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## 1. DISTRICT PROFILE

Isiolo South is a constituency in Isiolo District. Isiolo District is one of 13 districts of the Eastern Province of Kenya.

### 1.1. Demographic Characteristics

District Population by Sex	Male	Female	Total
	51,214	49,647	100,861
Total District Population Aged 18 years & Below	28,596	27,328	55,924
Total District Population Aged Above 18 years	22,618	22,319	44,937
Population Density (persons/Km <sup>2</sup> )	4		

### 1.2. Socio-Economic Profile

Isiolo District:

- Is one of the least densely populated district in the province. It is ranked 12<sup>th</sup> of the 13 districts in the province;
- Has a primary school enrolment rate of 41.1%, being ranked 11<sup>th</sup> in the province and 60 nationally;
- Has a secondary school enrolment rate of 10.2%, being ranked 9<sup>th</sup> in the province and 58 nationally;
- Experiences the following main diseases: Malaria, acute respiratory tract infections, skin diseases and infections, and intestinal worms;
- Has a 15.5% of malnourished children under 5 years of age, being ranked 6<sup>th</sup> of the nationally ranked districts;
- Has 73 of 1000 of its live babies dying before the 1<sup>st</sup> birthday, being ranked 29<sup>th</sup> of 44 of the nationally ranked districts;
- Has a life expectancy of 51.6 years being ranked 34<sup>th</sup> of 45 the nationally ranked districts;
- Has the highest unemployment rate in Eastern Province (21.07%); and
- Has the highest mean monthly household income in the province: (Ksh. 6,717).

Isiolo district has 2 constituencies: Isiolo North, and Isiolo South. The two district's MPs each cover on average an area of 12,849 Km<sup>2</sup> to reach an average 50,431 constituents. The two MPs are currently from the ruling party, KANU.

## 2. CONSTITUENCY PROFILE

This constituency has a multi-ethnic mix with a strong presence of Meru, Borana, Samburu, and Turkana. The dominant group however, is the Borana.

### 2.1. Demographic Characteristics

Constituency Population by Sex	Total	Area per Km <sup>2</sup>	Density (perons/Km <sup>2</sup> )
	23,141	9817	2.4

## 2.2. Socio-Economic Profile

The economic mainstay of the most of the constituents are herding livestock, practicing subsistence farming, and trading in animal products.

## 2.3. Electioneering and Political Information

In the 1992 general election, the ruling party, KANU, won the parliamentary seat with 76.02% valid votes. In the 1997 general election, the constituency's seat was however, hotly contested for by the KANU and the opposition. KANU won with 58.24% valid votes and retained the seat in 2002.

## 2.4. 1992 General Election Results

1992 TOTAL REGISTERED VOTERS			8,689
CANDIDATE	PARTY	VOTES	% VALID VOTES
Abdullahi Haji Wako	KANU	3,770	76.02
Adam Wako Bonaya	DP	946	19.08
Hassan Guyo Shanu	FORD-A	230	4.64
Nasir Ibrahim	FORD-K	13	0.26
<i>Total Valid Votes</i>		4,959	100.00
<b>Total Votes Cast</b>		4,959	
<b>% Turnout</b>		57.07	

## 2.5. 1997 General Election Results

1997 TOTAL REGISTERED VOTERS			8,169
CANDIDATE	PARTY	VOTES	% VALID VOTES
Abdullahi H. Wako	KANU	3,791	58.24
Dida Jaldesa	FORD-K	2,622	40.28
Adam W. Bonaya	DP	96	1.47
<i>Total Valid Votes</i>		6,509	100.00
<b>Rejected Votes</b>		51	
<b>Total Votes Cast</b>		6,560	
<b>% Turnout</b>		80.30	
<b>% Rejected/Cast</b>		0.78	

## 2.6. Main Problems

- Poor infrastructure;
- Lack of water; and
- Banditry and cattle rustling.

### 3. CONSTITUTION MAKING/REVIEW PROCESS

#### 3.1. Constituency Constitutional Forums (CCFs)

##### 3.1.1. Philosophy

The Constituency Constitutional Forum (CCF) plays a very significant role in the review of the constitution. It is designated as one of the organs ‘through which the review process shall be conducted’ - (sec. 4(1) of the Constitution of Kenya Review Act, Cap.3A). The importance attached to the CCF arises from the recognition of the need to involve the people fully in the review of the constitution. Only through such participation of the public will the new constitution reflect the preferences, hopes and aspirations of the people. It would also increase people’s knowledge of constitutional issues, and facilitate their familiarity with the provisions of the new constitution. Additionally, the process, enhances the legitimacy of the constitution among Kenyans and their sense of ownership over it. In these ways the proper implementation and safeguarding of the constitution will be facilitated.

##### 3.1.2. Composition and Establishment

The 1997 Review Act had provided for district forums ‘to mobilize communities at the local level for the purpose of civic education in preparation for the Commission’s work and to perform such other duties as the Commission may assign’ - (sec. 12A (6)). The District Forums were to consist of members elected to represent locations, religious organizations, and the disabled, in addition to MPs and members of every local authority in the district. The Act contained several provisions prescribing minimum qualifications for membership and regulating the operations of the District Forums.

The Select Committee of the National Assembly, which reviewed the Act in early 2000, decided to replace the District Forums with Constituency Forums to get views ‘directly from the people in the constituency without necessarily going through the rigours of an election to determine the members of the forum’. It thought that this would provide for a more popular form of participation. It recommended on the simplification of the forum to avoid elections. The Select Committee envisaged the constituency forum as an ‘open forum with no specific structures’, which should be ‘flexible and easy to manage’. Its opinion was that the ‘existing leadership comprising Members of Parliament, councilors, community based organizations, religious groups and individuals should be able to present views and opinions directly from the grassroots’ ( *The Report of the Parliamentary Select Committee Reviewing the Constitution of Kenya Review Act, 1997*, April 2000). It removed the regulatory powers of the Commission over the forum, its role being confined to the ‘facilitation’ of the forum. It also changed the function of the forum from the facilitation of civic education to also include facilitation and the collection of the views of the public on proposals to alter the constitution.

In view of the limited role of the CKRC in the establishment of the CCF’s, the CKRC prepared and gazetted Guidelines for the operationalization of the constituency constitutional forums. The

Guidelines stipulated that all the residents of a constituency would constitute the CCF. The CCF is described as one of the organs ‘ through which the review process shall be conducted’ - (sec.4(1)). The CCF was thus one of the principal ways in which the views of the public were to be obtained.

In order to coordinate and facilitate the activities of the CCF, a Constituency Constitutional Committee (CCC) was to be established. The Guidelines proposed its membership to consist of 10 persons, of which three would be ex-officio: the local MP, the chair of the County Council in which the constituency is located, and the District Coordinator. The Guidelines stated that the membership would be as broad and representative of the people of the constituency as possible and recommended that at least a third of the committee should be women.

### 3.1.3. **Functions of CCF**

- Collection of the views of the public at the constituency level on proposals to alter the constitution; and
- Debate and discussion of the views of the members of the public on proposals to alter the constitution.

In performance of these functions, the CKRC was required to visit all constituencies (Sec.18 (1)(a)).

### 3.1.4. **Functions of CCC**

- The functions of the CCC were mainly facilitative and advisory, the primary aim being to enhance the effective participation in the ownership of the constitution review process by the people at the constituency level;
- The CCC was also mandated to promote, facilitate and monitor civic education at the constituency level in collaboration with the District Coordinator and civic education providers;
- Additionally, the CCC had to ensure that the constituency had access to all information relevant to the review process in coordination with District Documentation centers; and
- Finally, the CCC was also mandated with the task of dissemination of the report of the CKRC. It was to be assisted in this by the District Coordinator, who was also its accounting officer, in relation to funds that were made available to it by CKRC.

It is important to emphasize that the Guidelines were advisory, and the local community was free to modify them to suit local circumstances. For example, the size of the CCC could be increased when and if adequate representation and diversity required it.

### 3.1.5. **Date of Commencement of Work**

The Constituency Constitutional Forum (CCF) was to run for an initial period commencing November 2001 up to September 2002. Accordingly, each Constituency Constitutional Committee (CCC) should have been constituted at the very latest by the end of November 2001. The Constituency Constitutional Forum was to be operational by that time.

## 3.2. **District Coordinators**

### 3.2.1. **Mandate/Terms of Reference**

- Be the local grass root representative;
- Perform the generalization activities in the district;
- Be in charge of the documentation center/s in the district, facilitate its/their respective management, ensuring they are stocked and are easily accessible to the public and also organize their safety and security;
- Gathering any relevant local information and materials for the purpose of constitution making;
- Facilitate the identification, classification and organization of the physical and electronic retrieval and dissemination of information and materials for constitution making;
- Supply such information needed by local constituency forums and committees;
- Liaise with other documentation centers nearby and others for information;
- In collaboration with constituency committees, identify and arrange venues for public hearing whenever the CKRC visits the constituencies in their area;
- Facilitate regular meetings of the constituency committees and involve local people as much as possible in discussing constitutional issues;
- Source and identify other key personnel that the CKRC may wish to consult or engage in its work;
- Identify and arrange for simultaneous local translations, sign language users, procurement and hiring of public address systems, transport and communication facilities for CKRC's meetings in the district;
- Monitor the implementation of civic education by civic education providers in the district;
- Facilitate the formation of constituency committees with guidance and assistance of CKRC; and
- Perform any other tasks as directed by CKRC.

### 3.2.2. **Criteria for Appointment**

- Diversity in the composition, taking into account ethnicity, age, religion and professional or occupational background; and
- Appointees had at least attained Kenya Certificate of Secondary Education or its equivalent.

## 4. **CIVIC EDUCATION.**

Civic education in the constitution was carried out between 7<sup>th</sup> March 2002, and 29<sup>th</sup> April 2002

### 4.1. **Phases and issues covered in civic education**

Stage 1 is the only phase that has been covered. This is the stage preceding collection of views. This stage dealt with information, knowledge, skills and virtues that enabled Kenyans have an informed choice and present their views on constitutional review.

### 4.2. **Issues and areas covered**

1. Constitutional rights
2. Nation and nation building

3. Civic education for constituency hearing
4. Federalism and unitary government
5. State and citizenship
6. Land rights
7. Background to current constitution
8. Women and citizenship

## 5. CONSTITUENCY PUBLIC HEARINGS.

### 5.1. Logistical Details

#### 1. Date and Number of Days for Public Hearings

- a) Date(s): 14<sup>th</sup> and 16<sup>th</sup> May 2002
- b) Total Number of Days: 2

#### 2. Venue

- a) Number of Venues: 2
- b) Venue(s):
  1. Modogashe
  2. Garbatula Town

#### 3. Panels

- a) Commissioners
  1. Com. Ibrahim Lethome
  2. Com. Dr Githu Muigai
- b) Secretariat
  1. Solomon Mukeinon – Programme officer
  2. Vincent Wataku – Assistant Programme officer
  3. Grace Gitu – Verbatim Reporter

### 5.2. Attendance Details

Category	Details	Number
<b>Number of People Who Presented</b>		116
<b>Sex</b>	Male	97
	Female	19
	Not Stated	0
<b>Presenter Type</b>	Individual	24
	Institutions	32
	Not Stated	60
	None	0
	Not Stated	116
<b>Form of Presentation</b>	Memoranda	0
	Oral	97
	Written	2
	Oral + Memoranda	0
	Oral + Written	13
	Not Stated	4

### 5.3. SUMMARY OF EMERGING ISSUES

The following are the recommendations made by the presenters in Isiolo South Constituency. The recommendations were collated around 43 areas of concern, from the Preamble to National integrity/identity. Only areas where recommendations were made in the constituency are covered. The numbers in parentheses represent the number of times the recommendation (bulleted) was made, either orally or through written memoranda. Each count on a specific recommendation was picked from an individual, a group or an organization. Where a presenter made different recommendations on the same area of concern, each recommendation was counted separately. Where no number appears in parentheses, the recommendation was made only once.

#### 5.3.1. PREAMBLE

- The preamble should be simple and clear.
- The preamble should reflect religious rights and represents all citizens equally irrespective of their faith
- The preamble should state that Kenya shall always be a multi party state.

#### 5.3.2. DIRECTIVE PRINCIPLES OF STATE POLICY

- The constitution should provide that the law shall apply in a non-discriminatory manner to all Kenyans
- The constitution should promote Kenyan values nationally ie sport, education, politic and social events

#### 5.3.3. CONSTITUTIONAL SUPREMACY

- The constitution should provide that a constitutional amendment shall only be through a public referendum.
- The constitution should provide that parliament should only be allowed to amend the constitution with 75% majority vote
- The constitution should provide that amended should be by 85% majority votes (2)
- The constitution should provide that amendment should be by 65% majority votes
- The constitution should provide that parliament should have the limited power in amending the constitution (3)
- The constitution should provide that parts of the constitution affection ones religious rights should never be amended by parliament
- The constitution should provide that the electoral process, basic rights, executive authority and security of tenure for constitutional offices should not be amended by parliament
- The constitution should provide that some parts of the constitution should be beyond parliaments amendment
- The constitution should provide that Kenyans should be involved in amending constitution through a referendum (4)
- The constitution should provide that the electoral commission should conduct the referendum
- The constitution review commission should conduct the referendum
- The constitution should provide that a constitutional amendment shall only be by a majority of eighty five percent after consultation with NCCK, SUPKEM and LSK.

#### 5.3.4. CITIZENSHIP

- The constitution should confer to all persons born in Kenya automatic citizenship.
- The constitution should provide that a person born in Kenya should be an automatic citizen (3)
- The constitution should provide that citizenship can be acquired by birth, naturalization and registration (4)
- The constitution should provide that spouses of Kenyan citizens regardless of gender should be automatic citizens (5)
- The constitution should provide that a child born of one Kenyan parent regardless of gender should be automatic citizen (3)
- The constitution should provide for equal right and benefit to all citizens regardless of gender
- The constitution should provide that citizens should be protected
- The constitution should provide that the citizens should be protected regardless of the manner in which they acquired citizenship
- The constitution should provide for dual citizenship.
- The constitution should confer automatic citizenship to all persons legally married to a Kenyan citizen irrespective of gender.
- The constitution should provide that proof of citizenship shall be by way of National identification cards, birth certificates and passports.(7)
- The constitution should confer automatic citizenship to all persons who have stayed in Kenya for a continuous period of five years.
- The constitution should abolish the use of ethnic/tribal references in government records especially during registration of persons.
- National Identity Cards should be replaced by passports which should be a right to every Kenyan.
- The constitution should provide for passports and national identity cards be obtained with less formalities.
- The constitution should guarantee provision of national identity cards and passports without discrimination.

#### 5.3.5. **DEFENCE AND NATIONAL SECURITY**

- The constitution should provide that powers to discipline forces shall stem from the constitution.
- The constitution should establish the disciplined force
- The constitution should provide that the armed forces should be loyal to the constitution
- The constitution should provide that the armed forces should be disciplined by the law court of Kenya like all ordinary citizens
- The constitution should provide that parliament should make laws for the armed forces and establish a martial court to discipline them
- The constitution should provide that the president should not be the commander in chief of the armed forces
- The constitution should provide that the president should be the commander in chief of the armed forces
- The constitution should provide that parliament should have the exclusive power to declare war
- The constitution should provide that the power to declare war should be shared between the legislature and executive
- The constitution should not permit the use of extraordinary powers in emergency situation

- The constitution should permit the use of extraordinary powers in emergency situation
- The constitution should provide that parliament should permit use of extra ordinary power in emergency situation
- The constitution should provide that the executive should invoke emergency power but should be vetted by parliament
- The constitution should provide that parliament should be vested with authority to invoke emergency powers
- The constitution should provide that parliament shall be granted powers to declare war.
- The constitution should provide that the police force be replaced with armed watchmen.
- The constitution should provide that members of the Administration police shall be selected from the local communities where they are to be stationed.
- The constitution should provide that the Government be shall be obliged to compensate for acts done or negligence of its security agents.
- The constitution should guarantee remuneration of home guards and their compensation in the case of injury or death while in line of duty.
- The constitution should provide that all firearms in the hands of civilians shall be confiscated.
- The constitution should guarantee confiscation of illegal fire arms to safeguard security in pastoral nomadic areas.
- The constitution should guarantee government compensation to the victims of the war
- The constitution should guarantee government compensation to those detained in concentration camps in the 1960s
- The constitution should provide for policemen not to arrest and search without a warrant designated for that purpose
- The constitution should provide for security be enhanced by licensing of firearms
- The constitution should provide that firearms be legalized without stringent measures for people in the insecurity prone areas
- The constitution should give power to parliament power to declare war.
- The constitution should provide that the minister of defense shall be the Commander in chief of the armed forces
- The constitution should curtail the duties of the president to include only that of Commander in Chief of the armed forces.
- The constitution should provide that the prerogative of declaring a state of emergency shall be exercised by the president.
- The constitution should provide for disciplining of police officers by a body consisting of civilians.

#### 5.3.6. **POLITICAL PARTIES**

- The constitution should limit the number of political parties in the country to 2: the ruling party and the opposition party.
- The constitution should provide that political parties should educate the public on the right of citizenship
- The constitution should provide that the constitution should regulate the formation, management and conduct of political parties
- The constitution should provide that political parties funds should be audited and accounted for
- The constitution should provide that the government and political parties should be separate entities

- The constitution should provide that the political parties and state should relate to one another
- The constitution should limit the number of political parties in the country to 3.(2)
- The constitution should limit the number of political parties in the country.
- The constitution should provide for public funding of all political parties.
- The constitution should provide that all political parties shall be guaranteed registration.

### 5.3.7. **STRUCTURES AND SYSTEMS OF GOVERNMENT**

- The constitution should provide for a parliamentary system of government with a prime minister and retention of the post of presidency.
- The constitution should provide that presidential system of government should be retained
- The constitution should provide that the president should be ceremonial
- The constitution should provide that the prime minister should head the government
- The constitution should provide that prime minister should run the state and deputy prime minister should be a Muslim
- The constitution should provide that a federal system of government should be adopted with a prime minister running the affairs and the president remaining ceremonial
- The constitution should provide that the federal system of government should be adopted
- The constitution should provide that there should be devolved structures of the government to regional units
- The constitution should address the supervision of governance by citizens
- The constitution should provide that the post of VP should be given to Muslim
- The constitution should provide that the Ag should be appointed d by parliament
- The constitution should provide for an executive prime minister and a ceremonial president.
- The constitution should provide for a system whereby if a president is a Christian, the prime minister is a Muslim and vice versa.
- The constitution should provide for a form of Government that enhances African traditions.
- The constitution should provide for a Majimbo form of government, as it will bring the government closer to people.
- The constitution should provide for a Majimbo system of government. The sub-national units should correspond to the boundaries of current provinces.
- The constitution should provide for decentralization of Government ministries.
- The constitution should provide that if the president is a Muslim, the Vice president shall be a non-Muslim and vice versa.
- The constitution should provide for creation of a post of prime minister.

### 5.3.8. **THE LEGISLATURE**

- The constitution should provide for a two-chamber parliament. The upper house and the lower house.
- The constitution should provide that all appointment should be vetted by parliament
- The constitution should provide that parliament should appoint chief justice and justice
- The constitution should provide that appointment should be vetted by parliament
- The constitution should provide that parliament should have its own calendar
- The constitution should provide that parliament should have unlimited procedures
- The constitution should provide that parliament's quorum should be increased from 30 % to 60%
- The constitution should provide that parliament should not have unlimited control of its

own procedures

- The constitution should provide that the age requirement for the president should be over 45 years of age
- The constitution should provide that the age requirement for voting and contesting parliamentary seats should be above 18 years of age and 35 years of age respectively
- The constitution should provide that parliamentary candidates should have O level of educational qualification
- The constitution should provide that parliamentary candidates should be graduates from recognized universities
- The constitution should provide that parliamentarian should pass moral and ethical tests(4)
- The constitution should provide for the abolition of nomination of MPs and instead increase the number of constituencies.
- The constitution should provide that the concept of nominated MPs should be scrapped
- The constitution should provide that nominated MP seats should be given to special interest groups
- The constitution should provide that the concept of nominated Mps should be retained
- The constitution should provide that 33% of the seats in parliament should be held by women
- The constitution should provide for a coalition government (3)
- The constitution should provide that multiparty should be represented at both level of the government (2)
- The constitution should provide that there should be two house in parliament (2)
- The constitution should provide that there should be only one house in parliament
- The constitution should provide that the Chief Kadhi shall be an ex officio member of parliament and cabinet.
- The constitution should provide that an MP shall serve for only a term of two and a half years and then retire.
- The constitution should provide for an MP to be a full time job.
- The constitution should give electorate power to remove MPs who don't visit their constituencies for a period of more than 8 months.
- The constitution should give Parliament autonomy, which should not be vetted by the president.
- The constitution should provide for an independent commission to decide on the salaries of MPs.
- The constitution should provide that Mp should not determine their own salaries
- The constitution should provide that the ministry of labor should determine the salaries and benefit of MPs
- The constitution should give Parliament power to control its own calendar.
- The constitution should give parliament power to create and abolish ministries.
- The constitution should give parliamentary committees the power to prosecute.
- The constitution should give voters the right to recall non-performing MPs by way of petition, referendum or collection of a required number of signatures from the MPs constituency.
- The constitution should provide that MPs shall have public offices in their constituencies with specified days to meet constituents.
- The constitution should provide that MPs shall have a minimum academic qualification of a university degree.

- The constitution should give citizens power to pass a vote of no confidence against members of parliament.
- The constitution should provide that parliament should have power to remove executive through a vote of no confidence (3)
- The constitution should provide that the president should not have to veto legislation in parliament (3)
- The constitution should provide that legislature should have the power to override the president veto
- The constitution should provide that the president should have the power to dissolve that parliament
- The constitution should provide that the president should not have the power to dissolve parliament
- The constitution should provide for a quorum in parliament to be 60 per cent.
- The constitution should provide for proficiency language test for MPs to be replaced by an aptitude test.
- The constitution should provide that MPs shall be removed by a resolution of two thirds of the electorate on grounds of non-performance within five years of a single term.
- The constitution should provide for nomination of parliamentary seats be reserved for minorities and groups such as the youth and women.
- The constitution should abolish nomination of MPs.

#### 5.3.9. **THE EXECUTIVE**

- The constitution should provide that the representation of Muslims in the cabinet shall not to be less than six.
- The constitution should provide that the representation of Muslims in the cabinet shall not be less than a third of the total.
- The constitution should provide that the president shall be subject to the law.
- The constitution should limit the powers of the president.(5)
- The constitution should provide for establishment of a province comprising of Isiolo, Marsabit and Moyale.
- The constitution should provide that the president shall serve a maximum two five-year terms.
- The constitution should provide a minimum qualification of a university degree for a presidential candidate.(2)
- The constitution should provide that the presidential tenure should be two terms of five years each (3)
- The constitution should provide the functions of the president should be fixed on the constitution
- The constitution should provide for the removal of president from office due to misconduct (2)
- The constitution should provide that the president should attend parliament
- The constitution should provide that the president shall not be an elected MP.(4)
- The constitution should abolish department of Administration police and retain Chiefs and their assistants.
- The constitution should provide for a structure of government which has a president, vice president and prime minister.
- The constitution should provide that the president shall be assisted by a prime minister in running the country.

- The constitution should provide that Isiolo be Provincial headquarters of Isiolo, Marsabit and Moyale.
- The constitution should provide that the president shall have a minimum age of 45 years.
- The constitution should give Chiefs and their assistants more power.
- The constitution should abolish provincial administration and replace it by a council of elders.
- The constitution should provide that all ministries shall have departments at the county council level.
- The constitution should provide remuneration to council of elders who assist provincial administration.
- The constitution should provide for retention of district boundaries as they were in the pre-independence period.
- The constitution should provide for renaming of Isiolo district to Boran district.
- The constitution should make provisions for the overhaul of the provincial administration to ensure its efficiency.
- The constitution should abolish the provincial administration structure of government.(4)
- The constitution should abolish provincial administration and give provision to channel funding of provincial administration to other departments.
- The constitution should provide for the election by popular vote of provincial administration officials.
- The constitution should provide that the provincial administration shall be abolished and its role shall be taken over by the local government.
- The constitution should provide that provincial administration officers be elected by popular vote.
- The constitution should provide that the Chief and the Assistant Chief be elected by popular vote by members of the respective administrative location.
- The constitution should provide that the minimum qualification of Chief and Assistant Chief be secondary school certificate.
- The constitution should provide for rationalization and reduction in number of ministries in order to provide services effectively.
- The constitution should provide for a Ministry of Constitutional Affairs, to oversee the implementation of the constitution.
- The constitution should provide that mufti and chief kadhi should be included in the cabinet
- The constitution should provide for the decentralization of ministries
- The constitution should provide that ministerial post should be reduced to a manageable size of 16
- The constitution should provide that most ministerial post should be given to the Muslim because they are 1/3 of Kenyan population

#### 5.3.10. **THE JUDICIARY**

- The constitution should provide for the establishment of a constitutional court, which shall interpret the constitution.
- The constitution should provide that the judiciary should be independent and impartial
- The constitution should establish a supreme court
- The constitution should provide that the judicial officers should be appointed by parliament
- The constitution should provide for a parliamentary judiciary committee to vet

appointment and determine terms of service

- The constitution should provide that the judicial officers should have a degree in law
- The constitution should provide that all judges should have security of tenure
- The constitution should [provide that the work of kadhis should be extended to other work i.e. promote and propagate Islam
- The constitution should provide that kadhis should be a graduate in Islamic laws(3)
- The constitution should provide that Muslim judicial commission should be established d to appoint kadhis
- The constitution should provide that majlisul ulama should appoint kadhis and kadhis should appoint their deputies
- The constitution should provide that the Muslim community should appoint the kadhis
- The constitution should provide that chief kadhi and kadhis should be empowered to protect rights of Muslim children according to Islamic laws
- The constitution should provide that the Islamic court should handle criminal and civil matters
- The constitution should provide that the kadhis should protect the right of women and children with conformity with the teaching of Islam
- The constitution should provide that kadhis court should establish district kadhis court
- The constitution should provide that Muslims shall only be governed by Islamic sharia and not by secular laws
- The constitution should recognize the importance of the Kadhi's office to Muslims.
- The constitution should provide for removal of Kadhi's office from the Judicial Service Commission.
- The constitution should vest the Kadhi's court with both criminal and civil jurisdiction and should exclusively apply the Muslim Sharia law.
- The constitution should provide for the office of Mufti and government shall fund this. The office of the Mufti shall oversee the appointments of Kadhis.
- The constitution should strengthen African customary laws, which shall be applied in courts instead of foreign laws.
- The constitution should provide that the chief justice shall be appointed by parliament.
- The constitution should vest Kadhi's court an appellate jurisdiction (3).
- The constitution should provide Kadhi's court with the same jurisdiction as secular courts.(2)
- The constitution should give elders jurisdiction over criminal and civil cases.
- The constitution should conform to Sharia law.
- The constitution should provide for an appellate Kadhi's court, which shall hear appeals from lower Kadhi's court.
- The constitution should provide for a constitutional court, which shall enforce provisions of the constitution.
- The constitution should give council of elders' jurisdiction over petty cases.
- The constitution should give power to police to fine offenders caught committing petty offences.
- The constitution should give customary laws prominence in solving disputes in society.
- The constitution should provide for an independent court, which shall try civil servants and other public servants for illegal acts done while in office.

### **5.3.11. LOCAL GOVERNMENT**

- The constitution should provide that all elective positions in the local government,

including the position of the mayor and the chair of the County Council, be filled by direct popular elections.

- The constitution should provide that mayors and council chairmen should be elected directly by the people (4)
- The constitution should provide that the mayor and the chair person tenure of office should be 5 years (3)
- The constitution should provide that the local authority should manage their own affairs (4)
- The constitution should provide that people should have the power to recall their councilor in case of inefficiency, corruption or immorality (4)
- The constitution should provide that the regional assembly should determine the remuneration of the councilors
- The constitution should provide that the ministry of local government should determine the salaries of the councilors
- The constitution should provide that Councilors shall have a minimum of secondary school certificate education. (5)
- The constitution should provide that councilors should pass an aptitude exam common to all Kenyans
- The constitution should provide that councilors should pass through the moral and ethical tests
- The constitution should provide that councilors should declare their wealth and be of good conduct
- The constitution should provide that all local county councils are funded by the government to ensure the provision of essential services.
- The constitution should give local authorities more power.
- The constitution should provide that chairpersons/mayors be holders of a university degree.
- The constitution should abolish nomination of councilors and instead increase the number of wards.
- The constitution should give mayors and councilors limited executive power.
- The constitution should provide for the funding of Local authorities by the central government.
- The constitution should abolish nomination of councilors.
- The constitution should provide that nominated councilors should be people from special groups/ vulnerable groups such as disabled
- The constitution should provide that the concept of nominated councilors should be retained
- The constitution should provide that the by laws should govern the conduct of the councilors
- The constitution should provide that the regional assembly should be dissolved

#### 5.3.12. **THE ELECTORAL SYSTEM AND PROCESS**

- The constitution should provide that votes be counted at the polling stations.
- The constitution should provide that the culture of defection where a failure in one party seeks nomination with another party should be abolished (2)
- The constitution should provide that defection to any political party should be allowed on written notice
- The constitution should provide that card for voting should be either national card or

passport

- The constitution should provide that ballot boxes should be made transparent
- The constitution should provide that there should be a limit of money used to campaign
- The constitution should provide that the electoral process and election dates should be specified and not used as a secret weapon
- The constitution should provide that the president election should be conducted by an electoral college
- The constitution should provide security during nomination, campaign and election period to protect candidates from physical harm
- The constitution should provide that 13 of election commission should be women
- The constitution should provide that the electoral commission should be independent
- The constitution should provide that votes should be conducted at the polling station and result announced immediately
- The constitution should provide that the current constituency and ward boundaries should be left the way they are
- The constitution should provide that Presidential, Parliamentary and civic elections be held on separate dates.(3)
- The constitution should provide that members of Electoral Commission be appointed directly by citizens.
- The constitution should provide that electoral commissioners shall be appointed by religious bodies and holders be people of integrity
- The constitution should provide that ballot boxes be transparent.
- The constitution should provide for abolition of defections from one party to another when elections are impending

### 5.3.13. **BASIC RIGHTS**

- The constitution should guarantee the protection of the human rights of all Kenyans.
- The constitution should guarantee all person right adequately and free from every form of discrimination
- The constitution should provide that citizens should have rights to freedom of worship, movement, assembly and freedom of speech (3)
- The constitution should provide that Muslim who are civil servants should be granted leave when their husbands die because they are in the eddat period of 4 months and 10 days
- The constitution should provide that death penalty should be abolished (3)
- The constitution should protect all communities form insecurity health care and employment
- The constitution should provide that all children should have protection of healthcare and education
- The constitution should guarantee all basic rights such as health care, water, food, education, shelter, security and employment to all Kenyans (2)
- The constitution should protect security
- The constitution should provide that everyone should be involved in trying to achieve integral human development and ensure that every person seek fulfillment
- The constitution should provide that the government should ensure all Kenyan enjoy basic right like security, healthcare, water, education, shelter, food and employment
- The constitution should provide that free education
- The constitution should improve the level of nutrition
- The constitution should provide that Muslim women who are civil servant when their

husband dies they should be considered for a leave with salary because they are on their eddat period of 4 months and 10 days

- The constitution should provide that Muslim civil servants should be granted a leave during the holy month of Ramadan and pilgrimage
- The constitution should provide that the government should pay women and children up to 17 years of age
- The constitution should provide free healthcare
- The constitution should provide that the state should provide security
- The constitution should provide that the state should provide clean water to all citizens
- The constitution should provide that there should be a right to employment
- The constitution should provide that free education for all Kenyans children up to secondary level
- The constitution should provide that education should be free
- The constitution should provide that education should be compulsory for all children
- The constitution should provide that the government should provide free compulsory and free education from nursery to university
- The constitution should be written in English and Kiswahili
- The constitution should be accessible to the public, school curriculum, museums and information office and distributed free of charge and sold in bookshops
- The constitution should provide that Kenyans should have access to information both local and internationally
- The constitution should guarantee a pension scheme for all Kenyans.
- The constitution should provide that all citizens shall have legal standing to sue the Government following an abridgement of personal security
- The constitution should guarantee use of personal radio calls.
- The constitution should guarantee compensation to all Kenyans before retrenchment.
- The constitution should guarantee clean water and good infrastructure to all Kenyans.
- The constitution should guarantee the freedom of worship to all Kenyans.
- The constitution should provide that the Koran shall only be handled by Muslims
- The constitution should provide that Friday shall be a holy day of worship for Muslims and it shall be respected so by employers and institutions of learning
- The constitution should provide for the freedom of movement.
- The constitution should guarantee a passport for all, free of charge.
- The constitution should provide for the protection of all Kenyans from torture and intimidation.
- The constitution should guarantee the security of all Kenyans.
- The constitution should provide for free and compulsory formal education up to university level.
- The constitution should provide for free basic health care for all in both rural and urban areas.
- The constitution should guarantee every Kenyan, basic food, clothing and shelter.
- The constitution should guarantee every Kenyan, equal and non-discriminative treatment by the law irrespective of gender, ethnic or racial background.
- The constitution should guarantee all Kenyans the right to information.
- The constitution should guarantee the protection of workers from intimidation by employers.
- The constitution should provide workers with the right to industrial action.
- The constitution should abolish the death penalty for other offences but shall retain for

murder.

- The constitution should provide for pension benefits be a constitutional right.
- The constitution should provide for the welfare of workers in hardship zones be adequately taken care of.
- The constitution should guarantee solution to the food situation among nomadic pastoral reliance on relief food.
- The constitution should guarantee death penalty for offenders who defile minors.
- The constitution should provide that civic education shall be taught in schools.

#### 5.3.14. **THE RIGHTS OF VULNERABLE GROUPS**

- The constitution should provide for government rehabilitation of street children.
- The constitution should provide that people with disabilities should have the right to protection and respect for their human dignity
- The constitution should provide that the needs for those who suffer from visual impairment, hearing and speech loss and physical impairment should be addressed
- The constitution should provide that people with disability should be given special treatment
- The constitution should guarantee security for pastoral nomads.
- The constitution should guarantee licensing of fire- arms to pastoral nomads.
- The constitution should guarantee safeguarding of the interests of the minority groups by special mechanisms enacted in the constitution.
- The constitution should guarantee nomination of MPs and councilors from minority group, women and youth groups.
- The constitution should guarantee issuance of passports to nomadic pastoralist enabling them to move from one district to another with their livestock.
- The constitution should guarantee the rights of women as stipulated in the African customary law.
- The constitution should guarantee and protect the right of children
- The constitution should provide that children should have a right to proper nutrition, shelter, healthcare education and social services
- The constitution should provide that children should b protected form child labor
- The constitution should provide that the interest of girl child, unemployed people living with aids and pastorolist should be included in the constitution
- The constitution should provide that marginalized communities are vulnerable groups
- The constitution should provide that minority groups should have a right to visa
- The constitution should make provision for affirmative action for women, Muslim minority pastoralist disabled and children
- the constitution should provide that there should be special room for jailed Muslims and praying place provided for them(2)
- The constitution should provide that the right of prisoners should be included in the constitution
- The constitution should provide for a fund to cater for disabled interests.
- The constitution should guarantee equality in-terms of gender when recruiting persons in public service.
- The constitution should guarantee free education for girl children from poor backgrounds.
- The constitution should guarantee girl child education from pastoral communities.
- The constitution should guarantee special consideration to vulnerable groups such as pastoral nomads in allocation of national resources.

- The constitution should guarantee free education to all pastoral communities and special consideration in granting job opportunities.
- The constitution should protect the education of the Girl child.
- The constitution should guarantee equal education opportunities for all Kenyan children
- The constitution should guarantee that all suspects are not harassed or punished in police cells
- The constitution should provide affirmative action for empowerment of pastoral nomads.
- The constitution should provide for the disabled to be given equal opportunities and special attention in government.

#### 5.3.15. **LAND AND PROPERTY RIGHTS**

- The constitution should guarantee replacement of trust lands in the former North frontier districts by a community land system with each division with its title and boundary.
- The constitution should provide that the local community should have ultimate land ownership (4)
- The constitution should provide that all public utility land should be protected and any that has been grabbed should be returned
- The constitution should provide that the government should not have power to acquire private land belonging to a community
- The constitution should provide that land issues should be handled by the local council and not the commissioner of land
- The constitution should provide that the local authority, state, and the government should be vested with the power to control
- The constitution should provide that the government should control use of land by owner
- The constitution should provide that the immediate family member should inherit the land through consultation of the legal authorities
- The constitution should provide that title deeds should bear the names of the husband and the wife
- The constitution should provide that land should be inherited by the community
- The constitution should provide that no individual should own more than 100 acres of land and those currently owning should sell the excess to the state for distribution to the Kenyans who are landless
- The constitution should provide that there should be a ceiling on land owned by individual less than 30 acres
- The constitution should provide that there should be restriction on land ownership by non citizens
- The constitution should provide that men and women should have equal access to land (2)
- The constitution should provide that pastoralist communities should be retained in their grazing blocks established in the colonial boundaries for the purpose of eradication cattle rustling, livestock disease and grazing
- The constitution should provide that the pre- colonial land treaties and agreements should not be retained
- The constitution should provide that Kenyan should have a right to own land anywhere without restrictions (4)
- The constitution should guarantee access to land for every Kenyan anywhere in the country (3)
- The constitution should provide that the trust land act should be abolished(3)
- The constitution should guarantee issuance of title deeds to nomadic communities.

- The constitution should guarantee maintenance of district boundaries as they were in 1953.
- The constitution should grant clan elders power to manage communal land and its resources, instead of local authorities.
- The constitution should provide for the adjudication of land in pastoral nomadic areas.
- The constitution should provide that the office of Commissioner of lands shall not issue title deeds of trust land without consulting inhabitants of the area.
- Security of tenure in land should be conferred to pastoralists in respect to the lands they occupy.

#### 5.3.16. **CULTURAL, ETHNIC, REGIONAL DIVERSITY AND COMMUNAL RIGHTS**

- The constitution should provide for the freedom of ethnic practices as long as they are not repugnant to morality and natural justice.
- The constitution should appreciate the diverse nature of our people's cultural background
- The constitution should provide that Muslims should be allowed to dress according to Islamic laws
- The constitution should provide that all forms of creativity including science and cultures should be encouraged
- The constitution should protect school girls from being married
- The constitution should provide that Kiswahili should be a national language
- The constitution should recognize and promote local languages
- The constitution should provide recognition to the Watta tribe as different from the Boran tribe.
- The constitution should guarantee hunting of wild animals for domestic consumption to Watta tribe as this is part of its traditions.
- The constitution should provide for separate jails and places of worship for Muslim convicts.
- The constitution should provide for public holidays for Islamic days of celebrations.
- The constitution should provide for abolishment of bars and night clubs in Muslim dominated areas.
- The constitution should provide that Islamic NGOs shall be exempt from tax exemption during the holy month of Ramadhan period while providing relief food.
- The constitution should guarantee
  - Exemption from tax payment by Muslims as they pay Zakat (alms).
- The constitution should provide for the adoption of lower mean grades in admission to public universities for students from hardships areas
- The constitution should guarantee the practice of Female Genital Mutilation where customs of a community demand.
- The constitution should abolish the practice of Female Genital Mutilation.
- The constitution should guarantee pastoralists transfer of livestock freely.
- The constitution should protect Child rights especially the right not to be forced into an early marriage.

#### 5.3.17. **MANAGEMENT AND USE OF NATIONAL RESOURCES**

- The constitution should provide for equitable distribution of national resources.(3)
- The constitution should provide that parliament should be empowered to control raising of revenue, management and distribution of finances and human resources
- The constitution should provide that a commission should be established to raise and

manage both financial and human resources

- The constitution should provide that parliament should approve all the expenditure of both houses in parliament
- The constitution should provide that 75% of the total value of the benefit derived from the natural resources should be owned by communities living in such areas (2)
- The constitution should provide that PAC and PIC should play role to ensure that controller and auditor general findings and recommendations are fully debated by parliament and implemented by executive
- The constitution should provide that cabinet minister should be appointed on the basis of qualification and merit
- The constitution should provide that member of PSC should be appointed by the head of government and approved by parliament
- The constitution should provide that PSC should be devoid of corruption and work independently of all forms of interference
- The constitution should provide that all government services and facilities be accessible to all Kenyans without discrimination.
- The constitution should give the offices of the Auditor General and Controller General power to prosecute.
- The constitution should give office of Controller and Auditor-general exclusive right to prosecute those who embezzle public funds
- The constitution should compel those who plunder public funds to pay back.
- The constitution should provide that public officers convicted of corruption shall also be made to repay the full amount of monies embezzled.
- The constitution should provide that all appointments to civil service must be based on merit.
- The constitution should that professionals such as doctors shall not vie for elective but shall instead be fully deployed in their professional duties.
- The constitution should provide for the establishment of mobile schools to cater for the special need of pastoral nomads.
- The constitution should provide that retirees from public offices shall not be appointed to hold office.
- The constitution should provide that Islamic education shall be taught in all public schools up to university level.
- The constitution should provide that the government shall allocate funds to the civil society from the national budget.
- The constitution should provide for strict enforcement of employment on merit in all public institutions.
- The constitution should provide that the Government shall recognize certificates awarded by Islamic institutions
- The constitution should guarantee availability of health facilities at sub-locational level.

#### 5.3.18. **ENVIRONMENTAL AND NATURAL RESOURCES**

- The constitution should provide that communities be given first preference in benefiting from local natural resources.
- The constitution should provide that environmental protection issues should be included in the constitution
- The constitution should protect the environment from charcoal burning, overgrazing, artillery practices of foreign and the armed forces in grazing areas

- The constitution should provide that natural resources should be owned by the state but entrusted to the community
- The constitution should provide that natural resources should be owned by the community (2)
- The constitution should provide that local communities should be in the fore front in protecting and utilizing these natural resources for their own benefit (3)
- The constitution should provide that strategic forest that fall in water catchment areas, minerals and key water bodies i.e. ocean lakes and rivers should be protected by the constitution
- The constitution should provide that local communities should be responsible to manage local resources at their respective community level
- The constitution should provide that by establishment of natural resources management and protection board
- The constitution should provide that citizens be protected from wild animals.
- The constitution should provide that inhabitants of areas where natural resources such as minerals shall own and control them.
- The constitution should provide for protection of water catchment's areas.
- The constitution should provide for restoration of any derelict land by the investors undertaking mining projects.
- The constitution should provide for effective conservation of water resources in River Ewaso Nyiro.

#### 5.3.19. **PARTICIPATORY GOVERNANCE**

- The constitution should provide for the participation of religious organizations in governance.
- The constitution should provide that civil society organization should be protected from interference
- The constitution should address the issues of funding of civil society organization
- The constitution should provide that the state should guarantee Muslim media coverage for the teaching of Islam
- The constitution should provide that the media should be registered and nationalized
- The constitution should provide for equal participation by women citizens in all political, social and religious activities
- The constitution should include women in decision making at all level from grass roots to the natural
- The constitution should provide that women should not be leaders
- The constitution should include persons with disabilities in decision making at all level
- The constitution should include the youth in decision making at all levels
- The constitution should include minority groups in decision making at all levels
- The constitution should include that elderly in decision making at all levels
- The constitution should provide that Muslim should be represented in key position in government
- The constitution should provide that the constitution shall be rendered in pocket size and given to every Kenyan
- The constitution should provide that Non Governmental Organizations shall be controlled by the government.
- The constitution should guarantee the freedom of the press.
- The constitution should provide freedom and protection of all religious groups.

- The constitution should bar women from contesting for elective posts such as the presidency, parliamentary and civic education.

#### 5.3.20. **INTERNATIONAL RELATIONS**

- The constitution should guarantee constitutional human rights shall be in line with instruments adopted by the United nations on human rights

#### 5.3.21. **CONSTITUTIONAL COMMISSIONS, INSTITUTIONS AND OFFICES**

- The constitution should provide that constitutional commissions shall be set up by parliament or with the approval parliament.
- The constitution should establish the majlisul ulama with a mufti to protect the rights of Muslim women and children
- The constitution should establish the office of the ombudsman
- The constitution should establish a national gender and development commission
- The constitution should establish an independent anti corruption commission
- The constitution should establish a land commission
- The constitution should provide for a Muslim Judicial Commission, which shall be bestowed, with powers of appointing Kadhis.
- The constitution should provide that a Truth and Reconciliation Commission shall be set up to provide conciliation and compensation for past injustice on innocent people.
- The constitution should provide that there shall be a Commission to cater for women and orphans.
- The constitution should provide for a Complaints Committee, which shall be a forum in which citizens can raise complaints against the government of the day.
- The constitution should provide for a Civilian Commission that shall hear complains leveled against the police.
- The constitution should provide for a board concerned with livestock and their products, including marketing of livestock and related products.
- The constitution should provide for the establishment of a parliamentary complaints committee to hear complaints of constituents

#### 5.3.22. **SUCCESSION AND TRANSFER OF POWER**

- The constitution should scrap immunity from prosecution of former presidents.
- The constitution should provide that the judiciary should be in charge of executive powers during presidential election
- The constitution should provide that the electoral commission should declare the presidential election results
- The constitution should provide that the incoming president should assume office immediately after the results
- The constitution should provide that the judiciary should swear in the incoming president
- The constitution should provide for security for a former president
- The constitution should provide for welfare for a former president
- The constitution should provide that the president should not be given immunity from legal process

#### 5.3.23. **WOMENS RIGHTS**

- The constitution should provide for non-discrimination of women in inheritance matters.
- The constitution should guarantee remedies on injustices meted on women.
- The constitution should guarantee a mourning leave period of at-least 4 months to widows who work in the public service.
- The constitution should guarantee that incase of divorce, girl children be under the custody of their mother until attainment of maturity age.
- The constitution should provide that women should be protected taking into account their natural maternal function in the society
- The constitution should provide that women should have the right to inheritance
- The constitution should provide that all Kenyans should have the right to own and hold property irrespective of gender or marital status
- The constitution should provide that female offspring regardless of marital status should be entitled to inherit family property without discrimination
- The constitution should girls should be allowed to get married even when they are in school
- The constitution should provide that the minimum age for marriage should be 18 years
- The constitution should provide for stiff penalties for men marrying under age girls.
- The constitution should provide for protection of unmarried women against all forms of gender abuse.

#### 5.3.24. **NATIONAL OTHER POLICY**

- The constitution should provide that firearms should be provided to pastoralist for protection against rustlers
- The constitution should provide that all corruption offender should pay up funds taken
- The constitution should spell disciplinary measures on those who participate in corruption
- The constitution should provide for stiffer penalties on those who practice corruption.

#### 5.3.25. **SECTORAL POLICY**

- The constitution should provide that pastoralist livestock should be promoted and marketed
- The constitution should provide that livestock marketing board should be established
- The constitution should provide that admissions to government schools shall be strictly based on merit.
- The constitution should guarantee recognition of Islamic education as taught in the Madrasas by the Ministry of education.
- The constitution should provide for the remuneration of Islamic religion teachers from the public resources.
- The constitution should provide for the establishment of Islamic banks which shall safeguard deposits of Muslims and grant interest free loans.
- The constitution should provide for the establishment of public Islamic universities.
- The constitution should guarantee a market for livestock and their products in the former Northern Frontier districts.
- The constitution should provide that pastoral nomads shall only graze in their district
- The constitution should guarantee secure basic infrastructures such as roads and bridges to facilitate free movement of livestock and people
- The constitution should guarantee establishment of public universities and schools in all provinces equitably.
- The constitution should guarantee issuance of certificates to madrasa graduates.

- The constitution should guarantee allocation of special funds to Northern frontier districts by the ministry of education.
- The constitution should guarantee establishment of industrial plants to facilitate processing of livestock products.
- The constitution should provide for decentralization of national resources from urban to rural areas.
- The constitution should guarantee equal treatment of Kenyans in the marketing of their economic products.
- The constitution should provide that family planning be abolished.
- The constitution should provide for the abolishment of livestock quarantine to facilitate free movement of livestock.
- The constitution should guarantee reduced entry point to university for students from pastoral nomadic areas.
- The constitution should provide that appropriate land management policies should be development for sustainable livestock
- The constitution should provide that livestock and livestock products should be marketed outside Kenya
- The constitution should provide that livestock market should be established in pastoral areas and factories for livestock product
- The constitution should provide that Islamic education should be recognized and approved by the ministry of education
- The constitution should provide that Islamic education should be taught in schools
- The constitution should provide that there should be cost sharing in higher education and public universities
- The constitution should provide that bursaries should be issued to girls to enable them to facilitated and meet quota system of education
- The constitution should provide that tertiary colleges should be established for minority groups
- The constitution should revert to the 7-4-2-3 system of education
- The constitution should provide that taxes should be removed for it does not serve the purpose and it is against the Islamic laws
- The constitution should provide that Islamic banking system should be established and Muslims should be considered for loans without interest because interest is haram according to Islam laws
- The constitution should provide that Islamic laws should be established
- The constitution should provide that international banks should operate with accordance to Islamic laws
- The constitution should provide that the government should set up savings an credit interest free banks in pastoral areas
- The constitution should improve the standard of public health to enable them attain self fulfillment
- The constitution should provide security to tourists
- The constitution should provide that the state should protect mineral from exploration excavation
- The constitution should provide that transport and communication should be improved
- The constitution should that wildlife should be protected from poacher
- The constitution should provide that damages cause by the wildlife to the communities around wildlife should be compensated

- The constitution should provide that parks should be protected and fenced to avoid attacks to the nearby communities
- The constitution should provide for the establishment of disaster funds.
- The constitution should provide for waiver of taxes on relief aid foodstuffs.
- The constitution should provide for compensation to a tune of Ksh 2 Million for a life lost and 4 million for disability caused by attacks from wild animals.

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#### 5.3.26. **NATIONAL**

- The constitution should provide that the government should compensate the victims of wagalla massacre
- The constitution should guarantee compensation for land set aside for Meru national park.
- The constitution should guarantee substantial assistance from the government's tourism revenue to Watta tribe.
- The constitution should guarantee pastoral communities market for livestock and their products.
- The constitution should guarantee ownership of minerals and other resources found in land to the occupant.
- The constitution should provide that 85 percent of revenues from tourism shall be given to pastoralists
- The Islamic dress code should be adopted as the national dress code

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#### 5.3.27. **STATUTORY LAWS**

- The constitution should ban all alcoholic drinks.
- The constitution should provide for the proscription of Miraa/ Khat as an illegal drug

#### 5.3.28. **CUSTOMARY LAW**

- The constitution should provide that bars, night clubs should be abolished and prohibited in Muslim dominated area
- The constitution should provide that indemnity act should be removed

#### 5.3.29. **ISLAMIC LAW**

- The constitution should make provision for Islamic laws application
- The constitution should uphold the right stated in the Islamic laws which is considered divine
- The constitution should provide that the Islamic system of inheritance should be entrenched
- The constitution should provide that constituencies should prohibit bars from Muslim dominated residential areas
- The constitution should have provision for application of Islamic laws over common laws

#### 5.3.30. **COMMON GOOD**

- The constitution should provide that when property is by community members of that community should have the right to decide on the use or disposal of that property guided by collective interest and lifestyle

#### 5.3.31. **GENDER EQUITY**

- The constitution should provide that women should not be equal to men

#### 5.3.32. **ECONOMIC/SOCIAL JUSTICES**

- The constitution should provide that the state should compensate the victim of 1967 shifita wars (3)
- The constitution should provide that communities should be compensated for issuing land for the government benefits

#### 5.3.33. **TRANSPARENCY/ ACCOUNTABILITY**

- The constitution should provide books of account for local authority should be inspected after every six months

#### 5.3.34. **NATURAL JUSTICE/ RULE OF LAW**

- The constitution should provide that all citizen should be equal before that law regardless of gender or status
- The constitution should provide that there should be equality in Kenya

## **APPENDICES:**

### **Appendix 1: Members of the Constituency Constitutional Committee**

- |                            |          |
|----------------------------|----------|
| 1. Hon. Dr. Abdullahi Wako | MP       |
| 2. Abdullahi Dima Jillo    | DC       |
| 3. Abduba Molu Ido         | Chairman |
| 4. Cllr. Mohamed Noora     |          |
| 5. Sheikh Hussein Abdalla  |          |
| 6. Wako Kanchu             |          |
| 7. Abdi Guyo Sora          |          |
| 8. Rukia Wako Golicha      |          |
| 9. Mumina Gobo Halkano     |          |
| 10. Hawo Gonjobe Halake    |          |

### **Appendix 2: Civic education providers (CEPs)**

- Hussein Sora foundation
- Garbatulla Development office
- Garbatulla development organization
- Women access programme

**Appendix 3: Persons presenting memoranda and/or making oral submissions.**

1	0012OISEA	Abdirashid Ali	CBO	Oral - Public he	Kulamawe Self-Help Group
2	0001OISEA	Abdullahi Maalim Hussei	CBO	Memorandum	Modagashe Community
3	0005OISEA	Galgalo Titima	CBO	Written	Watta Dorobo
4	0004OISEA	Huka A.K.	CBO	Written	Garba Tulla Community
5	0006OISEA	Jamila Abdillahi	CBO	Written	Simba Women Group
6	0011OISEA	Mohamed Wako Saru	CBO	Oral - Public he	Kimna Resource Users Society
7	0008OISEA	Mumina Halkano	CBO	Written	MYWO Muslim Women
8	0002OISEA	Osman Ali	CBO	Written	Jericho Community
9	0005IISEA	A A Tacho	Individual	Written	
10	0017IISEA	Abdi Abei	Individual	Oral - Public he	
11	0042IISEA	Abdi Abkiyo	Individual	Oral - Public he	
12	0038IISEA	Abdi Diba	Individual	Oral - Public he	
13	0113IISEA	Abdi Dida	Individual	Oral - Public he	
14	0110IISEA	Abdi Duba	Individual	Oral - Public he	
15	0062IISEA	Abdi H. Mahad	Individual	Oral - Public he	
16	0050IISEA	Abdi Hajj G.	Individual	Oral - Public he	
17	0006IISEA	Abdirashid Kiri	Individual	Written	
18	0078IISEA	Abdow Galgalo	Individual	Oral - Public he	
19	0108IISEA	Abdulkadir Moh'd	Individual	Oral - Public he	
20	0026IISEA	Abdullahi Diba	Individual	Oral - Public he	
21	0044IISEA	Abdullahi Diba Dima	Individual	Oral - Public he	
22	0096IISEA	Abdullahi Gafarsa	Individual	Oral - Public he	
23	0019IISEA	Abdullahi H.N. Njobe	Individual	Oral - Public he	
24	0001IISEA	Abdullahi Rashid	Individual	Written	
25	0082IISEA	Adan Ali	Individual	Oral - Public he	
26	0012IISEA	Adan Denge Guracha	Individual	Written	
27	0059IISEA	Adan Turo Arifata	Individual	Oral - Public he	
28	0016IISEA	Aden Edin	Individual	Oral - Public he	
29	0035IISEA	Ahamed Shariff Hassan	Individual	Oral - Public he	
30	0104IISEA	Ahmed Noor	Individual	Oral - Public he	
31	0004IISEA	Anonymous	Individual	Written	
32	0022IISEA	Asna Issaa	Individual	Oral - Public he	
33	0072IISEA	Bala or Fugabo	Individual	Oral - Public he	
34	0032IISEA	Bidu Adi	Individual	Oral - Public he	
35	0076IISEA	Bonaya Racha	Individual	Oral - Public he	
36	0086IISEA	Boru Ali	Individual	Oral - Public he	
37	0045IISEA	Boru Bule	Individual	Oral - Public he	
38	0065IISEA	Bushar Babu	Individual	Oral - Public he	
39	0092IISEA	Cllr.Boru Dida	Individual	Oral - Public he	
40	0010IISEA	Cllr.Hassan Galma	Individual	Written	
41	0068IISEA	Daba Guyo	Individual	Oral - Public he	
42	0087IISEA	Dabaso Denge	Individual	Oral - Public he	
43	0114IISEA	Dandi G.	Individual	Oral - Public he	
44	0094IISEA	Dr.A.W. Sama	Individual	Oral - Public he	
45	0030IISEA	Faltuma Morsale Ibrahim	Individual	Oral - Public he	
46	0029IISEA	Fatuma Ali Aboi	Individual	Oral - Public he	
47	0023IISEA	Gabale Talacha	Individual	Oral - Public he	
48	0028IISEA	Gadale Wako Kaka	Individual	Oral - Public he	

49	0020IISEA	Gado Bila	Individual	Oral - Public he	
50	0107IISEA	Gala Suli	Individual	Oral - Public he	
51	0067IISEA	Galgalo Usa	Individual	Oral - Public he	
52	0095IISEA	Godo Jattani	Individual	Oral - Public he	
53	0047IISEA	Golombo Baite	Individual	Oral - Public he	
54	0106IISEA	Gonayo Sama	Individual	Oral - Public he	
55	0024IISEA	Guba Ele	Individual	Oral - Public he	
56	0036IISEA	Gugo H.	Individual	Oral - Public he	
57	0031IISEA	Gurach Boru	Individual	Oral - Public he	
58	0071IISEA	Habiba Godo	Individual	Oral - Public he	
59	0109IISEA	Hache Roba	Individual	Oral - Public he	
60	0073IISEA	Halima Ali	Individual	Oral - Public he	
61	0052IISEA	Hano Gonjobe	Individual	Oral - Public he	
62	0093IISEA	Haro Sime	Individual	Oral - Public he	
63	0085IISEA	Hassan Adan	Individual	Oral - Public he	
64	0058IISEA	Hassan G. Shano	Individual	Oral - Public he	
65	0061IISEA	Hassan Galgalo	Individual	Oral - Public he	
66	0043IISEA	Hassan Osman	Individual	Oral - Public he	
67	0091IISEA	Hon.Dr. Wako	Individual	Oral - Public he	
68	0089IISEA	Honso Bonaya	Individual	Oral - Public he	
69	0048IISEA	Huka Wako	Individual	Oral - Public he	
70	0049IISEA	Hussein Abdalla	Individual	Oral - Public he	
71	0081IISEA	Hussein Abdilafa	Individual	Oral - Public he	
72	0063IISEA	Hussein Boru	Individual	Oral - Public he	
73	0101IISEA	Hussein Madari	Individual	Oral - Public he	
74	0074IISEA	Hussein Roba	Individual	Oral - Public he	
75	0056IISEA	Ibrahim Abdi Kadir	Individual	Oral - Public he	
76	0054IISEA	Ibrahim Buke	Individual	Oral - Public he	
77	0025IISEA	Ibrahim Kanata	Individual	Oral - Public he	
78	0057IISEA	Isaak A.	Individual	Oral - Public he	
79	0070IISEA	Isaak Golo	Individual	Oral - Public he	
80	0111IISEA	Jarso Didicha	Individual	Oral - Public he	
81	0003IISEA	Jeylan Ali	Individual	Written	
82	0002IISEA	Joseph Samal Lomwa	Individual	Written	
83	0090IISEA	Kumbi Mamo	Individual	Oral - Public he	
84	0055IISEA	M. Abakula	Individual	Oral - Public he	
85	0027IISEA	Maalim Abdi Ali	Individual	Oral - Public he	
86	0037IISEA	Maalim Issack	Individual	Oral - Public he	
87	0080IISEA	Mohamed Abdulkadir	Individual	Oral - Public he	
88	0069IISEA	Mohamed Fobule	Individual	Oral - Public he	
89	0041IISEA	Mohamed Godana	Individual	Oral - Public he	
90	0079IISEA	Mohamed Guyo G.	Individual	Oral - Public he	
91	0051IISEA	Mohamed Jario	Individual	Oral - Public he	
92	0021IISEA	Mohamed Madera Boso	Individual	Oral - Public he	
93	0040IISEA	Mohamed Noor Rashid	Individual	Oral - Public he	
94	0018IISEA	Mohamud Bora	Individual	Oral - Public he	
95	0112IISEA	Molu Koropu Tepo	Individual	Oral - Public he	
96	0083IISEA	Muhidin Ali	Individual	Oral - Public he	
97	0033IISEA	Nasra Osman	Individual	Oral - Public he	
98	0105IISEA	Nuria Wario	Individual	Oral - Public he	
99	0102IISEA	Osma Gima	Individual	Oral - Public he	
100	0046IISEA	Osman Ibrahim	Individual	Oral - Public he	
101	0053IISEA	Sahara Osman	Individual	Oral - Public he	

102	0077I	ISEA	Salesa Forole	Individual	Oral - Public he	
103	0099I	ISEA	Sallo Abdi	Individual	Oral - Public he	
104	0015I	ISEA	Sheikh Ali Haji Golet	Individual	Oral - Public he	
105	0075I	ISEA	Sheikh Dabaso	Individual	Oral - Public he	
106	0097I	ISEA	Sheikh Salad	Individual	Oral - Public he	
107	0034I	ISEA	Shoba Bagaza	Individual	Oral - Public he	
108	0039I	ISEA	Siyad Nur Issack	Individual	Oral - Public he	
109	0103I	ISEA	Somo Roba	Individual	Oral - Public he	
110	0064I	ISEA	Sora Abagira	Individual	Oral - Public he	
111	0060I	ISEA	Uja Duba	Individual	Oral - Public he	
112	0066I	ISEA	Wako Hache	Individual	Oral - Public he	
113	0009O	ISEA	Abduba Mollu Idu	Private Sector Organisa	Written	Garba Tulla Development Offi
114	0010O	ISEA	Hussein Abdalla	Religious Organisation	Written	Garba Tulla Jamia Mosque
115	0007O	ISEA	Idris Boru Ali	Religious Organisation	Written	Kina Muslim Association
116	0003O	ISEA	Joseph Samal Lomwa	Religious Organisation	Memorandum	Peace and Justice Commision

**Appendix 4: Persons Attending Constituency Hearings**

<b>S.N.</b>	<b>Name</b>	<b>Organization/Address</b>	<b>Form of Submission</b>
1	Huka A K	Garba Tulla Community-Box 1 Garba Tulla	written
2	Galgalo Titima	Watta Dorobo-Box 376 Maua	written
3	Jamila Abdillahi	Simba Women Group-Box 34 Garba Tulla	written
4	Idris Boru Ali	Kina Muslim Ass.-Box 495 Meru	written
5	Mumina Halkano	MYWO Muslim Women -Box 34 Garba Tulla	written
6	Abduba Mollu Ido	Garba Tulla Dev. Office-Box 7 Garba Tulla	written
7	Hussein Abdalla	Garba Tulla Jamia Mosque-Box 34 Garba Tulla	written
8	Mohammed Wako Saru	Kimna Resource Users Society-Box 376 Maua	ORAL
9	Abdirashid Ali	Kulamwe Self help Group -Box 156 Kulamwe	ORAL
10	Anonymous	N/A	Written
11	Anonymous	N/A	Written
12	Abdirashid Kiri	Box 34 Garba Tulla	Written
13	Anonymous	N/A	Written
14	A A Tacho	N/A	Written
15	Mohamed Dido Malicha	N/A	Written
16	Cllr. Hassan Galma	Box 36 Isiolo	Written
17	Anonymous	N/A	Written
18	Adan Denge Guracha	Box 7 Garba Tulla	Written
19	Abdirisak Bachule	N/A	Written
20	Abdi Wariu	N/A	Written
21	Shiekh Alihaji Golet	Box 4 Mdagashe	ORAL
22	Aden Edin	Box 4 Mdagashe	ORAL
23	Abdi Abei	Box 22 Modagashe	ORAL
24	Mohamud Bora	Box 2 Modagashe	ORAL
25	Abdullahi H N Njobe	Box 3 Isiolo	ORAL
26	Gado Bila	Box 2 Modagashe	ORAL
27	Mohamed Madera Boso	Box 49 Modagashe	ORAL
28	Asna Issaa	Box 7 Modagashe	ORAL
29	Gabale Talacha	Box 2 Modagashe	ORAL
30	Guba Ele	Box 2 Modagashe	ORAL
31	Ibrahim Kanata	Box 7 Modagashe	ORAL
32	Abdullahi Diba	Box 7 Modagashe	ORAL
33	Maalim Abdi Ali	Box 19 Modagashe	ORAL
34	Gadale Wako Kaka	Box 19 Modagashe	ORAL
35	Fatuma Ali Aboi	Box 19 Modagashe	ORAL
36	Faltuma Morsale Ibrahim	Box 100 Magadashe	ORAL
37	Gurach Boro	Box 19 Modagashe	ORAL
38	Bidu Adi	Box 3 Modagashe	ORAL
39	Nasra Osman	Box 19 Modagashe	ORAL
40	Shoba Bagazia	N/A	ORAL

41	Ahamed Shariff Hassan	Box 10 Modagashe	ORAL
42	Gugo H	N/A	ORAL
43	Maalim Issack	N/A	ORAL
44	Abdi Diba	N/A	ORAL
45	Siyad Nur Issack	Box 79 Modagashe	ORAL
46	Mohamed Noor Rashid	Box 19 Modagashe	ORAL
47	Mohamed Godana	Box 19 Modagashe	ORAL
48	Abdi Alkiyo	Box 19 Modagashe	ORAL
49	Hassan Osman	Box 19 Modagashe	ORAL
50	Abdillahi Diba Dima	Box 19 Modagashe	ORAL
51	Boru Bule	Box 19 Modagashe	ORAL
52	Osman Ibrahim	Box 19 Modagashe	ORAL
53	Golombo Baite	N/A	ORAL
54	Huka Wako	N/A	ORAL
55	Hussein a	Box 34 Garba Tulla	ORAL
56	Abdi Hajj Gonjobe	Box 2 Modagashe	ORAL
57	Mohamed Jario	Box 36 Isiolo	ORAL
58	Hano Gonjobe	Box 2 Modagashe	ORAL
59	Sahara Osman	Box 1 Modagashe	ORAL
60	Ibrahim Buke	Box 2 Modagashe	ORAL
61	M Abakula	Box 2 Modagashe	ORAL
62	Ibrahim Abdi Kadir	Box 19 Modagashe	ORAL
63	Isaak A	Box 931 Isiolo	ORAL
64	Hassan G Shano	Box 620 Isiolo	ORAL
65	Adan Turo Arifata	Box 2 Modagashe	ORAL
66	Uja Duba	Box 19 Modagashe	ORAL
67	Hassan galagalo	N/A	ORAL
68	Abdi H Mahad	Box 19 Modagashe	ORAL
69	Hussein Boru	Box 7 Modagashe	ORAL
70	Sora Abagiyo	Box 2 Modagashe	ORAL
71	Bushar	Box 2 Modagashe	ORAL
72	Wako Hache	Box 56 Garba Tulla	ORAL
73	Galgalo Usu	Box 14 Garbatulla	ORAL
74	Daba Guyo	N/A	ORAL
75	Mohammed Fobuye	Box 14 Garbatulla	ORAL
76	Isaak Golo	Box 34 Garba Tulla	ORAL
77	Habiba Godo	Box 56 Garba Tulla	ORAL
78	Bala fugabo	Box 34 Garba Tulla	ORAL
79	Halima Ali	Box 156 Kulamawe	ORAL
80	Hussein Roba	Box 34 Garba Tulla	ORAL
81	Sheikh Dabaso	Box 36 Isiolo	ORAL
82	Bonaya Racha	Box 65 Dabarsa	ORAL
83	Salesa Forle	Box 6 Isiolo	ORAL
84	Absow Galagalo	N/A	ORAL

85	Mohamed Guyo g	Box 376 Maua	ORAL
86	mohamed Abdulkadir	Box 168 Maua	ORAL
87	Hussein Abdilafa	Box 63 Kina	ORAL
88	Adan Ali	Box 370	ORAL
89	Muhidin Ali	Box 34 Garba Tulla	ORAL
90	Hiska A K	Box 1 Garba Tulla	ORAL
91	Boru Ali	Box 34 Garba Tulla	ORAL
92	Dabaso Denge	Box 12 Gafaba	ORAL
93	Konso Bonaya	N/A	ORAL
94	Kumbi Mamo	Box 1 Garba Tulla	ORAL
95	Hon. Dr. Wako	Box 30016 Nbi	ORAL
96	Cllr. Boru Dida	Box 14 Garbatulla	ORAL
97	Hara Sime	Box 16 Maua	ORAL
98	Dr. A W Sama	Box 529 Isiolo	ORAL
99	Godo Jattani	Box 156 Isiolo	ORAL
100	Abdullahi Gafansa	Box 495 Meru	ORAL
101	Sheikh Salad	Box 156 Isiolo	ORAL
102	Sallo Abdi	Box 12 Garba Tulla	ORAL
103	Hussein Madari	Box 7 Garba Tulla	ORAL
104	Osma Gima	Box 156 Kulamawe	ORAL
105	Somo Roba	Box 1 Garba Tulla	ORAL
106	Ahamed Noor	Box 1 Garba Tulla	ORAL
107	Nuria wario	Box 33 Garba Tulla	ORAL
108	Gonaya Sama	N/A	ORAL
109	Gala suli	Box 33 Maua	ORAL
110	Abdulkadim Mohamed	Box 34 Daawa	ORAL
111	Hache Roba	Box 1 Garba Tulla	ORAL
112	Abdi Duba	Box 1 Garba Tulla	ORAL
113	Jarso Didicha	Box 1 Garba Tulla	ORAL
114	molu Koropu tepo	Box 4 Garba Tulla	ORAL
115	Abdi Dida	Box 3 Garba Tulla	ORAL
116	Dandi G.	Box 6 Garba Tulla	ORAL
117	Ali Guyo Abdi	N/A	Written
118	Abdullahi Maalim Hussein	Modagashe Community-Box 19 Mogadashe	Memorandum
119	Osman Ali	Jericho Community-Box 2 Modagashe	Written
120	Joseph Samal Lomwe	Peace & Justice Commission-Box 577 Isiolo	Memorandum
121	Abdulahi Raashid	Box 19 Modagashe	Written
122	Joseph Samal Lomwa	Box 577 Modagashe	Written
123	Jaylan Ali Boru	Box 7 Modagashe	Written

1	MOHAMMED ABDULKADIR	168 MAUA		
2	ALI KOTOMBULA	1 GT		
3	ABDIRAHIDI KAZI	34 GT		

4	MOHAMMED WAKO	376 MAUA		
5	MOLU HALAKE	156 KALAMAWE		
6	MOHAMMED DIDO	54 GT		
7	CLLR. HASSAN GALMA	36000 GT		
8	G.TITIMA	376 MAUA		
9	EKUKAMA	34 GT		
10	IDRIS BORU ALI	495 MERU		
11	MUMIUA HAIKANO	20952 GT		
12	ADAN GURACHA	20961/ 71		
13	ABDUBA MOLLUIDO	7 GT		
14	HUSSEIN ABDALLA	34 GT		
15	ABDI RISAK BACHULE	1 GT		
16	ABDI WARIO BOFU	1 GT		
17	ALI GUYO ABDI	1 GT		