowlada suq oo xolaxena iyo wixi kasobaxawa na kugathano ey noxesho sithi bunka iyo qaxwath logathanayo okale xathan uxelno waxba kamarathsaneyno. Translator: I'm saying so, because we people are pastoralists, we rear livestock and there is no market for our livestock. If only the Government would have instituted institutions like Kenya Coffee Board, Kenya Tea Development Authority, or marketing boards, then we would not have gone for free education. We would have paid our fees.

Mohamed Ibraham Omar: Xatha waxa catheyni market maxaisano xolixina nefkan cuno maaxane kikaley awar ba thisha. Translator: Through this, we have no market for our livestock and the livestock that we have is the one that we eat. And then they are killed by drought because there is no market. Mohamed Ibraham Omar: Waxan jecelnaxay ini meshas wax nallogaqabto. Translator: We prefer the new Constitution to put that into consideration.

Mohamed Ibraham Omar: Mitha og]uthambeyso waxan rabna thawa free in an xelno.

Translator: Lastly, we are requesting the Government to provide us with free medical services.

Mohamed Ibraham Omar: Xathii dhowladan xoryaxa iskulaneyso aya xar iyo xawenba dhowlada ey nolaxos orthi oo thawa lokena anaka ilmexena xaga ban geisana Balath hawo.

Translator: Imagine a Somali state, which has been without any central Government hospital for the last twelve years. We have taken our children from education because they have got free medical services there.

Mohamed Ibraham Omar: Anagi dhowlada exena dib ban kujirna.

Translator: And we people who have a central Government, are having problems with our children and our wives are lacking basic health facilities.

Mohamed Ibraham Omar: Thawa an bec exen oo thag thag eh yan karabna in ath basmariso yan rabna. **Translator:** We are requesting the commission to provide in the new Constitution, a free medical service.

Mohamed Ibraham Omar: Asante sana Translator:

Com. Lenaola: Tutakuja saa nane, mwalimu atakuwa wa kwanza kupresent saa nane, Asanteni mpaka saa nane. **Translator:** Wuxu daxay ilqa sitheth sac.

IbrahimHassan: I'm Ibrahim Mohammed Hassan, distinguished guests, ladies and gentlemen; I wish to present my views to the Constitution of Kenya Review Commission here at Arabia center. First of all I wish to touch something on the Constitutional supremacy: I feel that Parliament administration that is made up of the people's representatives should be left to continue to amend part of the Constitution if there is need, but I wish to differ from the known and suggest that instead of the mandatory 65% majority, that is to amend the Constitution, the percentage may be 75% that is to solve the problem of the people who prefer the change. Instead of Parliament, I wish to view the idea that Parliament should be restricted in changing that part of the Constitution that directly affects Parliamentarians, especially their welfare and something to that effect which instead should be directed to have a referendum that is connected prefererable by an independent commission.

On citizenship, I feel ____ (inaudible) born Kenyans anywhere Kenya parents wherever they are should become automatic citizens for this country, and on top of that, I also feel people who have lived for quite sometime in this country, preferably for

ten years and above, and have been living with good conduct in the country, and prefer to be Kenya citizens, should also be affected to be citizens. And I feel the same issue; identity cards should be enough to establish whether one is a Kenyan. All other things I think, especially the issue of screening cards which have been talked about is irrelevant because it shows whether somebody is a citizen or not.

On the national security, it is my feeling that the President should remain the commanding chief of the armed forces and chief executive of the country but I suggest that, in terms of emergency like, when the national security is at stake, or there is an impending war, there should be an advisory council that should be put in place to advise the President on such matters. On the same security, I would suggest, that in Northern Kenya where we live, if security have become a problem, it has _____ (inadible) the development for quite sometime, I believe that this is as a result of the spirit height picture that has been created right from independence, North Eastern is incapable, it is inexperienced, and I think the coming of the country, they will have seen the problems that people are in. So, to correct that, I suggest that on the all barriers should be removed from North Eastern, we have every village you go to in North Eastern Province like Arabia here, or wherever you go, you find that there is aroadblock, a police barrier, that hightens the insecurity secretion, and if possible, I would suggest that the locals should be armed and to reduce the number of the police and army in the province.

Now on political parties, while knowing the fact that the reasons of many political parties enhances the feelings of democracy in the country, I should work noting that many small parties can always be manpulated by the bigger ones, and I'm sure in Kenya we must have seen that over the years since the introduction of the multi-party era in 1992, small parties have been manipulated by the bigger ones, and sometimes we have seen absorption, merger, all these, taking places. So in the light of this, I suggest that parties should be splitted to either 2 or amaximum of 3 so that these smaller ones are _____ (inaudible) and not compromise.

On the structures and systems of Government, I believe the existing utility systems of Government, in which all the affairs of the state are controlled by the central Government should be retained, and I'm saying so because the utility system of Government bearing in mind the casual diversity that is present in Kenya, and different ethnic groups that live in this country, this utility system of Government brings about unity, peace and coalition and I think it should be reserved.

On the regislature, I suggest that there should be a mechanism set in place, which allows Parliament to vett all senior appointments, including, ministers, PCs, parastatal chiefs, judge, all those senior positions in the Government. There should be a system put in place which vetts. The President could appoint them but there must be a system where Parliament can vett the appointments of those people, and I'm saying this so that the country can avoid recycling (I'm sorry to say sometimes the press use the recycling gabbage – somebody who is very much useful somewhere he feels he is being brought back to another position) and the fact that this can be vetted, this also controls eccess powers and it also caps nepotism. Then Parliamentalians, their terms should be restricted to 2 terms of 5 years each. I also feel that nominated MPs should be done

away with, this to me the way I feel, they don't represent any special interest groups. Instead I would suggest those seats should be added as constituencies in the different parts of the country, either considering population or geographical expands of the areas. I also feel that there should be something put in the Constitution, a clause or something put in the Constitution, which controls the defection of MPs from one party to another in the lifespan of the Parliament. Of course we have seen members look only at their pockets, they defect from on e party to another, it has been very common. Something should be put into the new Constitution to stop these defections.

Now I suggest the formation of a Government of national unity preferably based on the lable state, the way Mandera called it and the birth of south Africa where parties will be given a share in the Government on the percentage of the votes they get.

And lastly on the lagistrature, I propose that the President should not have vetter powers to vett a bill, it is becoming a law, once it has passed through all the procedures, that's required in Parliament. Now on the judiciary, the Chief Khadhi should have equal qualifications to all other magistrates and judges in this country. There should be no shortcut to it. The Chief Khadhi's court should be empowered by the Constitution to dispense justice in line with Islamic sheria for the Muslims, and I think that should be considered as part of the new Constitution. On local Government, I propose that mayors and council chairmen should be elected by the people through universal superlight where everybody votes for them in that region and the term of such leaders should not be 2 years but I suggest they should be given 5 year term so that they are able to pass new and implement policies in that period.

Basic rights - I think as people live in allied regions, whose economic backbone is livestock, which are usually foundable to persistent draught, the Constitution should guarantee a fair distribution of national wealth. Here I suggest the affirmative action should be extended in the sharing of national resources. And I feel in the same light that to come up to other levels, of the country, people from this province, should be given a free and compulsory education up to at least 'O' level.

Lastly I should suggest we should have a uniform Constitution, which applies to all Kenyans equally. Here I mean the issue of screening cards which I think people have talked about at large, from the beginning I feel it was not a noble idea, and I feel it should be done away with, and I feel even sometimes those who started it should apologise to the people of North Eastern for whatever it has caused, and on the same (I'm sure you must have seen for the commissioners who have come to North Eastern for the first time, even the uniform of our police post is different, while there are budge wearing, the rest of the country they have tags here we have camouflage uniform for our police post) this shows somehow there is no equality in the Constitution when it comes to some regions of this country. Here natural resources I will again suggest special attention should be given to this region as a disadvantage region.

Lastly I will say fair marketing procedures should be outlined in the Constitution, with special emphasis given to our animals. Thank you, I would have wished to say something on the transfer of power but

Comm Baraza: Thank you for your presentation. You did say that we should reduce the number of policemen and army from the province, it is because they are unresponsive to the needs of the province or - I don't know, I want a clarification on that, because I don't know if your condition is very much different, like a place like Moyale, where infact there is a shortage. Personally, I'm quite keen on this, because we have to design a security structure within the Constitution. And then the issue of different uniforms, you said because they wear camouflage, they lack that evil to the mwananchi in North Eastern Province. Let me just have that clarification.

Hassan: Well I think when I was suggesting about the security problem, I said that we arm the locals and to reduce the number of policemen and army. My feeling is that the army and the police are unresponsive towards what is happening. We have situations in this place where there is banditry, there is an attack somewhere, and the response is very slow, or doesn't come up. I feel, on the other hand a lot of the resources allocated, in this province, goes towards security, so its my feeling that if we arm the locals, at different points in the province or in the district, they can take the place of these army or these police, that's on the line of insecurity.

Your other question was on the uniform of the police. I think by wearing the camouflage, one disadivantage, if a policeman is brutal, if a policeman beats somebody or rob someone, we cannot report straight like we can do on the other parts of the country, because it doesn't have a number touch. Secondly, the whole appearance of that camel frige uniform, create a different phychological outlook on the policeman, because he is not a police in my sense, he looks like an army, somebody who is incompact.

Mukutar Robo: Ningeonelea, niongee juu ya vitu vichache.

Ya kwanza hii ya Khadhi's court, ya pili education, ya tatu, na roads in Northern Eastern Kenya, screening card, emergency law in Northern district. Parliamentary and Local Government elections, citizenship.

Nitaanzia na Islamic Khadhi's court. Tunataka Khadhi apatiwe uwezo kama ma-Khadhi wengine.

Elimu: tunataka Serikali itupatie free education, form 4 to university.

Mambo ya livestock, sisi tukiwa watu wa North Eastern na Eastern Province, tunatumia mifugo, hatuna shamba, tunataka soko ya wanyama, na pia barabara ya kusafirisha.

Screening card ile yote wenzangu waliongea, sio kitu cha kawaida, mbeleni hatukuwa na screening card hapa North Eastern. Tunapatiwa screening card ambayo tunaona hii iondolewe kabisa. Haitusaidii kabisa. Emergency law-hapa North Eastern, watu wetu wakiuawa, nikichukuwa mfano kama Wajir district, Garissa, na pia sehemu zingine, wacha wanyama, hata binadamu anauawa, na hatuna mahali ya kupeleka malalamishi yetu kwa sababu sheria ya Kenya nilisikia, tunahesabiwa kama shifta lakini sio kama Wanakenya. Hio tunataka iondolewe kabisa.

Councillors na MPs – wawe educated kuanzia form 4 na juu.

Citizenship: Tunataka kama mtoto wazazi wake ama babu wake walikuwa wa Kenya, hata yeye awe Mkenya, and if the father and the grandfather were Kenyans, the child also must be a Kenyan.

Security, hapa North Eastern, sisi wXXXX yetu na____, gamia naenda, ng'ombe wanaenda, uhai ya binadamu anauawa, hatuna jesi ya kutulinda hapa kichakani kabisa. Jeshi wako, lakini hawalidi sisi. Tunataka tulidwe,

Presidential election, tunataka ile mtindo ya 25% iedelee kama watu wako. Yaani President akipata 25% kwa 5 provinces, hio ni sawa.

Constuents, tunataka watu wa North Eastern, kuna wengine wanatuita wanaEastern hakuna watu, tuko wachache, lakini hata kama binadamu tuko wachache, tuko na ardhi kubwa. Tunataka ubana wa ardhi uangaliwe lakini sio uangalie population. Kwa sababu kama watu wachache wanaisi sehemu furani, kwani hawana haki ya kuwa wanakenya. Kwa hivyo hata kama watu ni wachache, kama ardhi ni kubwa, MP apatiwe. Kama Madela East sasa, Madela East tunataka iwe constituency mbili kwa sababu ardhi yetu ni kubwa kabisa.

Political parties, multi party tunaipenda lakini, tunataka ipunguzwe, zisiwe zaidi ya tatu.

Ya mwisho, hapa North Eastern, watoto ambao babu zao wameuawa na shifta, (orphans) hawaangaliwi kabisa, inaonekana hawana haki, hapa North Eastern. So, hayo ndio ningependekeza.

Adawe Hassan: Aiga waxa dib oo wadhanka xayo on kawarami kara. Translator: I will be talking about my province and the problems of the country.

Adawe Hassan: Mitna wasuale kenya markey dalatey gumeysi banasarna oo ingris eh kenya dhowladanimaya ya udaklatey xasho weyno dalashe.

Translator: We have been colonised by the colonialists in the first place, and later we got independence, so after getting independence, we assumed that we are going to meet our needs.

Abda Adawe Hassan: Xashi nodashey canexetha rer NorthEstern xathan xanau mana xellin dhad kale ya maalixaya oo rer

Kenya eh.

Translator: The independence was like a camel that has given birth, so if it gives birth you must be getting the milk but then unfortunately, we have not received the milk from the independent that we won.

Abda Adawe Hassan: Welliget anaga canexetha manarkin. Translator: We have never seen the fruits of independence.

Abda Adawe Hassan: Waxan motheyney dhowlad xathey dalateyna kigeskas jirey iyo kiinta jogey iney iskumit yixin o iskuxaq xiyin yan mootheyney.

Translator: And we thought after independence, we would be benefiting from the independent Government in all aspects, in all parts of the country.

Abda Adawe Hassan: Manoconin ee North Eastern gathal yalorewey xaquq malex, xaq malex yalayrii.

Translator: Then unfortunately, the Northern people have been left behind, they have been suppressed, they have been totured, they have been told that they have no right in the independent Government.

Abda Adawe Hassan: Waxa kuguthalil eh ini dhad laosxateyey mel lagakeney oo babur lagusogurey ini thab lamariyey. Translator: So because there are incidences of people who have gathered together have been killed massively.

Abda Adawe Hassan: In xolixi iyo dhadki lajireybo lalainayo.
Translator: People and animals have been killed.
Abda Adawe Hassan: Taas yan somarney.
Translator: We have seen that and

Abda Adawe Hassan: Xathi an xathli lexein ninki xathlowo walatoganeye. Translator: If you would have given an evidence you were told if you talk you would be shop.

Abda Adawe Hassan: Wan amuseyney. Translator: Be quiet

Abda Adawe Hassan: Xatha xaqi ya Ilaxey dambaley.Translator: It is time now has come, that we are told to give our views.

Abda Adawe Hassan: Xathi xaqa Alla dambaley wan xaltheyna wixi dibna wan shegeyna.

Translator: This is the time we are supposed to be giving our views and give out the problems that we have been experiencing in the independence days.

Abda Adawe Hassan: Xaqa an shegayo waxa wayey wax nawath galya eh, ama aqris ama thawa eh wax an xaisano malex. Translator: In terms of education, security, health, we have no facilities at all.

Abda Adawe Hassan: Waxan rabna in ispatalki thawa iyo taqtar iskufilan an xelno. Translator: We want the Government and the new Constitution to provide personnel and _____to man the _____.

Abda Adawe Hassan: In nawath galyatha lawa wadthan oo yar iyo weynbo ey qorya xaistanbo yan jiran lanaxay. Translator: We are neighboured by two states that has a lot of lawlessness so, handling guns is not a problem and may people have got guns.

Abda Adawe Hassan: Irithan xathan kabaxno ama qof ba lathili ama xolaxa yalagaqathani.
Translator: We give out our animals, either animal are raided, or a person is killed.
Abda Adawe Hassan: Lawatha jiranka eh wa Somali iyo Etopia.
Translator: The two neighbours are Ethiopia and Somalia

Abda Adawe Hassan: Saqir iyo kawir qori bey qawan. Translator: Young and old, all have guns.

Abda Adawe Hassan: Lalama xathli karo. Translator: You cannot negotiate with them.

Abda Adawe Hassan: Dhowlad nagaqawato oo nimankas nagathafcatho wan wainey. Translator: and there will be lacking a Government to stop these people from invasions all through.

Abda Adawe Hassan: Wan waraney xafis wan geiney wax naloqawanayo malex. Translator: We have raised our problems to the Government, to other organizations, but nothing has been forthcoming.

Abda Adawe Hassan: Xatha waxan rabna dhowlad . Translator: Now we want the new Constitution,

Abda Adawe Hassan: Wadhanka wubabac san yexe Translator: the country is dead,

Abda Adawe Hassan: Ini kor nalosoqatho oo kenya nalugutharo yan rabna.

Translator: that is the problems we face most. People from the province should be promoted and to be brought in power.

Abda Adawe Hassan: Tilabatha Kenya laguxayo ini nalugutharo yan rabna. Translator: We want to be put into the ministry of Kenya.

Abda Adawe Hassan: In goni nalogoini oo North Eastern naladixin yan rabna.Translator: We don't want majibo, we want the unitary system of the Government.

Abda Adawe Hassan: Kewathan korka nagafusho in dhowlada ey nagaqatho yan rabna. Translator: We do not want to be suppressed,

Abda Adawe Hassan: Ilamaxena waxan rabna aqriskotha ini laogatho yan rabna. Translator: We want our children to be educated.

Abda Adawe Hassan: Mabixini karan fiiska.mawaxayan.Translator: We cannot be able to pay school fees, because they do not have,

Abda Adawe Hassan: Warhanka wa kafu.Translator: The area is productive but there is no market for livestock.

Abda Adawe Hassan: Jitkisa wuxun yaxay. Translator: The roads are bad,

Abda Adawe Hassan: Wax kala oo ber malex. Translator: no agriculture,

Abda Adawe Hassan: Waxa logabaxi xol in nalothaweyo iyo suq naloguyelo yan rabna. Translator: we want life market for our livestock and then

Abda Adawe Hassan: O fadigena naloguimatho oo xola nalagaqato yan rabna. **Translator:** we want to come to our place and buy our livestock.

Abda Adawe Hassan: Ilmaxa kuwi shaqa garey ini shaqa nalosiyo.

Translator: We want job opportunities for our children

Abda Adawe Hassan: Wixi manta kabilawato. Translator: from now henceforth

Abda Adawe Hassan: Thawa xolaxa iyo dhadkawa eh in nalasiyo. Translator: We want veterinary and human medicine - both.

Abda Adawe Hassan: Jitka ini thag thag nalogusubiyo yan rabna. Translator: We want the road infrastructure to be improved.

Abda Adawe Hassan: Xathi owol afka naloqabtey xatha afka nolafurey waxba marewaneyne inti an kawaraney ini naloqabto yan rabna.

Translator: Now that before we were suppressed, and now we have been told to air views, we will air our views to the last. We request the commission to consider it.

Abda Adawe Hassan: Mitha kale wa thorashatha. Translator: Lets talk on elections,

Abda Adawe Hassan: Nin anaga an sothoraney maaxane nin kale oo mathax nonoqonayo majiro. Translator: we want all leaders to be elected

Abda Adawe Hassan: Thorasha an anaga sothorano xathey xumathana anaga ya etha lex xathi kalan wufican yaxay. Translator: because if a leader is elected, the problem, whether he becomes good or bad, we are the people who chose him. The problem will lie with us.

Abda Adawe Hassan: DC ga kasobilaw inti County Council, Chief inta xaga dhowlada kasocoto inan thorano yan rabna. **Translator:** we want the PC, the DO, the chief, the councilor, every leader to be elected. We don't want leaders to be forced on us.

Abda Adawe Hassan: Maxa yele aniga tothowatan yan jira.

Translator: Since that I'm 70 years old, I'm been working with the colonial Government,

Abda Adawe Hassan: Ingiriski yan lasodaqani jirey.

Translator: I know what the events that have occurred from the colonial time todate.

Abda Adawe Hassan: Ingriska iyo xatha daxthotha wixi lasomarey wan ogaxay. Translator: I have never seen such excess in my life.

Abda Adawe Hassan: Mithan okaley weligey maarkin. Banderath ya korkena kusuran oo bilig, bilig leh. **Translator:** There have been a flag on top of us,

Abda Adawe Hassan: Wax wax kuqawanayana malex. Translator: but nothing has been taken place.

Abda Adawe Hassan: Cathowgi kkucunayo wax kaqawano malex. Translator: Nobody will defend you from the enemy.

Abda Adawe Hassan: Taas okaley waligey imeyso marin. Translator: I have never seen such an activity

Abda Adawe Hassan: Tothowayan jir yan exe. **Translator:** and I'm 70 years old.

Abda Adawe Hassan: Marka cilkas yan qabna. Translator: since I have got that problem,

Abda Adawe Hassan: In arintas dhowlad kafirsato o nolabathalo yan rabna.
Translator: I want the Constitution commissioners to look into that and put it in the new Constitution.
Abda Adawe Hassan: Mabathinayi wa intas.
Type......

Ahmed Ali Hassan: Ahmed Ali Hassan yalaidaxa.

Ahmed Ali Hassan: Ahmed Ali Hassan is my name. Ahmed Ali Hassan, councilor of the area.

Ahmed Ali Hassan: Aniga xathal keiga mitha oxorey, dhadkina meshan fadiyo oo dhowlad kasobaxay oo maonigena qathayo maxath weyn yan ucelinaya.

Translator: I'm very thankful to the Government that has sent you commissioners, to carry out the review process here in Mandera – Arabia

Ahmed Ali Hassan: Mitha kaley waxan ithinka barya wexey raciyatha ey soqortey ithinka kabardigtene xathalka an shegno ini laqoro yan jecelnaxay.
Translator: We are requesting you that whatever the public have said, we want you to put it in writing and present it as a memorandum

Ahmed Ali Hassan: Mitha kaley waxa ladaxay kenya wa sitheth profis.

Translator: Kenya has 8 provinces, but the reality, its not 8 but 7.

Ahmed Ali Hassan: Lakini sithethi tothowo waye.

Translator: We the people of Northern province are not party to the independent Kenyans.

Ahmed Ali Hassan: Anaga rer NEP kumajirno kenya banderathetha iyo magacetha yan wathana maaxane. Translator: It's only the flag here and no other activity here.

Ahmed Ali Hassan: Waxath kufaxmi waxantagey Kisumu, Eldoret, Nakuru yan somarey. Translator: recently I visited Eldoret, Kisumu, Nakuru,

Ahmed Ali Hassan: Wathatha beraxa loqathayo waa lami. Translator: the roads to farms in the interior is tarmac.

Ahmed Ali Hassan: Anaga rer kenya yan nexee. Translator: if we are Kenyans,

Ahmed Ali Hassan: Kenyana afrtan iyo dowor sana bey dhowlada exeth. Kenya has been independent for almost 40 years,

Ahmed Ali Hassan: Garis iyo meshan daxthotha barabaraxa wath aragten.Translator: Betweem Garissa and this place, there are no roads

Ahmed Ali Hassan: Isiolo iyo Mathogashe daxthotha wath aragten. Translator: Between Siero and Modagas the same,

Ahmed Ali Hassan: Jitki beraxa logukacayey lami yalagushuwey anaga dulkena dhowlad mexey uxilmamtey. Translator: If the roads to the farms, are put tarmac, why not this place, since and there are a lot of livestock for collection here?

Ahmed Ali Hassan: Down kenya mafadithe meshan somali yafadithaye lacagta xanogaleinina wa ulajetatha.

Translator: The Government says that this place is inhabited by Somalis and they are not part of us, so there is no need of wasting our resources in this part of the country.

Ahmed Ali Hassan: Waxa kale, kenya malinti ey xornimatha ey qathatey katibatha lagushaqeinayey walex cathan. Translator: The Constitution of Kenya that has been in place in the time of independence has been one of colonial.

Ahmed Ali Hassan: Wax dhonaya sharcigi ubeberu ey subuyen ini xabath lagurewin oo lagawathabixiyo.

Translator: I'm giving my opinion and requesting that all the colonial Constitution should be removed from the independent Kenya Constitution.

Ahmed Ali Hassan: Kenya wa jamhuri kamil mallinti Kenyatta ya mathax weyna ueh. Translator: Kenya is an independent Government where the first President Mzee Jomo Kenyatta,

Ahmed Ali Hassan: Xathana Moi ba kuxiga Translator: and later taken over by Moi.

Ahmed Ali Hassan: Aftan iyo dor sana bey dhowlad exeth.Translator: It is almost 40 years,Ahmed Ali Hassan: Wan kkunoqona xathalkas waxi mzungu unugu xukumayey ey jirin dulkan wu kagurey.Translator: I repeat and I say that colonial Constitution must be removed from our independent Kenya.

Ahmed Ali Hassan: Xatha xathii sharciga labathalayo.ath bey uficantaxay. Translator: Now that you are changing the Constitution it is good.

Ahmed Ali Hassan: Mitha kale, waxan(inaudible) Translator: The other thing is, as I am giving my opinion,

Ahmed Ali Hassan: Screening kar ini Kenya daxthe lagabixiyo. screening card should be removed from the Kenyans.

Ahmed Ali Hassan: Sabata o eh Somali, Uganda, Tanzania, Ethiopia intawa Kenya bey sogalen.

Translator: Ethiopians have come to Kenya, Ugandans are in Kenya, Tanzanians are in Kenya, Sudanese are in Kenya

Ahmed Ali Hassan: Sababtana kenya wa dul fican oo aman leh o mathax weyna ficana lex.

Translator: and they coming to this side because they see that Kenya is a peaceful country headed by a good President, and its peaceful

Ahmed Ali Hassan: Waxa wayey ini nalasiyo paspor.

Translator: since that, we do away with identity cards absolutely, let us be issued with passports.

Ahmed Ali Hassan: Kibandatha sathax kun yalagatha ama lawa kun.

Translator: The ID card is just 3000 shillings and we buy, anybody has bought it and so many already have.

Ahmed Ali Hassan: Chie iyo DO mitna lamawarsanayo.Translator: you don't ask a chief nor a DO nor a DC.Ahmed Ali Hassan: Ninka goinayo umba lacag qathani unakugoini.Translator: just go to the registrar, pay some money and get the ID card.

Ahmed Ali Hassan: Kibandatha sas ya dib loguqawa. Translator: that is the thing about the ID card, because anybody has,

Ahmed Ali Hassan: Kenya dhadka kunol kuwa kabathan yaso kor fulen. Translator: many people who were not born as Kenyans have got it and have come to Kenya

Ahmed Ali Hassan: Waxa radioga kamaqalney ini lawatan io afar qof ey kkusothagen. Translator: I have been hearing over the news recently that more people have landed in Kenya.

Ahmed Ali Hassan: Intas wexey rawa iney dulka sogalan ayaga oo waxba bixini oo lacg intey bixiyana kar ey qatan. Translator: Those people do not want to pass through the immigration but they are coming in order to get their Identity Cards without passing through the right channel.

Ahmed Ali Hassan: Sababta igakentey ini lajojio ID kar wa tas. Translator: That is what is forcing me to stop identity cards.

Ahmed Ali Hassan: Waxa jirta askarta marki lasobathalo oo down kenya askarta jogto wexey wathata nambar ketha shati cathna wey wathata.

Translator: I think that there is a difference on the uniform the soldiers of North Eastern Province and those of other parts of Kenya. Those in other parts of Kenya have got white shirt and a number stuck on it.

Ahmed Ali Hassan: Xathii u mit wax kuyelo nambar kisa yath qori wana thacweyni.

Translator: If Someone possibly wrongs you or makes some brutality, you will just take down the number and then take it to the police.

Ahmed Ali Hassan: Waxan rawaaskarta iney nambar xirta.

Translator: So we are requesting that the police or the security officer should wear the badge with the number attached.

Ahmed Ali Hassan: Sabata ninkey sixun ugasho ini uthacweyo nambarka lagafirsani.

Translator: So that he can be followed up incase he does something.

Ahmed Ali Hassan: Malinti emergenciga oo xornimatha laqatey meshan sithe boqol oo xola eh yalagutogtey mesha. Translator: Going to the time of shifta i.e the emergency period, almost 800 camels have been shot here.

Ahmed Ali Hassan: Gelka bey umaleynayenn shufta.

Translator: They think that the camels are the bandits. They kill knowing they are camels.

Ahmed Ali Hassan: Wana North Eastern odan. Translator: and it is part of Kenyans not Eastern Kenya.

Ahmed Ali Hassan: Xolixo waxan rabna iney nolibeyso.

Translator: It is the Government of Kenya that has finished our animals, our livestock, we are requesting the Government to give us back our money in terms of

Ahmed Ali Hassan: Xatha dulka securitkisa wufican yaxay. Translator: The security is not bad

Ahmed Ali Hassan: Lacagti odan waxa lageyey xaga maaliyatha. Translator: I think that the money for development is invested in security.

Ahmed Ali Hassan: Xatha waxan rabna lacagti ini lakalagoyo.

Translator: We want the money to be divided. If not, withdrawn obsolutely from security and be invested in development

Ahmed Ali Hassan: Tharafna securitka lasiyo.

Translator: Use a small portion to be given to the security.

Ahmed Ali Hassan: Mitha kalana cafimathka iyo educationka lokalagoyo.

Translator: That money should be invested in education and health.

Ahmed Ali Hassan: Yangu ni hayo, asante.

Com. Lenaola: Nitakuwa ni nawaita, niko na list. Jambo la pili, tungependa mapendekezo, ukizungumza, sema shida na pendekezo.

Translator: Waxa larawa dibka ath qabtin inath sithi logabixi laxa ath shegtin.

Ramla Haji Yussuf: Aniga dhad muslin yanaxay in an dintena kudaqano. **Translator:** We are muslims and we want us to abide by the words of our religion.

Ramla Haji Yussuf: Wqaxan rabna anaga dinta muslinka in an kudaqano sabata dhadka nin walbo xathu dintisa kudacmo xatha waxa laleyaxay wax balabathali anaga dintena mabathalmeyso.

Translator: She does not want any changes to be made as far as our religious activities are concerned.

Ramla Haji Yussuf: waxan raban dintena awothi nalasiyo in an kudaco ninki nag rimiiyo ini lathilo oo awothas nalasiyo yan rabna.

Translator: We want to be ruled by the use of Islamic sheria so that if a woman illegally gets pregnant, she should be killed. This may reduce cases of immorality and AIDS.

Ramla Haji Yussuf: Tii xar muslin an xirananina boqol jethal yu lexaya waxan rabna ini lagudufto.Translator: once a woman is not married and she illegally indulges into adultery then she should be given a hundred canes.

Ramla Haji Yussuf: Ninki wax xatho ini gacannta mithigta lagayo yan rabna.Translator: If someone kills or something he should be chopped off his right hand.

Ramla Haji Yussuf: Waxan tas urabno uthurka AIDS ladaxo wunaga xari.

Translator: If we would have abided by the word, by the religion, then we would not have had cases of AIDS and this menas of aids should have ceased.

Ramla Haji Yussuf: Xagas yan ogabixi. Translator: That is all about religion

Ramla Haji Yussuf: Xaga aqriska iskulaxa anaga ilamaxa claska sithetha ila form four tathal yan iskulka ogabixina.

Translator: As parents, we will try our level best and we have been trying our level best to educate our children from std. 1 to 8.

Ramla Haji Yussuf: Waxan kumarnawa ilmixi wax jamacth noathayo maqabno ma mitixankotha yalasexeynin miya makasayi. **Translator:** It is very unfortunate, after our children do KCPE or KCSE, none of them go to National schools or universities at the end of the exam, we do not know where that problem is. I believe it is because of discrimination.

Ramla Haji Yussuf: Waxa dacay manaqano.Translator: I do not know what exactly happens.

Ramla Haji Yussuf: Ilmixina wey tathalayan waxa dacayna manaqano iskumitna maaxa North Eastern dan ilmaxa.

Translator: and I'm sure our children have been trying their level best, and it is not the same for all North Eastern Province because you may get a child who is good here, and you get a child who is better in Wajir and Garissa but it is very unfortunate that the performance is almost uniform.

Ramla Haji Yussuf: Waxan rabna sababta ilmexena ey kuthathanayen ini naloshaego oo dhowlada ey ogato. **Translator:** We want the Government to investigate why our children are performing so poorly like this.

Ramla Haji Yussuf: Iney lacagtan bathan oo ilmaxa ey kuaqristan on laan naxay, iney macaliminta naguyaryixin in n alokalashego yan rabna.

Translator: We do not know whether the causes are because we fail to pay school fees and most of the time our children are out of class, is it because of that or because of lack of teachers or because unfairness in the marking system? We want a Constitution to carry out investigations on that.

Ramla Haji Yussuf: Mitha aqriskana intas yan ogabixi. Translator: I'm leaving education on that.

Ramla Haji Yussuf: Karkan gathuthan. Translator: The issue on screening cards.

Ramla Haji Yussuf: Krka gathuthan marko yalagoyey.

Translator: It has been said once.

Ramla Haji Yussuf: Dhad an xelin jiran.

Translator: There are others who have been of that age and they have not even got that screening card.

Ramla Haji Yussuf: Dhadkina wey weynathen xathana.

Translator: People have grown up and now they are mature.

Ramla Haji Yussuf: Mar kalana lamagoinayo.

Translator: They have not yet cut now a second time for the screening cards.

Ramla Haji Yussuf: Kibandaxi dhadki yar yara ogosan laxa karki ya laguxirey.Translator: Now it is very unfortunate nowadays, if a child wants to get the identity card,

Ramla Haji Yussuf: Ama karki wudumey ama shufta nagaxogtey xuthuth yan fadina kar xata si logosto ya laaye. Translator: the condition is, you must have the screening card of your parents, yet the screening card can get lost, it can get torn out, it may not have been issued to the parents of the child,

Ramla Haji Yussuf: Anaga rer kenya yan naxay intan yan kudalaney wixi kenya nagabixiyey oo somalitha kali karkan logugoinye in nalagaqatho ama kenya odan iskumit an noqono yan rabna.

Translator: the issuance of the screening card has been very discriminative, it has been baised, we are Kenyans (born Kenyans) and we should have equal rights like any other Kenyans.

Ramla Haji Yussuf: Mithe kale anag kenyna dhad bathan bey nagalaisey.

Translator: in the time of emergency, many people have been killed by the independent _____ (inaudible).

Ramla Haji Yussuf: Dhaki nalagalayey xata aniga sethax nin oo thumashiyalkey bey thishey **Translator:** As I talk, there are three in-laws of mine who have been feared killed by the Government.

Ramla Haji Yussuf: Ilmixi ey katagen ba jogan , xolixi banalagadameyey.

Translator: there are children of the deceased who were there, there are also a lot of animals that have been cleared.

Ramla Haji Yussuf: Waxba nalamasini ilmixi xata waxba lamasini aboxthan walagathiley.

Translator: There has been no compensation, the children have been left without parents, the animals have been finished and they are very desperate, yet the Government has not compensated for them anything.

Ramla Haji Yussuf: Xata Arabiyathan an jogno waxa kadacthey ini nimanka mith mith loqawano oo qori kena laleyaxay oo qori anaqawin.

Translator: One time it happened so that, at Arabia, there have been an operation, men have been castrated, testicles removed, they are told to bring guns, so the best thing to do is to send for a gun, you do not have the gun but because of the

torture you are undergoing, you have to go to Somalia, purchase a gun and then give it to the Government.

Ramla Haji Yussuf: Rag an dalin ba jogan oo rayaxa bir logaqabtey.

Translator: There are others who have almost barren, who do not give birth, some men.

Ramla Haji Yussuf: Dhadki thagana ya shufta nalagadigey anaga oo shufta waligen arkin oo rer kenya ehy. **Translator:** They have been made immigrants without a nation, in their own nation.

Ramla Haji Yussuf: Somali Nporth Eastern xathan naxay canathka in nalagaqatho yan rabna.Translator: I'm requesting the commissioners to put that in writing, that operation should come to an end.

Ramla Haji Yussuf: Gebdexena somallitha wax wey bartan.

Translator: Our girls perform well in schools,

Ramla Haji Yussuf: Xath meshan gewer somali nogumajirta.

if you look at the commissioners and those people that have come, none of them are coming from this area.

Ramla Haji Yussuf: Markan aqris nalamageinen wanalarewi anaga somali xathan naxay.

Translator: It is not because we are not educated to that level, we are, but it is because of the disparity distribution of the resources.

Ramla Haji Yussuf: Anaga kenya in an kutharsano yan rabna.

Translator: We think that we should be put into the main stream Kenya.

Ramla Haji Yussuf: Aiga xathalkeiga intas yan ogabexey.

Translator: I think I'm through with that

Com. Yano: Kuna jambo umesema kuhusu, kusema kuwa mama akipata mtoto nje ya doa, yeye auawe na pengine akifanya usherati pia, apatiwe ama apigwe viboko mia moja, na je kwa yule mume alimpatia mtoto, mtampatia yeye punishment gani?

Translator: Waxa lagudaxay sithiath sheg nagata laqawo oo macsiya gashe in lathilo tii an laqawin boqol jethal lagudufto, ninki nagta itha exeth rimiyey sithe layela?

Ramla Haji Yussuf: Asaga walamit.

Translator: She is saying that, the same applies to men also.

Comm: Baraza: Nataka uniambie uko na maoni gani kuhusu kutairishwa kwa wasichana - FGM. **Translator**: Gebdaxa laguthayo maxath kalethaxay.

Ramla Haji Yussuf: Anaga dintena gebdaxa ini lagadijiyo bey ogoshaxay wain lagadijiya.

Translator: It should not be done on girls but atleast some slight thing should be done as far as our religion is concerned, but the multilation part is not part of the religion.

Com. Baraza: Is it religion or culture?

Ramla Haji Yussuf: Daqanka ya daxayo dinta madexeyso.Translator: it is culture, not religion.

ТҮРЕ.....

Mohamed Ahmed: I'm Mohamed Ahmed. The commissioners, I'm very thankful, and I wish to welcom you to Arabia. First and foremost, I will try to be brief because a lot of it is written here. So I will try to be brief.

I wish to propose the following:

On citizenship, first, anybody born in Kenya should be regarded as an automatic citizen. Second, one should aquire automatic citizenship if married to a Kenyan. 3rd, the Government allow, the Constitution should allow dual citizenship. Fourth, colour, creed, religion should not be used to deny one citizenship. I'm saying this because many times, as you walk in the streets of Eastleigh, just because you are a Somalia, you see the police get hold of you and ask for this and that. If they take your passport and your name is Mohammed Ali or whatever, you are not going to be regarded like any other Kenyan. You are first going to be set aside, and you are going to be scrutinized. So the religion should be used as tool for discrimination. Collect and remove, they just insist, done on people of North Eastern Province.

The requirement for acquisition of passports or any other official document should be uniform for all Kenyans. Not saying that because you are a Somali you must come with a screening card, you must come with a screening card of your grandfather, the ID card of your great grandfather, those issues should not be there. The requirement of a passport should be uniform for all Kenyans.

On issue of political parties, the ruling party should not be privileged to use the state resources. At times you find that the ruling party KANU uses the helicopters of the police, to go round, to do this do that. This is a state property and should be for the state, not for any political party.

The other thing is, all political parties should sponsor themselves. If you look at the economy of a country, we have got almost 48 political parties, if we will be financing each political party, I think the economy will not allow. We should have national unity and reduce ethnicity that of course our political parties are based on. I'm proposing that, we have at least a maximum of 4

political parties.

I support the establishment of a Government of national unity, to facilitate Constitution and economic reforms. The new Constitution should adopt a Parliamentary system of Government with an existing Prime Minister, and a ceremonial President. The new Constitution should abolish the provincial administration proper and in place we put in elected leaders. I think a councilor can act in place of a chief and scrap off chiefs completely. They are dangerous to the community, they are a threat to security. We find that the ruling party has used the establishment of administrative boundaries-divisions, districts, locations, and as a result of that we have come up with so many problems. There is a lot animosity, enemity, between the communities that have been staying together cordially. If I take an example, look at Ijara what has been happening. We have been reading through the papers, here we have got ______ (inaudible), infact the community have been very understanding otherwise, they would have been a problem that would have come up from there. ______ (inaudible) the issue of Garsens and Digodias, we have been reading over the press these things. All these are caused by establishment of Administrative boundaries, so, the administrative boundary should be reduced.

I am advocating for, on the issue of Legislation, I propose the following: The Parliament should vett appointments made by the President, for example, the PS, Ambassadors, PCs, because the President should not be given all the powers to do all these. They should be vetted.

I'm also advocating that the language test for Parliamentary election is not sufficient, and therefore, minimum qualification for a Parliamentarian should at least be a form 4, with at least a diploma in a professional area, either in private or you must have worked 10 years or 5 years in either a private or public services.

I support the provision of nomination of MPs but differ in the manner it is given. Chances should be given to the disabled, the maginalised like, people and women who are vulnerable. I propose that this number of nominated MPs, the number should increase at least to 30. I also propose that the Parliament should be autonomous, and must have its own timetable. Many times you find that the President closes the Parliament before that and this and that. It should have a schedule and by the time pre-arranged then it should come to an end.

The new Constitution should provide for a coalition Government, to allow a proper coalition and power sharing among among political parties in future.

On the issue of the executive, I propose the following: the President should not be an MP or representing a Constitution. I propose that the President should be elected all over the nation, because, if he is an MP for a constituency, how will he attend to his constituents yet the country is waiting for his services. I propose that the President's constituency boundaries should be the country not the constituency.

I propose that the President should not be above the law, and he should be I think in some places like, if he has a questionable

moral conduct he should be impeached. If he abuses office, he should equally be impeached. The other thing is that the qualification of a President should be at least a graduate – degree, preferably who have worked in private or public for at least 10 years. He should be at least of 40 years of age and above.

I'm also proposing that the President should get at least 60% of elected voters.

Commissioner: question not clear

Mohammed Ahmed: I'm saying that because, many are times when, the President may be getting 30% of elected voters, that is not majority. If the President gets less than 60%, then the 1^{st} one and the 2^{nd} one must join race and come up with one Presidential candidate.

Well, the khadhi's court, the judiciary, if I may talk abit about it, but be totally indipendent. I think the court of appeal must be fully protected by security of office to ensure proper discharge of their duties. The Khadhi's court should be accorded in full power. Prestige and decision of any other proffesional court, the Chief Khadhi should be of equivalent status of Chief Justice.

Let me talk about the issue of poverty. Infact many times we spend so much resources on poverty education programme. You find that a lot of more expense on big hotels like Serena, Silver Spring, Safari Park, yet the people who are the real beneficiaries for that programme are at ground levels. Up to now we have been talking of poverty education plan, and we have not reached the community. I think that money would have been invested here, we would have discussed with the locals, we would have seen where the problem is, and we would have come up with a realistic, achievable, plan, because that one is not realistic and it is not achievable. Thank you.

Com. Baraza: Poverty is quite an issue, we Kenyans are sinking deeper into it. Do you have any ideas on how Kenyans can be jump started. Are you suggesting the money being spent in Serena could be put in the hands of somebody in North Eastern to jump start them or how do you see Kenyans getting out of this situation?

Mohammed Ahmed: I am saying that, we would have _____ (inaudible) this programme, if we would have come directly to the community, and _____ (inaudible) the community, than dealing with people in Nairobi, and asking what the problem is, how can you eradicate poverty? They are not addressing

(interruption)

Com. Baraza: Apart from coming to ask the people, to involve them, how do you thin this can be handled? Personally, I want your views.

Mohammed Ahmed: Ok. One, we say, I said the issue of famine relief, the issue that is given to reduce poverty, I feel this

should be replaced by coming up with a sustainable project like, like we have got a lot of resources, water. Last time when it rained there was a lot of water around this area, if we would have _____ (inaudible) that water, and we would have come up with a very big dam, and established irrigation around there, I think that would have eradicated poverty.

The other thing, Mirco Credit schemes, enterpreneurship education: these people are purely Muslims and infact they discourage or, even the religion does not allow the issue of interests. If these people are given funds, which is interest free, I'm sure they will be able to repay and you will have that fund as a revolving fund in the province. I'm sure it would have been of much use. Thank you.

Com. Lenaola: Baada ya councilor tutamuita Fatuma Hamed.

Yusuf Abdaah: My name is councilor Yusuf Abdaah, I would like to say about the system of Government, I would like to propose the unity resystem of Government whereby we will have only the President, and I propose for 2 chances for Vice President. We will have two Vice Presidents, one should be given to the muslims, and the other one should be given to women because muslim have higher population, we are almost 9 million and the women likewise. I would also like to propose that the President should have at least 25% from every province.

The other thing I would like to say is the Chief Khadhi should have a structured court like any other court in Kenya which deals with civic suits, domestic violence, and children's rights. The Chief Khadhi also should have a law in the Kenya school of law on top of Islamic law. Also as muslims we would also like to have an interest free bank in the country and the Chief Khadhi's court should be the same as Chief Justice' court. For local authority, we would like to have local authority service commission, to employ the chief officers in local authority where by now they are employed by Public Service Commission. In regard to that, because these chief officers are in the local authority, and now when they bring certain corruption, the councilors have no powers to chase them because they are not employed by the same council which is paying them.

I would also propose that there should be no acting capacity for the chief officers in all local authorities. There should be confirmed chief officers. For councilors, they should be minimum form 4 and above.

For land, you know we have three types of lands in Kenya, one is the Government land, the private land, and the trust land. We as North Easterns, our land is called trust land, and now it is being said the county councils are the trustees, but now the problem here is the county council have no say about this trust land, it comes under the OP, because the provincial administration just decides the way they want. The plot allocation chairman is the DC, he just calls for a physical planner, he calls for the clerk to the council, they just sit in his office and they decide the way they want. The following day you see somebody having a title deed, then later the community blames here and says the town councilor should be slammed of which the councilors were not aware. So now we want the administration not to have a say in trust land and the land should be

brought back to the community - community land ownership.

And now as pastoralists – I would like to propose that the Government should find market for livestock for us. We also have hides and skins, we should also like to get market for them, inside and outside the country, because formerly we had the Kenya Meat Commission which is closed now, so now we would like to get market inside and outside the country for our livestock. There is also this indemnity act, the current indemnity act which our livestock and our people were being killed formerly, and we cannot now ask for compensation. Now for the current Constitution review, we would like to ask for the compensation for our livestock and people who will be killed. And I finish with that. Thank you.

Comm: Baraza: Do you think your lives were better when there was KMC in Athi River? Did it make a difference for you?

Yusuf Abdaah: Yes, that time there was market and there were too many coming from up buying our animals, but nowdays there is nobody who comes for it, and now if we take them down there are no purchasers.

Abduhab Noor: My names are Abduhab Noor, I would like to talk on the following: On education, I recommend free primary education upto university level, and furthermore a university should be developed in a way it brings on our local assets in university education.

On security: The issue of Kenyan Somali be investigated and administration police, and military brutality inflicted on us should be well addressed by the new Constitution - from the emergency period up to the post independence. In the 21st century, we are victims of killings and puts us in doubts whether we are really Kenyans.

On employment: Unemployment is very common and hamburg, discussed out on whether I should continue school after seing over 200 people who are unemployed in this small village. Employment is for all Kenyans, should be addressed by the new Constitution.

On politics: One should not be an MP or a President for more than two terms of 5 years each. This is to enable Kenyans to represent and expose their potentiality in representing their people. Thank you Type.....

Hassan Ibrahim Abdi: Assalmu aleykum.Hassam Ibrahim Translator: His name is Hassan Ibrahim Abdi

Hassan Ibrahim Abdi: Dib xathu imatho.

Translator: If you say your problems

Hassan Ibrahim Abdi: Xathath dibshegato oo waxba laguqawanini sodib maaxa. and then nothing is done about it, is it not also a problem? If there is a problem you have to say.

Hassan Ibrahim Abdi: Aniga tothowatan iyo lix yan jira. Translator:I'm 76 years.

Hassan Ibrahim Abdi: Maalinti banderathan lasurayana wan jogey.Translator: At the time of independence, when Kenya got independence I was there.

Hassan Ibrahim Abdi: Dibki an araganey adthunka wax calim maaxal. Translator: We have encountered a lot of problems.

Hassan Ibrahim Abdi: Qawil jiran ath motheysithna oo wunugudaxjira.Translator: There is a place that is neighbouring us that is absolute enemy zone.

Hassan Ibrahim Abdi: Wa ninka Marexanka lairaxtho.Translator: _____ (inaudible) who stay on the other side of the border.

Hassan Ibrahim Abdi: Dhad iyo thunyawo imadaqno.Translator: They have finished our people and animals.

Hassan Ibrahim Abdi: Xat ingiris a ba kanogey ninkas.Translator: Even the colonial Government could not do anything about these people.

Hassan Ibrahim Abdi:(inaudible)

Translator: On the current Government of Moi, has given all the freedom to live anywhere and do anything.

Hassan Ibrahim Abdi: War xathi wax laiqawano. Translator: Is there anything to be done?

Hassan Ibrahim Abdi: Waxa layiri "gelow rarasha ragow barasha".

Translator: there is a Somali proverb which says, for a man, you should know him by activities but for a Kenyan.....

Hassan Ibrahim Abdi: Wax ya laguqawan yalileye wax iqawanayana maarkin. Translator:many times people say that something is going to be done.

Interjection: Com. Lenaola: Yeye angependa nini?

Hassan Ibrahim Abdi: Rag an iskagaqabto qori xalaiyelo. Translator: those people are armed so arm me first.

Hassan Ibrahim Abdi: Riffle malaiyeli. Translator:I want to be given riffle.

Hassan Ibrahim Abdi: Sikale on iskagaqawanayo malexe. Translator: there is no other way.

Hassan Ibrahim Abdi: Intas iyo nawath.
Translator: That's all
Type.....
Fatuma Hamed: Salaam Aleikum
Translator: She is greeting you.

Fatuma Hamed: Waxa wayey sualaxa nalawarsathey oo mannta naloimathey suala an weli aragney maaxa. **Translator**: The questions that we have today, are not the questions that have been there before,

Fatuma Hamed: Waxa naxay rer kenya meshan yana kudalaney. **Translator:**We are Kenyans, we have been born here,

Fatuma Hamed: Abaxey boqol iyo lawa sana bujira.Translator: My father is 120 years old.Fatuma Hamed: Xoyatheyna sagashan bey jirta.

Translator: and my mother is 90 years.

Fatuma Hamed: Awow gey iyo awotathey qabrigothan wakuwan tagan.

Translator: The graves of my grandfather and my grandmother are within this country.

Fatuma Hamed: Aniga xalkan ban kudashey. Translator:As I talk to you, I've been born here.

Fatuma Hamed: Aqli waxan sogarey maalinti dhowlada wey imani nalalaxay ima yanaxaye ndegetha thawatha gathuthne ey imaneysey.

Translator: the time of independence we were seing a plane had a red mark at the back.

Fatuma Hamed: Rer bathiya yan axay farna maaqanin.Translator: I was in Badia those days, that is the reserve and I never knew I how to read and write.

Fatuma Hamed: Abaxey wujogaye dibki ingiriska udhadka kuxayey bunogashekeini jirey. **Translator:** My father used to tell us about the problems that the colonial Government has done to us,

Fatuma Hamed: Lagayawa jelexathixi malintas garen in ey ila xatha kuyalan. **Translator**:first was the injuries he sustained during those days are still with him.

Fatuma Hamed: Waxa nalogushekeyey anagaoo ilma eh dhowlad ya dalaneysa. **Translator**:we were told when that time that is the Government of independence that is going to be born.

Fatuma Hamed: Dhowlathiansogarney anagi iyo walalexey ana aqris waxba kaaqonin oo rer b athiya dhadka xorey ba exen. **Translator**:and by brothers and sisters have not been educated and they are illiterate.

Fatuma Hamed: Asagi nadaley ayan aqris iyo istacmal fican an kuxaisana.

Translator: It is now that the children that we have given birth to are the people who are getting education.

Fatuma Hamed: Xathana manaxelin sithan rabney.

Translator: and up to now we have not got what we expected from the independent state.

Fatuma Hamed: Waxan rabna dhowlada thuceithi malinti karka lagoinayey, anaga mana arkin dhowlada kenya ges bey nagajirta.

Translator:Since that, after the birth of independent Government we have not seen a nation that is addressing our issues.

Fatuma Hamed: Banderathi waislamit karkana wa islamit.

Translator: The flag is uniform, it is there, and the ID card is uniform.

Fatuma Hamed: Waxan rabna ilamaxa aqristen oo iskulka kolkey dameyan on kudibono oo dhowlada lacagti ey lexeth ey wathaqorantaxay oo markey mitixan lagaqatho ey tathanayan.

Translator: We can address this issue by creating job opportunities for our children who have attained certain education level.

Fatuma Hamed: Ilmaxa odan xal macalin umadigin iski maskaxna maaxa.

Translator: children have different abilities, and I assume that many children can be performing well in the exams.

Fatuma Hamed: Waxan daqana xolax ananga. Translator:we are also pastoralists

Fatuma Hamed: Waxa uwathaqoran ilmexena wexey kkuwatha aqristen odan oo dhowlad ey nagulethe.

Translator: and we have got poor market for our livestock, and the Government wants us to pay the school fees and upto now we are owe a lot of money.

Fatuma Hamed: Wey ilayartexe wax laleye cunug bey dhowlad kabixisey lacag maarag. **Translator**: the Government is not paying any fees for any child.

Fatuma Hamed: Meshan an jogno biyaxa wa mashin.Translator:where we stay we get a water system from a machine, a borehole,Fatuma Hamed: Xola yan istacmalna wara yana dameysey.Translator:the livestock have been swept away by the drought.

Fatuma Hamed: Lama arko plot oo faresh kasuran yexe. Translator: we have no piped water system.

Fatuma Hamed: Kmabathno inta afka dhadka ey caban. **Translator:** there is little water and that is just for domestic support.

Fatuma Hamed: Xathii xolixi dib ey udamathen oo wixi ey cunayen u on dameyey. **Translator:** if the animals have been swept away by drought and because of lack of water,

Fatuma Hamed: Waxan ubaxnen iney dhowlad xolaxa ey biyaxa ugoiso o nalasiyo boyath oo musacitha nalogadigo awartan. **Translator:** we wish the new Constitution to put into recognition water system through water tanks for the people in the reserve, so that water is given to them in the interior, because they might not be trekking and animals they might not be trekking from a far distance to get water.

Fatuma Hamed: Maxan ilmaxa iskulka lacagti noqorneth an ogabixina mexeli karno. **Translator:** We cannot be able to pay the credit that we owe in the schools, because we have got nothing.

Fatuma Hamed: Shufta oo bur cath dhad somaliya ladaxo oo dhowlad qawin ya nagarab tagan. **Translator**: There are a lot of bandits from the border.

Fatuma Hamed: Xawenkina nawath galya kumasexano. Translator: and we spend restless nights sleeping because we are worried we can invaded any time.

Fatuma Hamed: Xalki an qabne xathi cunug uraco ama gewer ama wil nefkina walaersana gewedina walaxogi wilkina kurka yalagagoini.

Translator: The animals are raided and even the child who is looking at the same may not be able to come back because of fear.

Fatuma Hamed: Waxa naxy nyanya suqa talo oo subaxthi bilcan qurac usothonani. **Translator:** we are just like ripe tomatoes where anybody comes and purchases and they go.

Fatuma Hamed: Somaliya ya baxthetha nagugurata. Translator:We are victims of this lawless nation Somalia

Fatuma Hamed: Dhowladthena waxn umaleyni iney inda der lethe oo wixi urka kujirana ey arkixaiso. **Translator**: I think the Government should be seeing whatever is happening around.

Fatuma Hamed: Wixi dib ehna ey thifaci karto.

Translator: and it has the ability to defend its people from other intruders.

Fatuma Hamed: Maana arkin xog dhowlad o naliguthifaco mana arkin anaga weligan. **Translator**:the Government has not done anything to defend our life and property.

Fatuma Hamed: Meshan an jogno waxan kujogna xuquq xuma. **Translator**:we have no right here in this place of Kenya. Fatuma Hamed: Maala arkin nin gatha kadintey oo xoreyna kanol.

Translator: Has there been a case where one person is dead, the same person alive on one part and dead on the other part?

Fatuma Hamed: Waxa nasogaey iney kenya in ta xorey ey kanoshe qarka thambana oo dintey an anaga naxay. **Translator:**We have a nation where one part of it is alive and the other part is dead and its one body.

Fatuma Hamed: Kar ya laoini yanaladexe kar warya wax lairaxtho waqtidaxthas nalogeye ya jira. **Translator:** They have been saying that they want to issue us with cards and they say that there is card for "Wariahe" (Somalis)

Fatuma Hamed: Qarthas man celini karna intas osana a naladaxay in ath kentin maaxane ilmixina kar lomagoinayo. **Translator**: She is saying that we cannot be able to keep paper because it is just gets worn out, it gets lost and it cannot be replaced yet they are asking for it for verification.

Fatuma Hamed: Waxa xawen walbo Mandera lagushukuli wa ilmixi an dalney o karki an uguini wayney. **Translator:** daily our children are being totured because they have not got identity cards.

Fatuma Hamed: Waxan rabna dhowlathena ey gacan nasiso oo ilmaxa iskulaxa waraqyatha kadacayin an waraqthotho an laqathin oo cunug walbo meshu kkuaqristey an lagaqathin waraqthisa.

Translator: We want the Government to give us our rights and the new Constitution should provide rights for all Kenyans equally.

Fatuma Hamed: O noloshi kor jirtey xalkan nalogukeno on iskumit noqono. **Translator**: All Kenyans must be equal.

Fatuma Hamed: OO shuftatha nadiwixaiso cithanki nagathifaci laxa nolakeno. **Translator**:We should be provided with the military and police support to defend us from invasion by this nation.

Fatuma Hamed: Anaga dhowlad wanalagushega lakini maaragno.

Translator: We are told that we are safe, but we do not see the benefits of this state.

Fatuma Hamed: Dhowlad ba naxaisa manaaragno wax dhowlad lairaxtho maaragno.

Translator: we do not see the fruits of independent Kenya. Type.....

Sugal Abdow: Aniga waxan axay Sugal Abdow Ahmed. Translator: I'm Sugal Abdow Ahmed

Sugal Abdow: Waxan kaxathlaya qothobko kali. **Translator**: I want to talk on one issue.

Sugal Abdow: Kas ba ath igukulul. **Translator:** and that issue is very pressing.

Sugal Abdow: Anigana ath yan oguxanunsanaya kenya qeib buukene.Translator: it is pressing me so much yet it is quite simple to the Kenya Government.

Sugal Abdow: Malintey Kenya xornimatha xeshay ila xata wixi ama Wajir ama Moyale ama Malkamari oo cithanka kenya ey laayen yan ath ognaxay.

Translator: the issue that is pressing much is the number of people that have been killed by the Kenya Government, Athma Kamali at Moyale, Athma Kathaka at Wajir Massacre, and Garissa.

Sugal Abdow: Xatha waxath daxthen sharci yalabathala yath daxthen.Translator: You are telling us that you are changing the Constitution,Sugal Abdow: Kii bo xathan yelney maxa sharci lagabathala.if that Constitution is there, what is the need for changing the Constitution?

Sugal Abdow: Xorta kas mesha xalagabixiyo.

Translator: the former Constitution should be repealed absolutely and we should come up with a new one.

Sugal Abdow: Kenya odan islamey watha fadisanine koleybo qofko ama lawa ya fikrathas keney. **Translator:** that Constitution was the proposal or opinion of few individuals and not from all Kenyans

Sugal Abdow: Mitha kale aniga waxan axay nin rer gura eh. **Translator**: I'm a pastoralist,

Sugal Abdow: Xolixi xorey udamathen.

animals are dead, because of severe the drought,

Sugal Abdow: Lix magala oo Garis kamita taxay, kuli dhadkotha wa rer gura.

Translator: we are pastoralists more than anything - dominating Wajir, Garissa, Moyale, Mandera, Marsabit we are all pastoralists we have got common problem.

Sugal Abdow: Dhadkas rer gura eh wax rer gura kawatha simey binanthmanka Ilaxey ya ninkasta wax uqathirey. **Translator:** We are all pastoralist because we have common characteristics,

Sugal Abdow: Marka dhad rer daqata bey ayaga noqthen. **Translator:** So we are pastoralists, and we herd animals.

Sugal Abdow: Dhadkasna maqawan mel ey xolaxotha geystan oo ey kugatan maqawan. **Translator:** These said pastoralists do not have market for their livestock.

Sugal Abdow: Xolaxa canaxa lagamagato. Maqarka lagamagato. **Translator:** there is no sell of dairy products, no sell for hides and skins

Sugal Abdow: Xilibka lagamagato. Translator: No market of meat,

Sugal Abdow: Waxan kunol naxana wa xolaxa. **Translator:** and we are entirely depending on them.

Sugal Abdow: Nef katha markath safarto ooWajir ath keiso waxa lagudixi lawa boqol oo shillin mankasini. **Translator:** when I market my animals and I take them to Wajir, because Wajir is more close to Nairobi, I'm told, will you sell this goat at 200 shillings of course which is not worth even the transport from here to Wajir.

Sugal Abdow: Manta Wajir yan sathax nef oo ari an gestey. **Translator:** That season I took 3 goats to Wajir,

Sugal Abdow: Waxan kuarkey kiwanja weyn oo tan eleborka kutalo okale. **Translator**: I saw a very big airstrip like the one of Jomo Kenyatta. **Sugal Abdow:** Waxa qalbigeiga keney xathi kiwanjathan xilibka lagadofimayo arigatha intath qasho ath jawan kurito ya lagagathani laxa ila London ama Arabta.

Translator: I thought in my mind, if we would have utilized this airport because that is a big one then I prayed that these animals would have been taken to other parts of the world, like Arab and middle East to market my livestock.

Sugal Abdow: Marka aniga oo kiwanjathan iney disante arko yan lawathan boqol sosistey. **Translator:**When I'm seeing that facility, and I would have got dollars, I sold my animals at 200 shillings.

Sugal Abdow: Marka waxan iskkufiriyey qatkana udofi xilibka madofayo.

Translator: What I have compared is Miraa, if it can be taken for international market, why not meat, which of course is something that is sustaining the pastoralist.

Sugal Abdow: Marka awotha rer North Eastern ath bey uxoseysa. **Translator**:We people of North Eastern have been marginalized,

Sugal Abdow: License yatha labixinayo oo kenya tha kaley kamit eh xanoqoto North Eastern.

Translator: It is not like any other part of Kenya and we are appealing to the Constitution to mainstream us for instance to the other parts of Kenya.

Sugal Abdow: Mitha kaley waxan leyaxay ilmaxa aboxoth lagathiley ama xolaxotha lagadameyey. **Translator**: The other thing is , the children, or the parents who have been killed from the time of emergency.

Sugal Abdow: Chiefka iyo DO yasha wey ogyixin dhadka ath udamathey. **Translator**: The chiefs and the local elders and all the people who have died,

Sugal Abdow: Dhadki agaga axay dhowlad wax xauqawato. **Translator:** the Government must compensate for those people.

Sugal Abdow: Lacag xalasi madaxayi lakini ilmaxa iskulka xalagabixiyo. **Translator:** If it cannot compensate then, they should give free education to their children upto University.

Sugal Abdow: Ninki ey risas martey o jifana dhowlad lacag xasiso.

Translator: If one has become disabled, during that time, then the Government must also take care of that person and students.

Sugal Abdow: Rer guraga wexey rawan mqacalimin dhadka ilmaxa thurka jogo wax udigto oo cithaxa rer guraxa eh wax udigto.

Translator:We are pastoralists and by nature we are mobile, so we are requesting a mobile education system: where teachers can be shifting with a family while providing the necessary education

Sugal Abdow: Maaxa ilmaxa bathalka kali ini wax logudigo.Translator: its not realistic, students in town only to be educated.

Sugal Abdow: Markas aniga intas yan xathal keiga kusogawina. **Translator**: I'm finishing my talk.

Sugal Abdow: Ihtinkana ath keisi yesha, maaxa yele dhadka iskusi umaxathlaye. **Translator**:You have to be persevered because you will see here different opinions.

Sugal Abdow: Asante.

Translator: Asante.

Com. Baraza: Asante bwana Hamed. Huko Somalia, mko karibu, muzi wao wanapeleka wapi? Market iko wapi? **Translator**: Markey nawatha kajirtey ila Sauthiga bey geisani jiren.

Nur Kibit: Mimi naitwa Nur Kibit. Kwanza kabisa ile nilikuwa nataka kwanza, ni hii Katiba ambayo tunaandika saa hii kwanza tunataka pastoralist itanguliwe kwanza kwa maana tunasikia kwamba iko coffee board, wako watu wanalima lakini pastoralist hakuna mtu anatambua hawa. Kwa hivyo tunataka sheria itambue kwanza pastoralism.

Ya pili tena, hii katiba ambayo tulikuwa nayo zamani, the MPs wanabadilisha vile wanataka, wanabadilisha kutoka pahali moja au pengine, wanataka, wanapata pesa kidogo kubadilisha hii shika hivi na hivi. Kwa hivyo hii Katiba tunauda saa hii, tunataka hii katiba ikiwa inabadilishwa pahali, ama hawa MPs kama wanataka kubadilisha pahali, tunataka ifanywe referendum ili watu wabadilishe pale wao wanataka.

Ile ingine ya kwamba ni identification: sasa mambo ya kusema ati identity cards, hata hapa hatutaki hiyo identity card, kwa maana, iko siku nyingine mimi nilienda Migori, Sony Sugar, wakati nilienda huko tu nilikuwa nataka ninunue sukari huko, niliambiwa tu "wee hebu lete kitambulisho". Nikasema "kwa nini?" Mimi nakwambia hawa ni watu wa hapa wewe lete kitambulisho. Sasa sura yangu mwenyewe inakaa kama ya kwamba mimi sio Mkenya. Kwa hivyo, mambo ya kusema identity card, we don't want any identification, tunataka tu Mkenya awe tu amezaliwa hapa Kenya.

We also want natural resources to be in the hands of the people. We also need compensation for wildlife, labda simba, ama vitu zingine zikikula binadamu, tunataka compensation. Sasa ile compensation inalipwa ni kidogo sana. Kwa hivyo tunataka compensation.

Ile ingine ni land size, land size should be determined by the demarcation of the constituency. Hiyo pia tunataka. Kwa maana iko constituency zingine, size yake haiwezi hata haiwezi kufika kilometer 10 hivi, na hiyo labda MP anaweza kuwa amechaguliwa anajenga shule moja hapa hapa mambo yake yamekwisha. Kwa hivyo tunataka kama these other parts, they way they say, sisi tunataka population, hata sisi tunataka constituency iwe kwa land size.

Ile ingine ni, tunataka provincial administration ivunja, na hiyo pahali ichukuliwe na wazee wa zamani. We also want madras to be recognized because it is one of the learning modes; it has got its carriculum, iko na kila kitu yake. On top of that, we want system of education, this system of education should be capturing the system of the livestock, system of the pastoral life. While our services, the pastoralists have managed to put in place our religion - may be. There is mobile education, iko pahali inatoka hapa inaenda hapa, inahamahama na watu. So tunataka hii system ya saa hii tunarekebisha hii katiba, tunataka system ambayo education iwe namna hiyo.

Ile ingine ni – we need Constitution basic rights, and these basic rights have to be protected by the Constitution. We need 10 to 20% from the Kenya revenue to develop our province, we also need 25% for the President in 5 provinces. We also want discriminatory rules to be removed, for example, if you go to Nairobi and other parts or Kisii or any other part, you will not find this certificate, may be is prentered, this certificate does not guarantee certificate, this is meant to make for 5 or 6 provinces, so we would like all discriminatory rules, the kind decision should be removed. We need may be this Constitution, if you write all the Constitutions and it is filed, we need this Constitution may be to be taught from secondary school upto university because it is the one that will benefit us. Like now like Britain, kila mtu anafuzwa kutoka secondary mpaka university. Sasa hakuna mtu ambaye atafanya makosa. Tunataka hiyo sasa.

Comm: Majina

Yusuf Hassan Mohammed: Magaceiga waxa lairath Yussuf Hassan Mohamed. Translator: I am Yusuf Hassan Mohammed.

Yusuf Hassan Mohammed: Waxan kunolaxay Mandera district. Translator: I live in Mandera district,

Yusuf Hassan Mohammed: Division Lafey.

Translator: Division Lafey.

Yusuf Hassan Mohammed: Aniga waxan wata maini oo dhadka an wali kamaqlin ini meshan kuxathlayen. **Translator**:I have an opinion which so far has not been said by any other participant here.

Yusuf Hassan Mohammed: Waxan kabilawaya. Anaga rer kenya manixin. Translator: its my opinion that we are not Kenyans, and we cannot divide anything.

Yusuf Hassan Mohammed: Wax na maqebsan karno. Translator: we are only neighbours,

Yusuf Hassan Mohammed: Waxan tharis nima exen on qebsan karno rer maloxo. we and Kenyans we are only neighbours.

Yusuf Hassan Mohammed: Sababta o ah waqtigi xornimatha ila xata. Translator: because from the time of independence todate,

Yusuf Hassan Mohammed: Dhad iyo thunyawo wax nodaqan malaxa. Translator:our animals and people have been killed by the

Yusuf Hassan Mohammed: Sitha tartheth wixi xola an lexen ama dhad waxan lexen kenya cithan ketha umbalaye. Translator: All our property, all our livestock, all our people have been killed by the Kenya Government

Yusuf Hassan Mohammed: Dholadana ralii bey kaxeth arintas ayatha eh. **Translator:** and the Government is the one that has done so.

Yusuf Hassan Mohammed: Xathii rer North Eastern anaxay kenya waxan wax olaqebsan karna xathi an xelno magdow. Translator: We can only share, or we can come into mentioning of the republic of Kenya if only the Government of Kenya compensates us.

Yusuf Hassan Mohammed: Lagabilawo lixthan iyo shanti ila waqtigan daxthotha. **Translator**: from the time of independence upto the evils todate.

Yusuf Hassan Mohammed: Xathi ey wanwa noqoto. Translator: if there will be any reconciliation, Yusuf Hassan Mohammed: Waxan dhoneyna xarnima thaqiliya ah. Translator: we want a federal system of Government.

Yusuf Hassan Mohammed: On iskuxukumno dintanatha.Translator: where we will use the Islamic sheria to govern us.Yusuf Hassan Mohammed: Sabata anaga dhad muslin ban naxay.Translator: We are muslims,

Yusuf Hassan Mohammed: Kennya tha kalana kala din ban naxay. Translator: and we have different religious backgrounds as the state Kenya.

Yusuf Hassan Mohammed: Nin walbana dintisa ya uqer bathan in u iskuxukumo. **Translator:** and there is freedom of worship and it is preference that we use Islamic sheria to govern us.

Yusuf Hassan Mohammed: Wax kastana oo wanag dintanatha bey kujirta. **Translator:** and everything good and any justice is within the religion.

Yusuf Hassan Mohammed: Sitha tharteth aniga waxan kusogawagaweynaya waxan ubaxanaxay kenya sithetha banabo in an sigoni kanoqono.

Translator: concluding, we want a federal system of Government.

Yusuf Hassan Mohammed: Markan kalabaxno yan kala sharci qoraneyna.

Translator: after we separate and we come up with our own republic is the time we can come up with our own Constitution and everything.

Yusuf Hassan Mohammed: Wan kabaxay aniga. Translator: that is my opinion.

Com. Lenaola: Asante sana bwana Yusuf. Baada ya Abdlai , Yasimin Ali yuko? Utamfuata huyo.

Abdulahi Abdi Noor: My name is Abdlai Abdul Nuru Gese, I am working with a local NGO by the name of Wifad and I'm here to represent and give my views representing Northern NGO forum, that is a consortium of NGOs in the Northern region. Before I begin I would like the commissioners to reflect on the uniqueness of this area that made them fly in here by chopper. I will therefore dwell in my little representation and recommendations on that different situation.

The region that we say as the NGOs we represent is the old region that was called NFD while others have translated as Not For Development. I would like to recommend that the governance of this region, be put back in the hands of the community. You are able to see that all the people who presented here are the locals, they were referring to a Government that is in Nairobi, and that they do not see themselves as far than part of this Government. I will therefore recommend that a federal system of governance where the region becomes the unity, initially, and there is going to be a central one in Nairobi, be formulated in this Constitution. We were more close to a Government during the colonial era, where we had the tradition chiefs at least governing us than it is now in this system of governance, and therefore that can only be taken care of by that form of governance.

Secondly, on the issue of security, we are pastrolists, and as pastrolists, we are people who move with their livestock, the only property we have, on our own land. The Government we have now is one that is centred in trading centers, and we therefore force to move to it. I will therefore recommend that in this traditional set up of regional Government, we would be able to have our own security and hence cover our governance needs through that system.

Thirdly on the issue of citizenship, I would recommend that issues of ID cards and screening cards be done away with and the only aspect of identification should be passports. There is no need as to why we should have duo identification cards. Thirdly on the issue of citizenship again, we are here on a boarder that we never created and we have some of our people on the other side of the boarder yet some of us are married from the other side of the boarder knowing the African types of traditions, where people who are intermarried normally visit each other, we wish to be given that allowance of dual citizenship so that as pastoralists, because we also move with our livestock to the other end. We should at least be given that clause.

On the issue of three arms of Government, in the current Constitution it is supposed to have been one that is balancing itself, but we find that the executive is there also in the regislature and so I recommend that the ministers should be people not Members of Parliament. So the Members of Parliament only represent he voices of the people who represented them and Ministers are able to undertake that job they have been given for the whole nation.

I also propose that MPs, MPs should not be a full time job, most of the infighting in the country, is as a result of that very senior job where everybody in this country, is struggling to get and if this, the issue of employer, members of Parliament become a part time job. I'm sure that attachment that given to it now will at least be reduced and so that will also reduce the issue of infighting in this country.

Lastly, we always talk about poverty. Poverty in this region has been perpetuated by the Government. It has been perpetuated in a sense that you are able to hear old men say here that 'right in this borehole, about 800 heads of camel were shot one day. I would therefore recommend, that the issues of prople having come up with their own roles in the form of indemnity act, where they said they killed people, animals and their livestock taken away, and as we cannot sue them be thrown away in this new

Constitution, so that at least, we revisit that issue because the future is also based on the past. We cannot just simply forget because some people have come up with an indemnity act, and forget that we have lost our people.

Because we have no time, I will also generally say that the Constitution we should have should be one that is in English, kiswahili, and because of the region aspect. The predominant vernaculars in those regions also should be part of the official language. This Constitution should be one that is accessible. You see we went through schools and up to universities, and never have we seen the Kenya Constitution. I will therefore propose that the Kenyan Constitution that we are formulating, be part of the school curriculum, and should be available in libraries and distributed free of charge.

I will end by saying that the Preamble in this Constitution should be one that will take a good note of the people, and when I say the people, people are made of tribes. There is no need as to why we should say ukabila ni kitu mbaya and then at the end of the day, we are all from coming from tribes. That is going to appreciate the fact that there are 42 tribes in this country, that is going to take care of our religion as Kenyans, its going to take care of the values of these people and their traditions.

Lastly, there is a big aspect of Constitution that is happening to day, in these very arid areas and the whole of African society, and that is the issue of our own traditions. We govern ourselves through our own local traditions. I will wish the Constitution to be one that is going to give these local traditions, their rightful places, in the Kenyan Constitution.

Com. Baraza: You talked about need for dual citizenship because of your border relation, supposing we give you that but Ethiopia doesn't respect it, and if Somalia doesn't respect it, you see you could have a document which is of no use to you? How are you sure that it is going to work?

Abdulahi: What I mean is, if I imagine as a mother your daughter is married to somebody from across, and then by virtue of our own relationship, your in-laws come and visit you, and tomorrow the police will come there and say you are keeping an alien in your house, this is what we are avoiding. But for the Somalia and Ethiopia we already go there, as I speak to you some of the animals that went from this side, could be Somalia. We have never had problems with them. We have never had problems in Ethiopia for we only had problems in the country we say we belong to, and that is Kenya. That's why we are asking in this Constitution, we should be allowed to have that dual citizenship. They even don't require that citizenship you are talking about.

Com. Baraza: If there is a mechanism of easing your movement, would it matter that you have a one citizenship or that you are free to move to Ethiopia or Somalia, and nobody harasses you because your relatives have come here or you have gone across the border? Would it matter?

Abdulahi: Surely if even the form of governance we talk about by ourselves, governing this area, is granted then we should not

have that problem.

Туре.....

Noor Ahmed: Noor Ahmed.

Translator: He is greeting the visitors who have come.

Noor Ahmed: Wathsalamatixin martitha manta noimatey. Sothon iyo sagalki sana dhowladi kenya na thawa soconey. **Translator**: He says that the independent Kenya has been there for the last 39 years, it has rejected us but we need it.

Noor Ahmed:(inaudible) Anaga ya thawa orthixaina. Translator: we are the people who need it, it does not need us.

Noor Ahmed: Ey na nososoconin.

Translator: and it is not willing to accept us.

Noor Ahmed: Anaga mba rabna itha namarabto.

Translator: It is us who want the Kenya Government, but the Kenya Government does not want us absolutely.

Noor Ahmed: Waxa kale wakutusineyso iney nagasisocoto. **Translator**: the other thing, he does not like what is seen like this.

Noor Ahmed: Tiyaratha wata xata kkuthagtey gethaxa korkotha. **Translator**: if a plane is landing here today here in Arabia,

Noor Ahmed: Anagan waxan xagajiney garonki. Translator: we people of Arabia have tried

Noor Ahmed: Banderath yan uxagajiney. Translator:even it is a windvane

Noor Ahmed: Ruthki banderatha lasarayey yan uwaxeyney. **Translator**: and the pole is even there.

Noor Ahmed: Thiyara meshey kujireyney wan usameyney. Translator: where the plane to be packed is there also. There is the position for it. **Noor Ahmed:** Barabarixi gawaritha yan uwaxeyney. **Translator**: We have made the road to the air-strip.

Noor Ahmed: Meshi udhadka fadisan laxay wan sameymey.gethana wankuawurney. **Translator**: we have planted trees there to take care of the environment.

Noor Ahmed: Xata watan thiyarathi balalka nagubur burisey o mel ey marto waysey. Translator: Now it is landing here and it does not know where it is supposed to be landing. Noor Ahmed: Anaga ya rabna dhowlada kenya lakin ayatha nomasosocto. Translator: we want the Kenya Government but it does not want us.

Noor Ahmed: Dhowlada kenya xatha xanosojesato. Translator:Now I'm recommending that the Government of Kenya must accept us.

Noor Ahmed: Nosojesato.

Translator: must accept us and accept us.

Noor Ahmed: Anaga wan kaxorjethne wana usosocone ithana xathey nosososcoto on iskaqrimano oo xalko an noqono. Translator: if we have been making a step towards going to the Kenya Government, so should receptical the same and come towards us.

Noor Ahmed: Dhowladi kenya farto an noqono. Translator: We should be one.

Noor **Ahmed:** Waxa kale maehsan thawa laan yan naxna. **Translator**: the other thing is there is no medical services, **Noor Ahmed:** Shaley waxann keney nagteitha o xanunsan. I have just literally brought a girl who has been a problem of diahorrhea

Noor Ahmed: Waxan kakeney Xewel bur. Translator: I have brought her from far,

Noor Ahmed: Xaley meshan bey barithey, Translator: and she spends the night here. Noor Ahmed: Thawa wan wayey.

Translator:no medicine,

Noor Ahmed: Saka yan meshan gari lasarey. Translator: I had to take her to Mandera this morning.

Noor Ahmed: Ispatal wakan udisanyaxay. Translator: We have a dispensary here, Noor Ahmed: Thawa malex. there are no drugs,

Noor Ahmed: Taqtarna wujoga xata mel ujiro makeyno. Translator: there is possibly a nurse here but we do not know where he is.

Noor Ahmed: Thawa o nalokeno.

Translator: We want drugs, medicine to be provided without question

Noor Ahmed: Daqtarki on ispatalka an kadaxbixin,

Translator: enough personnel, and there should be that commitment by the nurses to be in their stations all through.

Noor Ahmed: Xoga lasaro, wa kale durwey. Translator: The other thing, wild animals,

Noor Ahmed: Durwey, yaxas,.

Translator: wild animals, like crocodiles, lions, hyenas,

Noor Ahmed: Dhowlad wexey daxthe aniga lex.

Translator: The Government claims that it is the owner of these wild animals,

Noor Ahmed: Wexey ithinka thlana ithin maguthey ithinka farta masari kartin. Translator: and you should not kill it, if they attack you they will compensate you.

Noor Ahmed: Wan uthaney xolixi dhowlad waye kena yan daxney. Translator: this is Government property and it is a natural resource, we leave it.

Noor Ahmed: Sothonki io sagalkina sana wey cunuxayan.

Translator: they have been eating us for the last 39 years, the livestock are swept away by these wild animals.

Noor Ahmed: Xolixi dhowlad etha lexey iney nagaceshato.

Translator: The Government must put in place a Constitution that is stoping us from invasion by those wild animals.

Noor Ahmed: Xilikan wixi kathambeyo iney nagaceshato xolaxetha. **Translator:**We want a compensation for the loses that we have incurred.

Noor Ahmed: Xathi kalana ananga ya iskaraeweyna xanafaxaxtho. Translator: if the Government is not willing to stop this menace of these wild animals, then we will protect ourselves from it.

Noor Ahmed: Tan wati xolixi. Translator: that is about the livestock.

Noor Ahmed: Waxa dacthey. Translator: the other thing is,

Noor Ahmed: Ethiopia sethax sana yan kumaqna aninaga. Translator: I have been in Ethiopia for 3 years.

Noor Ahmed: Sexathboqol iyo tothowan sacathan yan eriyey. **Translator**:I took the animals numbering almost 370,

Noor Ahmed: Awar ba geisey. Translator: I have been taken there by drought, Noor Ahmed: Looathina goryan bey kasoqathey. Translator: and the animals aquires a severe disease, that is liverflu

Noor Ahmed: Anaga waxan kumaxmaxana Translator: There is a proverb which says.

Noor Ahmed: Loothii wey jirate ur kethana tixiri ya galey. Translator: there has been liverflu disease, after I brought the animals from that end,

Noor Ahmed: Kenya yan lasoathey. Translator: I have brought the animals to my country Kenya,

Noor Ahmed: Kenya ya thawa lagawaiyin maqawin. Translator: I never thought there are veterinary drugs for my animals in Kenya.

Noor Ahmed: Xathana thawa lootha bey waini ismadixin. Translator: and I never thought whether the Kenya Government will be lacking drugs for cattle.

Noor Ahmed: Waxan rabna thawa fican oo xolixi qathato ini nalokeno. Translator: we want proper and relevant veterinary drugs for our animals, free

Noor Ahmed: Thawa fican ini nalokeno oo thawathan wey xun texe an ladixin. **Translator**: we want drug that will be able to treat the animals,

Noor Ahmed: Thawa fican oo dhad iyo thunyawa in nalokeno yan rabna. **Translator**: we want provincial drugs for both animal and human.

Noor Ahmed: Waaxa kale.

Translator: the other thing is,

Noor Ahmed: meshan gebdaxa iyo wilkia dib ba kaimathey. Wax losheganayana malex sharciga xathi labathalayan awaxa ladaxay diwata dig malex.

Translator: there is a problem that occurs occasionally between boys and girls, because there is a proverb which says that a woman gives herself to a man willingly, then she is not supposed to be compensated any thing.

Noor Ahmed: Xiligan wixi kathambeyo ki gewer xaleyo in an dhowlada gacanta ugalineyno.

Translator: we want the commission to constitute a Constitution that will _____ (inaudible) any child who impregenants a girl.

Noor Ahmed: Abixis oo xolaxa lagasoqatho, asaga oo jelka lagaliyo, boqol kiboko o lagudufto. **Translator:** the man should be put into jail, should be given a penalty of 500 canes and then the property of his father should be brought to court.

Noor Ahmed: Xiligan wixi kathambe gewer ninki xaleyo in an indaxa kaqabsaneyno.

Translator: We want the Constitution to put 3 positions to have that clause.

Noor Ahmed: Wan kabexey.

Translator: That's all.

Com. Lenaola: Baada ya yasmin, Abigail Hassan

Yasimin Ali: Since we are hearing the Constitution reforms, we would like to forward the following: one, girls are circumcised by the parents without prior consent. We would like the Government together with our religious leaders to enlighten our ignorant parents to stop the bad practices.

Second, after completing primary education, some parents force their daughters to be married. This destroys our future progress and consideration of further education. Stop early marriage.

Three, we want also parents to give us equal rights, like boys, eg. Education, consideration of suggestions, etc.

Our mothers and sisters always get hardship in delivery. This is due to lack of trained personnel and negligence from the Government or staff concerned. We want nurses, three in every division and the district as a whole.

Com. Baraza: Hayo ni maoni mazuri. Wazazi wako na pesa ya kulipa school fees?

Yasmin: Yes

Com. Lenaola: Abkad Lokatar,

Abdikadir Lokatar: My names are Abkad Lokatar, I'm representing emergency pastoralist assistance group Kenya (EPAK). And I'm going to present a direct recommendation. In the Preamble of the Constitution, I would like you to recognize the people as the entire 42 tribes in Kenya, should be enlisted, and be given recognition by tribe, in the Preamble. So that at a glance of the Constitution, the people of Kenya are known. Their values, the religion, the diversified religion, and the land should also appear on the Preamble of the Constitution. Then pastoralism, as a way of life, and economic base for the entire Northern region people, has not been given recognition in the current Constitution. So I propose that this form of life be given proper recognition, and a kind of a ministry catering for this pastoral development be established.

And then the provincial administration, as many people have said to be replaced by the community authority. Traditional institutions can be revived to manage and control and regulate all the natural resources. The form of Government, I recommend is the regional Government, that will handle all the resources of the region.

Then the public expenditures be public at all levels so that people can scrutinize the expenditures against the service provision.

Then the other issue on basic rights is that I recommend the domestication of international conventions. Whatever has been agreed as basic rights in the international conventions, and the expanded bill of rights should be entrenched in the current Constitution.

I also recommend for the affirmative action on the disparities of service provision, especially in education, and compension for the loss of lives of people and their animals during emergencies that happened in Daba, in the Warso Boran, Wagala in Wajir, Malikamari in garissa and Mandera masaccre. In fact that is the basis on wihich the current poverty level has really contributed negatively to the life of the people.

Then the Presidential powers be reduced and the regulated by Parliament. If we are saying Parliament that means both the religion and the central Parliament, if you are going for the regional system of governance.

And then civic education. – as a matter of interest, to be a continuous kind of exercise for Kenyans: because right now, what the few people who are in control of power and resource use against the majority of Kenyans, 30 million Kenyans is the ignorance level. And this can only be done away with when the common man, the 30 million people, are educated on the role and the relationship of the wananchi and the state. And then, both the resources and the power, to be decentralized to the region for effectiveness. And then the trust land act should be repealed amd sistituted with community managed kind of land. The nominated MPs and councilors, should be retained but this should be given to interest groups like women, youth, and the disabled, and not the election losers.

The last one, the Government should be made simpler for it to be sued in case it fails to provide each commitment. Thank you

very much.

Hassan M. Ahmed: I request this to be included in the new Constitution. I am Hassan Mohamed Ahmed, I'm representing Northern Aid and also giving my views as both individual also I'm giving the views of the NGO. I request this to be included in the new Constitution: 25% rule for the President from 5 provinces to be included in the new Constitution. The President should only serve for two 5 year term.

About the MPs: MPs should also serve two 5 years term. The MPs at least they must be a holder of 1st degree. They must also be high moral integrity. The Parliament should vett all appointments by President. Public referendum should determine the salary of the MPs. Nominated MPs should be given to minority groups, youth-groups, women, and disabled. The Electorate should be empowered to recall MPs, if MPs are non-performing through 80% of the electrorate. Land size should determine the demacation of a constituency besides other factors like population.

About local authority: local authority should be an independent body. All chairmen, mayors, of local authority must be elected by the people and their term should be of 5 years. The Public will determine the tax collection. Formation of local Government service commission. Salaries of councilors should be paid from the consolidated funds. Every sublocation existing currently, should independently have their own councilors.

About education, compulsory free education upto university level should be provided. The system of education should capture the system of life. If the life is on mobile system, it should have an education system which should be mobile. There should be integrity system of education. Recognition of _____ (inaudible) of system education. You know we have madras but the certificates are not valid.

There should also be free medical and accessible health facilities or services. There should also be free water as a basic right. Civil servants should have an independent body to review their salaries. As per tradition, all forms of traditions and cultural practices should be allowed, and they should be given the right treatment. As per the chiefs, now the local provincial administration's lowest level should be retained, and decision-making should be influenced by the public.

About citizenship: it should be by birth. Discrimination laws regarding the citizenship, for example screening cards, etc should be abolished. Its upon the Government, to use its own machinery and network – intelligence, to screen the people at best, but the screening card should be abolished.

Women to be represented in all committees or commissions. Emergency laws' damages should be compensated. About land: protection of all pasture land (grazing land) salt licks, dams, boreholes, wells, and public water, in the new Constitution. There should also be free movement of livestock everywhere in Kenya. Trustland accounts have failed, so we need the locals. The people, the locals that is, should have a distribution or allocation of trustland i.e the grazing land.

And the last two points: we want previous grabbed trustland to be revoked. The Government should look into the welfare of the pastoral community. We also need a unitary aystem of Government.

As for the councilors: in the new Constitution, the councilors, the minimum qualification should be form 4 leavers and above. For non-citizens there should be restrictions, they should not own land in Kenya. They should not stay without any permit within Kenya.

As per security: the Government should give enough security to citizens. They should also reinforce and arm homeguards, i.e they should have longer.

My last one, the Chief Khadhi should be given full powers. The new Constitution should empower the chief Khadhi to deal with Islamic law.

Bonaya Barakare: I'm Bonaya Barkare, representing Friends of Normads International which is a member to the Northern Region Development Forum.

My recommendations actually are: colonialism, which divided the nations, the tribes, must be mentioned as part of the problems of the pastoral communities. We have boundaries, between here, there is Somalis on this side and Somalis on the other side. Somalis in Kenya and Somalis in Ethiopia, Borans in Kenya, and Borans in Ethiopia, so, those are already nations, since they divided us. The colonialism they should be blamed in the Constitution.

And then dual citizenship should be recognized: People should be free to leave, go, move, the way they want, for those tribes who live on boarders. And since 80% of land must be occupied by pastoralists, and in those pastoral areas, with all the game parks and there are game reserves, and since there have never trikled down benefits from those tourism earnings, we want the game parks and the game reserves be reverted back to the communities so that they reap the benefits.

And I propose, regional Government whereby all the game parks and game reserves are managed by community institutions. Resource allocations from the revenue collected, i.e country revenue, should not be based on numerical strength, it should be based on land mass. Land mass goes with resources, so resluce allocation should go with numbers in this country.

And the other one, pastoralism be recognized as a livelihood system, as a real livelihood system like cultivation. Then the other one, we need abbatoirs, we need refregiration system for our marketing of livestock, preferably in each region and in each district.

And land, trustland Act says that land belongs to the community, and at the same time the commissioner of land allocates lands, the President allocate land to anybody he wants, the councilor allocates, so there is a lot of confusion. The land should be fully owned by the community. The community institutions which have traditionally have been managing lands, should manage their

land, not to be managed on their behalf. That is my decision.

And in the regional set up of Government, regional languages, the regions, I propose the 9 districts, i.e. Laikipia, Samburu, Turkana, Marsabit, Moyale, Isiolo, Wajir, Garissa, Ijara, and Mandera to become Northern region federal system. Then in each region, people should agree in each region, I propose that Kiswahili and English should not be the National language. The local language agreed on by the region habitants, should be their local language, and then Kiswahili and English should become central Government's language – a mode of communication. And then, I also propose headquarters of ministries of central Government that time, should be decentralized. We should have office of the President in Mandera, Agriculture office in Kisumu, Ministry of Tourism in Mombasa. It should be decentralized from Nairobi, so that Kenyans live in harmony. It should be moved, they access services by integrating, by moving, and it is going to resolve conflicts and other problems.

And I also suggest High Court and Courts of Appeal be decentralized, be moved from Nairobi. If the High Courts and the Courts of Appeal are available at district levels, at regional Government level. And also, the community civil society organizations, be recognized by this Constitution as service providers, at a certain level. They are service providers in this country, as an important system of institutions. They should also be recognized.

And the other one, Kenyans, the mode of taxation in this country is not to be citizens. There is tendancy that the Government, the Kenyans feel that the Government mints money. So the taxes that Kenyans are paying must be known. There should be a certain mode made known to Kenyans. Another system of education should be put so that Kenyans feel they pay taxes and they demand for services at every level.

And the last one, is that, the amendment of the Constitution, which is going to be made, should not be done by Members of Parliament. Parliaments are the makers of this Constitution. Therefore they should not have right to amend any word of the Constitution. The Constitution should be amended by Kenyans through a certain referedum which is going to be managed by the same review commission when the need arises. Thank you very much.

Com. Baraza: The Northern province you are suggesting, I thought you are also close to Pokot. You don't want them to be part of that Northern Region?

Bonaya: All these tribes I have mentioned, are some of these _____ (inaudible) and they have been disintegrated and we know what they are, Pokots we have never interacted with them.

Mohammed Ibrahim Adam: Good afternoon? I am Mohammed Ibrahim Adam, I am a teacher by profession, and historically, people in this region, have suffered because of abuse of power. Now the 1st recommendation I would like to give is, the office of President should be stripped of the powers to enact emergencies as well as war. Because of the abuse of

powers of the executive, I would like an emergency, national emergency council/war council to be instituted. This council should be composed of members of Parliament, it should have representative from each community on the frontiers of this country, the border areas, it should also include the service commanders.

I would also recommend on the issue of basic rights. One of those is actually respect for human dignity. In the area of women, and more so when a woman is raped, the magistrate or the judge will ask: "How were you handled?" "What was the weight of this man?" "What were you putting on?" Very many unnecessary questions, they are giving the man the advantage to rape and go scot-free. I would therefore recommend, that the Constitution, at least save the diginity of the woman. And not punish her a second time, when she is asking for justice, such that those loophole give the man to go scot-free are closed completely. We have more knowledgable people to do that.

The other recommendation is about eduation: education is a right, unfortunately our country despite having been independent for close to 40 years we are still lagging behind in terms of literacy. Illiteracy levels are very high, we would like that one, not only written on paper because it was written that it is a right, but practically, that was not demonstrated. So for the custodians of these institutions to execute this and achieve these objectives, there must be a mechanism to take them to task, and there must be priorities and objectives with a time frame within which the communities of this country can become literaly. Without a time frame, man has gone messing in many ways. For example, we have talked, at least I would say as a teacher, the Government was right to ban the cane, but unfortunately it was not out of research but a universal slogan. So any change, to education must be through research, and not necessarily dancing to the tune of a universal slogan. It should be by research, because right now, as teachers, we have not been given the alternative. We have been told guiding and counselling. But let me assure you, educational changes should be as a result of research, and not by slogan.

The other issue I would like to recommend is on the Judiciary, I would request that the office of the Chief Khadhi be held by very knowledgeable persons, the court should have average jurisdiction and it should be in the same way. It should have equal powers as the High Court of Kenya, it should not only handle the three issues it is handling to today, inheritance, marriage and divorce cases. It should handle all aspects of life.

The other one is on, I would like the new Constitution to appreciate dual citizenship but also take care. It should at least be checked, because sometimes dual citizenship can also be abused, for the security of our country. But I will register _____ (inaudible). Thank you.

Mohamed Mohamud: I am Mohamed Mohamud, representive of gali locational

Yangu ya kwanza ni Chief Khadhi and Chief Justice wawe na power yao moja. Kila mtu awe na uhuru ya kuenda mahakama ile anataka. Kama ya Chief Justice, au Chief Khadhi.

Nyingine, ni mambo ya civil service. Civil servants wanalazimishwa wanyoe ndevu zao, kwa hivyo kila mtu awe an uhuru ya kunyoa ama kuwacha.

Lingine, akina mama, wakienda jela, ama kufungwa, njia yao ya kuvaa, wanavaanga zile nguo fupi kafupi lakini wanawake Waislamu wavae nguo ambazo wanataka.

Hiyo nyingine in incomes ya Kenya: sisi tukiwa North Eastern tupate 10%.

Nyingine ni mambo ya pastoralists: ardhi, iwe ya wananchi ambao wanagawana hiyo, wawe na jukumu la kulipa ama kukataa, kwa sababu tunaona kuna mtu anafunga kutoka hapa mpaka maili kumi, anasema ni yake, amechukua karatasi kutoka kwa county council. Hapo ibadilishwe, lazima ardhi ilipwe na wale ambao wanakaa.

Hiyo ingine ni mambo ya police kupiga watu bure. Hiyo iondolewe kwa sababu kila mtu akipatikana na makosa, apelekwe kortini badala ya kupigwa bure.

Lengine, ni mambo ya screening card, kwanza hatutaki.

Lengine ni pension: pension kwanza iongezwe, wazee ambao wamefanya kazi ya Serikali, pesa zao ziongezwe.

Ya mwisho, watoto wa secondary, kwanza, wafudishwe law ya Kenya ili wakati wanatoka wawe wakijua sheria ya Kenya.

Mwisho in mambo ya passport. Passport itolewe kila district, saa hii tunaona watu wa kuenda Mecca, wanaenda kutafuta Nairobi badala ya kutafuta huku kwa district, passport ipatikane kwa kila district.

Com. Lenaola: Not clear

The meeting ended at 6 P.M.