

CONSTITUTION OF KENYA REVIEW COMMISSION

CKRC

VERBATIM REPORT OF

**CONSTITUENCY PUBLIC HEARINGS IJARA CONSTITUENCY
HELD AT MASALANI BARAZA PARK**

ON

4TH JUNE, 2002

CONSTITUENCY PUBLIC HEARINGS IJARA CONSTITUENCY HELD AT MASALANI BARAZA PARK ON 4TH JUNE, 2002.

Present

Com. Kavetsa Adagala - in chair
Com. Riunga Raiji
Com. Abdirizak Nunow

Secretariat in Attendance:

Peter Apamo - Programme Officer
Rukia Bakari - Asst. Programme Officer
Ezra Simiyu - Asst. Programme Officer
Asha B - Verbatim Report

The meeting was called to order at 10.55 a.m.

Prayers were said by Dubat A. May.

Com. Adagala chaired the meeting.

Com. Adagala: Okay, kila mtu ukiingia, fanya registration. Weka jina lako kwa kitabu, ili tukiendelea, tutafuata utaratibu wa kitabu, vile mmeingia kwa orodha ile mmeandika. Ukikosa kuandika pengine hautapata nafasi.

Sasa, hiki ni kikao cha Tume ya Kurekebisha Katiba. Tuko hapa tulimwambia tulipopitia huku, tulikuwa wawili tukifanya civic education, lakini sasa tumerudi tukiwa watatu, kuchukua maoni na kuona vipi mngenda Kenya mpya iendelee kwa Katiba mpya. Mbele ya Tume unaweza kusema lolote. Hakuna haja ya kuogopa Ukisema jambo, utakingwa na nguvu za Tume. Tunatarajia watu watasema ya ukweli vile wanaona mambo ya Kenya inafaa iendelee. Kuna njia tunatumia na tungependa kuwaambia hapa, watu wote wako huru kushiriki, na kila dini, kila kabila, kila mama au baba, mlemavu au mtu mzima, kila mtu ana haki. Watoto wanahaki na tutaendelea kusikiliza watu wote.

Ukiwa una memorandum umeandika, tutakupatia dakika tano za kueleza juu juu, na kutoa maoni yako na pendekezo lako kuhusu Katiba mpya. Na pia tuta, ukiwa unatoa ya mdomo ni dakika kumi, lakini watu wakizidi baadaye, tunaweza kupunguza hizo ili watu wote wapate nafasi.

Ukiwa na memorandum umeandika, unaweza kuwapa officers wetu hapa na yote itaenda kwa Kencom na hapo itaishi, na

itakuwa kumbukumbu ya kurekebisha Katiba.

Sasa usiwe na hofu, kuwa utapeana na ipotee. Ipeanwa hapo, na kuna ofisa mmoja ambaye ana type kwa Computer. Itakuwa, na tutaandika, itawekwa kwa tapes na pia itaandikwa pale. Kuna watu wawili wanaandika mambo ya hapa. Baadaye, tutaandika report na itarudi hapa kwa Ijara, na mtaangalia muone kama ni yale mliyosema. Pia, tutaendela na National Constitutional Conference, na watu watajadiliana na mambo ya Kenya nzima, watu mia sita hivi. Sasa kabla sijaendelea sana, nina wenzangu wawili, Commissioners. Huyu ni Commissioner Riungu Raiji, ambaye tunafanya naye, na yeye ni wakili, na kuna mtoto wa hapa Commissioner Nunow, na yeye ni mwalimu wa Chuo Kikuu cha Moi.

Com. Nunow: Assallam aleikum?

Audience: Waaleikum Sallaam.

Com. Adagala: Mimi mwenyewe nimepitia hapa siku nyingine, wananiita Kavetsa Adagala. Nilitoka Chuo Kikuu cha Nairobi, na kwetu ni huko mbali kwa Musalia huko, Sabatia, Vihiga kwa Mpaka wa Uganda. Pia tuna mzee Hon. Yusuf Haji aliyekuwa Mheshimiwa, PC wetu kwa miaka mingi, na tunamjua. Pengine yeye ndiye mtu wa kwanza tulijua kutoka huku. Sasa tunaweza kuendelea. Tutapata orodha na kila jambo na kila kitu kitapeanwa hapa kitaandikwa na kuwekwa kwa tape. Hata ukitaka kuja kuona ukiwa Nairobi, uje useme nataka kuona mambo ya Ijara, utaonyeshwa. Vile tumeketi hapa pia, North Eastern nzima, Commissioners wameketi na wanachukua mambo ya watu wa North Eastern. Tutakuwa hapa wiki nzima. Mwishowe tutamaliza na Provincial Roundup Garissa, Jumapili. Sasa tunatarajia wengine mtaweza kufika huko ili tuzungumze zaidi. Ningependa kumleta Programme Officer, ndio Boss wetu hapa. Programme Officer wetu ako wapi? Apamo? Apamo njoo u-introduce team yako hapa.

Peter Apamo: Asante Commissioner. Hapa pia tuna team ambaye ni ya Secretariat. Wale watu ambao tunashughulika katika kuyachukua maoni yenu, kuyaweka kwa ile kanda ya tape, na kuyaweka chini na kuwasajili wote wanao kuja, kuhakikisha kwamba record yote iko pamoja.

Mimi mwenyewe mmeambiwa jina langu ni Peter Apamo, ndio programme officer wa hii secretariat. Pia tuna bi Asha Boru. Asha Boru, ndiye anashughulika na mambo ya kufanya hii recording. Pia tuna Bwana Ezra Odhiambo, ambaye kazi yake ni ya kuandika, kuchukua notes. Upande ule mwingine tuna bi Rukia. Bi Rukia ndiye atafanya registration, kuhakikisha kwamba kila mtu ambaye amekuja hapa, jina lake limeandikwa pale. Asenteni sana.

Com. Adagala: Where is the place of giving views. Kila mtu akija kutoa maoni yake, pendekezo lake, tungependa kwanza kusema, wengi tunajua Kenya, lakini kama unaona kuna kitu muhimu cha kueleza, utaeleza lakini ujue pendekezo lako ndio muhimu, ili tujenge Kenya mpya na Katiba mpya. Sasa utapita uketi. Ukimaliza, utangojea kama kuna maswali ile ya, clarification, ya kufafanua kidogo, na halafu utaenda pale kwa ofisa na ku-register kuwa ametoa maoni na kuwacha memorandum yake pale kama ameandika. Sio hoja uwe umeandika. ukitoa maneno ya mdomo ni sawa tu. Sote tutakuwa

tukisikiliza, halafu tukuulize maswali kadhaa halafu utaketi chini.

Unaweza kutumia lugha yoyote. Lugha ya mama, lugha ya taifa, lugha rasmi, na ikiwa hatuelewi, itatafsiriwa na District Co-ordinator wetu. Nafikiri hayo inatosha kwa kutoa maoni. Tumefurahi sana kufika Ijara.

Com. Nunow: Mtu wa kwanza katika list ni Mohammed Duale.

Mohammed Duale: Asanteni sana, ma Commissioners ambao wamefika hapa leo pamoja na wananchi wa Ijara district ambao wamekuja kutoa maoni juu ya Katiba yetu mpya ya Kenya. Kwanza letu ni kuwa karibisha ma Commissioners, baada ya hapo. Ile memorandum ambayo tunataka kupitsha kwenu nyinyi hapa Commissioners, moja nimeandika na ingine nitapitia juu juu, na nyingine ni maneno ambayo nitasoma.

Com. Adagala: Tafadhali, tulikua tumeweka kiti kikiangalia huko kwa sababu address yako ni kwa Commission, sio kwa wananchi. Your submissions are to the Commission.

Mohammed Duale: Mimi yangu kwanza, ningeanza na mambo ya citizenship. Juu yaitizenship nimesema ya kwamba, katika Katiba mpya tunataka iwe by birth. Hiyo ni ya kwanza. Katika hiyo maneno ya citizenship, mtu yeyote, any one Kenyan parent to be a Kenyan citizen. Sio kama sasa ambaye ni baba peke yake hata kama mama ni mtu ya Kenya awe anaweza kupata. Citizenship by naturalization pia iweko, na ile watu ambao watapewa naturalization vizuri ni kwamba, tuwe na watu ambao ni professionals, ambao ni specialist katika nchi hii, ambao tunawahitaji. Watokao ng'ambo wanaweza kupewa citizenship, na pia wale watu ambao wanaweza kufanya investment katika business ya kutosha, ili tu-promote our industrial capacity in the economy. Hiyo ni habari ya citizenship kwa ufupi.

Political parties, ninasema formation of political parties should be reflected by the Constitution. Sio vile ilivyo sasa, kwamba tumepata vyama mpaka imefika mia moja. Tunataka vile democracy yetu inaendelea kukua, tuwe na vyama ambavyo tunaweza kuangalia vizuri, na hivi vyama vinaweza kufika kama tatu hivi. Pia nina-suggest ya kwamba parties zote, vyama vyote vya kisiasa ambavyo vimekua recruited viwe financed equally from the National Treasury.

Ya tatu, sipendeleo mambo ya majimbo. Ninapendeleo kwamba tuwe na Serikali moja. A national government with a strong local Authority.

Constitution supremacy should be amended through a referendum, kwa vile siku hizi tunaona kwamba, mambo mengi inapita kwa bunge bila waheshimiwa kujali sana. Sasa, part of the Constitution should be above the parliamentary powers e.g the life of the parliament and the presidential powers.

Habari ya Legislation, voting age should be 18 kama vile ilivyo sasa, na presidential candidate awe kati ya miaka arobaini na tano na sabini, (45 to 70). Parliamentary candidates wawe 35 years and above. Moral and ethic qualifications iwe introduced.

Com. Adagala: Education?

Mohammed Duale: I am coming to that. The electorate should have the right to recall their Members of Parliament, kwa sababu it is one of the things that is affecting a lot of voters. Whenever you vote in somebody, the person disappears. He goes to his business, and forgets about it. He should be recalled by 60% of the voters. MPs pamoja na presidential candidates wote wawe wameoa na wako na families. Parliamentary Service Commission should regulate the salaries of Members of Parliament not only by passing for themselves. The proficiency test should be enough.

Land and Property rights: The person in North Eastern should have the ultimate ownership of their land. That is, the land should belong to the community and not to the government, nor to the Local Authorities. They should be applicable to all ASAL land, commonly gazetted as pastrolists. The government should have the powers to compulsorily acquire land for the purposes of defense exploration or natural resources e.g minerals. The government should have a right even if it is on my farm. If there are minerals that can be of importance to the national coffers, the government can go a head. The inheritance of land and property should be according to the Islamic teachings, especially in the North Eastern province here. The Islamic inheritance system should be applicable to the Islamic communities. Normally if that passes through, the public, which takes a lot of time and sometimes, ends up arbitrating very shallowly.

Ownership of land by finance should be exclusively for specialized purposes vetted by the state and beneficial to the local residents and the national at large. E.g large scale farming, commercial farms that can also be owned by foreigners.

Men and women, i.e ladies and gentlemen, should have an equal right of the ownership of land. That means, in some communities where we are told that the ladies do not have the rights to owning any land, should not be in the Constitution. It should be very clear, that the land could be distributed. For Islamic purposes, it should be strictly on the Islamic sheria law.

Culture, ethnic and political diversity in the community right. Ethic and cultural diversity that contributes to the national culture should be promoted and retained. Ethics and moral standards caption in our culture should be maintained. The interests of culture of Islam should be catered for in the Constitution. We should have two national languages of Kiswahili and English.

Environment and National resources: The use of river upstreams and possible subsequent negative results should be addressed, like what we are suffering now, because of some people want to enjoy electricity and we are made poorer. Why should the government have policy that makes a village poor? If you walk down this river, you will find all our farms have been washed down because of the KENGEN dams in Kindaruma and Embu areas. It should be addressed, and whenever a loss is made the wananchi downstream should be compensanted.

Both the Government and Local Authority should have the power to impose law on the pretection of the environment. Local Authorities especially in Municipalities or County Councils should enact their own by-laws that regard the environment. Natural

resources should be equitably distributed to all provinces in the country. They should be owned by the state but part of the revenue acquired from them should be given to the local authority. That means now, why we are affected seriously here, the only national resource, which we have here, is only Tana River, unfortunately, the North Eastern Province is about three miles from the river. That means that we are not taking our share in the national resources. The district boundaries should therefore be adjusted accordingly, so that the river can come to our province.

The electoral consistence: winners of elections should have at 33% at least, especially presidential. If there is no clear winner of 33%, then we should have a re-run on the second round for candidates who seek nomination from another party: Candidates should not seek nomination from another party after failing to win the nomination from one party, so that we straighten our democracy. Of late, we are becoming political nomads. MPs defecting from their parties should lose their seat, and seek a fresh mandate from the people. Current constituencies and votes should remain as they are now.

The executive: The executive should be moral and ethically upright, should be a graduate in the above age of 45 years, should be married, should remain in office for two terms of five years each only. Constitution should also provide for removal from office for misconduct. The provincial administration should be removed, and the local government strengthened.

Com. Adagala: Okay, are you winding up?

Mohammed Duale: Yes, I am winding up. The Local authorities, the Mayor and the Chairmen should be elected directly by the people, and remain in the office for two terms of 5 years each. Councils should not operate under the Central government. Actually the Chief officer should not be working for the government while the Councilors remain toothless. That is what is giving us problem in our local authorities. Councillors should have a language test in English and Kiswahili.

The president and the local government ministers should not have the power to dissolve the local authority, when elected.

Com. Adagala: Thank you very much.

Mohammed Duale: Nafikiri ni hayo tu. Pengine nikipewa nafasi mara nyingine, nitaongeza mengine.

Com. Adagala: Ngoja kidogo. Upane wa citizenship, naturalization, mahali kwingine, lazima ufundishwe. You must go through a course, on becoming a citizen. How should it be here? Naturalization, someone just applies and gets, or what? Nowadays, people even buy.

Mohammed Duale: That is something very unfortunate that is happening. What we want is that nationalization goes through the normal process. You apply for it, as and when you are needed, and there is any induction cause, that can be held for a group of people is okay.

Com. Adagala: You should know the Constitution.

Mohammed Duale: Yes, definitely, you should.

Com. Adagala: Now, you know when you say marriage/family, you need to be a little bit more specific, because there are people who are saying marriage with one spouse. We therefore want to know what you are saying this side.

Mohammed Duale: By marriage, I mean we should not be married to one, spouse for the Islamic purpose.

Com. Adagala: That is what you meant?

Mohamed Duale: Yes.

Com. Adagala: For Islam?

Mohammed Duale: Yes.

Com. Adagala: Okay, and if it is a woman?

Mohammed Duale: Only one.

Com. Adagala: One what?

Mohammed Duale: One man.

Com. Adagala: What I want you to say, because people listening 50 years from now, will have to understand you clearly. Okay, since we don't want to have a conflict between Islam and Christians the other one is on land. With land, if they find minerals on your land, like here in Ijara if they find there is oil, what should happen to the people? You are saying the government should exploit, but what should happen to the people?

Mohammed Duale: Actually what I'm saying.

Com. Adagala: Like in the whole situation of the titanium?

Mohammed Duale: Yeah, I know that one. I think the community around that place should be benefit from that. That is what is happening in Nigeria. It is almost causing civil strife there. If oil is found in this district or on somebody's farm, that person must benefit from it, or the community around that place should benefit from it.

Com. Adagala: Probably you could think about it more, and give some more details, because this is going to be the trend with industrialization and things like that. You said about Kiswahili and English. What should happen to Kisomali and other languages?

Mohammed Duale: Now for election.

Com. Adagala: Not for elections. You said something about languages.

Mohammed Duale: They should be our official languages.

Com. Adagala: What should happen to the mother tongue?

Mohammed Duale: Retain that one, and even develop it.

Com. Adagala: If it has to take effect you don't assume. Okay thank you very much.

Com. Nunow: Now Mohammed I would like a clarification on what you said on ASAL arid lands. You said all the areas in Somali land, so called ASALS should be gazetted as Pastrolist areas. Do you want to broaden that a bit, and say what exactly pastorlism means, because pastrolism could be nomadic, could be sedentarized, could be commercialized pastrolism or could be purely subsistence pastrolism. If these areas are gazetted as pastrolist areas and they account for 2/3 of this country's landmass; what of kind pastrolism do you have in mind?

Mohammed Duale: Acutally the kind of pastrolism that I have in mind is a normal pastrolist, that means, this area be gazetted for grazing purposes only. Unfortunately now, people are trying to make agriculture out of somewhere that is not productive. Somebody takes alarge acreage of land in some place where the only possibility is only ranching, and he wants to develop what we could call crop farming, which is impossible. Therefore, it should be gazetted, and that is also to safeguard the interest of those people who have hold livestock.

Com. Adagala: You know its not on the decline, but defensive, because people want, just all the way with from the US with the American India, those were pastoralists and so I think what Commissioner Nunow has said, you need a little bit more. Maybe you can also think about that one, and submit an additional memorandum. Define pastrolism, types of pastrolism and what is needed.

Mohammed Duale: I will present one.

Com. Adagala: Include what is need. Thank you very much for serving us very well.

Com. Nunow: Maryam Hassan Mohammed. (Somali dialect) *Maryam maxathli rabta?*

Maryam Hassan Mohammed: *Xaa.*

Com. Nunow: *Socoo, soo fariso.*

Com. Adagala: Maybe she will come later.

Com. Nunow: *Maryam intey kafikireyso,* Iman Maalim Ibrahim.

Interjections:(inaudible)

Com. Adagala: Okay, Mzee anakuja. Akina mama, hii baraza ni ya watu wote, na ni vizuri kutoa maoni yenu.

Ibrahim Mohammed Ibrahim: (in Somali dialect) *Meshan maxan kahathleina?*

Com. Nunow: (in Somali dialect) *Maxath kaxathleisa sherci Kenya uyalo oo lagu mamulo, aya larava in dhib loo koro, uu kof walba uxu kashegan uxu sherciga hatha yaxai iyo wax divaya, iyo wax ucheclan laxa in loogutharo sherciga, sitha noloshisa iyo daqan kisa uu kuficnatho. Nin walba na hor bu uyahai fikrathisa inu dibto, marka wax alala waxath dhontit ayath kaxathli karta, oo noloshatha iyo nolosha binaathinka kalo aath lanoshaxai, kor uso kathaya oo qima kukordinaya.*

Ibrahim Mohammed: (in somali dialect) *waxan kahathlaya, engris ayan laso dacthey aniga.*

Com. Nunow: (in Somali dialect) *Translator, kale translate garey, inta soo istag.*

Ibrahim Mohammed: (in somali dialect) *Engris ayan laso dacthey aniga.*

Translator: Mzee alisema alifanya kazi wakati wa ubeberu.

Ibrahim Mohammed: (Somali Dialect) *Xacaxate, engris uxu digey ba afrikanka kudumey*

Translator: Amesema ile kanuni tuliwekewa na ubereru ndio iliumiza Africa.

Ibrahim Mohammed: (in somali dialect) *Xanokotey, wovigan intan nochira sathax mail bu korey.*

Translator: Alisema river hii ambaye inaitwa Tana River, imetupeleka maili tatu.

Ibrahim Mohammed: (Somali Dialect) *Meshan keli mehe, koptan iyo Mbalambala.*

Translator: Amesema kuanzia huko Garissa District Mpaka hapa Ijara District, mwisho yake.

Ibrahim Mohammed: (in somali dialect) *Mbalambala.*

Translator: Kutoka Mbalambala Mpaka mwsihho.

Ibrahim Mohammed: (in somali dialect) *Inta uxu naguxukumey woviga sathax mail.*

Translator: Imetupeleka maili tatu.

Ibrahim Mohammed: (in somali dialect) *Hurugu katey African.*

Translator: Baada ya sisi kupata uhuru

Ibrahim Mohammed: (in somali dialect) *Xathii uu African katey, shub bu ugadigey North Eastern. North Eastern uu sun ugadigey uhuruthi Kenya.*

Translator: Huu uhuru ambao tulipata Kenya ulikuwa sumu North Eastern Province.

Ibrahim Mohammed: (in somali dialect) *Shug bu ugadigey, wan kubabacney dhath iyo dhunya.*

Translator: Hicho ni kitu ambacho kimedhuru sana, mifugo na binaadamu wote.

Ibrahim Mohammed: (Somali dialect) *Marka sitha ee taxai, herka in la bethelo oo kategno, anaga is mamulno, African is mamulno, tan an checelnahai.*

Translator: Anapendekeza hiyo kanuni ifutwe kabisa kwa sababu, maji ni uhai.

Ibrahim Mohammed: (in somali dialect) *Sas ee taxai ku PC ee ya Garissa chogey ee cathan ee.*

Translator: Anasema zamani tulikuwa na mzungu mmoja PC.

Ibrahim Mohammed: (in somali dialect) *Wadiga wadiga nin layiratho, oo kuxenki Kenyatta ee ya Garissa imathey.*

Translator: Kulikuwa na deputy wake ambaye aliyekuwa akiitwa Odinga Oginga, aliyekuja Garissa wakati moja.

Ibrahim Mohammed: (in somali dialect) *Muxu yiri kuja, kaleya.*

Translator: Alituita sisi sote.

Ibrahim Mohammed: (in somali dialect) *Kiwanjatha ndegethan tegney.*

Translator: Tummeenda kwa uwanja wa ndege.

Ibrahim Mohammed: (in somali dialect) *Uxuyiri, weligen macaragten African PC ee, maya.*

Translator: Alitueliza, maisha yenu, mliwahi kuona Muafrika, ambaye amewahi kufika kiwango cha PC.

Ibrahim Mohammed: (in somali dialect) *Xathey sithi tagthey, Musembi kuja? uxu uyerei mith Musembi layira oo Mukamba ee*

Translator: Alimwita mwingine aliyelitwa Musembi ambaye alikuwa PC wakati huo.

Ibrahim Mohammed: (in somali dialect) *Kurtoon oo mathow oo dulka kudegan.*

Translator: Amesema alikuwa 'kifupi na cheusi.'

Ibrahim Mohammed: (in somali dialect) *Xathanki PC ga labethelo sithan bu leyahai sacatha, inta uu sugeya xathal kisa.*

Translator: Yule mzungu ambaye tulikuwa naye wakati huo, mkono wake ndio ungefanya kama kushindwa namna hii.

Ibrahim Mohammed: (in somali dialect) *Wan sugei kolku ninkan soo chochiyei uu yiri huyu PC yenu.*

Translator: Alingojea wakati amemsimamisha na kusema huyu ndiye PC wenu.

Ibrahim Mohammed: (in somali dialect) *Marka wuxu yiri anaka xog kuritha nakaxehyo ninki hatha PC axa ee adhanka.*

Translator: Amesema sisi wakati wetu umeisha na ni amri ya Mwenyezi Mungu kuwa tutahama sasa.

Ibrahim Mohammed: (in somali dialect) *Xog lagumana kicinin anaga.*

Translator: Hatukumhamisha na nguvu.

Ibrahim Mohammed: (in somali dialect) *Uwezatha Illahi van kagagurney.*

Translator: Imefika wakati wake sasa ile ametuandikia Mwenyezi Mungi, tutahama sasa.

Ibrahim Mohammed: (in somali dialect) *Musembi uxu faley, loo ba hirta risaf kadacthey shifta.*

Translator: Musembi siku moja aliposikia risasi ikilia hapa karibu kwetu.

Ibrahim Mohammed: (in somali dialect) *Loothi ithil ba laso kabtey.*

Translator: Ng'ombe wote aliweka mahali pamoja kama kijiji.

Ibrahim Mohammed: (in somali dialect) *Loothi iyatha eheth, Mukambu uguyerei.*

Translator: Aliita wakamba wote.

Ibrahim Mohammed: (in somali dialect) *Loothini ee somalitha ee kathey kac katheytha uyiri.*

Translator: Alisema Ng'ombe yenu zamani ilikuwa imechukuliwa na Wasomali. Tafuteni hapa turudishe huko.

Ibrahim Mohammed: (in somali dialect) *Loothi isle anaga dhath hortethi ee dakal kethi walaguthbiye.*

Translator: Ng'ombe yetu ile tuliukiwa tumefuga, Wakamba wakachukua kwa nguvu.

Interjections:(inaudible)

Ibrahim Mohammed: (in somali dialect) *Mitha kale.*

Translator: Ya pili

Ibrahim Mohammed: (in somali dialect) *Caruruti uhuruthi dalatey ithey kuchogto ayax ukin weye.*

Translator: Amesema watoto waliozaliwa baada ya uhuru, wamekuwa nzige.

Ibrahim Mohammed: (in somali dialect) *Kahari weithey ayei nzingetha kahari weithey.*

Translator: Hawatosheki, hawashibi.

Ibrahim Mohammed: (in somali dialect) *Uhuruthi inti kathambeysi carurti dalathey ayax wei ka irr wein yihin, kurancho na wei katag yaryihin.*

Translator: Pia hawana nguvu kuliko dudu. Nguvu yao ni dhaifu sana kuliko dudu.

Ibrahim Mohammed: (in somali dialect) *Orgiga wei ka ishoth dharan yihin*

Translator: Na hawana haya kama binaadamu. Wako kama mbuzi.

Com. Nunow: *Maxath checlan lexeth?*

Ibrahim Mohammed: (in somali dialect) *Waxan checlan laxa, cathan nulenaxai anaga, herki cathatha natha, on kukala dhambeynene, othey lo divaye, cilmaha hatha maringogei, othey in lodivo maravan.*

Translator: Amesema sheria iwekwe: Tutakuwa chini ya elders na kila kitu kiwe katika kanuni.

Ibrahim Mohammed: (in somali dialect) *Xer an kudakano yan kavi chirney deh.*

Translator: Hata tukiwana, tunataka kifungu iwekwe hapa, na wazee watuhukumu kama jaji.

Ibrahim Mohammed: (in somali dialect) *Xathalka inan naloguth biyo yan rabna sitha waye, bes, wan kabahey xathal keiga.*

Translator: Mzee amemaliza sasa.

Com. Adagala: Asante sana Mzee kwa historia, na kwa kutuambia mengi ya busara. Hii mambo ya ng'ombe ambayo ilichukuliwa ya Wasomali, wakati wa emergency, ungesema ungetaka nii itendeke? Umesema Musembi ndiye alichukua ng'ombe ya Wasomali. Ungetaka nini itendeke? Tell him.

Translator: *Wexey kutiri, loothi ath tiri sitheth rabna in layelo?*

Ibrahim Mohammed: (in somali dialect) *Waxan rabney haqas in lamariyo, ninki sababta lee keli lathono, halkan ladameyo, tanan thoneyna.*

Translator: Mzee anasema alikuwa anataka haki itendek. Yule mwenye hatia peke yake atafutwe.

Com. Adagala: Ndio tunataka atuambie, ndio tumekuja hapa, anataka nini itendeke? Haki ni nini?

Translator: *Xaq maxa ladixi bei kuriti.*

Com. Adagala: Tafadhali, kila mtu anyamaze, kila mtu atakuwa na nafasi yake.

Ibrahim Mohammed: (in somali dialect) *waxan rabna anaka cathatha nathi, kila kabila catha ee kabta.*

Translator: Anataka tuelewe na kimila yetu. Kila kabila ielewe na kimila yaek.

Com. Adagala: Mila ya kila kabila. Okay. Asante sana Mzee okay.

Translator: *Wath maxath santaxai bei kutiri.*

Com. Nunow: *Mariam, thiyar mataxai hatha? Okay, Shale Dakaney?*

Com. Adagala: Asante Mzee.

Shale Shale Dakaney: Bismillahi Rahmani Rahim. Kitu ya kwanza ningependa kusema karibuni, kamati ambayo imetumwa hapa, kwa kubadilisha Katiba yetu ya Kenya. Nasema karibuni hapa kwetu Ijara. Mimi mwenyewe sitakuwa na mengi. Nitasema machache sana. Kitu cha kwanza ambacho ningependa kusema, sababu mtu akiwa anfikiria mambo yake, kila mmoja ana fikira zake, kwa hivyo ile kitu nilifikiria niseme hapa, ndio nitasema. Msije kusema mzee amesema machache sana. Kit cha kwanza, Kenya yetu kila mara wanasema, kila mtu ana uhuru wa kuabudu dini yake. Walakini, noana kama kuna ubagusi hapa katikati. WaKenya ni wengi sana, kuna Waislamu na Wakristo na wengine. Sisi kama Waislamu, tunasherehe za kiislamu. Mimi mwenyewe maoni yangu ningesema, kadhi awe akipatiwa authority. Ikiwa ana kuhumu mtu na awe anafuatia kisheria, isiwe mtu anapeleka appeal kwa High Court ama pahali pengine. Ile sheria, kadhi apatiwe power ya kuhukumu kwa sheria ya Kiislamu.

Yangu ya pili, ambayo ilipitwa na wenzangu, pia nitaipitia, na mkiona ina rudiwa rudiwa, pengine kuna kasoro, ama kuna shida hapa. Tunaye hapa jirani, Tana River, vile wazee wengine walisema mbele yangu, mzungu ndiye aliye tutenga pamoja na hawa jirani wetu. Wanasema. Wasomali wasitoke maili tatu, kuja kwa mto. Kwa hii ametudhuru sana. Kama nyinyi mliotumwa kuja kubadilisha Katiba, tunaomba hiyo maili tatu iondolewe, na isionekane tena.

Ya tatu ambayo ni ya mwisho, ikiwa tunayo sheria yetu hapa Kenya, hasa nitasema, sisi wasomali, tunatengwa sana. Kwa upande wa national ID, kwanini WaKenya wengine wako na ID moja, na sisi Wasomali tunalazimishwa tuwe na ID mbili?

Com. Adagala: Pendekezo!

Shale Shale Dakaney: Pendekezo ni kusema, tupate ID kama kawaida WaKenya wengine. Vile WaKenya wanapatiwa haki yao, wakipatiwa ID yao mambo ya kusema awe na screening card, hiyo, inatudhuru sana, na hata wavijana ambao wangechukua ID, wengi wao hawakupata, kwa lack of a screening card. Kwa hivyo, ningetaka Wa-kenya wote wawe na haki sawa. Isiwe sisi ndio tunatengwa, tuwe na ID card mbili. Yangu vile nimesema awali, nitafupisha hapa. Labda wale watakuja, watasema mengi. Asanteni.

Com. Raiji: Dakaney?

Shale Dakaney: Yes.

Com. Raiji: Umezungumzia kuhusu hii mahakama ya Kadhi,

Shale Dakaney: Ndio.

Com. Raiji: Sasa ungependekeza kama labda tuwe na korti ingine, ile tunaita ya rufani au appeal, au kesi ikitoka kwa kadhi, iishie hapo.

Shale Dakaney: Yaa, kuna makadhi na Chief kadhi katika Kenya. Kwa hivyo kwa sheria ya Kiislamu, mtu akikosa kutosheka na ile kadhi amekata, apeleke rufaa kwa Chief Kadhi, sio kuenda kwa magisgrate ama kwa High Court, sheria mahali pengine. Awe ana rufaa kwa, au awe ana chukua appeal kwa Waislamu.

Com. Raiji: Ee sasa labda kabla mtu hajachaguliwa kuwa kadhi, ungetaka, au ungependekeza awe na kipimo fulani cha elimu? Na tena, ungetaka Chief Kadhi na ma Judge wa kadhi ambao tunazungumzia, wawe wakifanya kazi ya kadhi tu, au labda wawe wakifanya kazi ya kisheria, kulingana na ma-case mengine?

Shale Dakaney: Yaani nieleze kidogo, unauliza kulingana na elimu wake ama umri yake ama ni vipi? Elimu, ningetaka watu wako qualified kwa sheria, ambao wako na certificate ya Kiislamu. Wamepitia hata kwa kiislamu, mpaka university, mtu ambaye ako na certificate.

Com. Adagala: Ungependa afanye kesi ya kiislamu kama mimi si muislamu, naweza kuja mbele yake?

Shale Dakaney: Hiyo inategemea. Kama mtu ni muislamu, mimi nilizungumza juu ya Waislamu, na nafikiri Kenya hii wako na makorti tofauti tofauti, ama sheria tofauti tofauti. Ikiwa wewe si musilamu, labda itakubidi uende uchukue korti mahali pengine, lakini nilisema yakuwa wale sheria wanahukumia waiislamu, awe kadhi nio anamaliza.

Com. Adagala: Lakini mzee, ikiwa kama, unajuwa huku kuna Waiislamu wengi, lakini tukienda kama Western Kenya ni wachache. Sasa tutakuwa na Chief kadhi huko? Hata sio kwa sababu ya ukosefu wa kazi, lakini kama amehitimu kwa sheria, degree in law, si anaweza kusimamia kuhukumu kesi zingine.

Shale Dakaney: Hiyo inawezekana. Hii pia inawezekana, sababu kwa vile imedhulumiwa waiislamu ambapo Kadhi anapatiwa tu kodi, na tunaona magistrate anapatiwa magari, wanapatiwa sifa nyingi ya utawala lakini kadhi hakuna yeyote ambaye(interjection)

Com. Nunow: Mzee Shale, ningependa kukuuliza, mara nying kwa sababu Kenya ina watu wengi na ina watu wa madini tofauti, na waislamu ni baadhi ya hao watu, mara nyingi, wengine wanauliza mbona Waislamu wapatiwe korti yao kando, na makanisa mengine kayana makorti yao? Kwa hivyo kama Muislamu for instance, ni lazima apewe kiwango ya judge ama high court judge ama court of appeal, itambidi asikize kesi zingine pia ili atumikie uma, kwa sababu analipwa na watu wote.

Mshahara wake inatokana na ile kodi unalipwa na Waislamu na wasio waislamu. Kwa hivyo, kile Commissioners wanauliza ni kwamba, kama huyu mtu ni mtu wa aina hiyo, hana budi kutumikia watu wengine pia, kwa sababu pia wanamlipa. Kwa hiyo mtu wa aina hiyo, ungependa awe na elimu ya aina gani, aweze kutimiza ya kiislamu na ingine ambayo si kiislamu inaitwa secular.

Shale Dakaney: Kwa elimu kwanza, awe ni mtu ameenda university na amesoma law, ili awe anaweza kufanya ya kiislamu pamoja na ile court ingine, Asanteni.

Com. Adagala: Tuseme sasa nikiwa mkristo, nikienda mbele ya kadhi, anaweza kuchukuwa kesi yangu?

Shale Dakaney: Itategemea hiyo kesi, kama inahusu mambo ya dini, ama ni offence ingine ambayo inahusu criminal case Asante.

Com. Nunow: *Khalil Gure? Khalil Gure. Khalil Gure, maxathlayo ayu kukorey laakin miyu hathli rava, Khalif Gure unataka kuzungumza? Sheikh Abdul Haji.*

Sheikh Abdul Haji: Bismillahi Rahmani Rahim. Wale wanakuja hapa kutumikia sisi, kwanza nataka kuwakaribisha nyinyi hapa kwa Ijara District, karibuni. Baada ya hayo, nafikiri mimi sina mengi ni mbili, tatu. Ee ya kwanza, unajua kama kitu....

Com. Adagala: Tafadhali, mkutano kwa mkutano huu

Sheikh Abdul Haji: Unajuwa kama kitu.

Com. Adagala: Mzee ngoja. Wazee, mkutano kwa mkutano huu hairuhusiwi, ukitaka kuzungumza, pengine usonge kando kidogo, lakini msiendeleo sana, kwa sababu tunaweka hii kwa tape, na hayo mambo yote itaingia kwa tape, hii mambo yote mnazungumza. Pia ni heshima tu, kwa yule anatoa maoni, asanteni.

Sheikh Abdul Haji. Mkiona kama kitu kinarudiwa rudiwa kila mara, nadhani hiki kitu ini kitu muhimu sana, na ni kitu kinasumbua watu. Usione kama mtu akizungumza na mtu mwingine akidara tena, unasema mbona tena, huyu anadara, kwa sababu pengine ile kitu lazima kinasumbua. Ile yangu ya kwanza, ninaanzia kitu kinaitwa Screening card.

Com. Adagala: Endelea.

Sheikh Abdul Haji: Nafikiri mimi nazungumza Mpaka hata kama Nairobi niliona watu wanakata ID card, sijaona watu wanaulizwa kitu kinaitwa screening card. Lakini sasa hapa sisi kama North Eastern ama District ya Garissa ama Ijara, ukiuliza kila kitu unaambiwa wewe kama huna screening, huwezi pata. Hata yangu, ID card yangu, ilipotea kama miaka tatu, Mpaka nikaenda Nairobi. Nilionyesha ile birth certificate, lakini walisema wapi screening? Mtoto wangu, Mpaka nilionyesha birth certificate kitu muhimu yani baadaye wanakubali nipate. Kwa hivyo sasa kitu ambaye inatusumbua, first of all, ni screening. Watoto wetu wote hawapati ID card kwa sababu ya screening. Hata mimi sina screening card, sasa ukiuliza mtoto wangu

screening card, atapata wapi?

Ya pili, vile sasa wale wenzangu wamezungumza, na pia mimi napitia au napata taabu tangu mimi niliangalia kwa akili, ni kitu inatiwa river. Tangu mimi nilipozaliwa, nilizaliwa Ijara, Mpaka hapa mtoni, sijatoka mahali hapa. Kutoka nilipozaliwa mpaka sasa niko na miaka sabini na saba, hii kitu inaitwa river inatusumbua. Hii ni kwa sababu hata maji ya kunywa, wanasema hii maji sio yenu. Wale wakoloni walisema, Msomali asitoke maili tatu. Kwa hivyo, ninapenda sana, hiyo Tana River, sisi kama watu wa North Eastern, katikati yetu mahali pale maji yale yanajaa sasa katikati, iwe wao wanakunywa upande ule na sisi upande huu.

Com. Adagala: Ungependa hivyo?

Sheikh Abdul Haji: Ningependa hivyo. Ya tatu, nitazungumzia upande wa kidini. Nadhani watu kama sisi Waislamu, wengine wanafanya kitu nusu nusu, upand wa Serikali. Kwa hivyo, kama mimi kwa mfano napelekwa kwa kadhi, kadhi akimaliza, mtu mwingine pengine hata kama ni Msomali anaweza kufanya, wanasema aaah wacha nipeleke upande mwingine. Kwa hivyo kama ni kitu ya kiislamu, na mtu asitoke kwa kiislamu. Kwanza Mpaka mwisho. Kadhi na Chief Kadhi basi. Sio Chief kadhi tena a-refund tena kwa court ingine. Kwa hivyo hiyo kitu kama itanzia kislamu na imalizikie na waislamu. Kwa hivyo nafikiria maneno yangu ndio hayo.

Com. Adagala: Ungependekeza nini kwa hili jambo la mwisho, ambalo umesema?

Sheikh Abdul Haji: Kwa jambo la mwisho, napendekeza kama niko kwa dini yetu, kesi iwe inamalizika kwa dini ya Chief Kadhi.

Com. Adagala: Mtu akianza kesi na sheria, amalize na sheria?

Sheikh Abdul Haji: Amalize na sheria ya Kiislamu. Asitoke nje ya sheria na kwenda kwa sheria ingine.

Com. Adagala: Okay, sasa tuseme umeishi hapa sana. Tamuambie mambo ya Tana River, kwa sababu ni kitu ambacho Mungu ameumba. Mmekosa nini, Mpaka kuwa vile ilivyo?

Sheikh Abdul Haji: Nimekosa mengi sana. Nimekosa maji ya kunywa, na mara nyingine, maji yakiwa mengi, yatoka nje, mpaka yanajaa malishoni, na tunashindwa kupeleka ng'ombe malishon. Mara nyingine, ukitaka kulisha huko chini, wanatwambia tusilishe huko, ni kwao, au tisipitisho hapa ni kwake. Tana River yenyewe, huanzia huko Meru, sio hapa. Kwa hivyo, ningependekeza kuwa wale wanaofanya hivi, wawe wanakunywa upande huu, nasi tuwe tunakunywa upande huo mwingine. Iwe katikati yetu, ndio katikati.

Com. Adagala: Tafadhali, msi-proMPT mtu mwingine. Wacha mtu aseme ile iko moyoni mwake. Yaah. Mtu aseme, kila mtu atapata nafasi na kama hautapata nafasi, utaandika barua kwa Tume, na itawekwa. Kuna kelele nyingi hapa. Committee members wako wapi? Chairman, watu wako wako wapi? Tafadhali, kuna kelele hapa na baraza ingine inaendelea hapa. First

one, when they go to draw water?

Com. Nunow: Abubakar Osman? Abubakar?

Com. Adagala: Yuko?

Com. Nunow: Abukar kama hayuko, Councillor Bashir.

Councillor Bashir: Ninatoa shukrani kwa wale Commissioners ambao wamekuja hapa. Mimi ni kama Councillor hapa na Chairman wa hapa Ijara, ninakaribisha nyinyi rasmi, katika district ya Ijara. Sitasema mengi, maanake lazima kama sisi tunaanza maneno, itakuwa lazima tufupishe, kuna watu wengi. Yangu ni vile watu walivyozungumza. Kitu ambacho nitazungumzia ni kusema ya kwamba, ile taabu ambayo iko hapa zaidi, ni River Tana.

River Tana kutoka zamani, wazee wetu mpaka saa hii walikula katika River Tana na wanakaa karibu na River Tana na walipata maji. Kutoka Serikali iliyopewa na ambayo ilikuwa msuko suko katika mkoa wa kaskazini mashariki, inaonekana ilisemekana ya kwamba, kutoka siku hiyo kulikuwa na mwingereza, hakukuwa na mambo ya maili tatu. Kutoka Serikali tuliyopewa ya uhuru wa Kenya, tuliambiwa maili tatu kutoka River Tana ni ya Wasomali.

Kwa hivyo hii maji pahali inatoka, ilitoka chini ya mawe moja kidogo. Mtu ambaye aliona, ameshaona. Kwa hivyo ninataka ya kwamba katika Mpaka wa Tana River na Ijara district iwe katikati ya maji ya River Tana. Sababu ya kusema hivi, wakati kuna msukosuko utakuja na vita vya ukabila vimeanza, kwa ajili ya maji, na maji ni ya Mungu. Sio ya binaadamu na hata sio ya Serikali. Ni Mungu aliweka. Kwa hivyo, mimi ningependa hii maji inayoenda kutoka hapa inaenda Mpaka bahari ya Indian Ocean. Kwa hivyo, ninataka kuomba River Tana, iwe katika deeps, katikati ikuwe River Tana, upande huu ni ya Ijara na upande ule uwe Tana River.

Ya ya pili, ni kusema hivi, tunataka hii mambo ya screening card iondolewe mara moja. Hatutaki mambo ya screening card, maanake hii ni kubauga Wana Kenya wengine.

Yangu ya tatu, ni kusema kwamba, tufanye kama sisi waislamu. Lazima tuna Serikali na ni lazima tufuate sheria ya kiSerikali, ile ya kawaida. Kama sisi waislamu, tunataka sheria za Kiislamu, sio ya kiserikali ya kiislamu iendeleo kwa Chief Kadhi, katika kadhi, dini ya kiislamu, si under the law of Kenya. Hii ni Chief kadhi, ambayo ni ya Kiislamu, kuhusu ile kitu wanataka waislamu. Nikisema sisi ya waislamu, kama mtu amekufa, mali yake inaridhiwa na wale watu ambao wanahusika na lazima wahusike na dini ya waislamu. Chief Kadhi, hiyo ni kazi yake. Katika kufunga ndoa ni sheria ya kiislamu. Hakuna haja, mtu kama amekufa, wale watu wanaridhi mali yake waende kwa korti. Hiyo sio sheria, sisi waislamu, hatutaki kabisa. Tunataka sheria ya kiislamu iendeleo kabisa. Kadhi awe ni mtu anaelewa lugha zote. Ile ambayo utajirisha, awe mtu ambaye anawelewa Kingereza, na kidini vizuri zaidi, maanake anafahamu. Saa ingine, hatuwezi kusema kwamba Serikali ichukuliwe kadhi pekee yake. Mtu ambaye ametoka university, anafahamu sheria ya kiislamu, na sheriya kiserikali, na hata anaweza kuwa

jaji pahali pote. Maneno yangu nitakomesha hapa. Baadaye, nikipata nafasi ingine, nitaongea.

Com. Nunow: Councillor, umesema kuhusu Chief kadhi. Unaridhika na jinsi ambayo Chief kadhi anachaguliwa kwa wakati huu, kwa sababu Chief Kadhi anachaguliwa na Serikali, na ana hukumu waislamu ambao hawakuhusishwa kuchaguliwa kwake. Ungejemaje?

Councillor Bashir: Ninasema, siridhiki sasa, vile Chief kadhi nachaguliwa. Nataka Chief Kadhi achaguliwe na wananchi ambao ni waislamu. Serikali ihakikishe ya kwamba, wananchi wa sehemu hiyo waislamu wote wa Kenya wakae na wachague Chief Kadhi akuwe, sio mtu serikali achague.

Com. Adagala: Okay. Wakichagua, wachague kwa kura au kwa njia gani?

Councillor Bashir: Kwa njia yeyote inaweza kuwa. Ikiwa kura au mlolongo, ikuwe ni maoni ya watu na waulizwe, njia yeyote inaweza kuwa.

Com. Adagala: Ndio sababu tumekuja huku mbali sana, ili wewe utuambie vile ungependa. Unajua sasa Katiba itatengenezwa vile watu watapenda.

Councillor Bashir: Mimi maoni yangu, nasema ya kwamba kama Chief Kadhi amechaguliwa na wananchi bila ya kupenda hivi au hivi, watu wapige kura kwake.

Com. Adagala: Okay. Asante sana Bashir, Wakili amekubali hayo ameelewa. Enda pale.

Com. Nunow: Councillor, jiandikishe huko tafadhali.

Com. Adagala: Lakini, ngoja kido Councilor. Keti hapo. Ungetuambia mambo ya Local Government.

Councillor Bashir: Eeh mimi ninataka, ndiyo, thank you very much. Kidogo lazima saa zingine unasahau. Unajua sisi tuko na kazi mingi sana ndani, ya kichwa chetu. Pengine tunasahau kidogo. Ile lugha ambayo tunataka wale ambao wanasimamia Local Government wafahamu ni Kiswahili, ambayo ni lugha muhimu. Number two, tuseme Kiingereza kidogo, lakini sio lazima kama vile wengine wanasema, maanake, wananchi wanakaa katika sehemu hii. Wote hawakusoma, kuanzia wala ambao wanakaa kidogo tu wanasoma. Kwa hivyo ninataka kwamba mtu awe qualified kwa Kiswahili zaidi, priority iwe ni hiyo.

Com. Adagala: Elezea mambo unataka kwa Local Government. Ungependa ikuwe vipi?

Councillor Bashir: Ninapenda Local Government, kama hapa district ya Ijara katika Kenya yote, iwe powerful. Wao wenyewe waendeshe katika wilaya ambayo walichaguliwa. Meya katika mji, kama sasa Ijara, Meya akuwe powerful kushinda DC.

Com. Adagala:(inaudible)

Councillor Bashir: Ninataka kusema ya kwamba, Meya vile wananchi wa Kenya wengi wanapenda, wanasema Meya achaguliwe.

Com. Adagala: Wewe pia unapenda, wacha mambo ya wananchi.

Com. Nunow: Vile wewe unapenda wacha wengine.

Councillor Bashir: Vile mimi ninapenda, Meya awachie hukumu kwa ma Councilors, wamchague.

Com. Adagala: Okay, Councillor tumeelewa.

Councillor Bashir: Thank you very much.

Com. Adagala: Tuambie mambo ya pesa, kwa Local Authorities.

Councillor Bashir: Ninasema ya kwamba, katika Local Authority, ninataka treasurer alipe pesa kutoka Treasury na ilipwe kwa Council. Maanake katika mapato ya hapa, kama hapa District hi ya Ijara, ni ya hatari. Hakuna pesa yeyote wanalipwa na maCouncillor au mfanyikazi ambaye tunaajiri. Kazi mingi ambayo inatakikana ifanywe kwa hii barabara, anaulizwa, "Council hakuna pesa" Kwa hivyo, mimi ninataka Treasury walipe pesa kama ya Serikali.

Com. Adagala: Lakini hiyo pesa itatoka wapi?

Councillor Bashir: Vile Serikali inatoa pesa, inatoa wapi? Si wanalipa ma Commissioner. Kwa hivyo, Serikali italipa hiyo.

Com. Adagala: Unajua, sasa sisi tuliandikwa kazi. Nyinyi ni watu ambao wanapigiwa kura. Wewe unaona pesa ambazo zinatoka kwa Treasury mwanzo, zinatoka wapi?

Councillor Bashir: Ni kodi za watu, na tunapata nini hapa hivi.

Com. Adagala: Ugependa zigawe vipi? Nataka ufikirie, kwa sababu zinatoka kwa watu, halafu zinaenda Treasury, sivyo.

Councillor Bashir: Ndio.

Com. Adagala: Halafu?

Councillor Bashir: Tunataka hiyo pesa igawe nusu iende Local Authority, na nusu ikuwe ya Serikali.

Com. Adagala: Unaridhika na njia hiyo?

Councillor Bashir: Yes.

Com. Adagala: Okay.

Councillor Bashir: Na kama nikikosea, muangalie vizuri.

Com. Adagala: Sawa tu, hakuna kukosa. Ngoja kidogo tena Councilor. Sorry kukusumbua. Percentage ya pesa ya kurudi kwa Council ni kama ngapi?

Councillor Bashir: Katika mia tunataka irudi shilingi hamsini.

Com. Adagala: Okay, haya enda pale.

Com. Nunow: Anayefuata kwa list, kuna mmoja hakuwepo. Kuna Khalil Gure, sasa yuko tayari? Okay sasa anayefuata ni Chairman wa Committee, Bwana Amey.

Amey: Bismillahi Rahmani Rahim. Alhamdu Lillahi Rabbil Alamin. Commissioners, I think you have been welcomed in Ijara, and I don't need to repeat that. I will speak in English, and I will be as brief as possible. I have the memorandum handwritten. I thought it was rather hypocritical for me to go and type the memorandum in Garissa, when there are no facilities in Ijara. As a matter of fact, therefore, as somebody who believes in reality, I have just decided to leave it hand written. I am going to be brief, in talking about several issues. One of them is on boundaries. The Provincial boundary between North Eastern Province and the Coast which touch the river, you have heard how serious the issue is. I think these boundaries were demarcated to create permanent conflicts between pastrolists and the farmers, and between Kenyans. Only last year, about 300 people have been killed on the other side of the river, and the only excuse they use is that pastrolists want to water their animals in the river, and the farmers refuse.

Now, if you look at the end of the line, 300 people, 300 males, and everyone has five children, that is 1,500 orphans, and the 300 widows. That is very bad, and it will be a matter of continuity. I think this one should be addressed and the provincial boundary, which was left by the white man, should be revoked, not reviewed but revoked. The river as a natural resource cannot be the monopoly of a very small tribe called Pokomos. The Pokomos have no stength to refuse us the river. We are just respecting the law. Enough is enough. We are not going to tell the Somalis to restrain themselves. If this Commission does not addrss this issue very seriously, (I am very sorry as an old man, I don't agitate for blooded but there will be bloodshe. This is not something simple. Pokomos as a community, we want them. They are our brothers, but they cannot stop us from living along the river. The river is the lifeline of everybody, and particulary in Ijara District, that is the permanent sources of water that we have. We need to farm along the river. The river was our grazing area during the dry season.

Okay. The other thing is, in Ijara District as small as it is, being the smallest district in North Eastern Province; it has three gazzetted national reserves. We have Arwara National Reserve in the North, we have Boni reserve in the East, and we have a Tana Primate reserve in the West. If you look at all these, we had not been consulted. Of-couse the results were gazzetted by the recommendations of the Council, but look at our representatives. Those are not people who were legitimately elected by the people. These are people who have been elected through dubious means. I can therefore say the results are not our making, and they should be revoked.

Com. Adagala: Did you want the reserve boundaries to be revoked?

Amey: We want them to be de-gazetted.

Com. Adagala: Or do you want representation to be better?

Amey: No. We are pastoralists and our lifestyle and economy is tied to livestock. We want the reserves to be de-gazetted completely, and if we want, we can sit down and look at areas where reserves are necessary. Infact, reserves were only created in pastoral areas, just, so as to clip off the economical wings of the community. I think by extension, it was meant to punish the Somali community.

The other thing I would like to talk about is affirmative action.

Com. Adagala: Nationally, are reserves mainly in pastoralist areas? I know you are talking about North Eastern.

Amey: Well.

Com. Adagala: Is it a bias?

Amey: Other than a small area in Taita Taveta, look at all the reserves. They are all in pastoral areas.

Com. Adagala: I just wanted to know because I have never thought of it.

Amey: It's not only bias, it is discrimination.

Com. Adagala: Okay, endelea.

Amey: The other thing, which I want to talk about, is Affirmative Action. You have heard this old man, Mzee Iman saying, all our animals were confiscated and taken to Ukambani. With all due respect to those who have been serving this country, I remember one time, all our animals were confiscated, taken to the Kenya Meat, and the proceeds divided between some government officers, and if you want I'll name them, although I don't like naming somebody who is in grease. We have been subjected to a lot of misfits. Our animals have been looted, we have been subjected to one-time killings, and there have been so many massacres in this Province. You have heard of Wagala Massacre you have heard of Garissa massacre, you have heard of Kolbio massacre, you have heard of Malkaderi massacre and you have heard of Mansa massacre. You know, people being killed indiscriminately. We therefore want to be coMPensated with affirmative action, 10% of the national budget should be voted for this province to coMPensate us and bring us to the level of the other Kenyans.

If that one is not coming, I want to the Commissioners about what happened to a Singh. It was very unfortunate that the wife of a Singh produced a black child. He went to court to seek for redress, and in his submission, he said, Bwana Judge if you plant maize you will get maize, if you plant potatoes, you'll get potatoes, if you plant singh, you will get singh. However, unfortunately

he planted singh and he got Matiso. He then said that by virtue of that, I want a divorce. Obviously, the court was satisfied that something was wrong and he was given a divorce, and the union dissolved.

The woman was asked to give her version, and she said, it was amri ya Mungu. God with all his miracles has never given two Kalasingas a black son. The judge said, you could go with Matiso to your father's house that will be probably more accommodative of him than your former husband. We are therefore saying, in black and white, we cannot be part of this country, if these issues are addressed. We are not prepared to be second-class citizens. I am an old man, and this is not a childish talk. It's a very serious talk. We have been subjected to a lot of abuse, but enough is enough. We are like other members of the international community who have the right to do what they want. Even sex deserves determination. The union cannot be a forced one. The union has to be through love. We have to be citizens of this country, through cohesion and through proper and legitimate protection.

The other thing, which I want to talk about, is Local Authority. I think this one should be seriously addressed. We want manageable and sustainable Local Authorities. With elected leaders who have certain standards. I don't know who said stopped some people going to school as old as I am; I have gone to school in Garissa. Therefore, nobody can qualify and say that there were no schools in Garissa. There must be a certain standard and there must be certain criteria.

We want the Local Authorities to be divorced from the Central government. The minister should not have powers, either to dissolve or to create political wards. We also don't want creation of Local Authorities. It's my humble submission that we have only one authority in every district. That is what has been making some local authorities very poor and unsustainable.

I am making a submission that is the right of every citizen in this country, to have a free and compulsory education from Pre-primary to University. It is also the right of every citizen to have free health care.

I want to talk about judicial officers including the Kadhi. I concur with what most of the other people have said. However, I think the Kadhis are under utilized. As people earning taxpayers money, they can still be given some other jobs to hear cases like other Magistrates. That is my feeling. The other thing is, electing Kadhis', I don't think it is economical to call for elections.

I think there are stakeholders like the Council of Imams, the Supreme Council of Kenya Muslims, the Muslim Association of Kenya, and most of them have fairly educated people who can always see how Kadhis can be appointed.

Citizenship: Some people say we are being screened, because of having some dual citizenship. Being Somalis, some people think we are either citizens of Somalia or Ethiopia and Kenya. I want to say, we don't want only dual citizenship. We want multiple, which is even beyond that dual i.e. Multiple citizenship.

The other this is Provincial Administration. I think in relation to the Provincial Administration, initially if you look as why it was

created, the white man as an oppressive organ created it. An oppressive machinery to put down Africans. With all due respect, I think that all element of oppression upto today is out. I don't have to fear them. They can even have red eyes. No problem. We will still say something is wrong. I therefore think we need to restructure Provincial Administration, and to clip the powers of these kings. The first thing we want to do is, to intergrate the administration police to the regular police, so that these people who don't have a force of their own, are becoming like the war-lord who have militias. We want the Administraiton Police integrated into the police force, so that they are covered under the police act, and they are only used for internal security and not personal force as individual.

The other thing, which I want to touch on, is, our lifestyle as pastrolists: We are nomads. Pastrolism in this country is considered a taboo. It does not appear anywhere in the Constitution. We want pastrolism entrenched in the Constitution as an occupation through which people are making a living, and which needs to be protected. Commissioners, you are aware that pastrolism is not only in Kenya. It is in the whole of Africa and it is in some parts of Asia, including the giant nation China, Afghanistan and the rest. It is even in some parts of Europe. Pastrolism should therefore not be considered as a taboo. It should be preserved, and we want our education system to be based on our lifestyle just like the Norther Nigeria.

Com. Adagala: Endelea.

Amey: The other thing is, I thinks the president, should be impeached if he abuses office, but when he retires, as a symbol of national unity, the president should not be harassed. He should be protected and given pension. Let him rest. However when he is in office, of course, when he is ruling the people, he can be challenged. He can be subject to some of his activities contested, either through parliament, or through courts. When he retires, (We Africans have a habit of witch hunting people) I think when the president retires he should be protected. He should not be subjected to legal actions.

When we talk of the Constitution, with all due respect to our members of parliament, one time, the Constitution of this country was changed because of one single man call Ngei. That is abuse. How do you change the country's Constitution because of one individual? Is that not an abuse? It is not the executive only who abuse that but even the legislators. Kenyan citizens to represent them mandate them. They would have refused. Therefore, other than small areas, parliament should not have the mandate to the change major courses in the Constitution. If the government feels that there is something wrong, let them make a referendum, and tribunals, headed by a judge, should supervise it. The president can use extraordinary powers, but it should not be his monopoly. You know, sometimes there is famine or there are floods, and there is this and that. One time the Prime Minister of Kenya, Jomo Kenyatta, just declared a state of emergency on this Province, without seeking the authority of parliament, and I stand to be corrected.

We want the executive not to have the monopoly of declaring a state of emergency, or taking extra ordinary powers without getting the sanction of parliament.

Natural resources: In our language we say, the girl who has no mother is always subjected to a lot of abuse, because she does not have a mother. It appears that the people of this Province were the girl who did not have a mother. All the other provinces had a mother. The child should be protected by the mother. Look at what is happening in parts of Garissa and Ijara District, total degradation of the natural resources. The Kenya Government just settled one hundred and fifty thousand refugees without our consent, knowing how fragile the environment in this District is. If Kenya is a signatory to Geneva, why did they move people from Malava, why didn't they remove people from Ruiru and Thika? Is it because the Somalis are the people who are supposed to bear all the problems? I am sure today if the UN body asks for one hundred men to be castrated, some people would say that they should come from North Eastern Province.

Com. Adagala: We appreciate the background you are giving, but have your last one.

Amey: The last one is, we want protection of our environment. We want an immediate environmental assessment impact, done in the areas of this province where refugees have seriously destroyed.

Finally, we want the small tribes in this country to be protected. It appears that there are some people who are trying to move forward, by trying to take everything, and they want us to succumb to their advances. There must be safety belts for small tribes, and there must be affirmative action for vulnerable groups like the disabled. I also belong to the disabled community. We want representation in parliament. Thank you very much.

Com. Adagala: Thank you very much.

Com. Nunow: I would like to ask a few brief questions. One is on the game reserves. You mentioned three game reserves in the area; would you like them revoked. It is true that most of the game reserves are in the pastoral areas, but except Taita, most of the other game reserves benefit the people in those areas there are located. Be it Samburu Lorge, be it Masai Mara; Masai Mara is one of the richest areas, and it has a very strong education fund generated from the revenue sharing of the reserve.

I don't expect you to answer this now, but maybe give it a thought, how these reserves would benefit the people, through developing eco-tourism and through developing a revenue sharing process. That is one. It's a clarification you don't have to answer it now.

The other one, you mentioned the executive powers should be curtailed and they should not have the leeway to decide when to declare emergencies. It is true that emergency was declared in this province in the sixties by Kenyatta, but it is not true that he did not consult the parliament. The parliament was then in recess. It was December. He called them in but he did not garner the two thirds required by the law. He only managed 60%, so that is also for the records.

Com. Adagala: Okay. You don't have to answer them now. I wanted to know, the standards for elected leaders. Maybe you can sit down quietly, and write out clearly, because, you know how things have gone now, and we need some clear guideline from people like you who are wise, and have had a lot of experience, it would be good if you could put that down.

Amey: You mean in writing, or little bit of life.

Com. Adagala: I think the time is going. You have it in the memo already? The standards and the criteria.

Amey: Well, I just said, you know, we have been misdirected. Some people think only those who have degrees are wise or only those who have degree are educated. All those who have ten to fifteen testimonials. It is my conceited opinion that degrees should not be the deciding factor. There are Kenyans who are fairly educated, who can take active deliberations in the National Assembly, not only in the National Assembly but also even in international Forums and they don't have certificates'. I therefore think that proficient tests should actually be the real thing.

Com. Adagala: Two things. What would be the advantage of multiple citizenship? That is one. Two, for how long should they be, Affirmative Action for this region, since affirmative action always has a time limit.

Amey: Madam, I would say, multiple citizens, this will now seriously attract investors. There are people who are not Kenyan citizens. There was one thing that I forgot. We don't want to tenure for judicial officers.

Yes; Look at our Chief Justice. With all due respect to him, when he was criticized, he kept on charging and abusing the lawyers who complied the case. Look at his age; he is 56 years, and judges are supposed to retire at 74 years. How do you discipline this man, if he messes? No way. I think security of office should only be for five years, renewable. Let us call a spade a spade. There are fifty thousand cases pending in Kenyan High Court. What are the judges doing?

Com. Adagala: Okay.

Amey: Somebody drawing five hundred thousand, and only working for four hours? We need renewable tenures for Judges, and evaluation of their work after every five years.

Com. Adagala: Affirmative action, should be for how long?

Amey: Well, I would only ask for compensation for forty years. The forty years that we have been depressed.

Com. Adagala: Thank you very much Mzee.

Com. Nunow: Kifli Dahir Salat? Kifli Dahir Salat?

Com. Adagala: Okay,(inaudible)

Kifli Dahir Salat: I am not a Councilor.

Com. Adagala: Okay, you can start.

Kifli Dahir Salat: I want to talk about something that has been said before by my former colleagues here and that is the issue

of Tana River. The issue of Tana River should be addressed, and there is a persistent problem between pastrolists community, and the farming community. This is what has been happening with the Orma and Pokomos.

Com. Adagala: Endelea.

Kifli Dahir Salat: We don't want this thing to happen again here, with Garissa district people and the Pokomos, and I want this issue addressed urgently.

Com. Adagala: To be addressed urgently, you have to speak up?

Kifli Dahir: By urgently, I mean that this issue should be addressed as quickly as possible.

Com. Adagala: How?

Kifli Dahir: By trying to allow us our rights, and trying to share with them the natural resources and the land freely with them.

Com. Adagala: You know personally, the Constitution doesn't try. It does, and you have to tell us firmly, how these rights are going to be addressed, not trying.

Kifli Dahir: Well, we will address it by moving the border upto the river.

Com. Adagala: Endelea.

Kifli Dahir: That is that with Tana River. I think we have heard a lot of speakers after speakers and that must have sunk into your head that people of Ijara district have a problem with Tana River. Secondly, the screening problem: I find that we are pushed to the wall, by the previous colonial government and the previous regimes didn't do any better. We are not the only people who are bordering other people. For example in Kenya, we are bordered by Ethiopia, Somalia, Uganda and Tanzania, in the four corners of the country, and its only the Somali community who are given the screening card. I am wondering why.

Com. Adagala: You cannot wonder why, you cannot ask why, tell us why and give us pendekezo.

Kifli Dahir: I have aksed myself the question why, but I could not get an answer. If we are given a screening card because Somalia has been a war torn country and that people from Somalia are fleeing from Somalia to Kenya are giving us a problem.....(interjection)

Com. Adagala: Would you want screening cards extended to other people?

Kifli Dahir: No, but I am wondering why screening cards.

Com. Adagala: Don't wonder. Tell us your pendekezo. That is what I am saying. Pendekezo lako? Kwa sababu, you are complaining about the others.

Kifli Dahir: Yes, screening cards should be struck out and not given to anybody else.

Com. Adagala: Okay, endelea.

Kifli Dahir: Thirdly, as the other speakers earlier hinted to you is that, if someone is barred by the High Court to contest, the president should not have these powers to pardon him. The president powers must be limited to a certain limit.

Com. Adagala: Okay endelea.

Kifli Dahir: The fourth thing I had is that, we people from North Eastern Province cover one third of the land in this country and we have only few MP's. We want to have more MPs, because the land we cover is more than the other parts of the country. We find that in some other areas, you find that although they are densely populated, we also have vast land to look at. We have a lot of wildlife especially the special species are here like Erola, and other animals that have not been seen in the world.

Com. Adagala: So what do you want?

Kifli Dahir: We want the number of MPs increased. I want the number of MPs in the province increased.

Com. Adagala: By how many?

Kifli Dahir: By a slash of three to four.

Com. Adagala: How?

Kifli Dahir: Due to the vast land, we must get more MPs.

Com. Adagala: How? What method would you like used to increase that number?

Kifli Dahir: By trying to divide the constituencies, the large constituencies that we currently have.

Com. Adagala: Okay, endelea.

Kifli Dahir: About the Kadhi's court, I also want the Kadhi's court for the Muslim community to be supreme, and no appeals to High Court. Okay, thank you very much.

Com. Adagala: Okay, thank you very much.

Com. Nunow: Salah Hassan? Salah Hassan?

Com. Adagala: Endelea

Salah Hassan: Okay, dear Commissioners, I think whatever I would have said, my notes have been covered by the former chairman, Mr. Amey. I will not waste a lot of time, but I would like to go through some agendas. For example, during your meet the people tour in Garissa, I complained about Section 87 of the Laws of Kenya, which does not treat me as a normal human being. If I quote, it says, “ *Supplementary information must be submitted in respect of Africans claiming*

citizenship, and who do not belong to African tribes, indigenous to Kenya.” Let even being an African, this part of the Constitution is completely denying me. I don't know whether it's due to ignorance. I have kept all clapping for a party or a government whose Constitution continuously denied me. I don't know how far you have gone to check this part of the Constitution, because I have requested you to forge us with some information. During the KANU review committee headed by the Vice President Professor George Saitoti, I raised the same question, because as far as I am concerned, let alone being a Kenyan even an African, I don't know what they want to term us as monkeys, or what?

Com. Adagala: What would you like?

Salah Hassan: As far as I am concerned, I am a creation of God. I am a human being. I am black, I am an African and I am a Kenyan. However, the KANU review committee twisted the language for us. They removed claiming, but all the other words were there. It was some how shortened. I would request this Commission to put that anomaly in order.

Com. Adagala: Endelea.

Salah Hassan: The next thing is about Tana River, which has been deliberated on a lot. I think I will only add a few sentiments. You have heard of problems in this world; for example. The Kashmir, the Palestinian problem. If this commission does not recommend in the Constitution exactly what our sentiments are, then, there is going to be a standing problem in this country. We cannot be compared to our brothers who are our neighbours. We are people who have burned our fingers, with a lot of sophisticated weapons. Our brothers are innocent. We would not like to pick panga or guns and go and meet this innocent people. They are not the ones who laid down these regulations here.

Com. Adagala: You have to state pendekezo lako?

Salah Hassan: Pendekezo langu ni kwamba kwa kawaida, mpaka ni natural features madam. Tunataka the deepest part of Tana River, to be the boundary. Not any section of Tanan River, the deepest part of Tana River, in the middle.

Jambo la tatu, kwa kifupi, utoaji wa kipande na passport. Sisi Wasomali nafikiri hata manyanga'u hawakui treated namna hivyo. We are committed to a lot of equilateral red tapes. We are asking can we get the same treatment as other Kenyans. Can these red tapes be removed? An example is the screening card. I think the government had a specific reason when it was bringing all these things, and those reasons are now long gone.

The other thing I would like to say is, there is this Ngei Act. In a day or two, the Ngei amendment was introduced in the house, and without much deliberation, it went through, the first reading, second reading, third reading, committee stage, it had had a presidential act, and within the same month(interjection).

Com. Adagala: What would you like?

Swaleh Hassan: We do not want abuse of office. Can the powers of the presidency, judiciary and legislature be at the same

level? Parliament should be a supreme body. The president must be in peace while in office, but he must be given due respect after retiring, security and pension.

Com. Adagala: Endelea. Umemaliza?

Salah Hassan: Nimemaliza, thank you very much.

Com. Adagala: Okay, I want to ask you, on Tana River, what other uses is it for our record. What other uses is it to the people of this Province? It's grazing land and also water. What other uses do you have for it?

Salah Hassan: I think those are the two major ones. Farming.

Com. Adagala: You use it for farming? Do you use it for navigation? Does anybody use it for navigation?

Salah Hassan: Not much.

Com. Adagala: Do you use it for fishing?

Salah Hassan: Somalis are not fish eaters, but there are some who do.

Com. Adagala: I am asking so we know. Thank you very much.

Com. Nunow: Abdi Buhat: (Somali dialect) *Mariam aa thiyar miya?*

Mariam: Wakaaji wa hapa wote na wageni waliokuja kubadilisha Katiba Assallam aleikum.

Audience: Waaleikum Salam.

Com. Adagala: Mama, geuza kiti chako kiwe vile kilikuwa. Kuzungumza kwako, ni kwa tume, sio baraza, zungumza huku. Asante.

Mariam: Nimekuja kuongea kidogo. Msione ni kwa ubaya, kwa vile kila mtu amerudia maneno hayo kila mara. Ni kitu ambacho kinatusumbua, tangu mbeleni.

Com. Adagala: Wacha ni seme tu, hata kama mkirudia mara elfu kumi, ni sawa. Huwezi kuwacha lile jambo linakufinya, kwa sababu mtu mwingine amesema. Kila mtu anajililia. Hata ukisema milioni moja ni sawa.

Mariam: Haya maneno ya mto ambayo tunarudia ni lazima iwe inatusumbua, na ni lazima kila mtu aliyekuja kukaa hapa, aseme hiyo shida ya mto, na msione vibaya. Tunataka huo mto uwe mpaka wetu na watu jirani hapa.

Com. Adagala: Endelea.

Mariam: Ya pili, ningetaka kusema kitu, lakini msinifanye ni jibu maswali, kwa maana mimi sio mtu wa kuzungumza kwa

baraza, kwa hivyo, sitataka mniulize maswali mengi, lakini nitasema langu. Wanawake, watoto na mayatima, wako na haki zao, zilizopotea siku nyingi za mbele. Sasa katika hiyo ripoti mnaandika, ningetaka muandike ndani pia. Kuna mengi sana ambayo yanatupotelea hapa Kenya.

Sina mengi ya kusema, lakini, ningesema tunataka dini yetu itarajiwe iwekwe juu kabisa, na vile tunavyopenda sisi, iandikwe kwa ripoti ya leo. Pia, siku ambayo taabu hizi zote zinaandikwa kama leo, iwe ndiyo siku ambayo taabu zote ambazo tumepata zitaondolewa. Waasalam aleikum.

Com. Adagala: Mama, mama, asante kwa kujitahidi mama. Nilitaka kukupongeza kwa hiyo.

Com. Nunow: *Abdi Buhat wa waxtigatha xatha.*

Com. Adagala: Wakina mama wengine waje watoe maoni yao.

Com. Nunow: (Somali dialect) *Wexey uu ektahai dhathka inu kabaqayo maraktei afku kuhathlaye, ama afsawahil, kofka divaye in uu iskukalifaya. Hornimo waxath uu lethaxai, afkath thontit in ath kuxathasho, kelmath walba na aath kuxathasho na tape kasa laguthuvaya, hadao ba dhib loo tafsiri, lava rukh ba kalin hesta wala koreyan, anaga na points kenan koraneina, markei arkaya in laithin katagen. Marka afkath dhontan kuhathla, dhathka bathi waxan umalein in uu afsomali yaxai, hata kofka afswahili gara neya qudisa, uu aath uu habon yaxai, oo lo turjuvani karo, marka saa thontan uu hathla, waxba maraktei hasku kasifina. Lughath wax ulus laithin kasarey maxa.*

Abdi Buhat: (Somali dialect) Assallam aleikum. *Waxa weye, ani hal kothob keli ban kaxathleya meshan. Maaqano afsawahil iyo engris mithna. Wayaxai.*

Translator: Anasema, yeye atazungumza juu ya vitu viwili tu.

Abdi Buhat: (Somali dialect) *Kothobkas an kaxathleyo na waxa weye Tana River.*

Translator: Moja ni vile wenzangu wamesema juu ya Tana River.

Abdi Buhat: (in somali dialect) *Nin walba markei meshan engriska ugu imathen*

Translator: Wazee ambao wametuzaa, wazazi wetu wa awali ndio wamezaliwa hapa, na sisi tumeishi hapa kwa muda mrefu.

Abdi Buhat: (in somali dialect) *Kolkei ugu imaneyen meshan wax mukubwa dhowlath machirin deh.*

Translator: Wakati walipo kuja hapa, hakukuwa na kabila zingine, hata Pokomo ambao wanafikiri hapa Tana River ni pao, hawakuweko wakati ule.

Abdi Buhat: (in somali dialect) *Xathana waxa dacthey deh in xolixi iyo dhathki in melwalba ayo dig bathan ayei imaneyan halkan.*

Translator: Hivi sasa jambo ambalo linaonekana, mifugo yetu, ikienda kwa malisho ama kwa maji, wanakatakatwa na panga, na hata watoto wetu, mara kwa mara, ndio tatizo linatokea hapa Tana River.

Abdi Buhat: (in somali dialect) *Xathi xalkan laithin keney*

Translator: Hata ingawa Serikali yetu tukufu imewachagua nyinyi kuja hapa na kubadilisha Katiba.

Abdi Buhat: (in somali dialect) *Waxan Allah kumaxathineyna in Allah nalakulmiyei.*

Translator: Ni bahati nzuri leo na tunamshukuru Mwenyezi Mungu, kwa vile tumekutana hapa kwetu Ijara.

Abdi Buhat: (in somali dialect) *Tafadhal*

Translator: Tafadhalini,

Abdi Buhat: (in somali dialect) *Waxan rabna woviga mesha uu wob*

Translator: Tunataka katikati ya mtoni, mahali pale deep kabisa, ndio iwe mpaka wetu na Tana River.

Abdi Buhat: (in somali dialect) *Xalka in lagadigo*

Translator: Tunataka katikati ya mto ndio iwe mpaka wetu na Tana River.

Abdi Buhat: (in somali dialect) *Waxas engriska keney deh.*

Translator: Haya matatizo yote, wale wazungu waliokuwa wanatawala nchi hii ndio walifanya hilo kosa, na sisi Wafrika ndio tunahangaika sasa.

Abdi Buhat: (in somali dialect) *Iney African isku dacthey Africa.*

Translator: Lengo lake wakati ule, ilikuwa wakaaji wa hiyo sehemu wacosane mara kwa mara, au wapigane.

Abdi Buhat: (in somali dialect) *Dhathki hore oo maslaxa katalinaye oo makubwa iyo anaga daxtha natha maslaxa neitha anaga kadhambeina hatha.*

Translator: Na wale wazee ambao wanatatua hiyo neno ama wanafanya maslaha mara kwa mara, inaonekana sisi ndio mwisho kutafuta maslahi, pengine tukiondoka hakutakuwa na maslaha na kitu ambacho kitatoa hapa ni shida tu. Tunaomba hili tatizo liishe leo hapa kwetu.

Abdi Buhat: (in somali dialect) *Somali wexey tiri warave huruth kisa loogutega.*

Translator: Wasomali wanasema fisi ni mnyama mmoja ambaye ni muoga sana. Akiona hata watoto anatoroka. Lakini, mkichunguza sana, mwishowe atakaa kitako na atapigana nawe.

Abdi Buhat: (in somali dialect) *Waxan ithin kacothsaney.*

Translator: Naomba nyinyi ambao mmetumwa hapa.

Abdi Buhat: (in somali dialect) *Wan so gava geveyneya.*

Translator: Na pengine, litakuwa langu la mwisho.

Abdi Buhat: (in somali dialect) *Marka udhambeyse nalamoogola in hal nef ee kacabto woviga.*

Translator: Hata wakati wa drought ya mwisho ambayo tumepita sasa, wanasema hawawezi kukubalia hata mfugo mmoja aje anywe maji hapo wala binaadamu.

Abdi Dubat: *Waxan cothsani deh.*

Translator: Nawaomba mara nyingine tena.

Abdi Dubat: *Dhul kathasho an uu yelaneino oo dhambe machirto deh.*

Translator: Kusubiri ambako tulisubiri mbeleni, imetosha. Sasa hatutasubiri tena, na maadamu mlitumwa hapa, na kuja kubadilisha katika, tunaomba hatua hii ichukuliwe na iishe mara moja.

Abdi Dubat: *Wa iney dhowlatha ee talava wein ee kaqatho meshas oo ithil*

Translator: Tunataka hayo yaishe mara moja.

Abdi Dubat: *Biyo Allahi va keney.*

Translator: Mwenyezei Mungu ndiye aliyaleta hayo maji. Hayakuletwa na mtu wala hakuna mtu yeyote ambaye anaweza ku-claim ati aliyaleta haya maji.

Abdi Dubat: *Xaga xakacaban anaga intan an kacabeyna.*

Translator: Wao wanywe upande ule na sisi tunywe upande huu.

Abdi Dubat: *Maxath sanithin*

Translator: Anawashukuru nyote. (in Somali dialect) *Sug wax yar walagu sucali.*

Com. Adagala: Asante sana mzee kwa yote umetuambia, tutaandika yote.

Translator: (in Somali dialect) *Wath maxath santaxai, waxath noshegtey na wan qorney.*

Com. Adagala: Na ningependa kukuuliza tu, hauna jambo la kusema kuhusu wazee wakongwe?

Translator: *Waxan kuwarsaneya, otheyasha dhukeitha wax kuhisabsan aath kaxathli karta majira bukuyiri?*

Abdi Buhat: (in somali dialect) *Bogolki sagashan iyo sagal sas ee uu bathan yihin.*

Translator: Anasema ikiwa unaliuliza ile maoni ambaye nimesema, hundred by hundred wanasema hiyo maoni ambaye nimezungunza hapa, nido wako nayo.

Com. Adagala: Asante mzee.

Translator: Amesema asanteni sana.

Com. Nunow: Eh Bile Mohamed.

Com. Adagala: Mohammed ukija, sema jina lako kwa microphone. Zungunza jina lako kwa microphone.

Com. Nunow: (in Somali dialect) *Kofwalba oo imatha na magacatha kabilau, athigo magacatha intan kuhaino, hathana tapeka magacatha hagelo, hadow kofka koreya sii uu kuogatho kofka xathlaya ilen magacisi oo full aa aya larava xathalka.*

Bile Mohamed: (in Somali dialect) *Aniga magaceiga waxa layiratha Bile Mohammed Salat. Wax yar oo fudhuth ayan kaxathli.*

Translator: Anasema jina lake ni Bile Mohammed Salat, na atazungumzia machache.

Bile Mohammed: *Mitha igu tharan waxa weye, mithka mitka ugudhambeyei hathalka uu kuxathlaye.*

Translator: Ya muhimu sana ambayo ningependa kuzungumzia juu yake, ni yale yalisemwa na wenzangu ambao wameondoka hapa, vile walizungumza juu ya Tana River.

Bile Mohammed: *Waxan ithingu shegi woviga dibkan kuqabno in uu yaren mith wax yar lagashego.*

Translator: Nikizungumza juu ya shida ambayo tunapata kwa hiyo Tana River, ambao wengi walizungumzia hapa, nitawafanulia kidogo.

Bile Mohammed: *Anigo todhova chir makathan ka waravin chirey.*

Translator: Tangu nizaliwe, nikiwa miaka saba, mahali ambapo nilienda kwa water point kunywa maji.

Bile Mohammed: *Xathan an tohovatan chiro.*

Translator: Na umri wangu ni sabini sasa.

Bile Mohamed: *Makathi ala ii othey.*

Translator: Hiyo nilikatazwa kinaga ubaga, sitatamani tena kurudi kunywa maji huko.

Bile Mohammed: *Mitka lavath.*

Translator: Ya pili ambayo ningependa kuzungumzia.

Bile Mohammed: *Ber afartan sano alaberanin*

Translator: Pahali ambapo hapajalimwa kwa miaka arobaini sasa.

Bile Mohammed: *Aniga na ee chohor ii xeiso.*

Translator: Na hivi sasa nasikia njaa, na ningependa kulima.

Bile Mohammed: *Xathan wan avuro an dexo.*

Translator: Nikitamani kulima huko, haitwezekana.

Bile Mohammed: *Wax yar maxelayii.*

Translator: Na sitapata hata nukta moja.

Bile Mohammed: *Xathan dhathka Kenya an kamith naxai.*

Translator: Ikiwa sisi ni kama wanaKenya wengine

Bile Mohammed: *Waxan checelnaxai*

Translator: Tungependa

Bile Mohammed: *Woviga inan keb kalaxano.*

Translator: Upande mmoja wa huo mto uwe wetu, na jirani zetu wawe na sehemu zao, pa kutumia.

Bile Mohammed: *Sababto ee*

Translator: Kwa sababu.

Bile Mohammed: *Dhathka uxu kunol yaxai biyaa*

Translator: Binaadamu na wanyama wote, uhai wao ni maji.

Bile Mohammed: *Anaga awel holan kunolen.*

Translator: Maisha yetu zamani, tulitegemea mifugo.

Bile Mohammed: *Xolixi hatha hos bei udacen.*

Translator: Ikiwa sasa inaendelea kufifia.

Bile Mohammed: *Xatha dimber ba laga marmeinin.*

Translator: Watu wamefika kiwango cha kuambiwa mrudi mashambani, ndio msemu uliosema

Bile Mohammed: *Xathey Kenyans ee benderatha qathatey.*

Translator: Tangu tunayakuwe uhuru wetu.

Bile Mohammed: *Meshan uu weli kofna beranin*

Translator: Mahali ambapo hapajalimwa na mtu yeyote, hata wakati mmoja

Bile Mohammed: *Xatha xathan dexo bero oo gethaxa an kaguro.*

Translator: Saa hii nikitamani kwenda kulima mahali kama hapo,

Bile Mohammed: *Dib aa kaimaneya*

Translator: Kuna kifo ambacho kitatokea hapa.

Bile Mohammed: *Xatha xathath tixithin wax bethel kusocotin*

Translator: Ikiwa nyinyi mlitumwa kubadilisha Katiba yetu.

Bile Mohammed: *Waxan ithin kabaryeina*

Translator: Nawaomba mara nyingine

Bile Mohammed: *Woviga dinacan an kalaxano*

Translator: Huo mto sehemu ya upande huu uwe wetu,

Bile Mohammed: *Dinaca iyaka xakalaxathan*

Translator: Na ile sehemu ingine iwe yao.

Bile Mohammed: *Meshi beraxa niqonkarto an berto.*

Translator: Mahali ambapo panawezekana kuwa mashamba, iwe mashamba yetu

Bile Mohammed: *Meshan biyaha markei ee nokoto an kacabo.*

Translator: Na mahali pa water point pia, nipate fursa ya kutumia.

Bile Mohammed: *Woviga meshas an kudafeya.*

Translator: Hiyo hali ya mto, nitaacha hapa.

Bile Mohammed: *Mithka lavath*

Translator: Ya pili.

Bile Mohammed: *Xaga xathan uso kaco dinta.*

Translator: Nikirudia upande wa dini.

Bile Mohammed: *Anaka muslin an naxai*

Translator: Sisi ni waislamu

Bile Mohammed: *Markan islan an naxai*

Translator: Na kama sisi ni waislamu

Bile Mohammed: *Sithan da khalihi an sheganeyno*

Translator: Kwa vile wengi walizungumza juu ya kadhi,

Bile Mohammed: *Xathalki Illahi ban damasocona*

Translator: Tunafuata msemu wa Mwenyezi Mungu.

Bile Mohammed: *Marka waxan checelnaxai*

Translator: Tungependa

Bile Mohammed: *Xathan muslin naxai*

Translator: Kama sisi ni waislamu

Bile Mohammed: *In shercigas kudaqano*

Translator: Tujitawale kwa njia ya kiislamu

Bile Mohammed: *Markan kasoqatho, hathi an manta dinto*

Translator: Kwa mfano, nikifariki leo,

Bile Mohammed: *Lavatan cunug ban daley*

Translator: Na nimezaa watoto ishirini

Bile Mohammed: *Waxan checlaxai haq sherciga iney igu daxlan*

Translator: Ningetaka mali yangu ambayo nimeacha nyuma, wagawanywe kwa sheria ya kiislamu.

Bile Mohammed: *Marka wixi xuquk oo sas oo kale ee*

Translator: Hukumu kama ya sheria hiyo ndio ningependa, tuwe tunahukumiwa na sheria ya kiislamu.

Bile Mohammed: *Xathal keiga intasan kusogavageveye*

Translator: Yangu nitafupishia hapo, na asanteni sana.

Com. Adagala: Asante sana mzee, asante kwa mambo yote umetuambia. Tumesikia na tumeandika.

Bile Mohammed: Okay, asante.

Com. Adagala: Member of Parliament ako hapa? Okay, karibu, asante.

Hon. Yusuf Haji: Asante. Bismillahi Rahmani Rahim: Assallam aleikum. Baada ya salamu, wandugu zangu na dada, tunawakaribisha katika Ijara. Mtatusamehe kwa upepo mkali na vumbi. Pia, tunawashakuru kwa kupata nafasi ya kuja kututembelea.

Kitu cha kwanza ningetaka kuzungumzia ni juu ya Tana River. Niliona kwa kitabu chenu, mambo ya Environment and Natural Resources ndiyo iko mwisho. Mimi ningetaka nianze, nikiendelea hivi. Historia kwanza kabla ya sisi kupata uhuru, Mpaka ya Northern Frontier district ambaye ni Garissa, Ijara ni hizi, zimo. Zilikuwa Mpaka pahali panaitwa Bangale, 40 miles from the river. Maili arobaini kutoka mtoni. Wakati tulinyakuwa uhuru, yule mzee ambaye alisema Odinga alikuja na Bwana Musembi PC, mimi nilikuwa DO siku hiyo, na nilihudhuria huo mkutano.

Huyo PC alikuwa anaitwa P.E. Walter. Wakati Mheshimiwa Odinga ali-introduce Musembi kama PC wa kwanza mwafrika, huyu mzungu alipozungumza, kitu alisema ni kwamba, wao wameweka msumari ya nchi sita. Wameweka hapa, msumari wa nchi sita, na kwa hivyo wanaenda. Hiyo msumari ya nchi sita, ni mambo ya Shifta, ambayo wazungu ndio wameanzisha, huu mto, ndio ile fitina ya inchi sita, ambayo wamewacha.

Wandugu zangu bila kupoteza wakati wenu, leo jioni mkipata nafasi, mwende Mpaka kwa huu mto. Ukiona Mpokomo, mpaka ufike kwa mto ukiona hapa katikati, yeye analima ama anaweka mfugo, basi hii mambo ibaki vile ilivyo. Ukweli ni kwamba, wanakaa kwa mdomo wa mto na wanalima upande wa pili. Hawalimi upande huu. Hawalimi. Vizuri muende, mkaone. Kuna engine mtaenda kuona saa hii, ambayo iligharimu Serikali zaidi ya milioni moja na elfu mia mbili, ambayo imeharibiwa kuzuia sisi, Mpaka sasa iko pale, kuzuia sisi kutumia hayo maji. Swali ni hili, kama sisi ni watoto wa baba mmoja wa taifa moja, imekuaje tunyimwe rasilmali ya nchi hii? Tunajua wao ni wakulima, tunataka walime, wapewe haki yao, lakini sisi pia, tupate haki yetu.

Kwa mambo ya mtoni, nitwachia hapo, kwa sababu kusema na kuona na macho iko tofauti. Sisi hatukubaliwi. Ukiona hapa just karibu na town tumejaribu kuanzisha irrigation, na hiyo engine imeharibiwa. Ma officers wa Serikali wako hapa na hata cabbage hawawezi kupata, na mto uko stone throw away. Hiyo nitaachia hap.

Nitarudi juu ya uwezo wa(interjection)

Com. Adagala: Kidogo tu Mheshimiwa. Kati ya Mpaka na mto, that three miles who lives there?

Hon. Yusuf Haji: Ni sisi tunaishi. We are here now. Hapa, huu mji uko.

Com. Adagala: In the stream?

Hon. Yusuf Haji: In the stream. Sisi ndio tunalisha mali yetu, ingawa kwa shida kubwa. Wapokomo hawakai this side. Hawakai upande huu.

Com. Adagala: Endelea.

Hon. Yusuf Haji: Juu ya hii preamble ya Constitution, nafikiri kuna haja. Hiyo haja, ni kueleza watu wetu, ni kwanini kwanza sisi tuli-agitate for independence. Madhumuni ya ku-agitate hiyo independence ilikuwa ni nini? Ni sisi kuwa taifa moja ambayo inatiwa Kenya. Tukijitawala wenyewe, tunafuata dini, kabila ama rangi. Nafikiri hiyo ni muhimu kwa watoto wetu, ambao watazaliwa baadaye.

National vision nilazima watu wawe na matumaini katika maisha. Mtu akizaliwa na amekuwa mkubwa, ana matumaini ya kuwa kitu fulani katika maisha yake. Kwa hivyo, vision yetu ya Kenya, iwe ni ya kuunganisha watu wetu, na pia kutarajia yale yote mema ambayo taifa yote katika ulimwengu huu inatarajia kupata.

Mambo ya Constitutional supremacy: Constitution kuwa chombo muhimu kuliko kitu chochote nii muhimu sana. Mimi naonelea kwamba mambo ya kubadilisha Constitution isifanywe kiholela. Tu-retain hiyo 65% ambayo hata sasa tunayo, lakini iwe kweli ni 65%.

Kitu cha pili, uwezo ya president: Sisi kama jamii ya Kisomali, tunaamini kiongozi yeyote lazima awe na sifa tatu. Moja lazima awe mtu shujaa, lazima awe mtu ambaye ana huruma, na lazima awe mtu mkarimu. Kama huna uwezo wowote, ni vigumu kuongoza hata katika nyumba. Baba na mama kama hawana uwezo juu ya watoto wao, ni vigumu wao kuongoza.

Position ya Prime Minister: Mimi sikubaliani ya kwamba president na prime minister wawe na uwezo mmoja kwa sababu, hata mbuzi, ndume mbili ukiweka pamoja kwa boma na wawe na nguvu moja, mambo mengi yataharibika. Prime Minister awe na limited and specified powers ya maybe to appoint his cabinet, pia kuendesha Serikali kwa wakati huo.

Juu ya uraia, mimi sikubaliani kabisa, ya kwamba uraia uwe dual ama iwe plural kama inavyosemekana. Hii ni kwa sababu sisi ni nchi changa na maskini. Tukifungua hiyo milango, Wahindi watakuja hapa, Wazungu watakuja hapa and already wako. Wamechukua uchumi wa nchi hii. Wale ambao tulizaliwa pamoja hapa ambao wako citizens kama sisi, already wana control economy. Sasa ukifungua milango ya dual citizenship, wazungu pia watakuja. Europe yote itakuja hapa, na sisi hatuwezi kuinua kichwa tena. Tutabakia maskini, hohe-hahe milele. Tungojee hiyo mpaka miaka hamsini, halafu ndio tufikirie mambo ya dual citizenship. Mambo ya bibi na bwana, citizenship ya watoto wao, ninaonelea ya kwamba, kama baba ama mama ni mwananchi wa Kenya awe citizen na nitasema sababu yake, kwa sababu kama Mwamerika, mtu wa navy akija Mombasa, an afanye urafiki na msichana wa Kenya. Hiyo usiku ametia yeye mimba na ameenda, amezaliwa mtoto, utasema ya kwamba huyo mto ni wa Mwamerika aende America? Hakuna kitu kama hiyo. Kama mama ama baba ako citizen, hao watoto wawe automatic citizens.

Mambo ya defence, mimi ninaona kwamba kuwe na defence Council ambayo itakuwa president, prime minister, kama tunayo defence minister, Chief of General Staff, wale ambao ni wakubwa wa army ya ardhi na hewa na maji. Hao ndio wapewe mamlaka ya kuangalia, not only usalama wa nchi, lakini ku-decide kama tutaenda kwa vita au hapana. Ninasema hivi kwa sababu, okay, sisi tuko katika Africa. Mahali wajumbe mia mbili au mia tatu wanakutana vile mliona hata sasa, hatuna siri. Ndio mara unasikia ati kitchen cabinet, unasikia kama nini, unasikia hivi. Sisi bahati mbaya hatuna siri, na vita inataka siri. Inataka precision, na secrecy. Isiwe tuagize tu watu kama Wamerika na waingereza ambao wamekuwa wakijitawala kwa miaka elfu mia mbili, hatuwezi kuigiza wao kwa siku moja. Kwa hivyo, bunge iwe inaelezwa tu at the eleventh hour, ya kwamba the country is going to war na ikwishie hapo.

Com. Adagala: Okay, muda unaendelea.

Hon. Yusuf Haji: Ndio. Kwa mambo ya dini, Kadhi, mambo ya kadhi, ningependekeza tuwe na kadhi court ambayo ni sawa sawa na magistrate, na tuwe na wengine ambao watakuwa na uwezo kama senior na Chief magistrate, halafu Chief Kadhi ndio awe the highest court ambaye appeal ya mambo ya waislamu inaweza kwenda. Ninakubaliana ya kwamba kama itapatikanwa, Waislamu ambao wanajua dini ya kiislamu na wana-qualification ya kutosha na pia ni mawakili, basi wanaweza kukaa kama judges, as well as kadhi courts. Wandugu zangu tujiulize, mzungu alifikiria akapeana hiyo kadhi courts. Tunajua mzungu ndio mwenye kunyanyasa mwafirka kwa miaka hiyoyote. Je sisi leo, tuko huru? Hatuwezi kuangalia maslahi ya wale ambao wanaona consensus yao haikubali dini. Sisi waislamu tunaamini ya kwamba, lazima tujihukumu kwa dini yetu. Dini ya kiislamu ni kama penal code CPC hata Evidence Act iko katika dini ya Kislamu. Hakuna kitu kimewachwa. Kwa jeraha, kukata mtu masikio, kutoa meno, yote imewekwa kwa hivyo si kitu Mpya ambaye kama labda madini mengine.

Com. Adagala: Mzee malizia.

Hon. Yusuf Haji: Ya mwisho, ni juu ya Local Authority: Katika Local Authority, ninaonelea ya kwamba tuwe na County Council katika wilaya dhaifu, ambazo hazina nguvu, ama wilaya zote, na tuwe na Municipality katika big towns peke yake labda Kisumu, labda mahali kama Kakamega, Nyeri, Nairobi, Nakuru, mji kama hiyo, Kericho, ambazo zina rasilimali. Zingine zote, mambo ya town Council, mambo ya urban Council, ifutiliwe mbali.

Com. Adagala: Nini iweko?

Hon. Yusuf Haji: Tuwe na County Council. Yangu ya mwisho kabisa, ni juu ya qualification ya County Councils. Nafikiri tungeweka again itakuwa discriminatory, lakini hatuna njia. In certain areas, minimum qualification iwe CPE and certain areas, kwa sababu this is a fact of life, ya kwamba we are not on the same wave length, there are other areas of this country which have highly educated people, na tuna sehemu kama hii. Si KCPE na O level kwa sehemu zingine, iwe mandatory ya mtu kuwa Councilor. Thank you very much.

Com. Raiji: Asante sana Mheshimiwa. Ningetaka tu utusaidie kidogo, kwa sababu umezoea sana kukaa katika Provincial Administration tangu wakati wa ukoloni. Sasa umesikia Tume imesikiza mapendekezo mengi kuhusu role ya Provincial Administration, na nimesikia vile umesema sehemu zingine tutakuwa na Local Authorities ambazo ziko na nguvu. Sasa ningetaka usaidizi wako kwa mambo mawili. Kwanza, role of Provincial Administration. Itakuwa ikifanya kazi gani? Namba ya pili, kuhusu sasa kugawa rasilimali kutoka kila district, ungependekeza labda kila local authority ichukue kiasi gani na ni gani iende kwa Central Government?

Hon. Yusuf Haji: Kwa upande wa Provincial Administration, watu watake wasitake, ukweli lazima usemekane. Kweli Administration hapo zamani, imeonekana kama ni tool ya ku-oppress watu, hasa kutoka enzi ya ukoloni, Ya kuokota kodi, ku-control watu namna ya kuishi, na vitu kama hivyo. Wamefanya kazi nzuri. Kama huu mto, wakati wa ukoloni, ilikuwa hakuna matatizo, na ikitokea shida ilikuwa inakuwa solved sawasawa. Mimi ninaonelea kwamba, hakuna kitu kwa wakati huu ambayo inaweza ku-replace Provincial Administration, mpaka tustawishe communication.

Sehemu yeyote ya nchii hii, lazima utumie DO ama Chief ama assistant Chief. Hata hii mkutano wa leo, hawa watu wengi wamekuja kwa sababu, mimi nimeenda kwa DO, kuuliza watu waambiwe waje, kama sio hivyo, tungekaa hapa. Ukisema mwanasiasa, mimi mwenyewe ni mwanasiasa. I have been an administrator, na ninajua mwanasiasa. Kama ukisema at Chairman wa County Council ambaye amechaguliwa ndiye atasimamia watu, ile mambo itatokea hapa, itakuwa ya kuajabisha. Hata leo, the only office ambaye is functioning ni ofisi ya DC. Ukweli isemekane. Mtu ambaye leo, ikitokea catastrophe yoyote, anaweza kukimbia upside down, ku-collect results ni DC. Ma-officers wengine kuwapata kwa office yao. Hiyo ningefikiria kwamba mungefanya research kidogo, ili mjue ili, mambo ya resources ni ukweli. Ndiyo ninasema tubakishe County Council pekee yake. For example kama Garissa leo, we have a Municipality, na Mayor anatembea na Mercedeses, na hata shilingi moja hana. Hiyo pesa ya kununua Mercedes, si ingetengeneza hospitali? Ingesaidia watu, kuleta hospital, au ingejenga shule.

Serikali i-chip in. Iangalie watu, hata in Europe yaani Britain, ukienda kama commonwealth ambayo inakuwa considered less developed area in Britain, mimi mwenyewe nilienda, County Council inapewa budget na Central Government, na hata hapa mahali ambapo iko pesa imepungua, Serikali i-chip in.

Com. Adagala: Umeitoa vizuri asante sana.

Com. Nunow: Madhar Haji Adan

Madhar Haji: (in Somali dialect) *Bismillahi, mimi ninaitwa Madhar Haji Adan. Marakta wan kuxathli afsomali. Waxan saa iyatho aa marakta dhathka sherciga bethelayo, keinunka bethelayo sherciga wa Illahi. Iney dhathka sifican udagestan wixi lagabethelayo ee kafaidheistan marka iyatha ee oo ee kasofikiran wixi laga xathlayo.*

Com. Adagala: Nani anatafsiri?

Madhar Haji: *Waxan rava inan afsomali kuxathlo, an sawahil kuxathlin, si cai dhathka ufaxman shercigotha wixi lagabethelayo. Wayo hathan thono meshan waxa choga dhonayo in mabthigeiga kaxathlan. Sithu mabthigisa uu dibto oo uu faxmo xathalka marka loo chetho.*

Com. Nunow: (in Somali dialect)(inaudible)

Madhar Haji: (in somali dialect) *Mabthigeiga waxan kabilavi marka uguhoreisey, marakta shercigatha islamka. Dhathka meshan chogo, sherci wa ti Illahi, meshan waxa lagaxathleya qainun. Qainunka lagaxathleyo waxan rabna in an helno dinta islamka. Koi, in marakta hukmatha an qathano kadhiga islamka.*

Translator: Anasema sisi tukiwa wakaaji wa Ijara District na ambao wote ama wengi wetu ni Waislamu, tunataka tuhukumiwe na korti ya kadhi.

Madhar Haji: *Kadhiga isaga ee waxan rava inu caxatho marakta mith okon lee, ona marakta dhathka islamka ee chaguweisaneyin waxti maalum ee kucekato waxtigisa.*

Translator: Angependa huyo kadhi awe ni mtu ambaye ako na qualifications na awe anachaguliwa na wananchi, na ambaye atakuwa kwa ofisi kwa wakati rasmi.

Madhar Haji: *Wayo xathi laiska appointment-gareyo uu iska chogo, ninka wa binaadham, shercigu kafikira marka augetha, waxan checelyahai inu caxatho mith marakta mudha sanathan oo shan sanatho axatey inu kucekatho*

Translator: Anataka huyo kadhi awe akibaki kwa office kwa a specific time. Kama ni miaka tano ama ni miaka nne, halafu baada ya hiyo awe-evaluated.

Madhar Haji: *Wax yar ban rava ina naloso xormariyo oo sherciga islamka waxa kamith ee marakta waxa ala wixi xukun aa oo dinta islamka kor usokatheyso, sithi marakta ee hatha divatatha chirto, en AIDS oo kale kuchosinahai*

shercigatha islamka lagaxeli. Kadhiga in faraxa loogeliyo. Sitha maraktei zinatha oo hukunto. Wayo dinta islamka shan dakikath guthethetha aya kathava goin karta.

Transaltor: Anataka huyo kadhi ajihusishe kirasmi na mambo kama ya HIV/AIDS na other related issues, ili kustawisha maisha ya wakaaji wa hapa.

Madhar Haji: Yaani nimesema ya kuwa, ikiwa kadhi amepewa power yeye anaweza kufanya chochote, ya kuhusu dini yetu ya kiislamu. Sisi ni Waislamu. Hiyo mambo Serikali inasema, mambo ya AIDS, ukimwi hiyo ikiwa kadhi ako na power, hiyo mambo ya zinaa inaweza kusimama mara moja. Kwa sababu, dini yetu ya kiislamu, inaamrisha mtu yeyote mwenye kufanya zinaa yani iko na maamrisha yake, kwa hivyo tunapendelea hiyo. Nina ingine.

Yangu ya pili ni hiyo mto Tana River. Hiyo mto Tana, hawa ndugu zetu, jirani zetu wa Pokomo, tulikaa muda mrefu sana. Sijui hii sheria ya Kenya ilikuwa imeandikwa na nani? Ni sheria ambayo imetusumbua sana. Ni sheria imetunyanyasa sisi.

Com. Adagala: Endelea.

Madhar Haji: Hakuna mtu ambaye anaweza ishi bila maji, hata mnyama. Hiyo sheria ambayo imetulazimisha tukae maili tatu na mto, tafadhali, twataka Serikali iondoe hiyo kitu hapo, ili mto ikue katikati ya sisi na wao wakae ng'ambo hiyo, na sisi tukae ng'ambo hii.

Com. Adagala: Endelea.

Madhar Haji: Ya pili ninataka kusema, upande wa uwezo wa Serikali hiyo. Serikali nataka yani, ingawa ni ofisa wengi wako hapa, Serikali iko na uwezo mkubwa sana. Uwezo wa upande wa ofisi wa Rais ipunguzwe.

Com. Adagala: Endelea.

Madhar Haji: Yaani, mfano. Hivi sasa Kenya, uchumi imekuwa hivyo na unakuta kila waizara iko na waziri fulani ambaye anakula peke yake. Nataka waziri wawe wa tatu pekee. Wale wengine wote wawe sacked, kwa sababu wao ndio wanakula pesa yote na wanasema uchumi umekuwa namna hii.

Iliyobaki iitakuwa kama vile waziri ambaye anaweza kama defence minister, waziri wa elimu hiyo, na wa foreign. Wale wengine wote wawe sacked, kwa sababu pesa ya Serikali yote inaenda na hao mawaziri na wao wanapelekwa kwao, na sisi waKenya tunahangaika. Hatupati chochote. Tafadhali nataka hiyo sheria ikamilishwe. Upande wa Rais, rais anatakikana awe mtu ana dini kwanza.

Com. Adagala: Mzee endelea.

Madhar Haji: Mtu ana dini, hata kama ni Mkristo, lakini mtu ambaye hana dini hatakuwa president. Rais akuwe na bibi. Hatutaki rais ambaye anatembea bila bibi. Kwa sababu, sisi ni binaadamu, Mwenyezi Mungu Subhana Wa-taala, amesema,

“Mwanaume anapenda mwanamke”, lazima rais akiwa hana bibi, ataenda zinaa, na yeye mwenyewe ndiye atakuja kuongoza zinaa na wananchi watafanya. Nataka rais awe na bibi.

Com. Adagala: Na akifariki?

Madhar Haji: Rais akifariki? Bibi yake? Akifariki lazima achukue bibi mwingine. Ikiwa bibi yake hakuwa na ugonjwa.

Com. Adagala: Na rais akiwa ni mwanamke?

Madhar Haji: Rais akiwa ni mwanamke, anahitaji yeye mwenyewe awe na bwana.

Com. Adagala: Okay, kama yule Bhutto wa Pakistan sivyo.

Madhar Haji: Ndio, kama Binazir Bhutto, akuwe hivyo. Nikirudi upande wa Tana River, mimi nilikuwa nimezaliwa hapo Kotulo location in 1967, iko DC mmoja wakati huo alikuwa akijiita Ndemo. Nilienda mnazini karibu yetu na akanifunga jela miezi mbili kavu ya kusema nimeingia bila hodi Kenya. Hiyo sheria kama iko iondoshwe, na kama sio sheria huyo Peter ndemo yuko hai, Serikali imfuate na imshike, kama sio sheria.

Com. Adagala: Lako la mwisho?

Madhar Haji: Usinilazimishe kwa sababu wewe umekuja, nitasema mpaka nimalize, mimi mwenyewe niseme nimemaliza.

Com. Adagala: Okay, tutampa ruhusa

Madhar Haji: Sasa ningependa pande ya hiyo nimesema Rais, PC, DC na President wenyewe wapunguze uwezo wao wa kutawala, na kusema vile wao wanataka. Councillor lazima wawe wasomi. Wakuwe ni watu ambao wamesoma.

Com. Adagala: Pendekezo.

Madhar Haji: Nilikuwa nataka, yaani Form four, na kwenda juu.

Com. Adagala: Tafadhali wacha aseme vitu vyake. Sijui kuna nini, sijawahi kuwa na watu wanaingilia mtu anatoa maoni yake.

Madhar Haji: Awe ni mtu ambaye ana huruma, yaani adabu yake iangaliwe, sio mtu mlevi kama sasa anasema sisi ni kitu.

Com. Adagala: Okay.

Madhar Haji: Hiyo ndiyo langu la mwisho.

Com. Adagala: Tafadhali wananchi, tuna muda mfupi sana. Mtu akija hapa ni dakika tano, juu sana ni dakika kumi.

Com. Nunow: Nina maswali mawili. Ya kwanza kuhusu mawaziri. Umesema pesa yote inaenda na mawaziri kwa hivyo wapunguzwe wawe tatu. Nafikiri kwa vile ulivyo zungumza na kwa vile maoni yametoka kwa watu wakikupatia nani hawa

mawaziri, nafikiri haujafikia hiyo jambo sana. Mahali nyingi tunasikia, lakini jaribu kufikiria zaidi na uandike, umpatie Co-ordinator wakati wowote, kile ungependa tuseme kama ni mawaziri kumi, na nini wangependa na ingekuwa manaibu wa mawaziri moja moja au nini, jambo hili linafaa kupatiwa mafikira zaidi. Kwa sababu ukisema mawaziri wanachukua pesa yote, huna hakika kama hiyo pesa wewe utapata, hao watatu pengine watachukuwa ile pesa ambayo watu thelathini walikuwa wakichukua. Kwa hivyo lazima ufikirie, na ujue, ni jinsi gani utafaidika wewe, ama wenyeji wa hapa. Hiyo ndio muhimu zaidi. Swali hilo, hauna budi kuijibu saa hizi. Ufikirie tu nakupa tu mawazo yango.

Swali ya pili ni kuhusu rais na kule kuoa kwake, lazima awe na bibi. Kuna makanisa fulani ambao, viongozi wao hawaoi kabisa, na hawaendi zinaa. Well hatujui, lakini wanasema hawaenda zinaa na hawaoi. Wanakaa namna hiyo. Sasa je, hawa hawataweza kuwa Rais wa nchi? Jibu tu hilo la pili.

Madhar Haji: Hilo nitajibu Bwana, kwa sababu yaani hiyo kanisa ikiwa wao wanasema pekee yao, dini yetu haruhusiwi. Hiyo kanisa na Mwenyezi Mungu, nani anasema kweli? Mwenyezi Mungu amesema katika “Suratul Imran – Mwanamume anapenda mwanamke” kwa sababu hiyo makanisa wenyewe ndio wamepotea na ninaomba wao wafute hiyo kitu yao na wafuate waKenya wengine.

Com. Adagala: Okay ni maoni. Which page are we on?

Com. Nunow: Roble Noor? Roble?

Com. Adagala: Asante, endelea, Jina lako?

Roble Noor: Bismillahi Rahmani Rahim. Jina langu ninaitwa Roble Noor Yusuf, ex- Councilor.

Com. Adagala: Okay, you have ten minutes maximum.

Roble Noor: Sawa sawa, nitazungumzia maoni yangu na mapendekezo yangu. Kama ninakosea ndio ni kukosa kuelewa, vile watu wote wanasema mtu asome, kama anataka kuwa mkubwa. Maoni yangu ya kwanza, ninataka North Eastern mashariki kaskazini ikuwe katika kila constituency, iwe na MPs wawili. Ngojeni(interjection).

Com. Adagala: Hata sijui nimfanyeje? Kwanini? Kwa nini mnafanya hivi? Mtu na maoni yake. Kila mtu atapata nafasi yake. Msiingilie mambo ya mtu mwingine.

Roble Noor: Sasa tuwache mimi niende na wao wazungumze?

Com. Adagala: Pengine.

Roble Noor: Wanyamaze basi?

Com. Adagala: Mnyamaze.

Roble Noor: Kila constituency, ninataka kukuwe na MPs wawili. Hii ni kwa sababu hata Kenya ikitushinda sisi watu, na sisi tutashinda ardhi. Ardhi ni muhimu sana kuliko watu.

Com. Adagala: Endelea.

Roble Noor: Kitu ingine, mbele yangu watu wengi wamekaa hapa na wamezungumza mambo muhimu sana. Kila mtu akili yake ni kando, lakini iko kitu kimoja kinahusu nyinyi wote. Watu wamezungumza leo yote hapa juu ya mto Tana. Mimi sasa, miaka yangu ni hamsini na nane, na nimezaliwa hapa. Ile sijaona hapo mbeleni wakati wakoloni walitawala hapa, sasa ninaona. Ninaona namna gani? African akichukua madaraka, hatawali madaraka yake sawa sawa. Akili yake hata sasa, iko kwa mzungu tu. Hii ndiyo inaleta matatizo hivyo. Hata sasa, Serikali yetu ya Kenya ndiyo inatuhukumu, wakati sisi wenyewe tulipojitawala, hakukuwa na mambo vile ilivyo. Ile shida watu wote wamesema juu ya mto Tana ni kweli. Mimi vile ninataka, kitu sisi tunasema, hata kama ni mbaya, na hata kama ni mzuri, andikeni. Msifanye vile African anafanya. Ile maneno sisi tunasema, kama wewe unawacha na ukose kupeleka huko, itakuwa namna gani? Vibaya. Ile lugha yote sisi tunasema, hata kama ni mbaya hata kama ni mzuri, andikeni, iingie kwa records. Kila aweze kuona kwa records. Maneno yote ikuwe success, na ile nzuri, ichukuliwe. Hivyo ndivyo mimi ninataka, hii ndiyo maoni yangu.

Kitu kingine kama sisi wakaaji wa district ya Ijara ina huru ya kusema kuwa damu yetu imemwagika sana hapa. Lakini, Kenya imetunyima sisi kweli maana yake ni nini? Nauliza swali hii. Tunapenda ikuwe vile damu yetu imemwagika hapa, tuwe kama mtu wa Kenya kabisa.

Kitu changu cha mwisho, Somali inasema maneno mengi haifai, lakini maneno kidogo inaweza kufaa, kama ni nzuri. Kitu changu cha mwisho ni dini ya islam. Dini ya islam sisi tunataka kuwa kadhi ahukumu kwa dini yetu ya islam. Sisi tunataka kuwa kadhi atuhumu kwa dini ya kiislamu, na badala yangu, kadhi atuhukumu sisi. Kadhi kila kitu anajua, na sisi pia tunajua bila kueleza watu wote bila kutafuta dini ingine, sisi wenyewe ili hukumu moja kama leo macho yako yanauma, iko hukumu yake, iko meno nauma, iko hukumu yake, hiyo dini yetu inaruhusu. Mapendeleo yangu, mimi nakomesha hapa, lakini ile kitu tumesema yote iandikwe, msifanye vile African anafanya. Nimewachia hapo.

Com. Adagala: Tunaandika, na tena tume-record. Hata tukikosa kuandika vizuri, hii record itaonyesha.

Roble Noor: Sawasawa Okay. Asante.

Com. Nunow: Hassan Ali Hussein.

Com. Adagala: Zungumza ukitoa pendekezo lako. Sema jina lako kwa microphone.

Hassan Ali: Kwana jina langu ni Hassan Ali. Mimi ni mzaliwa wa hapa. Ningependa sana kusema juu ya watu wamesema mengi hata kama ningetoa maoni yangu. Mimi sikubaliani na hao kwa maoni yangu. This is my opinion. I don't agree with them in some facts that.....(interjection).

Com. Adagala: Its not a debate. Kijana don't debate. We don't want people to coMPare their views with anyone else's.

Hassan Ali: Okay, I got you right.

Com. Adagala: No we don't want a debate.

Com. Nunow: Uje na maoni yako, anza na yako. Mambo ya kusema fulani nakubaliana naye, sikubaliani naye wachana nayo. Sema yako na umalize. Mambo ya kusema fulani si kubaliani naye ama nakubaliana nayo wachana naye. Sema yako maliza, patia mwingine nafasi.

Hassan Ali: Maoni yangu ni kuwa hiyo mto sio yetu pekee yake, nao pia wanahaki na pia wakiishi pande hii bila shida yeyote. Mimi sioni kama ni ngumu sana kwa sababu mimi nakula ndizi yao kila siku.

Ingingine ambaye ningependa kusema ni kulingana na maendeleo kuna vitu viwili hapa mimi naona vinaingiliana. Uwezo wenu hapa kukaa kwangu mbele yangu ni hii kueleza vile mimi nitalindwa na vile mimi nitaishi, sio maendeleo. Ningependa nyinyi mfungue to ile kitu mnaweza kufanya tu kutufngulia saa hii. Na ile muhimu sana ningependa kusema maoni yangu ni juu ya uchaguzi, kwa sababu uchaguzi inakuja. Uchaguzi ndio mambo yote ya nchi. Wao ndio wanasema Commissioners wakae au Commissioners waende nyumbani. They are leaders. Sasa ningependa kusema uchaguzi huu unaokuja, sisi tukiwa kwanza, na nyinyi mkiwa viongozi ambao mnausimamia huu uchaguzi, mwandike maoni yangu hii nasema. Uchaguzi uwe ya kila mtu wa nchi hii kihaki. Sitaki kusikia mambo ya rigging, sitaki kusikia mambo kama imeibwa na sitaki kusemwe ati ilibebwa na helicopter ya jeshi. Inatusumbua sana. Hiyo ina tusumbua sana. Mwandikishe vile mnaona kwamba tunaweza kufanya uchaguzi wa haki na wa kweli.

Mambo ya kuowana. Mimi ningependa kusema kulingana na my own view, I would like to marry, the way I want, that freedom of marrying. Nikitaka Mkikuyu ni muoe, nikitaka mtu yeyote, hiyo ningetaka niruhusiwe, nisiseme ati lazima nioe mwanamke fulani, kwa sababu mimi nimetoka kwa kabila fulani. Asante sana.

Com. Adagala: Asante sana kijana.

Com. Nunow: Abbas Abdi? Abass? Ukishamaliza unaenda kujiandikisha huko. Abbas yuko? Maya Abbas Abdi, Madam Sofia.

Com. Adagala: Sofia nani?

Sofia Abdi: Jina langu ni Sofia Abdi. I want to start with the preamble. I fee that there is a need for us to have a preamble, which we should feel we are party to, which we feel we have some relations to it and which we feel we belong to the particular document, that we relate ourselves with. On the Constitution, I would like to see a Constitution that reflects the history of my origin, the history of my country, the history of every Kenyan. A Constitution that brings unity.

Com. Adagala: Excuse me madam. You are telling us general things, although I know that they are necessary. We need a little bit more specific.

Sofia Abdi: I am going on.

Com. Adagala: In the preamble, we need a few more specific things.

Sophia Abdi: In the preamble, I would like to see our culture and unity. Our culture and our traditions also reflected in the preamble. A document that tells you that it starts with a Kenyan. I am a Kenyan, like any other developed country, where they start with something like a “Kenyan and I am a party to that.” You know, something like that, that brings out the unity of the country.

The Constitution should be a document that reflects the history of every Kenyan. It should be something that we will be proud of, when we see our history and everything reflected in the Constitution. We would also like a Constitution that promotes democratic governance, and the welfare of the community in general. We would like to see a Constitution that is very simple and easy to understand by everyone in the country. Not complicated, and not something which has, like the current Constitution, nobody can interpret what is told in the Constitution. We do not understand as local people. We therefore need something we understand. On citizenship:.....(interjection).

Com. Adagala: Okay, give us highlights because your time is also going.

Sofia Abdi: Citizenship, we would like to have that, any child born of any Kenyan parent regardless of gender, should be a Kenya citizen. A welfare system should be established for all citizens of Kenya, so that we improve the poverty line.

We should discourage the collective punishment for a community. Like if we have someone who is committing a sin on his own, that person should be dealt with, not all the entire community of that particular community. For example when Abdi Madhove, a single person committed a sin in Garissa district, the whole of Garissa people were punished. They were killed, they were harrassed and they were frustrated. We therefore want a Constitution that punishes every individual on his own merit.

On land and natural resources: We would like communal ownership of the land. We will like the pastoral land to be registered under the ownership of the communities that live within those communities.

Basic needs such as education, food, water, shelter and quality health services should be compulsory services that the government should give to every citizen of its nation, particularly the marginalized and pastoral communities. I don't agree with people when they say that because of the landmass, we should have extra Member of Parliament in North Eastern, and I don't even believe that the census that is conducted is rightfully conducted, because we have more population. I believe we have more population in this region. The census and the government cannot reach the pastoralists in the interior places. We

therefore feel, we have a higher population than any other region, and we need specific and affirmative action for the pastoralists to be implemented.

We need to establish a basic education commission, who will conduct a relevant curriculum relevant to the pastoral child. A real life curriculum that will really educate the child so that you become a better pastoralist if you fall out in standard 8. You don't just go hang, like we have many children who are not able to go. We need a relevant curriculum for the pastoralist children.

Com. Adagala: Less explanation and more proposals please.

Sophia Abdi: Local Government: We would like maximum qualification of Form four and the Mayor and the Chair person of the local authorities should be elected directly by the communities that they live with.

In relation to the Electoral systems, the winner takes all. Presidential and Parliamentary civi elections should be done in every five years, one time. The term of the president should not exceed two terms of five years each. Defecting MPs should lose their seats.

Freedom of religion: No child should be forced to wear shchool uniform that is not relevant to his or her religion. Political parties should be formulated and their numbers regulated by the Constitution.

Political parties should be financed by the state. Presidential candidates should be 40 years and above. Nominated MPs should be from special and marginalized communities. A gender commission should be established.

Muslims should continue to be subjected to Islamic laws of inheritance. The Constitution should have a provision for independent candidates. Women from North Eastern province should be considered with special consideration for job opportunities. Affirmative action should be put inpalce to cover education for the pastoral communities, especially the girl child.

In regard to this, there should be free education, and low entry requirements for university intake.

Com. Adagala: Okay, thank you.

Sophia Abdi: I have not finished madam, just two points.

Com. Adagala:(inaudible)

Sophia Abdi: To improve the economi bases of the province which has main activities revolving around livestock, there should be a clear policy and strategies that will enhance the marketing of livestock and livestock products, by impoving access to local, regional and international markets. We should have an active livestock body, which should be strengthened and put into palce, to market the livestock products. We pastoralists need an outside market. We don't need brokers.

Last point because I'm skipping a lot; Okay, disabled minorities and persons with disabilities should be considered in allocation of positions and resources and in educational policies in the country.

Com. Adagala: We will read your memorandum and infact now its already being keyed into computers, and categorized. You therefore don't have to worry that we shall not see everything.

Com. Raiji: Madam Sofia, thank you very much for your presentation, but saying that you are one of the few women who have made a presentation today, I just wonder whether you would have had any specific recommendation regarding the position of women in this district, since I think we have not had many women. Something specifically or any recommendation specifically touching on women, and perhaps also children.

Sofia Abdi: A specific recommendation for women, in this recommendation. So maybe as Madam Adagala said, you can go through it, and you will get specific recommendation for women. I have one for women, and one for the whole region.

Com. Adagala: Just highlight on women. One yours aid there should be jobs for women from North Eastern.

Sofia Abdi: Yes, I said there should be jobs for women from North Eastern, I also said a gender commission should be established, and more so who men from this region should be given a bigger share than any other region, because we feel we are marginalized from this region. The other thing I said about whomen, is that in the kadhis' court, we should have a woman who will assist the other women, so that you know, she knows the problems of women and she can sit with the committee that is set, so that information can be passed over to the kadhi's court.

Com. Adagala: At what level should this woman be?

Sofia Abdi: At the Kadhis office. She can be an assistant Kadhi, to assist the kadhi. There should be respect for religion and cultural rights. All forms of negative cultural laws should be outlawed e.g. outdated practices like female genital mutilation, which is not in our religion. We should put a law that can really stop that kind of an activity. Then...

Com. Adagala: Okay you have given us some, we will read the rest. Can you tell us how the River Tana affects women? We know that people want the boundary moved, but how does it affect them? Is it just the men who are affected with the grazing land?

Sopia Abdi: No, as you know, women are the backbone of a household and as you know that water is life for the community. Weomen in this district and the two districts that Tana River affects, are really affected. Women cannot go and fetch water from the Tana River on their own. Women cannot do house/kitchen farming around the Tana River. Women cannot go and graze, you know they have the small animals. It's not only men who go and graze the animals. The go with the bigger animals and the women go and graze the smaller animals, so they are also affected. Without water, there is no life, so women are more affected, than men.

Com. Adagala:(inaudible)

Sophia Abdi: Yes.

Com. Adagala: Another one, you said we should limit the number of political parties, and then you said they should be independent candidates. No contradiction?

Sofia Abdi: I feel as yours aid there is somehow a contradiction, but the number of parties, if we have 3 or 4 political parties which are strong, and we have one independent person, then I don't think am contradicting myself.

Com. Adagala: How should we limit these parties from 48 to 3, and considering that the Constitution protects the freedom of association?

Sofia Abdi: What we can do, we can gather the views of the whole nation.

Com. Adagala: On concerning what?

Sofia Abdi: On political parties.

Com. Nunow: Some of those questions that I had, you have already answered. However, I have a few more, and the first one is communal ownership of land. If I heard you right, or if I heard you wrong, you tell me, but the iMPression I get is that the land should be moved from being trustland in the hands of the County Council, to be communal land in the hands of communities. Is that right?

Sophia Abdi: Yes.

Com. Nunow: Thank you. You mentioned that the winner takes it all in elections, so that whichever party wins, fills in every seat available. Is that correct?

Sophia Abdi: Yes, sure.

Com. Nunow: Thank you. You mentioned something more specific from North Eastern and its women. You said women from North Eastern should be given priority in job opportunities, and you also said low entry requirements for university intake for people from this area, and then marketing policy for pastoral livestock production, livestock marketing. The first two, are more fundamental. For instance, for how long would you want these preferences be given to the women from North Eastern? To be given jobs as a priority, and low entry points for university, those are affirmation actions. I am sure you don't insist that to be eternal. What would you say about the structural needs to correct the imbalance from the grassroots rather than being left until you mature, and be given some favours later on? That is one question combined, those two.

Sophia Abdi: Let me answer that first.

Com. Nunow: Okay. Please.

Sophia Abdi: On entry point to the university, its general for both the girl and boy child, in the sense that we do not have the

basic facilities established in all our education facilities, so until such a time that we feel we have established enough and we will require government to deliberately put affirmative action, and put in place, facilities for education. Meanwhile as that is going on, then we can continue having cut grades for the university entry and that can be a period of about 15 to 20 years.

Com. Nunow: Okay, thank you. That is clear. On livestock marketing, you said there should be infrastructure for that livestock marketing to be put in place. I don't know whether you are aware that the entire government now, as it stands today, lacks what is called livestock export policy. It's entirety, not only in North Eastern. You probably need to broaden that and then fight for, you know, the livestock export policy as a government policy and blueprint, then the pastoralist element and their particular attention then features in. Thank you.

Com. Adagala: Thank you very much for your contribution.

Com. Nunow: Zahara Hussein: Mohammed Hussein? (in Somali dialect) *Zahara Hussein: maxathli rabta?*

Zahara Hussein: Hussein: I am Zahara Hussein: Mohammed Hussein. I am a Form four-school leaver. I did my final exams in Musalam Garissa. Well it seems people are talking about problems here, but the most important one is education. We need the youth to be educated, so that they could be great leaders who can go and fight for the people. Okay, in schools, we need enough qualified teachers. The qualified teachers we have there are so few those sometimes it is difficult for us to get good teachers. A good example is, in our lot, we never had a physics teacher and a qualified English teacher. The only English teacher who was there was a drunkard Kikuyu who never gave a damn about the Muslims. He just comes and drags himself and gets out. Okay, we need good teachers with feelings, who want to teach the children and see us getting educated. In the schools also, we don't have good facilities. The facilities there are few, for example laboratory apparatus.

Com. Adagala: You only need to say what you want to be done.

Zahara Hussein:: Okay, first I say the problems. The school facilities like chemistry equipment, laboratory apparatus, as we were doing exams, we were using the apparatus. How can you do your final KC.S.E exam using one apparatus for 5 girls? The excuse is cheating. The invigilators are going to say that we are cheating. You cannot come to the same table to use the same apparatus with someone else. It is us who have the right. The right to be recognized as children who do the exams innocently, and we do it correctly.

Okay, the issue of IDs. I am from Garissa and the thing which made me to be here today is to get an ID. It is because of those bribes and corrupted people who make us to go around into the divisions to get IDs. The issue of screening cards. We have been made refugees in our own motherland. You can't even travel to Nairobi. On the bridge, you are told to show your ID'S. If you go to the district to get an ID the screen card is there. Everywhere you go, to the road is blocked. In relation to all these problems, I want us to be recognized as equal citizens with other Kenyans. I know in our country, there is poverty yes, but we

have to compare with the other Provinces, including all.

The number of teachers must be increased. Enough teachers and not just teachers who are not qualified. The only teachers that are there who are ready to help us are the ones who are being employed by the Board of Governors the (B.O.G.s).

On the issue of facilities, we need more facilities, more that we have even here in Garissa, Wajir and everywhere. We are not to shift to other schools away from our district, our home just to get facilities or good teachers. If we have all these, we can even get the grade of “A” other than the Mhindu who had an “A” more than us. Therefore, facilities must be increased, the number of teachers must be increased, and the number of classes must be increased because without education we cannot go further to fight for our people. That is all I have.

Com. Raiji: First of all Zahara Hussein, I must thank you very much for your courage in coming to present the problem of the youth and particularly on the young ladies to the Commission. I think you have come to the right place. I just wanted to have your views regarding the system of education. Are you satisfied with the system of education itself like the one who has gone through it or are there some improvements or suggestions that you would want to present to the Commission so that we can look into it.

Zahara Hussein: Yeah, I need improvements.

Com. Adagala: In what specific areas?

Zahara Hussein: Like I said, enough qualified teachers and facilities. In the number of schools being increased, we only have a few in the whole province. This does refer to laboratory apparatus, but also the game equipments.

Com. Raiji: I just wanted to see, we have very many arguments, and representations regarding this 8.4.4, the number of subjects, the quality, whether its too much or too little. As one who has experienced who has undergone through that, do you think perhaps that something can be improved? Do we reduce the subjects or do we increase the subject or are there any other changes you would like to have in the curriculum itself, in the system? We have heard about the facilities.

Zahara Hussein: If the problem of facilities and teachers are solved, then there is no issue of changing the subjects or increasing the subjects. When you want to decrease the subjects, is when you know you don't have any teacher. Like in our case, we never had a physics teacher. How can you go engineering or like maths or physics, when you don't have teachers to give us courage or to help us?

Com. Adagala: How old are you?

Zahara Hussein: I am eighteen.

Com. Adagala: A different question. There are other views, which say that the quota system should be abolished, because everybody has the same facilities and the same teachers who are trained in the same government teachers are, all over. You know the quota system?

Zahara Hussein: No?

Com. Adagala: Which means you know, each district has so many that it takes to university or to high school.

Zahara Hussein: I don't understand, this question.

Com. Adagala: Okay, probably it's for your teachers and not for you. Thank you very much for your courage, and please encourage others to give their views, cause this Constitution is for you young people. Hallo, you understand that Zahara Hussein. This Constitution is for you more than it is for us, you will live with it longer. Haya.

Com. Nunow: The next person is Bwana Goni, Mohammed Tigoni?

Mohammed Yusuf Goni: Bismillahi Rahmani Rahim. My name is Mohammed Yusuf Goni. I will start with citizenship. Anybody who's both parents is a Kenyan citizen by birth. The rights of a citizen, the right of association and freedom, the right to own property, and the right to live anywhere within Kenya. Responsibilities or obligations of a citizen are to defend the state, support the state, paying revenue.

Com. Adagala: Tafadhali, mkutano mmoja tafadhali. (hallo) endelea.

Mohammed Yusuf: Participate in activities that promote public needs. Rights and obligations should not depend on the manner in which citizenship is acquired. The new Constitution.(interjection).

Com. Adagala: You are reading, and it will take you about 15 minutes, so give us highlights.

Mohammed Yusuf: Okay, the new Constitution should not allow dual citizenship.

Defence and national security: Military and national security intelligence should have powers under the Constitution.

The executive should not have a definitive power to declare war. The president should not be incharge or should not be the Commander in Chief of the armed forces.

Com. Adagala: You will have to tell us what should be, not just what should be, but what should be. Those are proposals. Proposals are in the positive.

Mohammed Yusuf: The President should not be the Commander in Chief of the armed forces. The general staff should be incharge, instead of the president. This is because the president is possessing excessive powers. The role of the government

through parliament is to evoke emergency powers, not a matter of only the president declaring emergency powers.

Political parties: The new Constitution should regulate the formation management and conduct of political parties. The new Constitution should not fix the number of political parties. Political parties should be financed with the contributions from members and donations from well-wishers. Political parties should not be financed from the public funds. The state should involve in the formation, planning and implementation of policies. At the same time, political parties should supplement the strained efforts by encouraging informed citizen participation.

Structures and system of government: We should not retain the presidential system of government. Instead, the new Constitution should adopt a parliamentary system of government, in which a Prime Minister is appointed from the majority party. The president should remain more or less ceremonial. The role of the president should be prolonging and propagation of the parliament.

Legislation: Appointments, which are supposed to be vetted by the parliament. Appointments of judges and high court; appointment of Chief Executive of Parastatal bodies, appointment of Ministers, Assistant Ministers, Attorney General, Chief Justice, Head of Anti-Corruption squad, appointment of Ambassadors and High Commissioners.

Members of Parliament should be in full time occupation. The lowest stay for Members of Parliament is sufficient and should remain that way. The level of education should be a must O level and above. The Constitution should introduce moral and ethical qualifications for parliamentarians. MPs should act on their basis of convention and consensus. A standing committee should be appointed to determine salaries and benefits of MPs and report the findings to the Chief Justice. The concept of nominated MPs should remain, and this should go to the marginalised and the minority groups. The government should permit a coalition government.

Basic rights are the rights, which are meant to safeguard the economic, social and cultural rights of a human being. The Constitution should make provision for this rights e.g. the right to a healthy and safe environment, the right to a decent salary, the right to a fair treatment at the work place, the right to a cultural life, the right to development, the right to education, the right to medical care and the right to a decent living condition.

Lastly, a good Constitution should make sure that the three arms of the government are independent from each other, as possible. This is applied because, it enables each arm to do its job better, and it also enables the people to use each of the arms of the government as a weapon against the other one, whenever basic rights are attached. A good Constitution must therefore provide clear checks and balances between the three arms of the government, ignored to create a state of prosperity in the country.

Com. Adagala: Okay, thank you very much for your thoughts. You have put a lot of thoughts into this.

Com. Nunow: Mohammed, you said, the rights and obligations of a citizen should not depend on the mode of acquisition of that citizenship. Is that right? That everybody should have equal rights, irrespective of how they became citizens? Did you give a thought to the implications of that? For instance, a naturalized person coming in from Britain or Canada or Australia becoming the head of state for this country, because that is what it means, that your rights and obligations should not depend on how you became a citizen, but the fact that you are a citizen.

Mohammed Yusuf: If you are allowed to acquire citizenship, then you have equal rights like other counterparts.

Com. Nunow: Upto and including becoming a head of state?

Mohammed Yusuf: Yeah, something like that.

Com. Adagala: You know there are many ways to acquire citizenship. You can even buy it. It therefore does not matter, you know how our society is now. It does not matter how you acquire citizenship. Does this matter?

Mohammed Yusuf: It matters.

Com. Nunow: This is Mohammed Ibrahim. The information officer, ameenda?

Com. Adagala: Labda ameenda kuswali.

Com. Nunow: Abdul Kadir Sheikh Hassan?

Abdulkadir Hassan: Jina langu naitwa Abdul Kadir Sheikh Hassan, elected Councillor, Garissa/Ijara. Ningependa nichangie maoni hapa leo. Ya kwanza, ningependa niseme mambo ya ardhi ambayo upande wetu, ni trust land. Hiyo mambo ya trust land, ime-affect upande huu wa North Eastern Province, kwa sababu Serikali ndio infanya vile wanataka. Hakuna wakati inaulizwa na wananchi. Tuko na national reserves, tuko na refugees ambao wako wengi sana. Refugee wametoka kutoka Country tofauti, tofauti. Somalia na mahali zingine. Kulikuwa na boma huko Mombasa, kulikuwa na boma ingine huko upande wa Moyale. Waliamishwa wakaletwa upande huu wa North Eastern Province. Mombasa ni Kenya, na North Eastern Province ni Kenya. Waliamishwa kutoka province to another province. Imekuwa mahali pa kutupa takataka. Imekuwa namna hiyo kwa sababu ya trust land. Tunataka iwekwe mikononi ya wananchi. Wananchi watatengeneza board, ambayo itakuwa mkona wa wananchi, isiwe trust land tena.

Ya pili, ningependa nizungumzie

Com. Adagala: Itaitwa aje?

Abdikadir Hassan: Wananchi ndio watapewa mamlaka na watachagua board kutoka kwa wananchi na hiyo board ndio itatawala. Board ambayo ilituliwa kutoka kwa wananchi, sio Serikali.

Yangu ya pili ni mambo ya boundaries. Mambo hii ya Tana River hapo awali, 50s kulikuwa hakuna hata Pokomo moja.

Tulikuwa jirani na Orma na Wasomali. North Eastern ilikuwa inafika Ukasi. Wakati ilikuwa imebadilishwa sheria, hatukuhusishwa. Iiokotwa tu na watu na tumesikia tu ilipelekwa three miles. Ni kama swara tu. Tumekuwa kama mifugo. Hatukuangaliwa kama kibinadamu. Wakati wanabadilisha sheria, hatukuhusishwa, hatujaangaliwa kama binaadamu. Tumechukuliwa kama swara. Kwa hivyo hiyo ilikuwa maji ni uhai. Kutoka dakika hii ambaye mnaandika kama haitabadilishwa, kitu hiyo inaweza kuleta conflicts kubwa sana, kwa sababu binaadamu anaangalia na anaambiwa usikanyage. Sheria ya Kenya wakati huu inasema boundaries itakuwa kama mtoni, laga na vitu kama hivyo ambazo ni natural. Mambo ya kusema tu. Provincial administration wanasema ipelekwe hiyo kwa sababu ya kunyayasa watu, hiyo ni kitu imetudhuru. Isipoangaliwa leo hapa, kwa sababu North Eastern ni Province kubwa sana, na sisi ni Kenyans, sijui kama tumeangaliwa kuwa ni muslims, it is 40% of Kenya, itatokea damu kubwa sana. Mimi ni mzee, na sio vizuri mzee aseme itatokea damu, lakini inikilazimika, nikiambiwa nisikaribie maji, itatokea damu, ambayo conflict moja ambayo haitapatikana dawa yake.

Yangu ya tatu ni mambo ya Muslims. Hapa Kenya, muslims ni asilimia arobaini. Wazungu ama Kenya hii wakati walikuwa wanatengeneza kadhi, kadhi walikuwa wanaangalia muslims wajitawale, lakini waliweka nusu. Magistrate ako na vote, ako na gari na ako na kila kitu, facilities, halafu Kadhi anakuja chini ya magistrate. Hiyo kitu imetuudhi. Tukiangalia na kila dini yote ikigawanywa, hakuna moja wako na 40% kuliko muslims. Kwa hivyo, tunataka tujitawale, Kadhi apatiwe uwezo na apatiwe nafasi yake, halafu tuwe na Chief kadhi, awe mtu wa final ambaye atasaidiwa na eMPeror of Muslims, that is Supreme Council.

Yangu ya tatu ni mambo ya Local Authorities. Kulikuwa na sheria mbele ya 1974, iliyokuwa inaendelea 1974, ilibadilisha sheria moja ambayo iliumiza watu. Local Authorities zamani, walikuwa wafanyikazi wanaajiri wao, sio public service. Wakiona mtu anachezea pesa, wanafuta. Tangu 1974 ilibadilishwa, wafanyi kazi wanaajiriwa kutoka kwa public service, lakini wanafanyia kazi elected Councillors. Imeleta conflicts kubwa sana, ambayo Serikali ndiyo ilifanya. Mimi ningependekeza ya kwamba irudishwe ama mbele ya 1974. Elected Councillor's waweke mikono yao, waandikwe through qualifications, clerks na treasurers, wale watu wanafaa. Sio watu wanachaguliwa, na wanangojea tu wanafanyikazi walioajiriwa kutoka sehemu nyingine. Upande wa uchaguzi, town kubwa kubwa ichaguliwe kama city, na kama wilaya za kawaida, achaguliwe mtu anajua kusoma na kuandika kwa kiswahili, through language vote.

Com. Adagala:(inaudible)

Abdikadir Hassan: Nimesema upande wa uchaguzi, Councillors wachaguliwe watu wale wata contest katika town kubwa kubwa kama Municipalities, wawe watu wamesoma mpaka standard 8.

Provincial headquarters. Nataka districts iwe na watu wajuwe kusoma na kuandika kwa Kiswahili, through a language board kwa Kiswahili.

Zingine, ningependa niongeze ni mambo ya emergency. Emergency iliwekwa tu North Eastern Province, Turkana na Tana

River. Ilikuwa emergency law. Iliwekwa kwa sababu ambayo hata hatukuelewa. Binaadamu, mtu mmoja tu anaua watu kumi, na hakuna mahakama anapelekwa, kwa sababu ya emergency. Ninakumbuka 1991, ilikuwa imependekezwa parliament na imetupwa, lakini bado inaendelea. Ikiwika mtoni unakuta polisi wanavaa uniform ambayo namba yao wanavaa hapa. Wakikuja upande wa North Eastern, bado inaendelea hivyo. Kenya, tuko na pembe tatu. Tuko na policy makers, tuko na executive na judiciary. Executive, kitu chochote kipitiwa, inakuwa nguvu kutekeleza. Kwa hivyo mambo ya emergency ambayo ilikuwa imepitishwa 1991, haikutekelezwa. Bado ina affect hapa upande wa North Eastern.

Com. Adagala: IPPG?

Abdikadir Hassan: Sio IPPG. Walipendekeza tu. Through agenda, walipeleka kwa parliament. IPPG ilikuwa early 1992. Kabla ya hiyo ilikuwa 1991, ilipendekezwa one of the MPs from North Eastern Province, na ilipitishwa kwa kauli moja. I think mwezi wa nne, tarehe 22.

Com. Adagala: Endelea tu.

Abdikadir Hassan: Asante sana. Thank you very much. Sasa, mambo ya pastorlists, Pastoralists(interjection).

Com. Adagala:(inaudible)

Abdikadir Hassan: Haya

Com. Adagala: Unapendekeza nini?

Abdikadir Hassan: Nitapendekeza. Zingine sasa ni mambo ya pastoralist. Mambo ya pastoralist tumebaki nyuma sana. 20% vote of Kenya ipatiwe pastoralists, ili 10 years to come, tufikie Kenya ingine. Kwa vote ya Kenya, National budgets of Kenya. Mambo ya uchaguzi, wale watu wanachaguliwa aidha local authorities au MPs, mimi ningependekeza wawe kuanzia 40 years, wasiwe chini ya hiyo, kwa sababu itakuwa mtu ambaye amekua kamili.

Com. Adagala: Endelea.

Abdikadir Hassan: Thank you very much.

Com. Adagala: Haya asante.

Com. Raiji: Bwana Councillor, asante sana kwa hayo maoni yako, lakini ningependa labda kupata mawaidha kutoka kwako kama Councillor, kuhusu hii jambo ya devolution. Yaani kupatia Local Authorities mamlaka zaidi, na kutoa hayo mamlaka kutoka kwa Central Government. Je ungependekeza namna gani kuhusu jambo hilo?

Abdikadir Hassan: Mimi ningependekeza wawe independent kutoka kwa Central Government. Sababu nimesema hivyo ni kuwa kila kitu imeandikwa, Minister anasema vile anataka. Pia, ningesema mishahara iwe sawa kama Wajumbe. Minister anasema vile anataka na wakati anataka anavunja. Kwa hivyo, elected Councillors ambao walichaguliwa kama Minister huyo, hawana uwezo wowote. Wawe independent kwa upande wa Central Government.

Com. Raiji: Kuhusu jambo lingine, sasa, kazi ya Provincial Administration, ikilinganishwa na hiyo ingine ya Local Authorities, uko na pendekezo lolote?

Abdikadir Hassan: Mimi ningependekeza moja ambayo haitafanyika, hata Kenya yote wakisema. Kama ni mimi ningesema, Provincial Administration ibakishwe ma Chief peke yao, vile iwezekanavyo. Lakini, ninaamini ya kwamba hata mkichora chora haitakuwa, kwa sababu ni mishale ya higher authority.

Com. Adagala: Hawa, ako hapa, Hawa Hassan, alienda wapi?

Com. Raiji: Bwana Ismail B. Hassan? Mama ungetaka ku...

Com. Adagala: Umeandika jina? Umeandika pale. Andika pale.

Com. Raiji: Alienda wapi? Tulikuwa tukitaka kuwapatia akina mama nafasi kwa sababu ni wachache sana. Mama unaweza kuzungumza. Utaandika baadaye. Rukia, utamwandikia tu akizungumza. Karibu mama.

Saadiya Mohamud Abdi: (Somali dialect) *Magacey Saadiya Mohamud Abdi aladehe.*

Com. Adagala: Saadiya endelea mama.

Saadiya Mohamud Abdi: (Somali dialect) *Waxan kaxathli sathax un gothob.*

Translator: Anasema ataongea juu ya vitu vitatu.

Saadiya Mohamud: (Somali dialect) *Mitha uu xoreyso waxan ognaxai iney bilcan san uu carkeyo hata kulexein sherci oo ithil oo laimenayo.*

Translator: Anasema vile wamama wana dhulumiwa haki zao katika sheria.

Saadiya Mohamud: (Somali dialect) *Waxa ugu bathan nagtan iyo nikan egei isla chogan oo isgavan, iney citha laga bixinayo xaq lacan lafijinayo markasta va.*

Translator: Anasema mfano ni saa zile mke na mume wanakosana na wanatolewa kwa numba bila haki.

Saadiya Mohamud: (Somali dialect) *Inti canugyatha uga gareyso*

Translator: Mpaka mtoto akuwe amefika umri ya kubaleghe.

Saadiya Mohamud: (Somali dialect) *Maxan rabna xatha xathi sherciga labethelayo*

Translator: Ikiwa sheria inabadilishwa

Saadiya Mohamud: (Somali dialect) *Maxan rabna in nalogutharo sithi an xaqa kuyelano.*

Translator: Anataka haki ya wanawake kuhusu ndoa iongezwe katika Katiba mpya.

Com. Adagala:(inaudible)

Translator: Mama anasema ya kwamba, haki ya wanawake imedhulumiwa kisasa. Kwa hivyo wakati huu ambao Katiba inabadilishwa, yeye anatoa maoni yake, kuwa mara nyingi, mama na mzee wakikosana, mama anatolewa mbio mbio nyumbani, hata bila kuangalia maslaha yake, ya kuwa yeye ni mama ya watoto ambao ni wao wawili. Kwa hivyo, anaona awe na haki ya kukaa nyumbani, hadi itimie umri ambao mtoto wake ataweza kumuangalia maslahi yake, awe kike au wa kiume. Yule mtoto ambaye ako naye pale nyumbani.

Saadiya Mohamud: (Somali dialect) *Ki laveyso anaka Somali markan naho kusakan ama moogi iney dhathka kale nala qavo, daxalka bilcanta lagumatharo.*

Translator: Ya pili, hasa Wasomali, sijui kama wengine ni hivyo. Katika uridhi, wanawake hawaongezwi katika uridhi mara nyingi.

Saadiya Mohamud: (Somali dialect) *Iney tas sherciga nalogatharo van rabna anaka na.*

Translator: Tunataka hiyo iangaliwe katika sheria, ya kuwa katika mambo ya urithi, wanawake wawe wanapatiwa haki yao.

Saadiya Mohamud: (Somali dialect) *Ki sathaxeeyso waxan makley iney chirto moshi iney cilmaxa skulka*

Translator: Ya tatu, hana hakika, lakini amesika ya kwamba, watoto wa shule.

Saadiya Mohamud: (Somali dialect) *In uu macalinka garaci karin.*

Translator: Amesikia ya kwamba kuna sheria ambayo imeptishwa hivi karibuni yak uwa, mwalimu hawezi akawachapa watoto wa shule.

Saadiya Mohamud: (Somali dialect) *Tas na madici karto, macalin wa walithki lavath.*

Translator: Hiyo haiwezekani. Mwalimu ni mzazi wa pili.

Saadiya Mohamud: (Somali dialect) *Mitha ana waxan dexna, xarafta wexey kuchirta usha.*

Translator: hiyo tunasema kikwetu ya kuwa herufi ambayo mwanafunzi anapata, anapata kutoka kwa kiboko.

Saadiya Mohamud: (Somali dialect) *Sas bei inagataxai anako ithil*

Translator: Kwa hivyo sisi akina mama, wote tumekubalina ya kuwa watoto wapatiwe adhabu na mwalimu.

Saadiya Mohamud: *Sithi dhathki xore walalehey dexten, mto Tanathan wan kurafath san naxai*

Translator: Ile ya mwisho ni vile wenzangu ambao walisema hapa mbeleni, tuko na shida kuwa upande wa mto Tana.

Saadiya Mohamud: *Waxan rabna iney biyaha taraq no nogthan*

Translator: Nataka maji ikuwe katikati yetu sisi na watu wa Tana River.

Saadiya Mohamud: *Anaka dulkai rench kamarabno deh.*

Translator: sisi upande wa Reserves, National reserves, hatutaki katika hii nchi yetu, hasa Ijara.

Saadiya Mohamud: *Anaga loo an kabna deh.*

Translator: Sisi tuko na mifugo.

Saadiya Mohamud: *Loothaini markas xathii dul lakala gogoyo, mana dheqeyso deh.*

Translator: Kama nchi ikiwa reserve yenyewe, basi mifugo ambayo tuko nayo, haitawezi kupata malisho.

Saadiya Mohamud: *Aniga tas an ugabahe deh*

Translator: Basi, nimemaliza.

Com. Adagala: Ngoja kidog. Sasa hii mambo ya kuridhi na ndoa, iko kwa sheria ya kiislamu. Sasa, shida ni nini? Kwa sababu wakisema hii sheria iingiliee sheria

Translator: *Muxu dehe carintan ee bilcanta ama daxalka, wexey kuchirta sherciga dinta, marka sithe aath rabtey athiga iney*

Saadiya Mohamud: *Shercigatha wexey kuchirto, aa lagu camal faleynin iney xaqa sifican lomuchiyo an rabna.*

Translator: Anasema hata kama inaonekana katika sheria ya dini ya kiislamu, lakini haki haitimizwi na wasilamu wenyewe, ambao ni wanaume.

Com. Raiji: Okay, mama utamsaidia. Nilikuw anikitaka kujua kuhusu hiyo, ka sababu, vile tumeelezwa ni kwamba, kila haki ya mtu, iko katika dini ya kiislamu. Kila mtu yuko na haki yake. Je ungetaka kutuambia kwamba mbali na hayo juna watu wengine wenyewe ambao wanapuuza hiyo sheria, na wana wanyanganya wakina mama ile haki yao kulingana na sheria?

Translator: (in Somali dialect) *Waxa lagu dehe xaqa sithi dinta ee shegeyso, wexey shegeysa iney kofkasta va dinta ee geb kusineyso, laakin xatha xaq ladhithsineyo xawenka machirta, mise?*

Saadiya Mohamud: *Waxath dihi machirte laakin sana lamaxelo deh ina sifican loo athkeyo xata Katiba Kenya labethelayo soo lamadixin, in nalamuchiyo an rabna sifican.*

Translator: Anasema kuwa mara nyingi haitokei, lakini, mara nyingine hutokea ya kuwa haki inadhulumiwa, hata kama iko kwa sheria ya kiislamu. Wengine wanadhulumu na hatua ichukuliwe wakati mama analalamika.

Com. Raiji: Ningetaka kuuliza, mama anafikiriakwamba hilo jambo linaweza kutekelezwa tukitumia hi horti ya Kadhi, au ni kusema kwamba labda wanawake hawana nafasi ya kwenda kulalamika kwa Kadhi?

Translator: (in Somali dialect) *Xathi ath kadhiga uu teghin carinta iyatha ee aath ugesatin, ma umaleineysa iney wax laga kavaneyo? Ama umaxeisin nafas aath ugutegtin kadhiga.*

Saadiya Mohamud: *Xatha wala cilbahe xathi egan ee shercigan sifican loobethelo, waxan uu malein iney rekebishen karan.*

Translator: Amesema sasa watu wameendelea kidogo. Ikiwa itaongezwa katika sheria ya Kenya, nafikiri hawatadhulumiwa.

Com. Adagala: This is not for her, but my only problem is, how you enter into sheria law, and you have said it should not be touched? How does the Constitution enter in ? Okay, it's okay. We shall just leave it like that. You know, hii ni religion, na haifai ingiliwe. Sasa sheria ya Kenya itaingiliaje?

Saadiya Mohamud: *Mey nagu aathkeiso.*

Translator: *Wexey kutiri shercigi dinta, madigayo iney dinta lafarageliyo. Marka hathi mar lafaragelineynin sithe ath rabta?*

Saadiya Mohamud: *Waxan dixi lamafaragelinayee, keyna muslinka xatha lashego umanalogutharo sifican.*

Translator: Mama anasema, sio kuingilia katika mambo ya kidini, lakini mara nyingine kama haki haitimizwi, saa hiyo inataka intervention kidogo.

Saadiya: *Dhathka wexei dihi marka Kadhigain muxu uyele isga umban kukabsan karna.*

Translator: Anasema kadhi apatiwe uwezo kamili, ili yeye ndiye awe anatushughulikia.

Com. Adagala: Okay, asante mama. Mohammed Noor Aden. Ni wewe? Okay, endelea. Mohammed Noor? Civil servant?

Com. Raiji: Utaitwa tu kijana, usiende mbali.

Mohammed Noor: Mimi nitaanza na Local Authorities.

Com. Adagala: You have five minutes. Present proposals please. You are a civil servant you should be quite disciplined.

Mohammed Noor: I will start with the Local Authorities; I want the Constitution to have three categories of Local Authorities. City Council, Municipality and County Councils. We abolish Urban Councils and Town Councils.

Com. Adagala: Okay, endelea.

Mohammed Noor: We would also like the County Councils to be given appropriate physical powers and functions. The other is that the Constitution should be strengthened.

Com. Adagala: What are those appropriate powers?

Mohammed Noor: Give them more powers to manage their own affairs, to handle their own resources and that kind of thing. The other one is to strengthen Local Authorities. Instead of creating federal states, we give powers to Local Councils, County Councils and Municipalities, so that they can take care of the local management of their resources at the local level. Mayors should be given executive powers. Mayors and County Council Chairmen should be given executive powers and not like currently the Chief officers run the Councils, and these officers are just there for meeting purposes.

The remuneration for Councillors should be improved, to make it commensurate with their responsibilities and their salaries and allowances should be paid from the Central Government, the ex-chequer, just like MPs.

Com. Adagala: You want MPs to be managing their resources?

Mohammed Noor: Yes, they are local representatives, same as Members of Parliament. The other one is that the Chairman should be elected directly. The Chairman and Mayor should be elected directly. We also said that for this region, maybe for a Councillor he should have educational level of upto CPE minimum. The education level should be CPE. Chief officers in the Council should be appointed on contract terms. They should not be members employed the Public Service Commission, and they should be answerable to the Council. The number of wards should be reduced. Currently, we have so many wards, which causes a burden on the budget of the County Councils. Public Service Commissions. Currently we have three..(Interjection).

Com. Adagala: I want you to just give us the proposals. The information will be in the proposal.

Mohammed Noor: The commissions should be harmonized. Currently we have TSC, Public Service Commissions and Parliamentary Service Commission. We want all these things to be merged, into ones so that all these things have a national outlook. After all, all of us are serving Kenyans.

Com. Adagala: What do you want?

Mohammed Noor: Just one Public Service Commission, because it is serving the Public of Kenya.

Com. Adagala: Endelea.

Mohammed Noor: National Assembly: we should retain a single Chamber of Legislature. Parliament should retain powers to amend the Constitution by 65% majority.

Com. Adagala: Endelea.

Mohammed Noor: Parliament should vet the appointment of members of the cabinet, Chief officers of the government, Constitutional office holders, and Parastatal Chiefs. We also said the person for presidency should have at least 40 years and above, and he should be provided with security and pension after retirement.

The government: We should retain a unitary system of government. We should retain a presidential system of government, with executive powers. We should retain the clause that, “the president be elected by 25% vote, cast by at least 5% of the Provinces.” That one should be retained in the Constitution. The Constitution should allow a coalition government. The president should not be a Member of Parliament, but elected directly with a vice president as a running mate. Members of the cabinet should be appointed from amongst the professionals, and they should have a constituency. They should not be Members of Parliament. Deputy Minister replaces the title of Assistant Ministers, because currently the Assistant Ministers’ title is ambiguous. They cannot even act in that capacity.

Citizenship: For somebody to be a citizen, the documents should be the passports and the National Identity cards.

The presidential terms should be fixed to two, five year terms, and the principle of separation of powers should be retained, the way it is in the Constitution now, by birth. Elections should be simple majority, on the basis of winning elections. The winners take it all. For the Presidential elections, we are told in the Constitution currently, that a president can only be declared a winner, if he wins from 5 provinces with 85% vote. That is now the government I mean, the winning party takes it all.

The basic rights: The Constitution should make it mandatory for the state to provide security, health care, water, education, food and employment for all Kenyans. Currently, we have some areas living without those basic necessities and the people are all Kenyans. The other thing is about environment. Here.....(interjection)

Com. Adagala: Are you winding up?

Mohammed Noor: Yes, on the environment, I think all gazetted forests, all the natural resources should be gazetted. Forests, water bodies, all Ranch land, water catchment areas should be gazetted and the resources should be the preserve of the Executive, but should require approval by parliament. Allocation of resources and water bodies to any person should not be a preserve of the executive, but should be approved by parliament; like we have heard of the excision of forests. This kind of thing should be approved by parliament. Participatory management should be encouraged in environmental and natural resource management, and the natural resources should be owned by the state, but the local community should have a stake.

We have a problem, as I had said, I am a civil servant and I represent a Ministry, we have a problem with utilizing the waters of

River Tana currently, and we would like these Constitutional limitations to be amended, so that the communities can harmoniously utilize the water, and we use the water for food production for irrigation purposes to enhance food production for the communities along the river.

The other one is unlimited access to the river. People should be given that power. The other recommendation is on the ranch lands. We have unplanned settlements which have interfered with the pastoral traditional ways of grazing. We used to have wet season grazing areas, and dry season grazing areas. Now, these things have been over taken by creation of locations, and sub locations, which have not had planning in the management of rangeland. We would like it to be restricted, so that it does not interfere with the way the pastoralists manage the seasonal way of grazing.

The other one is about the Constitutional Court. The Kadhi's court on judiciary court, and the Kadhi's should be people who are actually educated in both Islamic and have a Bachelor of Law, so that these people cannot only handle Muslim affairs, but at time when they are busy, they can as well handle other matters that can serve all the Kenyans. That is my view.

Com. Adagala: Thank you very much for giving your views. Daudi Ali? Daudi Ali ako au ameenda kuswali? Ismail.

Dekow Iman: Thank you very much. My name is Dekow Iman. I have a paper, which I will hand over to the Secretariat. It's a memorandum. I have some few points also to say.

Com. Adagala: You have five minutes, so you give us highlights. It will better, if you give us proposals.

Dekow Iman: We are saying number one; we want a special treatment for North Eastern Province, in order to reach the other provinces(interjection).

Com. Adagala: Are you saying or we are saying?

Dekow Iman: I am saying. Affirmative action should be for 10 years. The other one is that the judicial commission, and Islamic scholars from the Supreme Council of Kenya should appoint the Islamic kadhi.

- Third one is that Kadhi's should handle all Islamic laws.
- Four, free education to be established in both primary and secondary education.
- Five Firday be part of weekends, as it marks Islamic ceremonial day.
- Six, the issuance of passports to be decentralized. That is, it should be issued at a Provincial level.
- Seven screening cards be abolished.
- Schools and madrassas be integrated.
- On trust land, I am also saying trustland should be abolished, and instead a Council of elders or Board of elders to be appointed by the people, who are supposed to own the land. Thank you.

Com. Adagala: Is there another point?

Com. Raiji: Ngoja kidogo. Excuse me sir, Bwana Dekow I have heard you say that we integrate schools and madrassas.

Dekow Iman: Yes.

Com. Raiji: You know at the moment, the schools that we have are secular. They don't deal with religious issues, except I believe as part of Islamic education. How do you propose that we do that?

Dekow Iman: Well what I am saying is, if you go to the madrassa, they are teaching religion, they are teaching Arabic as a language, they teach maths, English, Science, and Geography. I know these people have taught the geography of Arabia and not Kenya. That is the geography they are taught. It would have been better, if it could be integrated. The geography that they are teaching, if it would have been the Kenyan Geography, it would have been better instead, of the Arabian Geography.

Com. Adagala: There is a Christian religious education in school, and there is Islamic religious education, and there is Hindu religious education according to choice in the schools. In the regular schools, there is that choice. I don't know what you mean by it ...

Dekow Iman: You know what I mean is, so many children are in Madrassa, and maybe the majority are not even in school. If we could integrate, maybe we would have more children having secular education rather than just having the Arabic or the religious education side. That is what I mean.

Com. Adagala: Affirmative action for 10 years on what point?

Dekow Iman: What I meant was that(interjection)

Com. Adagala: I know what you meant. What point? On what issues?

Dekow Iman: On development. Maybe for 10 years.

Com. Adagala: You need to say what development is for this area. Other people have different types of development they need. You need to say for this area.

Dekow Iman: The development we are talking about is education, health, roads and many others.

Com. Adagala: Now, on freedom of worship, Friday is the worship day, Saturday is a worship day for the SDAs, there is a Christian church called Seventh Day Adventist, and then there is Sunday. So, the proposals are that we have a four-day workweek?

Dekow Iman: Yeah, we have a four-day workweek.

Com. Adagala: okay, haya.

Com. Raiji: The next one, ngoja kidogo? Hussein Noor Haji? Hussein? Hayuko? Hawa Haji Osman, Mohammed Ali? Mohammed Ali? Abdulrazak Dubat? Karibu.

Abdulrazak Dubat: I am Abdulrazak Dubat Ali. I would like to talk on Constitutency, and very briefly.

Com. Adagala: You have a maximum of 10 minutes.

Abdulrazak Dubat: Thank you. I would like to talk on the presidential powers. I feel the presidential powers should remain as it is, only that the president should be open to impeachment. Secondly, I feel the 25% grassroots votes from the 5 provinces is very necessary, and should stay intact. I feel that MPs like the President, should have 40% support from 50% of the wards in their 8 wards. The MP should attain 40% support from 4 of the wards.

Com. Adagala: Say that again?

Abdulrazak Dubat: MPs to have 40% support from half the number of wards. If they are 10 wards, five wards should give him 40% support. I concur with the previous speakers that the(interjection).

Com. Adagala: It's not a debate, give your views.

Abdulrazak Dubat: Okay, thank you. The trust land should be abolished, and replaced with community land, managed by local elders. Those are my feelings. Lastly, I feel that there should be offered, 10 year affirmative action on education and health.

Com. Raiji: How many years?

Abdulrazak Dubat: 10 years, to enable us to reach the standards of other members of this country who have attained education earlier. Thank you.

Com. Adagala: Only on education?

Abdirazak Dubat: I said education, health and roads.

Com. Adagala: Asante.

Com. Raiji: Yusuf Mohammed Salat. Unamwona hapa? Oh atarudi. Ismail Duale, Said Abdirahman?

Sheikh Abdulrahman: (in somali dialect) *Bismillahi Rahmani Rahim. Alhamdullillahi Rabil Alamin. Mitha ugu hore waxan rava inan kaxathlo carinta kuxisabsan Kadhiga iyo dinta islamka.*

Translator: Ya kwanza anasema anataka kuzungumza kuhusu Kadhi na dini ya Kiislamu.

Sheikh Abdulrahman: (in somali dialect) *Waxan rava kadhiga in oo islamka losameyo maxkamath sare, oo marka lasiman maxakamathaxa sare oo Kenya okale.*

Translator: Anataka, kimaoni, ya kwamba kuwe na High Court ya Kadhi.

Sheikh Abdulrahman: (in somali dialect) *Marka maxakamath kale oo kasareyso oo lokathan karo eya chirin,*

Translator: Hiyo korti, iwe ndio ya mwisho ambayo inahukumu.

Sheikh Abdulrahman: (in somali dialect) *Marka kadhiga na waxan rabna, inu axatho nin cilmi lee, oo marka luqatha marka carabiga iyo tan kale keni karo.*

Translator: Kadhi akuwe mtu ambaye ako na elimu na anafahamu lugha ya Kiarabu na lugha ingine ambayo inafaa.

Com. Adagala: Okay, elimu ya kiwango gani?

Sheikh Abdulrahman: (in somali dialect) *Cchamacath deh*

Translator: Elimu ya chuo kikuu.

Sheikh Abdulrahman: (in somali dialect) *Markas kadhiga maxakamaxa sare kathaya iney dhathka islamka ee soo thortan sitha jamciyoyinka iyo imam yatha oo marka kuwa dhowlatha xagetha ka sherci gareysan, iyo xayathoyinka iney soo thortan.*

Translator: Anasema ya kwamba kadhi anatakikana kuchaguliwa na jumuiya ya Waislamu, kama Supreme Council of Kenya Muslims na other Muslim organizations.

Com. Raiji: Muslim stakeholders.

Translator: Yeah, Muslim stakeholders.

Sheikh Abdulrahman: *Marka kadhigas in oo xukun kasto oo islamka kitabka ee dhinta islamka digo inu kathi karo.*

Translator: Huyo kadhi awe mtu ambaye anaweza kuchukua ile hukumu cha kitabu ya kiislamu, Qur'an.

Sheikh Abdulrahman: (in somali dialect) *Marka kadhiga waxa weye inu caxatho nin marka kadhiyal kale oo uu lasimarayo ega hore ina lasameyo marka isaga hathu thono.*

Translator: Kabla ya kufika kwa mahakama kuu lazima kuwe na mahakama zingine chini yake ambazo wanapitia hiyo mambo, na wakishinwa ndio ifike kwake.

Sheikh Abdulrahman: (in somali dialect) *Iyinka na maxa waye*

Com. Adagala:(inaudible) No, no, no. tafadhali ...

Translator: Anasema ifike kwa High Court, baada ya kupitia kwa korti ya kadhi mkuu.

Sheikh Abdulrahman: (in somali dialect) *Marka ti waxan ugachetha, district kasta ba inu leyahai oo kadhi oo marka mith kale loskugu tegayo oo korey.*

Translator: Anaona kwa kila wilaya iwe na kadhi yake na juu yake ndio ikuwe hiyo korti kuu ya Kadhi.

Sheikh Abdulrahman: (in somali dialect) *Mitha kale waxa waye dhathka islamka oo xatha hesto maxa waye, shei oo dintisa amreiso sitha darkashatha, garka, markas aya dhathka mas'ulinta ee uu dhitheyin, ta na waxan dhoneyna deh in ninkasto islam ee, sithey dinta ee amreyso inu xoriyath uu kavi karo, in uu wexey dinta amreyso uu kudactho.*

Translator: Anasema ya pili dini ya waislamu inasema kuwa waislamu wavae nguo aina fulani na wakae na nidhamu fulani, kama kuweka (keeping of beards), but sometimes that right is abused by the powers like the police, who say they are not supposed to keep beards, so that should be abolished.

Com. Adagala: What should be abolished?

Translator: The idea of personnel being forced by the circumstances or the type of work to shave their beards or to change their attires.

Sheikh Abdulrahman: (in somali dialect) *Maxa kale oo mitha kale maxa waye marka dhathka Kenyanka ee inu caxatho in ee wadhanka an marka in laiska kabto wadhanka ninka Kenya udashey oo marka dhowlath kale inan laguxukumi karin ila uu maxakamathi Kenya inu uu marka uu maro.*

Translator: Anaona kuwa kuna dalili zingine ambazo zinatokea mara zingine kwa mtu Mkenya akikosea, ama akosee nchi ingine na apelekwe kwa mahakama ya nchi nyingine, haifai. Kwa hivyo hiyo isitendeke. Mkenya akiwa mhalifu, aende mahakama hapa nchini Kenya pekee yake.

Sheikh Abdulrahman: *Mitha kale inan dhathka Kenya chogo in dhowlatha kale iyatha ee shicib ketha intan keni, hathi ee Kenya kagelan mojiyei in dhowlath kale hadow an mar kale ee keneynin in an lasinin dhathka Kenya iyatha inan loodivin.*

Translator: Anasema kuhusiana na hiyo, unless kuwe na serikali ambayo mtu wake akikosea Kenya, wanaleta huyo mtu awekwe katika mahakam ya Kenya, basi hapo anaridhika kwa Mkenya pia akikosea nchi nyingine, yeye pia apelekwe kwa mahakama ya hiyo nchi ingine.

Sheikh Abdulrahman: (in somali dialect) *Mitha kale waxan rava inan kaxathlo, xaga daqala labobayo.*

Translator: Inge ambayo anataka kuzungumzia ni kuhusu ufisadi.

Sheikh Abdulrahman: (in somali dialect) *Marka waxath deheisa corruptionka mel kasta nin Kenya chogo inu divayo*

deh.

Translator: Ufisadi inasumbua kila mtu hapa nchini Kenya.

Sheikh Abdulrahman: (in somali dialect) *Marka waxan rabna in losameyo shey marka dhathkas maxakamath lagu geini karo, xathi laguxelo na hata mardhambey ee degan wadhanka ee ka kavan karin, ama hata xathi ee xola bathan ee dacan thil lagu xukumi karo.*

Translator: Anasema, ikitokea mtu amefanya ufisadi, anatakiwa ahukumiwe vikali hata kama ni kumua, ili watu wasirudie tena, na mtu asiwe na mamlaka yeyote katika nchi, akifanya ufisadi.

Sheikh Abdulrahman: (in somali dialect) *Mitha kale waxan rava inan kaxathlo carinta kaxathlo mathax weinaxa ama dhathka mas'uliyatha qathayin, iney yihin dhavecathotha ina lafiriyo, marka xathi ninka uu dhavecathisa xuntaxai ama bangiya cab uu yaxai ama xamriya cab uu yaxai, marka dhavecath xun uu kudactho, xaga fasiqnimatha, in marka uu noktho in mas'uliyatha loo divi karin.*

Translator: The moral character of the person becoming the head of state should be at least one that can be measurable. It should not be somebody who is drunkard or disorderly.

Sheikh Abdulrahman: (in somali dialect) *Mitha kale waxan kaxathli rava, wovigan deh.*

Translator: Injine ni kuhusu mambo ya mto Tana.

Sheikh Abdulrahman: *Aniga waxan kudashey magalathan xatha alachogo oo layiratho, Masalani.*

Translator: Mimi nimezaliwa hapa mjini Masalani.

Sheikh Abdulrahman: *Waxan xatha guryaxa inodaxeya lande injila bathan, oo marka beraxa an kusamesan ravne, meel an digano an laacnaxai.*

Translator: Hapo kwangu nyumbani, kuna engines nyingi ambazo tulikuwa tunataka kutengeneza mashamba, na tumekosa pahali pa kuweka kwa sababu ya kukosa salama.

Sheikh Abdulrahman: *Dulkan uu watha banayaxai deh.*

Translator: Na nchi yote hakuna ukulima ambayo inaendelea upande huo wa mto.

Com. Adagala: Ugependekeza nini?

Sheikh Abdulrahman: *Marka maxa waye shercigi xore aa marka shercigi anaga nakulmei deh, marka shercigas in lakatho oo marka lakatho oo marka uu caxatho woviga mith an marka wixi an kalehein dinacas oo marka bartankisa uu yaxai, ban kaheina anaka iyo Tana River.*

Translator: Anapendekeza ya kwamba mto iwe katikakati Mpaka wa Tana River na Ijara District.

Sheikh Abdulrahman: (in somali dialect) *Inta weye de maoni geiga.*

Translator: Basi hiyo tu ndio maoni yake.

Sheikh Abdulrahman: (in somali dialect) *Xatha mithka kale oo zinashata iya bilcanta iyo raga ayan ravan inan hirkato.*

Translator: Ingingine ambayo nimeshau amesema ni kuhusiana na gender equity.

Sheikh Abdulrahman: (in somali dialect) *Markan waxan rava dhathka anaka xathan islam an naxai, in ee marka zinashatha ee nokoto sitha dhinta islamka ee ogoshoho. Wax yalaxa an kasinan karno ee toho, marka taclinta okale, waxyalixi kaley oo dhinta ee raveiso ee daxalka okale, in an marka zinasha ee xahan karin, oo marka shei kasto ee zinasha leno, nolafiriyo, ee xaga dhinta naga, wexei ino rukseneiso.*

Translator: Anasema upande wa equity, kuna rea zingine ambazo tunaweza kuwa na equity, lakini kuna rea zingine ambazo dini haikubali, kama kuridhi. Dini yetu, haikubali mvulana na msicahana waridhi mzazi kiasi kimoja, lakini kama elimu au mambo mengine ya maendeleo, tunaweza kuwa sawa.

Com. Adagala: Okay hiyo ya mwisho, wakina mama waislamu, hawakatai hii mambo ya dini, lakini wanasema, haitimizwi.

Translator: Jinsi ya kuridhi iwe kwa kila njia, kulingana na kiislamu.

Com. Adagala: But what we are saying, kama mama aliyekuwa hapa anasema haitimizwi. Wanaamini ifanywe hivyo, lakini alisema haitimizwi. Yaani hawatendewi hivyo.

Translator: Katika ile hali ya ufisadi vile nilikuwa nimesema?

Com. Adagala: No, no, ya uridhi wa kiislamu

Translator: (in Somali dialect) *Waxa laguyiri mamathan meshan neito wexei tiri daxalki sitha dinta ee rabto laguma mamulayo.*

Sheikh Abdulrahman: (in somali dialect) *Marka waxan rabna deh in sitha kadhiga an sameneyo in awto losiyo carimaxas oo marka isaga uu xog kutumiyeyo si loo timizeyo.*

Translator: Hiyo nafikiri mahakama ya Kadhi ikipatiwa uwezo kamili, itakwisha. Mambo ya malalamishi ya kina mama.

Com. Adagala: Itakuwa sawa?

Translator: Ee itakuwa sawa.

Com. Raiji: Kwao ni Kadhi? Ni Imam ee. Nafikiri ile jambo Commissioner alikuwa akiuliza ni kwamba akina mama wanakubali sheria ya kufuata iko kwa dini ya kiislamu. Lakini wanasema wanaume wengine wanawanyima hiyo haki yao,

kuwanyima ile ambayo wamepatiwa na dini yenyewe ya kiislamu. Jee ungependekeza tufanye nini? Ili tuiondowe tatizo hilo.

Sheikh Abdulrahman: (in somali dialect) *Tas wa ti an shegei, maxan rava in kadhiga iyo marka dhowlatha cithamatha boliska in lasiyo awoth ee marka firsan karan bilcanta ee marka ninkasto oo Kenya oo xaqotha kacelinayo ee lagaso kabto, oo marka maxakamatha kadhiga la xorkeno , sithi islamka lamariyo.*

Translator: Anasema kuwa jukumu inatakikana ipatiwe serikali na Kadhi ya kusaidia akina mama, wakati tatizo kama hili likitokea.

Com. Nunow: Ismail Duale? Ismail Duale hayuko. Mohammed Noor Aden? Khalmey Mohamed?

Mohammed Noor Aden: Bismillahi Rahmani Rahim. Mimi nataka kuongea juu ya vitu chache. Kitu cha kwanza, nitaongea juu ya Tana River. Nafikiri Tana River, tuna rudia rudia. Mimi nilizaliwa hapa. Mto Tana iko na shida. Sisi tunataka kulima na tunataka kukunywa hiyo maji na tunataka pia kuvua hata samaki. Inaonekana hatuna haki na mto Tana. Kwa hivyo, mto Tana Commissioners, tunataka muangalie mambo hayo. Hatuwezi kuepuka na mambo ya mto Tana. Mto Tana iangaliwe ili kuwa wale wananchi wengine, pia wanatumia.

Ya pili, nilikuwa ninataka sisi kama ni watu wa mifugo, watu wa kuhama hama, hapa Masalani, ilianzishwa 1967. Kwanzia siku hiyo, sisi tunajenga hapa na tuko na manyumba hapa. Tunataka hi ardhi tuimiliki. Hii ardhi, hatuja imiliki bado. Kutoka 1967 wakati tulianza kukaa hapa Mpaka sasa, wale watu wanakaa hapa, ardhi sio yao. Hata kama mimi niko na mabati nataka part yangu iwe yangu, ardhi mimi ninayo. Niwe na Title deed. Mtu akivunjika hapa, anasema hapa sio kwako. Kwa hivyo, nataka wananchi wawe na haki ya kumiliki mahali hapo. Niliona hapa tulinyimwa kidogo, haki yetu. Hiyo haki yetu, tunataka tupate. Juu ya ardhi yenyewe, nikiongezea kidogo, kama mimi niko na ardhi hapa, kesho pengine serikali ikiona kuna madini fulani kwa hii ardhi, nitaambiwa ni hame, ni ya serikali. Hii ndiyo sababu ninasema mwenye pale amiliki pale kwake na apatiwe Title deed, wakati anaanza kuishi hapo.

Nikiongea kuhusiana na hiyo ardhi, ningesema County Council isitushikie ardhi. Ipatiwe kwa wazee ambao wanaweza kushikilia wananchi ardhi hiyo, na wao ndio wanaweza kugawa au kuwapatia au waseme fulani, ardhi ni yake. Mimi nasema wazee watushilie hiyo ardhi, badala ya County Council. Ile ya tatu mimi ningesema, sisi tuko na ardhi ya kutosha na watu wakutosha. Hapa Ijara nafikiri ukitembea, utaona upana gani uko hapa; kwa hivyo, MPs tuongezewe, hata kama ni kila Constituency. Mimi ninasema kwa kila constituency, tupatiwe MPs wanne. Hii ni kwa sababu watu wetu wako msituni bado hawajaonekana.

Ile ningengeza ni kuhusiana na mambo ya ardhi. Sisi tuko na barabara mbaya hapa. Nataka serikali iunde kamati ya barabara ambaye ina pesa inatumika kila wakati. Tunataka sisi wenyewe tushikilie pesa yetu ya kutengeneza mabarabara. Tunataka wazee wa hapa, wawe wanajua ni pesa ngapi walipata za barabara, na watumie hiyo barabara wenyewe. Wasije kusema kuwa kuna kamati fulani ambayo sisi hatujui, ndio wametenga hiyo pesa na ndio wametumia.

Kuhusiana na mambo ya dini ya kiislamu. Sisi kama waislamu, tunasema kama sheikh, au kadhi, atoe hukumu ya kiislamu. Isiwe ni kuridhi na kuoana peke yake. Ama kuoana na kufunguana peke yake. Kuna vitu vingi ambavyo wazee waislamu wangetumia. Kulingana na mambo ya waislamu, mimi ninataka wasichana na wavulana kila moja patiwe haki yao kwa sababu walisoma pamoja. Kuna wasichana Waislamu wameandikwa askari, lakini wanalazimishwa kuvaa surwali. Kwa hivyo huyo msichana apatiwe ile mavazi ile dini yake inakubali. Akiandikwa ile mavazi yake iwe mavazi ya Kiislamu. Kuna njia nyingi za Kiaskari zinaweza kutumiwa. Kwa hivyo, inaoenkana msichana ananyimwa huko, kwa sababu dini ya kiislamu haikubali msichana avae surwali pekee yake na atembe. Kwa hiyo, mimi ninasema wasichana wa kiislamu wakiandikwa wakubaliwe wavae ile mavazi yao rasmi ya kiislamu.

Ile ingine ni mambo ya ma-shule. Dini ya Kiislamu inaanza kufifia. Hii ni kwa sababu, zamani kulikuwa na walimu wa Kiislamu kwa kila shule, lakini siku hizi inasemekana wale vijana wanajua Kiingereza wanajua dini ya Kiislamu. Hawafundishwi vile inavyotakiwa. Tunataka serikali iandikie watoto mwalimu wa Qur'an ambaye anaweza kusomesha hadhithi ya Kiislamu, ili ajue dini ya mtu.

Nikirudia upande wa utawala, mimi ni chief. Tuko wengi sana, na huduma yetu kwa wananchi ni kidogo sana. Mimi nataka ma chief wapatiwe pesa ama wapunguzwe (wafanywe wachache) kwa sababu ma chief wanalaumiwa sana, ati ma chief hula pesa ya wananchi ama kitu kama hiyo. Kama wangepunguzwa, halafu wapatiwe pesa ya kutosha, mtu angeridhika na ile pesa amepata. Kwa hivyo, inaonekana ma- chief waliandikwa kiholela, na wananchi wanalalamika juu ya yao. Ma-chiefs wapunguzwe. Kama hawata punguzwa, wapatiwe pesa ya kutosha.

Nikifupisha, mambo ya mifugo. Mifugo wetu hawana dhamani. Sisi tunataka serikali na wale watu wataalamu ambao wanajua mambo ya mifugo, wawe wakiwa kila mahali wananchi wanakaa. Mifugo wanadhoofika kwa sababu ya kupe, ama inakufa kiholela kwa sababu ya kutoangalia, kutojua wananchi hawajui mambo ya mifugo, na wanakufa ovyo. Nataka serikali waangalie mifugo ya watu wa kuhama hama. Isiwe vile inakaa sasa. Nafikiri yangu ni hayo tu.

Com. Nunow: Umesema kuhusu ma chiefs. Umesema wapunguzwe. Hali huko mbele ulikuwa umesema ardhi ni kubwa, na kwa hivyo kuwe na ma MPs zaidi. Kama sasa chiefs ambao ndio wako karibu na watu wakiwa wachache zaidi, je watafikiaje watu, na mnaridhika na jinsi ma chiefs wakati huu wanaajiriwa? Unataka hiyo nidhamu na waajiriwa iendele, ama wananchi wenyewe wahusishwe katika kuajiriwa kwa machiefs.

Mohamed Noor Aden: Mimi nanjua ya kwamba, kutoka Masalani Mpaka mahali inaitwa Kolbiyo, Mpaka, kulikuwa na chief mmoja na inahudumiwa ya kutosha. Kusikizana inakuwa ngumu. Ma chief hawadhamini watu wanaitwa Chief. Kwa hivyo ile kudhamini ma chiefs ndio ilipotea.

Com. Raiji: Bwana Chief, ee ulikuwa umezungumzia juu ya title deed, na nakumbuka watu wengi hapa wamependekeza

kwamba kwa sababu ya mambo ya watu kuhamahama na mifugo, hawangetaka sana kila mtu apatiwe sehemu yake. Sijui uko na jambo lolote la kusema?

Mohammed Noor Aden: Masali nilisema ya kwamba Ijara, hapa Masmalani imeanzishwa 1967. Kuanzia 1967 Mpaka sasa huyo mtu ako hapa. Tunaitwa kweli amehama? Nafikiri huyo mtu ako pale. Isotoshe, kuna visima hapa. Kila mtu alichimba kisima yake, na akakaa miaka na miaka. Yule mzee mimi najua tangu siku ile nilizaliwa, alikuwa kwa kisima chake anakaa Mpaka sasa, lakini si yake sasa. Anaweza kuambiwa hama kutoka hapa. Kwa hivyo, ardhi ya watu inafaa kumilikiwa, wapate ardhi yao.

Com. Nunow: Okay, asante Chief. Mohamed Noor Aden, bado hayuko? Bashir Mohammed, bado hayuko. Dumal Mohammed.

Dumal Mohammed: I would like to give some brief views and the first one, is on education.

Com. Adagala: Your name is?

Dumal Mohammed: My name is Mohammed Dumal Kewi. On education, I think we usually say in Kenya, “Elimu ya Msingi”, but if we explain that word msingi, it doesn’t mean primary. Therefore let us(interjection)

Com. Adagala: What does primary mean?

Dumal Mohammed: Ya, yes, I will explain. Let us say, education does not start in primay. It starts in pre-primary, that is E.CD, (Early Child Development). This programme is under siege according to me. I am a teacher, and I think it is under siege, because the teachers who are concerned with E.C.D. are not given adequate training, neither employment. I therefore propose that the ECD education should be in the Kenyan educational curriculum, and free education should start from early childhood development, not from primary.

The second one is on the creation of a taskforce; on awareness campaign. A Programme for free and compulsory education, particularly in this area of ours. Currently, the Ijara district has about 2000 Primary school children, as big as the land is, as you have seen. Most of the children not in school because there is no awareness programmes. The government should therefore create a taskforce that will create an awareness campaign. A very strong campaign, to make sure those children are compulsorily given education.

The third one, I’ll go to the Constitution. Many years have passed and many people are not aware of the former Constitution and we want to create a new one.

Com. Adagala: Pendekezo?

Dumal Mohammed: So, the Constitution and civic education, both should be a continuous process. A continuous process integrated in the Kenyan educational curriculum. I think if we do that, every child who is not educated even the one who will be born next year will benefit from that education by knowing his Constitution. Today I'm telling you, that 90% of Kenyans do not know the Constitution, the current Constitution. Let that point be taken, and this thing should be considered both the Constitution and the civic education on the Constitution.

Provincial Administration: In my opinion, I think that the Provincial Administration should be abolished totally, because it is becoming the arm of the governing party to harass to some extent, so to replace with elected members of the society. For instance, the place of the chief to be occupied by a Councillor. The DO, the chairman, County Council, the DC, the Mayor, and so forth and so on.

The district land board: If I'm not wrong, the district land board is comprised of majority Civil Servants, and minority local representatives. That should be altered, and should have a majority local representative, a minority civil servant.

Com. Adagala: How are these local people chosen?

Dumal Mohammed: I think the local people should be chosen from the local Council elders, whose who are elected. The elected members of the Council and the MPs should be partisan and not involved as currently, according to my knowledge. There are 8 members.

Com. Adagala: How you would like the percentage to be?

Dumal Mohammed: The percentage should be 90% local representatives, and one percent civil servants. On the same, on land documentation, I think in the process of land ownership, when one wants to acquire land, it is first registered with the Council then later on, there is allotment letter, then there is a beacon certificate that is given, then there is a title deed. This is a long process. I don't see why. I think the process should be curtailed and at least, the land ownership documentation should be one and should be given at the first instance after the person is allowed to own that land. With those few remarks. Thank you.

Com. Adagala: Okay, thank you. Any questions for him? Thank you, your recommendations were very clear, and have details which are used. Is it written? You know, it will be good, if you also put it down. They are few people who can't.

Com. Nunow: Anayefuata ni Hassan Dahir? Hassan Dahir, simwoni? Abdillahi Ahmed

Abdillahi Ahmed: (in Somali dialect) *Bismillahi Rahmani Rahim, Alhamdhullillahi Rabil Alamin.*

Com. Nunow: (in Somali dialect) *Magacatha sheg?*

Abdillahi Ahmed: My name is Abdillahi Ahmed Shithe. *Waxan rava inan kaxathlo lava kothovoth.*

Translator: Anasema anataka kuzungumzia kuhusu mambo machache.

Abdillahi Ahmed: *Mitha uguhoreiso waxa weye wa shercigatha islamka.*

Translator: Kwanza ni juu ya sheria ya kiislamu.

Abdillahi Ahmed: *Anaga xathan naxai dhath muslin caa, waxan rabna kitabka Qur'anika inan isku xukunno.*

Translator: Sisi kama waislami, tunataka kujihukumu na kitabu Takatifu ya Qur'an.

Abdillahi Ahmed: *Xatha manta Kenya wexey uu faditha sherci bethel ayei uu faditha.*

Translator: Ingawa Kenya inataka kubadilisha sheria.

Abdillahi Ahmed: *Sherciga anaga an xesano dhathka islamka xathei taxai na wa mith Illahi inso thechiyei an weligis labedheleinin.*

Translator: Sisi Waislamu tuko na sheria ambayo Mwenyezi Mungu ametupatia na haiwezi ikabadilika.

Abdillahi Ahmed: *Malinta cathunyatha lacavure ila chogan Illahi ba kitabkan Qur'anika nasiyei, oo marakta yiri isku xukuma, waa destru kamila wax ee kamakan ee chirin.*

Translator: Kutoka wakati dunia ilipoumbwa, Mungu alitupatia hiyo kitabu takatifu na ametuambia tujihukumu na hiyo kitabu.

Abdillahi Ahmed: *Cayath Qur'an Illahi uxu kuyiri “ Kitabkan Qur'anika waxan ithin kagategney oo sherci machiro” wax kasto kitabka daxthisa ath kaxeleisa.*

Translator: Kuna aya moja ya Qur'an ambayo inasem ya kuwa, “hakuna kitu chochote cha sheira ambayo imeachwa nje ya kitabu kitakatifu cha Qur'an”.

Abdillahi Ahmed: *Sababta laajigeth waxan rabna anaga kitabka Qur'anika inu caxatho shercigatha an isku xukumeino.*

Translator: Kwa sababu hiyo, sisi Waislamu tunataka kujihukumu na hicho kitabu kitakatiu cha Qur'an.

Abdillahi Ahmed: *Mitha lavath waxa weye wa wovigan Tana River waye.*

Translator: Ya pili nikuhusu mto Tana.

Abdillahi Ahmed: *Waxath sas ugsontixin biyaxa kofkasta uu ubaxan yaxai*

Translator: Vile mnafahamu, kila mtu anahitaji maji.

Abdillahi Ahmed: *Waxan an filaneyna Kenya iney dhulmi wein ee naga geishey marka ee sathax thas mail ee nagu*

xireyse, marka biyaxa ee naga rebtei, dhulmi wein ee naga gelen.

Translator: Nafikiri nchi yetu imetudhulumu wakati wametuambia tukae maili tatu kutoka maji hiyo.

Abdillahi Ahmed: *Dhowlatha marka iyatha ee wexey nola isticmashe sithan dhath an wadhani exen matakan markei biyaha nagala rebtei.*

Translator: Serikali saa hiyo , imetuchukulia kama sisi sio wananchi wa Kenya.

Abdillahi Ahmed: *Marka xathan naxai dhathka Kenya, waxan rabna waxa xukuktha, uu ninka kale Kenya uu leyaxai inan yelano an rabna.*

Translator: Kama sisi WaKenya, tunataka tuwe na haki kama WaKenya wengine.

Abdillahi Ahmed: *Oo biyaxa ee kamith yixin matakana meshan ee biyaxa ee woviga bartankisa Mpakaxa inonocho anaka iyo Tana River.*

Translator: Na ninataka maji ya mto Tana ikuwe katikati Mpaka wetu, sisi na Tana River.

Abdillahi Ahmed: *Mitha sathaxath waxa weye, wa malinta jimcaxa, waxa weye, waa “Iddul usfu Aleihidul” ee musliminta leyixin, malintas waxan rabna wixi shaqalaxa dhowlatha odan ina free lasiyo.*

Translator: Ya tatu ni kuhusu siku ya Ijumaa. Siku ya Ijumaa, ni siku ya Idd ya Waislamu kwa hivyo, siku hiyo tunataka kupatiwa fursa ya kusherekea hiyo siku.

Abdillahi Ahmed: *Mitha kale waxa weye wa darka gebdaxa iskulka matakana ee darka degan ee loxirayo.*

Translator: Ya nne ni kuhusu nguo zile wanafunzi wa shule wanavaa.

Abdillahi Ahmed: *Waxan rabna sitha islamka matakana darkotha ee uu katan, uu islamku uu fareyo, oo darka gavan lagu kasbin.*

Translator: Tunataka wanafunzi wavae vile dini ya kiislamu inavyohitaji.

Abdillahi Ahmed: *Waxa kalo la mith ee matakana, gebdaxa lakoreyo musliminta askarta, waxan rabna dar ya kutosha mataka iney kataan oo der iyaga na.*

Translator: Tena, wasichama ambao wanaandikwa askari ambao ni waislamu, tunataka wao pia wavae Kiislamu.

Abdillahi Ahmed: *Mitha kale waxa waye wa Basaborka weye.*

Translator: Nyingine ni kuhusu passport.

Abdillahi Ahmed: *Basborka sithath ulasocotin maxa weye dhathka musliminta iya dhathka Kenyan ka kale waa kala*

form ba lasiya, oo form ka lasiyo uu kala yaxai, waxan dhoneina xathan dhath Kenyan an naxai inan dhathka kale oo Kenyanka inan iskumith an caxano.

Translator: Vile mnafahamu passport ambayo Wakenya wengine wanakataza Waislamu, na hata makaratasi yale wanajaza ni tofauti, kwa hivyo, tunataka ikuwe aina moja.

Abdillahi Ahmed: *Mitha kale waxa waye wa kadhi weye, kadhiga wa inu axatho matakana ugu yar qualification oo chamacath wataa, oo dinta islamka oo tan kale na ba lughayoyinka odan na gareneya, Arabiga, swahiligia iyo engriska oo watha garaneya.*

Translator: Injine ni kuhusu kadhi. Kadhi lazima we mtu ambaye amehitimu masomu ya university, na anajua lugha tatu; Kiarabu, Kiswahili na Kizungu.

Abdillahi Ahmed: *Marka waxan dhoneyna Chief Kadhiga in lasiyo facility waxa ninka judgka uu leyaxai odan, sitha guriga oo kale ama gari xathu yaxai, ama wax kasta xathu yaxai, waxo dan wixi destur ninkas uu leyoho oo isaga na lasiyo.*

Translator: Na kadhi tunataka wapatiwe kila kitu ambaye ma judges wengine wanapatiwa.

Abdillahi Ahmed: *Wana inu matakana mel ala meshi oo maxakamatha ila meshi High Courtka in nin muslin uu chogo, wan rabna.*

Translator: Kila mahali ambapo kuna mahakma tunataka tuwe na Kadhi ambaye anawakilisha waislamu.

Abdillahi Ahmed: *Mitha kale waxa weye dhathka Kenyanka iney sinathan oo ladehin mataka, kan xathu sogelei wa foreign, iyo kan ina ladixin, marba xathu uu Kenyan uu yaxai, oo citizen uu xesto in dhathka mar xal ee sinathan.*

Translator: Anasema kuhusu waKenya mara nyingine wanabaguliwa kwa hivyo ni vizuri kama Wakenya wote wange-treatiwa equally.

Abdillahi Ahmed: *Mitha kale waxa waye, anaga xathan naxai dhathka North Eastern, waxan naxai dhath xola lei aa, marka xolaxain waxan dhoneyna iney si garcaxan ama xukuk losiyo ama lacilaliyo matakan.*

Translator: Sisi hapa watu wa North Eastern ni wafugaji na tunataka wafugaji wapatiwe mamlaka na kuangaliwa vile watachungu mifugo yao.

Abdillahi Ahmed: *Mitha kale an ravo inan kaxathlo waxa waye, in bathan dhathka galatha wexei dexan mataka, fundamental, dhathka islamka laguyera. Marka qelmathaxa iyatha na fundamental sithan uu faxan sanaxai aniga wa asal rag weye, waxa laraceyo na waxa weye anaga nagula cayeyo waxa weye, wa Kitabka Qur'anika iyo Sunanatha mitha an raceyno. Tas ma dhoneyno in ceb nogala digo oo lagadigo dhath xun nogala digo dhin tain.*

Translator: Injine ni kuwa Waislamu saa zingine wanaitwa fundamentalist. Nafikiri wale ambao wanaitwa fundamentalist ni

watu wanakuwa na a wrong misconception, kwa sababu watu pengine wanafuata kitabu halisi, wakifuata kitabu chao cha Qur'an takatifu wanaitwa majina mengine ambayo wanaitwa fundamentalist, hiyo hatutaki.

Abdillahi Ahmed: *Xatha manta shercigan labethelayo xathi kofki uu raci wayo, so rukh un manokonayo?*

Translator: Leo kama vile sheira inabadilishwa, kama mtu akikata kufuata hiyo sheria, si huyo mtu atakuwa mtu mbaya?

Abdillahi Ahmed: *Okay, ninki shercatha raca so lama carkayo, nin sherci so lama carkayo?*

Translator: Na yule mtu atakayefuta hiyo sheria atakuwa mtu mzuri.

Abdillahi Ahmed: *Marka anaka xathii dinteyna an racno maxa ina ceb nogala digo matakana oo nogula cayo ama wixi lacaro nogula shego.*

Translator: Sisi kama tunafuata dini yetu, sio kuwa kufuata dini yetu tunaaambiwa kuwa ni matusi au majina tupokee.

Abdillahi Ahmed: *Mitha kale waxa weye an rava inan kaxathlo, cilmaxa laleyaxai iskulka lamagaraceyo, cilmaxa xathi lacethbinin matakana, wax xun bei sameneyin, marka cilama waxan rabna in laceth biyo oo ladixin matakana cilmaxa lama garaci karo.*

Translator: Ingingine ni kuhusu watoto ambao wanapatiwa adhabu shuleni. Mimi sina maoni hayo na ninataka watoto wapatiwe adhabu kamili na walimu.

Abdillahi Ahmed: *Mitha kale waxa weye inan kaxathlo, mitha waziratha ama Kenya ama shaqaloxo dan guth axan, waxan rava Kenya, equal ina loqabsatho matakana wazir iyo shaqala mithka ugu xosey ina equal lokebsatho matakana, govol kwa govol.*

Translator: Wafanyikazi wa serikali Mpaka hadi ma waziri katika wizara, nataka kila mkoa ipate kiasi sawa na ile ingine.

Abdillahi Ahmed: *Weliva xastan anaga xathi North Eastern an naxai, dhowlatha Kenya xore bei ino xagratey, waxan rabna zaid in nalasiyo matakana.*

Translator: Tena ikizidi sisi watu wa North Eastern tumebaki nyuma, kwa hivyo tupatiwe kiwango kidogo kubwa kuliko mkoa zingine.

Abdillahi Ahmed: *Xathi nalasineynin matakana iney inta Kenyan ka kale in wax equal lokabto oo waxba nolskaminin.*

Translator: Kama hatuwezi kupatiwa nyongeza, basi tupate kipimo sawa ile ambayo wanapatiwa katika mkoa zingine.

Abdillahi Ahmed: *Mithakale waxan dhoneyna iney dhowlatha cakonsato dinta islamka iney din chirto ama mesha madrasath lagu caxrinayo ama waxan kale iney maraktey dintas iney dinta ogato.*

Translator: Serikali pia ichukuwe jukumu ya kujua kuwa kuna dini ambayo inaitwa dini ya kiislamu, ambayo inaendelea katika

sehemu fulani, kama ni madrassa kama ni msikiti, au pahali fulani.

Abdillahi Ahmed: *Mitha kale waxan dhoneya an kusogava geveneya, iney ninka mathaxweinaxa uu sherciga un kaweinanin matakana, nin sherciga uu kavaneya uyaxai.*

Translator: Ya mwisho ambayo ninamaliza ni kuhusu presidential powers, anasema kuwa hataki raisi awe na uwezo zaidi kupita kiasi. Asiwe above the law.

Com. Adagala: Okay, ngoja kidogo.

Com. Nunow: Alizungumzia kuhusu Ijumaa, iwe siku ya Idd, hajasema kabisa, siku ya kupumzika. Waislamu wasifanye kazi siku hiyo. Okay basi nimeelewa. Alisema wafugaji waangaliwe vizuri kwa mifugo na kuchunga mifugo yao na maisha yao. Kivipi? Angependa sheria ifanyie nini wafugaji?

Abdillahi Ahmed: *Waxan rava mitha iyatha ee, xolaxa matakana Kenya tha kale matakan, xathu cei wax yar noktho, xukuk bu leyaxai, xathu gari kudaco matakana kothob bu leyaxai, sithas okale iney xolixi, xilib ka Kenya laga cuno 70% North Eastern ayu katega. Marka cilibka sas ee, oo dhowlatha ubaxan xolaxa iyatha ee in lacilaliyo oo ladacaleyo oo mulacath gar losameyo ayei ubaxan yixin.*

Com. Adagala: Asante kwa maoni yako ya busara. Sasa, tunarekebisha Katiba, na unasema kwa Qur'an kila sheria iko. Sasa, hii tunatengeneza inahusikana vipi na sheria ya Qur'an, sababu tunaweza kusema tu sasa, watu wa North Eastern Qur'an, au Waislamu Qur'an, na tuendeleo na mambo mengine. Kuna sehemu ambayo kurekebisha hii Katiba ni kitu cha maana au la?

Translator: *Xatha sherciga labethelayo, athiga maxath tiri shercigan islamka inan isku xukunno ayath rabta, shercigan labetheleyo, sith bath uu carakta ma wanagsanyaxai mise?*

Abdillahi Ahmed: *Uu wanagsanyaxi, muafak buu leyaxai matakana melaxa aath xemath bathan sitha woviga marakthey, wax dinta ee exen oo lagu daqan kara aya chira, uu aath uu ficanyan aya chirta, waxa kama thithani, laakin waxan rabna islan axan wixi dintena ee gar ino caxato, on umathax banan inti matakan.*

Translator: Anasema iko faida katika hii mambo ya kubadilisha sheria. Ni vizuri kuhusiana na dini ya kiislamu. Haileti utata, kwa sababu pande ya maendeleo tukisema au kuhusu hata hii mambo watu wanazungumza hapa kuhusu mto ina faida kwetu, kwa sababu ni haki yetu ambayo inatufaa kwa hivyo haitadhulumu kitabu.

Com. Adagala: Sasa hiyo katika Qur'an inasema nini.

Abdillahi Ahmed: *Wexey qusheysa dhathka islamka, dhathka Illahi ba usiyathiyei kitabka Qur'anka wax ba kamategin, xathi kitabka loo thayo ee isku xukuman wax ka nuskanayo machiran oo kadiman.*

Translator: Anasema kitabu ya Qur'an iko kamili, lakini kuna maisha ya kidunia pia.

Com. Nunow: I think the use of the office, with the permission of the chair, it is supposed to be Hawa Haji Osman. She is here, she had gone and come.

Com. Nunow: Unazungumza kwa Kiswahili ama Kingereza. Sawa sawa endelea.

Hawa Haji Osman: (in Arabic) *Audhu Billahi Mina Shaitwani Rajim. Bismillahi Rahmani Rahim. Alhamdullillahi ladhi ahyana baadaman amatana wa-illaihi Nashur. Wa salla llahu ala Muhamadin wa ala alihi wa as habihi aj mahin ama badu. Assallam aleikum warahmatullahi wabarakatuhu ya ahlul barasa.* Mimi maoni yangu nataka kusindikiza mambo mengi wamezungumza. Jina langu naitwa Hawa Haji Osman. Nataka kushindikiza tu mambo ya Chief Kadhi. Nataka mambo ya Chief Kadhi yatiliwe nguvu, kwa sababu hapa Kenya, watu wa Kenya, taifa ni taifa mbili. Taifa kubwa, na taifa kidogo. Sasa, taifa kidogo ni taifa ambayo iko katika Kenya, ambayo inaitwa taifa ya kiislamu. Hiyo taifa ya kiislamu hawana mila nyingine, hakuna ada ingine, hakuna desturi ingine.

Hakuna kanuni ingine, desturi yao na kanuni yao ni Qur'an, maelezo ya Qur'an peke yake. Sasa sisi hukumu yetu ni maelezo ya Qur'an. Sasa, mambo yote sisi tumeweka katika mikono ya Chief Kadhi. Tena huyo Chief Kadhi ni mtu. Akihalifu sheria ya Kiislamu, tuna uwezo wa kumnyanganya hicho cheo. Sio kuwacha maadamu yeye ni Chief Kadhi mambo yote amepitisha na sisi tunakubali. Hapana. Tumefahamu yeye akihukumu kwa makosa, kinyume na sheria ya Qur'an, tuna uwezo wa kuondoa hiyo cheo, kulingana na athari ya Qur'an.

Kwa maana ninasema athari ya Qur'an (Arabic dialect) *Bismillahi Rahmani Rahim. Waadiu Llaha, Waadiul Rasuli, Wa ulil amri minkum.* Anasema, mtii Mwenyezi Mungu, na mtii Mtume wake, na pamoja na mwenye akili. Mwongozi wenu mwenye akili, sio mwongozi ambaye ni mjinga. Yeye kama sisi tumeweka cheo ya Chief Kadhi kasha amekuwa mjinga na yeye ameenda kinyume na sheria ya kiislamu, tunaweza kuondosha, kulingana na athari ya Qur'an. Basi maoni yangu nimemaliza namna hiyo. Wasallamu.

Com. Adagala: Okay, asante.

Com. Nunow: Ismail Duale.

Ismail Duale: Kwa majina naitwa Ismail Duale. In my views on the Constitution of Kenya should be simple, clear and available. The Constitution of Kenya as it is right now is very complicated, and is not easily understandable by the average of Kenya. On the other hand, it is not easily available, because for the first time, I found the Constitution of Kenya very recently. I therefore wish it to be simple, clear and available.

Com. Adagala: What does available mean?

Ismail Duale: Available even in the bookshops and everywhere cheap.

Com. Adagala: What about the access.

Ismail Duale: It should be accessible and affordable.

Com. Adagala: When you say cheap, what do you mean?

Ismail Duale: Cheap in language. Let it be in English or Kiswahili.

Com. Adagala: Not in Kisomali?

Ismail Duale: Maybe at a later stage. Secondly, I want the issue of pastoralists to be identified clearly and defined in the Constitution of what a pastoralist is and who it is.

Com. Adagala: What in your view is a pastoralist?

Ismail Duale: A pastoralist can roughly be said that, those are communities that move from place to place, with their livestock in search of water, and pasture. So we want it defined in that category to be special category that is clearly brought out in the Constitution.

Com. Adagala: Why would it be special because there will be a section for agriculture for farmers.

Ismail Duale: Yeah, there is a section about Agriculture, to per with others which are already clearly defined, because these are special interest groups. Thirdly, I want a policy on livestock development and marketing put in place.

Com. Adagala: I would like you to tell us about this putting in place?

Ismail Duale: The Constitution so far, rise from the Agriculture Act, identifies agriculture.

Com. Adagala: We are now on pastoralists. I want to know marketing for pastoralists.

Ismail Duale: We want to have an Act that covers livestock and livestock development policies.

Com. Adagala: Okay, anything in this act you would like?

Ismail Duale: That Act will cover pastoralism as a livelihood, livestock marketing and statutory bodies related to livestock development.

The other one is on the distribution and use of natural resources. Like the Tana River, some of the uses of the Tana River upstream is negatively affecting the people downstream. We are having several hydroelectric power dams upstream, which is negatively affecting the people downstream Tana River. This is either due to floods, when the dams are open, or the river, when the flow is below average. We therefore want considerations to be made when any development will be done upstream, irrigation, hydro-electric power, or the distribution of the same instead of concentration them in one area.

Com. Adagala: Like what?

Ismail Duale: Hydroelectric power station particularity.

Com. Adagala: Does it not bother you that the Tana River creates electricity and you don't have it?

Ismail Duale: Sure yes, that's why I am saying distribution. At least if we have several of them, even down into North Eastern Province, that is Garissa District, it would have been better, it would have put us on the national creed.

Com. Adagala: Are there any other natural resources in this part of the country, apart from Tana River.

Ismail Duale: Yes, there is land, there is pasture, there is underground water, there is wildlife and a lot of others, which maybe, are not yet explored. The other thing is land, upto this time, the indigenous communities of this part of the country cannot use their land, either as collateral to obtain loans, or even to build them. You may see that an old man has put up, maybe an earthen dam that costed him about 250,000/- shillings, and has owned it for the last 20,30,40 years, but there is not time he can use that dam as security to obtain a loan from any institution, while if you put a small hut, a thatched house valued at less than 10,000 shillings, you can use it as a security, anywhere in the country. For example, like in Garissa, if you have a plot number (that) and maybe there is hardly any development on it, you can use it as a collateral. However, that person who has the land and has put up his earth dam that has costed him 250,000 shillings, he cannot use it as a security to obtain any form of loan.

Com. Adagala: You have to say what you would like?

Ismail Duale: Ownership of such economic unity to be recognized. The other one I want to talk about is non-formal education. Non-formal education should be relevant to the pastoralist life. When established, there should also be a review of the current Non-formal education curriculum, to suit the pastoral community. I also want to talk about the Kadhi's Court. The Kadhi should have the qualification of at least a degree in Islamic jurisprudence, and where possible, a degree in secular law so that he can serve both as a magistrate and as a Kadhi.

Traditional leadership and institutions to be strengthened. I think upto now, we have a very negative concept about the Chief and Provincial Administration and everything, and we would be very much happier if the traditional leadership system of rights is strengthened.

Local Authority. There should be a minimum qualification for Councillors, at least a proficiency test in English and Kiswahili. Local Authorities should be strengthened and they should be independent from the Ministry of Local Government. Neither the President nor the Minister for Local Government should have any powers to dissolve local authorities. The Mayor and Chairmen should be elected directly.

Com. Nunow: On your definition of pastoralists, the Commissioner asked you what your definition would be. Ofcourse those are your immediate thoughts that you mentioned about the movement and all that but I think more Central is the livelihood for those who are practicing. This is not a question it's just an additional comment. It is the mode of livelihood element that makes

these people more distinct.

In terms of collateral, you talk of security and the dam not being accepted as collateral. However, this area being predominantly Muslim, the whole issue of loans and ability to borrow on collateral is contentious, what can you say about it?

Ismail Duale: Well if that is contentious. Now we will go to even bail them out of court. They can use the same to bail themselves out of court.

Com. Adagala: Your main livelihood is livestock. Why can it not be used for collateral? Like if some one has 500 camels or even three, why can't they?

Ismail Duale: Even livestock should be used as collateral. You know what they say is, Kenya, they have made a difference between dairy and livestock. When you talk of dairy animals or the dairy board of Kenya, it doesn't talk for all livestock. It talks specifically for the dairy animals, that is cows kept for milk only.

Com. Adagala: Okay, thank you very much.

Com. Nunow: Hussein Noor Haji? Hussein Noor Haji? Ahmed Abdi Sheikh? Abdi Sheikh? Mohammed Ali? Yusuf Mohammed Salat? Then call Bashir Mohammed you are there? Okay.

Com. Adagala: Ningependa kusema hatujakuwa na wanawake wengi, wala walemavu, wala watoto. Nafikiri mlemavu alikuwa chairman na mtu mwingine. Sijui District Co-ordinator anaonaje kwa hivyo. Kwa sababu kamati ilifaa ilete watu. Na hata hao watoto wana maoni. Mtu akiwa-organize watakuwa na maoni. Nani anaweza ku-organize hao kwa kamati yako Chairman? Wao watoto wameketi hapo wana maoni. Jina lako?

Bashir Osman: Jina langu ni Bashir Ali Osman. Mimi sina mengi ya kusema. Mengi yamesemwa hapo awali, na hakuna haja ya kurudia, isipokuwa ningetaka kuongea juu ya Local Government. Katika Local Government, ningependa Chairman na Mayor wachaguliwe na wananchi directly. Ya pili, ningependa wao wakae kwa hiyo ofisi kwa muda wa miaka mitano, badala ya miaka miwili. Ili kujua ile kazi wanaweza kufanya. Kupatia mtu nafasi.

Com. Adagala: Mara ngapi?

Bashir Osman: Miaka tano.

Com. Adagala: Miaka tano mara ngapi?

Bashir Osman: For the whole term.

Com. Adagala: I know, how many terms, you just want it to go on and on?

Bashir Osman: No two terms. Mayor aende two terms ya five years kila mmoja. Ya tatu, ili kupata Local Authorities that

are very effective, very sustainable and very strong, ni muhimu kuchagua watu ambao wako na elimu ya kutosha. Minimum qualification iwe O level; mtu wa Form four.

Com. Adagala: Endelea.

Bashir Osman: Ya tatu, lazima tabia ya huyu mtu anayechaguliwa, lazima ichunguzwe, kwa ajili hapa kwetu, mtu anachaguliwa ili kwenda kujipatia mishahara na hivi vitu.

Com. Adagala: Ungependa iwe mtu wa aina gani?

Bashir Osman: Nataka awe mtu anajitosha kwa kimali, ambaye anaweza kulisha watoto wake vizuri, ako na resources vizuri, ili asichukuliwe na tamaa wakati majadiliano kuhusu area amechaguliwa inajadiliwa.

Ya tatu, kuna ma Councillors wengi, most local authorities wanaumia kwa ajili kuna Councillors wengi ambao wanakuwa nominated, na kuna wards nyingi ambazo sinakuwa created politically. Councillor, lazima kila division iwe ward, badala ya ku-create several small wards.

Com. Adagala: Okay, sasa endelea.

Bashir Osman: Ni hayo tu juu ya local authority.

Com. Adagala: Kazi ya MP na kazi ya Councillor itakuwa tofauti vipi?

Bashir Osman: MP anawakilisha Constituency, na Constituency inaweza kuwa na divisions kadhaa, lakini Councillor awe anawakilisha division moja kama ward.

Com. Adagala: Ulisema Ward iwe kama Constituency?

Bashir Osman: Hapana, sijasema hivyo. Nimesema one division kama Masalani sasa ni division, iwe na Councillor mmoja, badala ya Councillors watatu.

Com. Adagala: Na kuna mahali kwingine division ni Constituency.

Bashir Osman: Kama wapi? Constituency kwani ni division moja tu? Ile Constituency mmetoka? Those ones are very negligible its alright.

Com. Adagala: No, they are not.

Bashir Osman: Hata hivyo kama division moja ni Constituency moja, MP anaenda kuwakilisha watu wa hiyo division kwenye bunge, na Councillor anaenda kuwakilisha watu wa hiyo division kwenye local authority, kwa hivyo hakuna taabu.

Ya pili inaonekana kuna neno ambayo inatuchoma sana wakati na hata imeongewa kwenye bunge na Mheshimiwa Raila wakati

mwingine. Inasemekana kuna wakati alisema ya kuwa Honourable MP Nassir, ana represent Herola and these things, na alikuwa anakimbilia akisema kuwa maoni yake si muhimu. Ile kitu tunataka, tunataka ku-develop Kenya. Constitution iwe na that organ, that definition of developing this Nation equally, everywhere. Therefore there are these people who have got sentiments that an MP, ile maoni ya Mheshimiwa mbunge itachukuliwa kutegemea na idadi ya wale watu wamemchagua.

Com. Nunow: Tuambie yako.

Bashir Osman: Sasa yangu ni maoni ya MP iwe na thamana kulingana na ile ardhi, ile eneo amechaguliwa. Hiyo ndio mimi ninataka itiliwe maanani. Ni hayo tu, sina mengine.

Com. Adagala: Unajua Chairman, pointi hii inafaa ifikiriwe. Imekuja mara kadha, lakini inafaa ifikiriwe na iandikwe memorandum nzuri kwa hiyo point peke yake, kwa sababu watu ambao wanasema ati MP a-represent watu all representation iwe kwa idadi ya watu, ni wengi, na wana maoni wanaweza ku-point, point, point. Pia hii, inafaa ifikiriwe wekwe point kabisa vizuri.

Bashir Osman: Okay, sawa tutaweka na tutaleta hiyo memorandum.

Com. Raiji: Bwana Bashir sijui kama nilisikia vizuri, ulikuwa ukisema sasa maoni, nilisikia ukisema MP mwingine alingane na(interjection)

Bashir Osman: Nguvu yake ipimwe kulingana na mraba ya ile ardhi aliyochaguliwa. The area of his Constituency.

Com. Raiji: Are you saying ni kwa kuchagua constituency, au ni nguvu yake? Nilikuwa nikifikiria labda mtu amekuwa MP, kama ana represent kilomita moja au kumi au watu wawili au milioni, wote wakiingia bunge wako na nguvu sawa? Kwa hivyo unasema tuwe na tofauti ya MP yule ana-represent division kama yule madam Chairman alisema, nvugu yakeni kidogo, na yule ana represent area kubwa zaidi awe na(interjection)

Bashir Osman: Unajuwa, ingekuwa kila MP awe na nguvu moja, kama hiyo neno ya kutaja idadi ya watu haingetokea. Lakini, maadamu watu wamesema lazima nguvu yake ipimwe na idadi ya watu wale wamechagua, na mimi nimesema ni maoni yangu ninasema ipimwe kulingana na mraba ya ile ardhi amechaguliwa.

Com. Adagala: Nimesikia watu wakisema hiyo, lakini sijui ni kama Honourable Raila Odinga. Lakini nimesikia wabunge wakisema hivyo.

Com. Nunow: Bwana Bashir, kwa wakati huu, wale wanatengeneza mipaka ya Constituency ni Tume ya Uchaguzi. Tume ya uchaguzi, inatumia vitu nyingi. Inatumia moja, idadi ya watu. Ya pili, upana wa ardhi. Ya tatu, development status ya hiyo ardhi, infrastructure, na vitu kadhalika. Kwa hivyo hiyo pia muangalie na mchunguze ni nini inatumika wakati huu, kuamua constituency iwe size gani, ama iwe na MP wangapi. Baada ya kuona hiyo, ndio mnaweza kuandika a more informed memorandum. You could even end up saying, we agree with the current status, ibaki hivyo. Hii ni kwa sababu inatia maanani vitu nyingi, sio idadi pekee yake, sio ardhi pekee yake, sio development pekee yake, vitu nyingi zaidi. Kwa hivyo, hiyo pia uangalie, na ni Tume ya Uchaguzi ndio wako nayo. Ukiona kwa district Electoral Co-ordinator, utajua. You will find out.

Com. Adagala: I would like to advice you also to look at ..Kwa sababu unaonekana msomi wewe, au District Co-ordinator akusaidie, mwangalie Constitution ya Australia, kwa sabab wana eneo ambayo ina watu wengi, na kuna ile ambayo iko na watu kama huku na hata ingine ni desert kabisa, na wana formula. They have a formula for it. That's why I am saying, you have to reason about it more. Unaweka tu, lakini inafaa iwe written out hata kama ni page kadha ya memorandum kwa hiyo jambo peke yake. Yes, hata nani anaweza kukusaidia hapa, Chairman na Co-ordinator. Muna wasomi wengi sana wanatoka huku wanajulikana.

Com. Nunow: Engineer Adan Shide? Adan Shide? Hayuko. Adan Shide? Said Dahir? Baada ya Said ni Sadiq Adam? Sadiq Adan yuko wapi? Sadiq Adan? Hayuko, Hassan Shurie? Hassan Shurie? Baada ya Said katika ile list tuko nayo hapa tuna Hassan Shurie ndio anaonekana anakaa mwisho, pengine itaendeshwa na Chairman.

Said Dahir: Mimi ninaitwa Said Dahir. I want to talk about the Electoral system. The date of elections should be known by every Kenyan in the Constitution; it should be enshrined in the Constitution. We should retain a simple majority rule, whereby if one party wins, that party is declared the winner. There should be no increase of women in the Parliament. Any popular candidate, whether male or female, should be elected in any constituency, No exception for females. There should be 25% representatives in at least 5 provinces, for presidential elections. We should retain 25% representatives in at least 5 provinces for MPs. Interest groups like the disabled should be represented in the Parliament.

We need to re-draw our Constituencies boundaries. We need to hold elections simultaneously, whether Civic, Parliament or Presidential. Wards should also be re-drawn again. We should elect the president directly by the people.

I also want to talk about the Local Authority. Local Authority elections should be held and the Mayor and Chairman should be elected by the people directly. For one to become a civic leader, you should at least attain CPE, KCPE, KCSE Certificates. I want to raise an issue that we should have to cancel the mayorship for big towns and County Councils for small towns, I believe a place like Nyeri, should have a Mayor, Nakuru, Garissa, Eldoret, Ijara, Mandera, Wajir, Lamu Tana River, will have County Councils, because I believe the resources are limited. The Mayor and the Chairman should have a five year term in the office. Five years for two terms. Councillors must be moral and ethical.

I believe trust land must be removed and then start community ownership lands. I believe we should declare Friday as a holiday, like Saturday and Sunday. I also want to talk about the defence. We must have a defence Council. That Council should have the Minister of defence, the President, Chief of the General Staff, Commander of Air, Navy and Military; because in emergency situations, we cannot call maybe 2-300 MPs to discuss, if we want to go into war, disaster management etc. Let them decide first, then it can go to Parliament the last minute. Thank you, that is all that I have to say.

Com. Adagala: Let me ask you, you are not the only one who had brought it up. We have also been asked in other

Provinces. You are saying that these people should be of moral and ethical standards. Now, unfortunately it becomes a bit relative. For instance, when people up Country were saying a person should be married with one wife, do you mean that a muslim can't be a President? Okay, because for them that doesn't hold. Now you are saying here also moral and ethical, then we come back to that question, because its fairly relative. Not in religious terms but in the world.

Said Dahir: I am saying this because, at least a Councilor should have wealth.

Com. Adagala: I am talking about the moral status. Even that one is a moral issue, because, how did he get that wealth, even the MP, even the President? I am just saying that probably you should think about it because someone may win elections for the presidency or want to stand for elections and is from Ijara and has four wives, and some of the other people from the other religions might reject, but to you he is moral and upright ins't it? Ee tumemaliza?

Com. Nunow: Just a minute. Something is not clear to me, about Municipalities and County Councils, just confirm if what I have gotten is correct. You should not have both of them together. That for big towns they should have Municipalities and for small towns have County Councils and you don't have them together? Thank you. Hassan Omar?

Com. Adagala: Hassan?

Hassan Omar: Yangu inahusu tu, Public Trustee, hawa watu wanaitwa public trustees. Nafikiri ni watu au ofisi ambayo imeudwa kulingana na Parliamentary Act. Hawa watu hawafai kwetu Waislamu, kwa sababu kama jukumu lao ni kushikilia mali ya yatima na mambo kama hayo, watu hao kwetu Waislamu tungetaka all muslims yashikiliwe na ofisi ya kadhi. Au kama sivyo, kama public trustee itakuwa ni lazima, hii public trustee iwe deCentralized, na iwe wale watu ambao watashikilia hizo ofisi wawe watu ambao wanatoka hizi sehemu fulani ambayo hizo ofisi ziko. Wawe watu ambao wanajua jukumu lao kulingana na ile culture ya pahali ambapo wanahusika, ama sehemu wanahusika na mambo ya religion, na mambo kama hiyo. Hiyo ndiyo maoni yangu ya kwanza.

Ya pili na la mwisho, niongezee juu ya ile wadhifa wa MPs ambaye mwenzangu alizungumzia mbeleni. Mimi hata ningesema ya kwamba, wale MPs ambao wanatoka ile sehemu under developed wapewe sauti kubwa kuliko wale ambao wametoka sehemu developed. Nina sababu ya kusema hivi.

Com. Adagala: First of all, who will them the sauti? You know MPs take sauti.

Hassan Omar: What I mean, their vote or motion should be valued, more that those who are coming from developed and populated areas. I say so because, these people are being elected by people who require to be assisted by all Kenyans. Why?

Because they are living in hardship areas, have big chunks of areas under-developed which, if they could have been developed faster, keeping aside only those developed, giving them priority, could have assisted even other Kenyans to be settled in those areas. That is my last, thank you.

Com. Adagala: Okay, I think there is a point about his and presentation in bunge, but it needs to be thought out. Where is the District Co-ordinator? District Co-ordinator need to find somewhere political scientist or lawyer of something to help you develop, all of you, to develop this particular point. Hii ni kwa sababu, wale wanatoka hizo sehemu za Kiambu na ... they put a very strong point for themselves, and your is not coming out so strongly.

Com. Nunow: So the Co-ordinator can liase with the DO and the rest who are the elite here including the Chair, the committee including the livestock officers there, and come up with that memorandum, on the representation. Blend in other relative aspects on the current representation mode, because I think it is very favourable and very fair at least now, its only that it is not utilized to the latter. The use of it is a bit of a problem, but the wording to be left to the Commission is clear. It is not only the number, not only the land and also the element of votes. That's all we can have enough. Somebody says an MP should have at least 15 votes compared to the MP of Ijara for instance, you will hear it everywhere and it is important because these people want representation. You need to develop this, as a community and as an area. That's what the Commissioner is trying to say.

Com. Adagala: The other one is on the Chief Kadhi. You said that the trustee should not but you know, malalamiko ya wajane, ni chief Kadhi. Si mnajua hivyo? Hiyo ofisi ya Chief Kadhi. Wakianza, haina mwisho kwa sababu wanasema tunaenda huko halafu inakuwa shida tunaenda huko halafu the brothers of your husband takes up, you know? Sasa sijui itakuwa aje? This is why I want to know why Muslim women coMPLAIN, because it is not followed by the Kadhi or by the wajane all those. Haya, asante. Unajua tumemaliza mzee. Okay tutamaliza na maombi. Watoto hao hawajasema kitu chochote. Wako wapi? Watoto wana haki zao. Hata mkijua mnataka wachapwe viboko, wana haki zao. Ndio come talk in whatever language.

Abdul Hakim Ibrahim Mohammed: (in Somali dialect) *Inan skulka meshan an ka caxrisano oo laag lanaweithinin*

Translator: Anataka kusoma shule bila malipo.

Abdul Hakim Ibrahim Mohammed: (in Somali dialect) *Cabehei laag maxayo.*

Translator: Baba yake hana uwezo wa kulipa karo ya shule. (in Somali dialect) *wax kalo oo nolosha kuxisabsan machira.*

Magacaa? Kor uxathan

Com. Adagala: Una miaka ngapi?

Translator: *Meka chir ca taxai?*

Abdul Hakim Ibrahim Mohammed: (in Somali dialect) *Totova chir*

Translator: 7 years.

Com. Adagala: Anaenda shule?

Translator: *Skul miyath kuchirta?*

Abdul Hakim Ibrahim Mohammed: (in Somali dialect) *Maya.*

Translator: hapana.

Com. Adagala: Mwingine? Asante sana kijana.

Daud Ahmed: (in Somali dialect) *Skulka waxan rabna iney bilash nogoto*

Translator: *Magacatha kabilau*

Daud Ahmed: (in Somali dialect) *Magaceyga wa Daud Ahmed.*

Translator: Jina lake ni Daud Ahmed.

Com. Adagala: Miaka?

Translator: *Meka ath chirta?*

Daud Ahmed: (in Somali dialect) *Sagal chir*

Com. Adagala: Sasa unataka nini?

Translator: nine years. *Maxath rabta.*

Daud Ahmed: (in Somali dialect) *Skulka waxan rabna iney laag nalaweithinin*

Translator: Anasema anataka masomo bila malipo. Wasiulizwe pesa.

Daud Ahmed: (in Somali dialect) *Cabexei laag uu bixineya makavo.*

Translator: Anasema baba yake hana pesa ya kulipa karo ya shule.

Daud Ahmed: (in Somali dialect) *Waxan rava dinta islamka ina nalabaro.*

Translator: Anataka pia kusomeshwa dini ya Kiislamu.

Daud Ahmed: (in Somali dialect) *Bes intas.*

Translator: Ni hayo tu.

Com. Adagala: Asante sana, Mungu akubariki.

Com. Nunow: *Maxath sanith Daud ee.*

Com. Adagala: Asante kwa kuhudhuria, tumeshukuru sana, Ijara, tumeona maoni ni mazuri, na mengine ya kuumiza moyo

