

**NATIONAL CONSTITUTIONAL CONFERENCE  
DOCUMENTS**

**THE REPORT OF THE RAPPORTEUR - GENERAL  
TO THE NATIONAL CONSTITUTIONAL  
CONFERENCE ON ITS DELIBERATIONS  
BETWEEN JANUARY 12 – MARCH 23, 2004 AT THE  
BOMAS OF KENYA**

**17<sup>TH</sup> APRIL, 2004**

## **OUTLINE OF CONTENTS**

	Page
1. The Rough Road to Bomas III.....	2
2. The Scope of the Report.....	6
3. Proceedings in Technical Working Committees.....	7
4. Consensus - building Initiatives.....	11
5. Preparation and Revisions of the Zero Draft.....	14
6. Consideration and Adoption of the Revised Zero Draft.....	16
6.1 Commencement of Proceedings.....	16
6.2 Procedural Requirements.....	17
6.3 Consideration and Adoption.....	18
7. Preparation of the Draft Constitution of Kenya, 2004.....	20
8. The Challenges of Enactment of the Draft Constitution of Kenya, 2004.....	21

### APPENDICES

A	Issues which require Negotiation, Rationalization or Consideration or which are otherwise in Contention.....	23
B	Committee of the Whole Conference : Detailed Consideration of Provisions of the Draft Bill.....	28
C	Programme of the Committee of the Whole Conference.....	30
D	Final List of Delegates and Observers .....	34

## **1. The Rough Road to Bomas III**

1. Although the adjournment motion carried on Friday, September 26, 2003 had fixed the date of resumption of the Conference for November 17, 2003, this was not to be. A number of roadblocks suddenly emerged soon after the delegates went home making it impossible for the Conference to reconvene on that date.

2. First there was a very clear indication that powerful political forces did not want the Conference to reconvene at all. Pointers to this could be seen in the filibustering that had gone on in some Technical Working Committees and, in particular, that discussing proposals on the Executive, during Bomas II. Second, a joint meeting of the Parliamentary Select Committee on Constitutional Review, and the Business Committee of Parliament, at which the Constitution of Kenya Review Commission (the Commission) was invited, decided that Parliament had urgent business which needed to be dispatched before the end of the year. Rather than adjourn in or about the second week of November 2003, the Commission was informed that Parliament would extend its sittings well past the date of the expected reconvening of the Conference. Since approximately one-third of the Conference delegates were Parliamentarians, and given the fact that a large proportion of the staff of the Conference also came from Parliament, postponement of the date of resumption appeared prudent at the time.

3. An announcement was consequently made to the effect that the Conference would reconvene on January 12, 2004.

The announcement, which was published in the press on Tuesday, October 28, 2004 stated as follows:-

“1. That in view of the volume, importance and urgency of the business pending before the National Assembly, which cannot exhaustively and conclusively transacted before 17<sup>th</sup> November,

2003 it was necessary to move forward the reconvening of the Conference to 12<sup>th</sup> January, 2004.

That the pending business includes the following legislative measures -

- the National Commission on Gender and Development Bill, to establish a national commission to coordinate and facilitate the equitable distribution of resources, opportunities and benefits of the mainstream development process, through the integration of equality concerns in the formulation and analysis of policies, programmes and projects in order to ensure that they impact positively on both men and women in bridging gender disparities;
- the Persons with Disabilities Bill, to provide for the rights and rehabilitation of persons with disabilities and to achieve equalization of opportunities to them;
- the Constituencies Development Fund Bill, to facilitate the implementation of the resolution of the National Assembly of October 2002 to the effect that an amount equivalent to a minimum of 2.5% (two and a half percentum) of Government revenue be allocated to constituency-based development projects;
- the Retirement Benefits (Amendment) Bill, to harmonize the provisions of the Retirement Benefits Bill with those of other Acts such as the Capital Markets Act and the Insurance Act. The Bill disqualifies scheme members, trustees and sponsors of schemes from acting as auditors of such schemes in order to

avoid conflict of interests, and provides additional protection of members' funds in case of winding up or insolvency;

- the Financial Bill, to authorise the collection of taxes and duties consequent upon this year's Budget. The six-month interval between the Budget and the enactment of the Bill is covered by the Provisional Collection of Taxes and Duties Act, Cap. 415;
- the Insurance (Amendment) Bill, to extend the scope of insurance business and to streamline the operations of persons engaged in the insurance business;
- the Public Procurement and Disposal Bill, to establish procedures for procurement by public entities and the disposal of unserviceable, obsolete or surplus stores and equipment by such entities;
- the Suppression of Terrorism Bill, to provide for the detection and prevention of terrorist activities;
- the HIV/AIDS Prevention and Control Bill, to provide a legal framework for the prevention, management and control of the HIV and AIDS scourge; to provide for the promotion of public health and the protection, treatment, care and support for persons infected or at risk of HIV and AIDS infection; and to assert the rights of persons with actual, perceived or suspected HIV status to non discrimination;
- the Refugees Bill, to provide for the recognition, protection and management of refugees in Kenya; and

- the Appropriation Bill, to authorise the issue from the Consolidated Fund of the balance of the estimates for the current financial year; to appropriate the total of all grants for the particular services and purposes set out in the year's estimates; and to specify the sums that may be applied as appropriations-in-aid of those grants.

Some of the foregoing Bills have a direct bearing on this year's Budget; hence their special urgency.

2. That the members of the National Assembly who constitute approximately one-third of all the delegates at the Conference will not be able to attend the Conference if it reconvenes on 17<sup>th</sup> November, 2003.
3. That as the current mandate of the Constitution of Kenya Review Commission, which manages and constitutes part of the Conference, is due to expire on 30<sup>th</sup> November, 2003 it is necessary that the mandate be extended, in terms of Section 26(5) of the Constitution of Kenya Review Act, to 30<sup>th</sup> June, 2004."

4. That announcement touched off another round of scepticism among delegates who saw it as evidence of high level manoeuvres designed to scuttle the Conference. A number of delegates led by one of the Vice-Chairs of the Conference, Mr. W. Ole Kina (Delegate No. 362) and the Convenor of the Technical Working Committee on Constitutional Commissions, Mr. Kiriro wa Ngugi (Delegate No. 320), went to court against the Commission to challenge the legality of that postponement. Their argument, which had considerable merit, was that once the Conference was convened, no authority other than itself, not even the Commission, had the power to adjourn or determine the time and place of its sittings.

5. That action was followed by demonstrations on November 17, 2003 and again on January 13, 2004 by a few delegates led by the Chair of the Conference, Prof. Yash Pal Ghai. On the latter occasion, the demonstrators were denied access to the Conference venue by a contingent of the General Service Unit of the Kenya Police. As of this writing, the issues raised in that court action have not been determined, and may never be since they have, for all practical purposes, been overtaken by events. The Conference did indeed reconvene on January 12, 2004.

## **2. The Scope of the Report**

6. This report has been compiled from the following sources:-
- the verbatim records of Technical Working Committees and the Committee of the Whole Conference,
  - daily summaries of Conference proceedings prepared by the Secretariat,
  - minutes of daily evening meetings of Convenors and Rapporteurs, and
  - minutes of consensus-building initiatives during Bomas III.
7. The Report is presented in six parts as follows -
- proceedings in Technical Working Committees,
  - consensus-building initiatives,
  - preparation and revision of the Zero Draft,

- consideration and adoption of the Revised Zero Draft,
- preparation of the Draft Constitution of Kenya, 2004, and
- the challenge of enactment of the new Constitution.

### **3. Proceedings in Technical Working Committees**

7. The Report on the proceedings of Bomas II had indicated that on the date of adjournment, committees had covered the following aspects of their respective mandates -

<b>TWC</b>	<b>Mandate</b>	<b>Progress</b>
A	Preamble and Article 1 - 15	Preamble and Articles 1 – 9 (no deferrals)
B	Articles 16 – 75	Articles 16 – 39 (deferrals in articles 17, 23, 25, 27 and 30)
C	Articles 76 – 100	Articles 76 – 81 (deferrals in article 77)
D	Articles 148 – 183	No decisions made on any article
E	Articles 184 – 212	Articles 184 – 187 (deferrals in articles 184 and 185)
F	Articles 101 – 147	Articles 101 – 128 (deferrals in articles 106, 107, 109 and 127)
G	Articles 213 – 231	Articles 213 – 281 (deferrals in article 218)
H	Articles 258 – 270 and 276 – 277	Articles 258 – 270 and articles 276 – 277 (deferrals in articles 243 – 257 and 261 – 263)
I	Articles 271 – 275	Articles 271 – 275 (also considered articles 264 – 266 on public service)
J	Articles 232 – 242	Articles 232 – 236 (deferrals in 234 and 235)
K	Articles 278 – 297	Articles 278 – 290 (no deferrals)
L	Articles 298 – 299	No articles considered hence no decision made
M	Crosscutting	Crosscutting

9. The primary factors contributing to this rather unimpressive performance were set out in some detail at paragraphs 34 – 47 of that Report.

Among these were –

- procedural problems relating to the proper interpretation and application of the Conference procedure rules,
- confusion on how to deal with the Report of the Commission in relation to the Draft Bill,
- operational problems relating to the actual management of Technical Committee proceedings, and
- deliberate filibustering and diversionary discourses in some committees.

10. Once Bomas III reconvened, however, there was dramatic change. Delegates appear to have resolved that they would complete the mandate of the Conference without unnecessary interruptions or sideshows. Work in committees, therefore, began to move much faster and more efficiently than had been the case in Bomas II. Records of committee proceedings indicate that the attendance levels were generally high, debates more focused, and decisions on articles of the Bill more precisely formulated. In committees dealing with politically sensitive or contentious issues, a genuine spirit of negotiation and reconciliation was clearly evident. In the committee on the Executive, for example, motions that had held up debate in Bomas II were quickly reformulated and disposed over. The committee on Transitional Arrangements which, during Bomas II, had thought they had no work to do until all other committees had complete their work and reported to the Committee of the Whole Conference, decided to proceed with its mandate and did so with speed. Indeed by January 31, 2004, practically all committees had discussed/debated and/or amended articles of the Draft Bill assigned to them.

11. Committees were then able to address a number of technical and professional issues relating to the decisions they had made. Among these issues were:-

- reproduction of an accurate record of all decisions made on each article,
- production and rationalisation of committee drafts,
- reconsideration (where desirable) of decisions already taken,
- resolution, within and across committees, of crosscutting issues or those requiring mainstreaming, and
- preparation and approval of committee reports in readiness for consideration by the Committee of the Whole Conference.

In order to ensure uniformity in style and presentation, committees were requested to record all technical decisions in a template in the following format –

<b>Article</b>	<b>As printed in the Draft Bill</b>	<b>As adopted by the TWC</b>	<b>As formulated by the minority (if any)</b>	<b>Explanatory Notes</b>

12. In the preparation and recording of technical decisions, committees were assisted by Draftspeople who were available to them on a full-time basis. The following Draftspersons were assigned to various Technical Working Committees

<b>No.</b>	<b>Name:</b>	<b>Technical Working Committee</b>
1.	Mr. Jeremy Wainwright (Australian)	TWC A: Preamble, Supremacy of the Constitution, The Republic and National Goals, Values and Principles.
2.	Mr. Jeremiah Nyegenye (Kenyan)	TWC B: Citizenship and the Bill of Rights.
3.	Mrs. Margaret Ndawula (Ugandan)	TWC C: Representation of the People.
4.	Prof. V. C. R. A. C. Crabbe (Ghanaian)	TWC D: The Executive.
5.	Mr. Clive Grenyer (English)	TWC E: The Judiciary.
6.	Mr. Harrison Ndoria Gicheru (Kenyan)	TWC F: The Legislature.
7.	Mr. Peter Barret (Australian)	TWC G: Devolution.
8.	Mrs. Margaret Nzioka (Kenyan) Mr. Mark Spakowski (Canadian) Mr. Gad Awuonda (Kenyan)	TWC H: Public Finance, Public Service, Leadership and Integrity.
9.	Ms. Linda Murila (Kenyan)	TWC I: Defence and National Security.
10.	Mrs. Lucy Masua (Kenyan)	TWC J: Land Rights and Environment.
11.	Mr. Lawrence Kamugisha (Ugandan)	TWC K: Constitutional Commission and Amendments to the Constitution.
12.	Prof. Phil Knight (Canadian) Eva Jhala (Zambian)	TWC L: Transitional and Consequential Arrangements.
13.	Mr. Tom Mboya (Kenyan)	TWC M: Culture

13. Specifically, a Draftsperson attached to a committee was responsible for –

- advising delegates on all legal aspects and ramifications of their work,
- explaining legal terms and concepts,
- assisting delegates to prepare proposed amendments to the Draft Bill,

- re-drafting the Draft Bill to incorporate amendments passed by the committees, and
- preparing the final version of the articles dealt with by the committee for inclusion into the template.

#### **4. Consensus-building Initiatives**

14. In the course of the work of committees, a number of issues which some stakeholders regarded as particularly contentious were isolated and subjected to mediation through several consensus-building initiatives both outside and within the Conference. An initiative by Parliamentary political parties spearheaded by the Kenya African National Union and Ford-People (the Coalition of National Unity) held a high profile meeting at Safari Park Hotel between 10<sup>th</sup> and 11<sup>th</sup> January, 2003. Although a lot of ground was covered at this meeting, the initiative was abandoned once it became clear that unless owned by the Conference, its recommendations would not be respected. Indeed the fact that a number of government ministers began to project this initiative as a process alternative to the Conference made rejection of its recommendations virtually certain.

15. The collapse of the CNU initiative led the Steering Committee of the Conference to establish its own consensus-building group. The group, which was composed, essentially, of political party representatives, was moderated by Bishop Philip Sulumeti (Delegate No. 546 and also Chair of the Technical Working Committee the on Judiciary). The group held numerous meetings, first at the Agricultural Finance Corporation Centre and later at the Kenya Commercial Bank Training Institute (both in Karen) and produced a report on a number of issues identified in advance by the Rapporteur-General of the Conference, as contentious. These issues, which were fairly similar to those dealt with by the CNU initiative, included -

- the structure of devolution,
- the structure of the executive branch,
- modes of ensuring accountability by elected leaders to the electorate,
- dual citizenship and
- transitional arrangements.

16. As was the case in respect of the CNU effort, the composition of this second initiative generally reflected the prevailing differences among political groups within and outside government. Indeed in respect of issues concerning devolution and the executive, the main protagonists were essentially drawn from the ruling party – the National Rainbow Coalition.

The full range of issues identified by the Rapporteur-General is attached as Appendix A to this report.

17. It is important to note that the mandate of the Steering Committee Initiative was merely to hammer out a common basis for the resolution of issues submitted to it. It was understood that its recommendations would have to be processed through and be incorporated into the reports of relevant Technical Working Committees of the Conference. The initiative had no mandate, therefore, to make decisions binding on committees or the Conference. The report of this second initiative was presented to the Steering Committee, which then transmitted specific recommendations to relevant Technical Committees. Although most of these were accepted by committees, recommendations relating to the structure of the executive were not, leading to a further initiative, this time by the Conference itself.

18. This third initiative, also moderated by Bishop Sulumeti, dealt mainly with the executive and devolution. The group, which was composed of virtually the same protagonists, met several times within and outside the Bomas of Kenya. To give it opportunity to present its report, consideration of the chapters on the Executive, Devolution and the Legislature were stood over by the Conference.

19. On the executive, the recommendations of the group were similar to those earlier presented by the second initiative. This time round, the recommendations were presented directly to the Conference. On devolution; however, the group made recommendations, which were radically different from what the relevant committee had decided. Indeed their recommendations represented a significant departure from those of the Steering Committee initiative.

20. Debate on the recommendations of the Conference Initiative was marred by disagreements on procedural technicalities regarding the format in which they should be presented to the Conference. The three options considered were whether -

- to debate and approve or reject the report as presented,
- introduce the report in terms of specific amendments to the report presented to the Conference by the respective Technical Committee, or
- introduce new draft chapters on the Executive and Devolution replacing what the relevant committees had presented.

In the end the Conference decided on the second option.

21. Once the issue of format was resolved, a fresh set of controversy erupted over the method of voting on issues at the Conference. While most delegates were comfortable with a voice vote, others demanded the use of the secret ballot or physical division in respect of each article and chapter. In the end a mixture of the latter was adopted allowing delegates to physically signify their preferences against their names to tellers designated for the purposes.

22. The Conference did not accept any of the recommendations of this third initiative. The result was further acrimony and confusion leading, eventually, to the withdrawal of a group of delegates led by the Minister for Justice and Constitutional Affairs, Hon. Kiraitu Murungi (Delegate No. 124) from the Conference. The withdrawal of these delegates did not derail the Conference proceedings. Once it was established that the Conference was still quorate, proceedings continued, this time with greater urgency until all outstanding matters were concluded.

## **5. Preparation and Revisions of the Zero Draft**

23. In preparation for consideration and adoption of the Draft Bill by the Committee of the Whole Conference, it was decided that a retreat be organised for all Convenors, Rapporteurs and other Conference managers outside Nairobi. That retreat which was held at the Leisure Lodge in Mombasa between February 3 and 10, 2004 had, for its terms of reference the -

- completion and verification of committee reports to ensure consistency, coherence and accuracy,
- rationalisation and mainstreaming of crosscutting issues,
- identification of issues requiring reconsideration or harmonization,
- elimination of overlaps and inconsistencies across committees, and

- consolidation and release of, a ZERO DRAFT BILL for consideration by the Committee of the Whole Conference.

24. A Zero Draft containing all decisions made by committees was released on February 11, 2004. A protocol issued earlier on February 10, 2004 by the Rapporteur-General, set out additional steps that need to be taken to ensure that the Zero Draft was ready for the Committee of the Whole Conference. These were to -

- identify any gaps or omissions which committees should attend to,
- resolve any issues still regarded as contentious,
- integrate and mainstream issues arising, *inter alia*, from culture, affirmative action and devolution,
- manage issues that are of a purely technical character.

25. It was further agreed at the retreat that issues requiring reconsideration and approval by committees be identified and presented to them in the form of specific proposals. This was done and committees had an opportunity to consider them between February 11 – 15, 2004 at the Bomas of Kenya. Many proposals from the retreat were indeed accepted by committees.

26. Decisions made by committees on the recommendations of the retreat as well as those of the second consensus initiative (*supra* paragraph 15) were then passed on to the Drafting Team with instructions to incorporate them in a revised Zero Draft, *inter alia*, by way of -

- conceptual and thematic reorganization,

- further rationalisation for consistency and coherence,
- thorough technical editing and standardization in terms of style, syntax and grammar.

A REVISED ZERO DRAFT was then prepared and released to all delegates in readiness for the commencement of the Committee of the Whole Conference on Monday March 1, 2004.

## **6. Consideration and Adoption of the Revised Zero Draft**

### **6.1 Commencement of Proceedings**

27. The Steering Committee decided that the work of the Committee of the Whole Conference would be conducted in two phases. In phase one, convenors of committees would be required to lay their reports to the Conference without debate. The reports, would consist of -

- a narrative statement of the committee's method of work,
- a brief analysis of the major issues presented to and addressed by the committee, and
- the text of the relevant part of the Draft Bill as set out in the Revised Zero Draft.

Once presented each committee report would then be formally adopted as a Conference document.

28. That exercise was conducted between March 1 – 4, 2004 with committees reporting, not in alphabetical order, but in thematic sequence as set out in the Revised Zero Draft.

29. In phase two, the Conference would convert itself to a Committee of the Whole to consider, article-by-article, each chapter of the Revised Zero Draft. Guidelines formulated by the Steering Committee for this exercise is attached as Appendix B to this Report. Proceedings during this phase were conducted between March 8 – 15, 2004. It was in the course of these proceedings that the dramatic events referred to in paragraph 15 above took place. The programme of both phases is attached as Appendix C to this Report.

## **6.2 Procedural Requirements**

30. The Conference was required by Section 27 (1)(c) of the Act to adopt the Report and Draft Bill as revised by committees, after discussion, debate and/or amendment. As indicated in the Report on Bomas II, the procedure for debate and amendment was provided for in detail in the Conference regulations.

31. Under Section 27(5) of the Review Act, for any question concerning a proposal for inclusion in the draft constitution to be adopted, an affirmative vote of at least two thirds of delegates present and voting was required. Where this requirement was not met, the Act stipulated that a second vote could be taken if -

“the proposal is not supported by a two thirds vote but is not opposed by one third or more of all members ..... present and voting.”

The Act further provided that if on taking that further vote, a proposal was not determined, delegates could, by a vote of two-thirds of those present and voting, send the same to a referendum.

32. What these provisions imply is that once the Conference was and remained quorate, decisions regarding proposals to be included in the Draft Constitution could be made provided the two-thirds voting requirement was met.

Under Section 27 (4) of the Act, the quorum of the Conference is one half of the delegates. Since 29 of its members were *ex officio* and without the right to vote, the quorum of the Conference stood at 300 delegates.

### 6.3 Consideration and Adoption

33. When phase two of the proceedings of the Whole Conference started, it was decided that the processes of consideration and adoption be merged such that after articles in a given chapter were read and motions of amendment considered, the entire chapter (or composite group of articles thereof) would be put to the vote. This made it unnecessary to return to any chapter once all articles comprised within it had been individually considered. Further, there would be no need to put the entire Draft to the vote since decisions in respect of all parts of it could have been made.

34. The pattern of voting under this merged process was as follows -\*

Chapter	Article:	Affirmative Votes:		Negative Votes:		Abstentions	Total Valid Votes Cast
		Valid	Spoilt**	Valid	Spoilt**		
<b>Chapter One</b>	Articles 1-4 adopted by acclamation						
<b>Chapter Two</b>	Articles 6, 7, 8 (2)	324	none	2		2	328
	Articles 5, 8(1), 9, 10,11,12	320	none	2	none	0	322
<b>Chapter Three</b>	Article 13	365	22	3	none	0	368
<b>Chapter Four</b>	Articles 14 – 25	311	21	0	none	0	311
<b>Chapter Five</b>	Articles 26 –33	323	9	0	none	0	323
<b>Chapter Six</b>	Articles 34 – 83 <i>As amended</i>	313	14	0	none	0	313

	41(2) ( <i>Amendment motion</i> )	204	1	116	none	3	323
<b>Chapter Seven</b>	Articles 84 – 91	306	12	8	1	4	318
<b>Chapter Eight</b>	Articles 92 – 100	339	11	0	none	0	339
<b>Chapter Nine</b>	Articles 101 – 108	348	10	0	none	0	348
<b>Chapter Ten</b>	Articles 109 – 131	343	17	1	none	0	344
<b>Chapter Eleven</b>	Articles 132 – 170	332	none	0	none	0	332
<b>Chapter Twelve</b>	Articles 171 – 206 <i>As amended</i>	321	none	5	none	1	327
	173	307	7	144	3	0	451
	174 (3) ( <i>Amendment Motion</i> )	57	none	324	none	0	381
<b>Chapter Thirteen</b>	Articles 207 – 230	308	11	8	none	2	318
<b>Chapter Fourteen</b>	Articles 231 – 272	329		2		0	331
<b>Chapter Fifteen</b>	Articles 273 – 301	333	none	0	none	1	334
<b>Chapter Sixteen</b>	Articles 302 – 312	326	14	0	none	0	326
<b>Chapter Seventeen</b>	Articles 313– 328	313	14	15	none	0	328
<b>Chapter Eighteen</b>	Articles 329 – 343	321	15	0	none	0	321
<b>Chapter</b>	Articles	319	13	0	none	0	319

<b>Nineteen</b>	344 – 346						
<b>Chapter Twenty</b>	Articles 347 – 348	335	10	1	none	1	337
<b>Chapter Twenty One and the Schedules</b>	Articles 349 – 352 and Schedul es 1 - 7	332	none	0	none	0	332
<b>Preamble</b>	Preambl e	332		0		0	
<b>Title</b>	Title	287	16	0	none	0	287

\* Chapter numbers as contained in the Revised Zero Draft dated February 27, 2004

\*\*Spoilt votes consist of votes arising from double voting

35. In the event the entire Draft Bill was considered and adopted at the close of proceedings on Monday 15, 2004. No provision was thus sent by the Conference to a referendum as contemplated by proviso (iii) of Section 27 (5). It is interesting that the pattern of voting before and after the withdrawal by some delegates as reported above, did not change, implying that the Conference initiative report had attracted attendance from those who came specifically for that purpose.

## **7. Preparation of the Draft Constitution of Kenya, 2004**

36. Between March 16 – 19, 2004, the Revised Zero Draft, as amended and adopted by the Committee of the Whole Conference was subjected to an exhaustive technical audit by the Drafting Team. That audit consisted, *inter alia* of -

- final reorganization of the Draft to ensure logical ordering of chapters and thematic aggregation of issues,
- accurate cross-referencing,
- standardisation of the text in terms of style, syntax and grammar,

- editing out of matters which had little or no constitutional value or content, and
- preparation of an enactment bill in accordance with Section 47 of the current Constitution.

37. The Revised Zero Draft as amended by the Conference and audited by the Drafting Team (minus the enactment bill) was circulated to all delegates as The Draft Constitution of Kenya, 2004. That Draft was again adopted by acclamation by the Conference sitting in Plenary on March 23, 2004 and handed over to the Constitution of Kenya Review Commission. The handing over ceremony was attended *inter alia*, by observers, members of the Diplomatic Corps and the Attorney-General, who also received a copy of the Draft.

38. At the conclusion of the handing over ceremony a motion of adjournment of the Conference, *sine die*, was moved by Hon. Martin J. Shikuku (delegate No. 595) and carried by acclamation. The final list of delegates and observers at the time of adjournment is attached as Appendix D to this Report.

## **8. The Challenges of Enactment of the Draft Constitution of Kenya, 2004**

39. Just before the Conference adjourned a number of delegates and observers went to court challenging the validity and/or legitimacy of the entire constitutional review process and its outcome. Two of these are worth mentioning. In the case filed by Rev. Timothy Njoya (an observer) and six others against the Attorney-General, the Constitution of Kenya Review Commission and six others, declarations were sought, *inter alia*, to the effect that -

- the National Constitutional Conference was illegitimate,
- that only the people at a Constituent Assembly or Convention followed by a referendum could enact a new Constitution,

- that Parliament had no power under Section 47 of the current Constitution to enact an entirely new Constitution.

In an opinion split 2 to 1, the court issued the second and third declarations but failed to make clear findings on the first. It is significant that no specific orders were issued against any of the respondents thus raising doubts as to the practical implications of that opinion.

40. In another case filed by Michael Njuguna Kungu (Delegate No. 582) and others, leave was sought to apply for orders, *inter alia*,

- prohibiting the Commission from preparing its final report on the chapters on the Legislature, Executive, Devolution, Public Finance and Transition,
- prohibiting the Attorney-General from receiving the final report and draft bill prepared by the Commission, and
- quashing the proceedings of the Conference dealing with the chapters on the Legislature, Executive, Devolution, Public Finance and Transition.

In granting leave, the court ordered that it should operate as a stay of further proceedings of the Commission.

41. These cases raise both technical legal, and political challenges to the remaining phases of the review process. From a legal standpoint, they create barriers to the enactment of a new Constitution in accordance with the rules of change stipulated in the current Constitution. Indeed they cast grave doubts on the constitutionality of enactment procedures that have been used to bring whole new constitutions into existence in many jurisdictions including the Republic of

Trinidad and Tobago (1976), Guyana (1980), Zambia (1991 and 1996) and Malawi (1995). The Njoya case, in particular, provides no clear guidance on the framework of law, which should be used to bring a new Constitution into being after the conclusion of the National Constitutional Conference. Those legal challenges can and must be resolved if Kenya is to have a new Constitution within the timeframe set by the President. From a political standpoint, the Government and Parliament must agree on what should be done with the Draft Constitution adopted by the Conference. In political will and courage lies the answer to that problematique.

**APPENDIX A:**

**ISSUES WHICH REQUIRE NEGOTIATION, RATIONALIZATION OR CONSIDERATION OR WHICH ARE OTHERWISE IN CONTENTION**

Section 5 of Cap 3A provides <i>inter alia</i> that all organs of review shall –				
(a) be accountable to the people of Kenya, and				
(b) ensure that the final outcome of review faithfully reflects the wishes of the people of Kenya				
	<b>Design Principles under Cap 3A</b>	<b>Issues in contention</b>	<b>Basis of contention</b>	<b>Negotiated Solution</b>
1.	Review the right to citizenship with a view to ensuring gender parity in conferment of the right	Whether dual citizenship should be allowed	Concern that dual citizenship could – <ul style="list-style-type: none"> <li>▪ Compromise national security if such citizens were to enjoy all rights if citizenship</li> <li>▪ Over several generations result in the existence of a large population of “ghost” citizens</li> </ul>	
2.	Ensure that the Constitution protects human rights and fundamental freedoms	<ul style="list-style-type: none"> <li>▪ Whether the right to life should be defined</li> </ul>	Concern, in the one case “that abortion might be legalized, and in the other that same sex marriages might be	

		<ul style="list-style-type: none"> <li>▪ Whether the character of marriage should be specified.</li> </ul>	<p>legalized; as against the reality that reproductive health science and technology is constantly changing as is social morality and culture</p>	
3.	Ensure that the Constitution promotes full participation of the people in the management of public affairs	Whether MPs should be liable to recall mid-term and whether they should serve only two terms.	<ul style="list-style-type: none"> <li>• Concern in the one case with how voters deal with non-performing MPs, and in the other with inter-generational succession to leadership</li> <li>• Concern also with the possibility of abuse of the recall procedure</li> </ul>	
4.	Examine and recommend improvements to the electoral system	<ul style="list-style-type: none"> <li>• Whether Mixed Member Proportional Representation (MMPR) should be adopted as a method of election at all levels of government</li> <li>• Whether the Electoral Commission should register and supervise political parties</li> </ul>	<ul style="list-style-type: none"> <li>• Concern that MMPR could be used by political parties to discriminate</li> <li>• Is contrary to the principle of free and democratic elections</li> <li>• Concern that the ECK would harass parties in respect of functions other than elections</li> <li>• Desire for an independent office of Registrar of Political parties</li> </ul>	
5.	<ul style="list-style-type: none"> <li>• The constitution should recognize and demarcate divisions of responsibility among various state organs including the</li> </ul>	<ul style="list-style-type: none"> <li>• Division of functions within the executive arm of government</li> </ul>	<ul style="list-style-type: none"> <li>• Fear of deadlock between the President on the one hand, and Parliament and Prime Minister on the other</li> </ul>	
		<ul style="list-style-type: none"> <li>• Appointment of Cabinet</li> </ul>	<ul style="list-style-type: none"> <li>• The need to</li> </ul>	

	<p>executive, the legislature and the judiciary so as to create checks and balances and ensure accountability of government to the people of Kenya</p> <ul style="list-style-type: none"> <li>• Examine the composition and functions of the organs of state including the executive, the legislature and the judiciary and their operation aiming to maximize their mutual checks and balances and secure their independence</li> </ul>	Ministers	<p>institutionalize consultation between the President and the Prime Minister in the appointment of Ministers</p> <ul style="list-style-type: none"> <li>• The expectation that appointment of Ministers from outside Parliament may enhance Parliamentary discipline and constituency representation.</li> <li>• The need to ensure that the composition of the government is based on a clear mandate from the people</li> </ul>	
		The system of government	<ul style="list-style-type: none"> <li>• Whether the constitution should clearly state what the system of government should be (as TWCA has done) or simply describe it (as TWC D has)</li> <li>• Whether the system of government described by TWC D “faithfully reflects the wishes of the people of Kenya</li> </ul>	
		The desirability or otherwise of a second Chamber of Parliament	<ul style="list-style-type: none"> <li>• Concern that such a Chamber may be cumbersome and expensive</li> <li>• The counter-argument that such a</li> </ul>	

			Chamber would enhance devolution by protecting the interests of units of government below the national level	
6.	<ul style="list-style-type: none"> <li>Examine various structures and systems of government including the federal and unitary systems and recommend an appropriate system for Kenya</li> <li>The Constitution should promote people's participation in the governance of the country through democratic free and fair elections and the devolution and exercise of power</li> <li>Examine and review the place of local government in the constitutional organization of Kenya and the degree of the devolution of powers to local authorities</li> </ul>	The implication of or governance of devolution of power and the structure proposed by TWC G	<ul style="list-style-type: none"> <li>Whether there should be three or four levels of devolution</li> <li>Whether the constituency rather than the district should be a unit of devolution</li> <li>The constitution of membership of legislative councils/assemblies below the national legislature</li> <li>Mode of creation of units of devolution immediately below the national government</li> <li>Distribution of powers between various levels of government</li> </ul>	
7.	<ul style="list-style-type: none"> <li>Examine and recommend improvements to existing</li> </ul>	Principles which should govern the establishment, membership and	<ul style="list-style-type: none"> <li>Fear of government by un-elected bureaucracies</li> <li>Pressure to</li> </ul>	

	<p>constitutional Commissions, institutions and offices and establishment of additional ones to facilitate constitutional governance</p> <ul style="list-style-type: none"> <li>• Establish and uphold the principle of public accountability of holders of public or political offices</li> </ul>	<p>functions of constitutional Commissions and Councils and offices</p>	<p>constitutionalise existing Commissions and regulatory bodies as presently constituted</p> <ul style="list-style-type: none"> <li>• The need to standardize constitutional Commissions across the board</li> </ul>	
8.	<ul style="list-style-type: none"> <li>• Examine and review succession to office and recommend a suitable system for the smooth and dignified transfer of power after an election or otherwise</li> <li>• Examine and make recommendations on any other matter which achieves the overall objectives of the constitutional review process</li> </ul>	<p>Transitional and consequential arrangements</p>	<ul style="list-style-type: none"> <li>• Need to agree on commencement date of the new constitution</li> <li>• Need to avoid unnecessary discontinuities in the operationalisation of the new constitution</li> <li>• Need to agree on schedule for the establishment of new constitutional structures and institutions</li> <li>• Need to agree on a realistic calendar for the enactment of consequential legislation</li> </ul>	

## APPENDIX B:

### COMMITTEE OF THE WHOLE CONFERENCE DETAILED CONSIDERATION OF PROVISIONS OF THE DRAFT BILL

[Notice: The Technical Working Committees have already presented their reports to the Committee of the Whole Conference. Following is a compendium of the step-by-step consideration in the Committee]

1. **Chairperson of the Committee of the Whole Conference** invites the Secretary to read aloud the provisions of the Bill in their printed sequence.
2. Provisions of the Draft Bill are considered in their numerical and sequential order as follows: (i) articles as printed, (ii) new articles, (iii) postponed articles, (iv) schedules as printed, (v) new schedules, (vi) the preamble and (vii) the title. (See rule I of the Second Schedule to the Regulations.)
3. **Secretary** reads out Articles one by one, or a convenient number of them at a time, as printed in the chapter under consideration, upto the disputed Article. He merely reads out the numbers and headnotes of the Articles, pausing after each Article.
4. **Chairperson** puts the Question, singly or collectively, of the **undisputed Articles** as read out. It is not necessary to propose the Question in this case.
5. **Chairperson** calls out the name of the mover of an amendment.
6. Mover of the amendment moves the amendment (with or without a speech). [Note: The amendment does not require a seconder].
7. Chairperson proposes the Question of the amendment.

Debate may arise.

Amendment (s) to the amendment may be proposed, debated and adopted or rejected.

After the debate (if any) the Chairperson **puts** the Question.

The amendments and speeches are conducted the way they were conducted in the Technical Working Committees.

10. **Quorum** is one half of all the delegates. **Decision** is by consensus failing which the decision is by a two-thirds majority of the delegates entitled to vote who are **present and voting**. Thirty delegates entitled to vote may demand a **division** or physical count.
11. Each speech is limited to five minutes but a delegate may speak more than once. [Note: A delegate may speak to any provision of the Bill without seeking to amend it].
12. Committee of the Whole Conference has inherent power to receive a relevant Technical Working Committee and refer back to it a provision of the Bill.

**APPENDIX C:**

**PROGRAMME OF THE COMMITTEE OF THE WHOLE CONFERENCE**

**WEEK 8**

**MONDAY, MARCH 01, 2004**

9.30 A.M. – 10.40 A.M.	<b>PRESENTATION OF REPORTS</b>  <b>TWC A</b> PREAMBLE, SUPREMACY OF THE CONSTITUTION THE REPUBLIC NATIONAL GOALS, VALUES AND PRINCIPLES
11.50 A.M. – 1.20 P.M.	<b>PRESENTATION OF REPORTS</b> <b>TWC A (CONTINUED)</b>  <b>TWC B</b> CITIZENSHIP BILL OF RIGHTS
2.45 P.M. – 4.00 P.M.	<b>PRESENTATION OF REPORTS</b> <b>TWC M</b> CULTURE  <b>TWC J</b> LAND AND PROPERTY ENVIRONMENT AND NATURAL RESOURCES

**TUESDAY, MARCH 02, 2004**

9.45 A.M. – 11.15 A.M.	<b>PRESENTATION OF REPORTS</b> <b>TWC C</b> REPRESENTATION OF THE PEOPLE  <b>TWC F</b> THE LEGISLATURE
12.05 P.M. – 1.10 P.M.	<b>TWC D</b> THE EXECUTIVE
2.30 P.M. – 4.35 P.M.	<b>TWC E</b> THE JUDICIAL AND LEGAL SYSTEM  <b>TWC K</b> CONSTITUTIONAL COMMISSIONS AMENDMENT TO THE CONSTITUTION

**WEDNESDAY, MARCH 03, 2004**

9.15 A.M. – 10.45 A.M.	<b>PRESENTATION OF REPORTS</b> <b>TWC G</b> DEVOLUTION OF POWERS
11.35 A.M. – 1.30 P.M.	<b>TWG</b> DEVOLUTION OF POWERS ( <i>CONTINUED</i> )
2.50 P.M. – 4.45 P.M.	SWEARING-IN CEREMONY  <b>PRESENTATION OF REPORTS</b> <b>TWG</b> DEVOLUTION OF POWERS ( <i>CONTINUED</i> )  <b>TWG H</b> PUBLIC FINANCE AND REVENUE MANAGEMENT PUBLIC SERVICE LEADERSHIP AND INTEGRITY  <b>TWG I</b> NATIONAL SECURITY

**THURSDAY, MARCH 04, 2004**

9.40 A.M. – 10.50 A.M.	<b>PRESENTATION OF REPORTS</b> <b>TWC L</b> TRANSITIONAL AND CONSEQUENTIAL ARRANGEMENTS
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**WEEK 9**

**MONDAY, MARCH 08, 2004**

9.40 A.M. – 5.25 P.M.	<b>DECISIONS ON DRAFT BILL BY THE COMMITTEE OF THE WHOLE CONFERENCE</b>  <b>CHAPTER 1 – SOVEREIGNTY OF THE PEOPLE AND SUPREMACY OF THE CONSTITUTION</b> <b>CHAPTER 2 – THE REPUBLIC</b> <b>CHAPTER 3 – NATIONAL VALUES, PRINCIPLES AND GOALS</b>
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**TUESDAY, MARCH 09, 2004**

9.40 A.M. – 5.00 P.M.	<b>DECISIONS ON DRAFT BILL BY THE COMMITTEE OF THE WHOLE CONFERENCE</b>  <b>CHAPTER 4 – CITIZENSHIP</b> <b>CHAPTER 5 – CULTURE</b> <b>CHAPTER 6 – BILL OF RIGHTS</b>
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**WEDNESDAY, MARCH 10, 2004**

9.40 A.M. – 5.30 P.M.	<b>DECISIONS ON DRAFT BILL BY THE COMMITTEE OF THE WHOLE CONFERENCE</b>  <b>CHAPTER 6</b> - BILL OF RIGHTS ( <i>REVISITED</i> ) <b>CHAPTER 7</b> - LAND AND PROPERTY <b>CHAPTER 8</b> - ENVIRONMENT AND NATURAL RESOURCES <b>CHAPTER 9</b> - LEADERSHIP AND INTEGRITY <b>CHAPTER 10</b> - REPRESENTATION OF THE PEOPLE <b>CHAPTER 12</b> - THE EXECUTIVE
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**THURSDAY, MARCH 11, 2004**

9.40 A.M. – 5.30 P.M.	<b>DECISIONS ON DRAFT BILL BY THE COMMITTEE OF THE WHOLE CONFERENCE</b>  <b>CHAPTER 13</b> - JUDICIAL AND LEGAL SYSTEM <b>CHAPTER 15</b> - PUBLIC FINANCE <b>CHAPTER 16</b> - THE PUBLIC SERVICE <b>CHAPTER 17</b> - NATIONAL SECURITY <b>CHAPTER 18</b> - CONSTITUTIONAL COMMISSIONS <b>CHAPTER 19</b> - AMENDMENT OF THE CONSTITUTION
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**FRIDAY, MARCH 12, 2004**

9.40 A.M. – 5.30 P.M.	<b>DECISIONS ON DRAFT BILL BY THE COMMITTEE OF THE WHOLE CONFERENCE</b>  <b>CHAPTER 10</b> – REPRESENTATION OF THE PEOPLE ( <i>REVISITED</i> ) <b>CHAPTER 11</b> – THE LEGISLATURE <b>CHAPTER 18</b> – CONSTITUTIONAL COMMISSIONS ( <i>REVISITED</i> ) <b>CHAPTER 19</b> - AMENDMENT OF THE CONSTITUTION ( <i>REVISITED</i> )  <b>PRESENTATION OF RECOMMENDATIONS FROM THE CONSENSUS BUILDING GROUP</b>  <b>DELEGATES ADMINISTRATION</b> Finance And Administration
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**WEEK 10**

**MONDAY, MARCH 15, 2004**

9.40 A.M. – 7.00 P.M.	<p><b>DECISIONS ON DRAFT BILL BY THE COMMITTEE OF THE WHOLE CONFERENCE</b></p> <p><b>CHAPTER 11 – THE LEGISLATURE (REVISITED)</b>  <b>CHAPTER 12 - THE EXECUTIVE (REVISITED)</b>  <b>CHAPTER 14 – DEVOLVED GOVERNMENT</b>  <b>CHAPTER 20 - GENERAL PROVISIONS</b>  <b>CHAPTER 21 – TRANSITIONAL AND CONSEQUENTIAL PROVISIONS</b>  <b>SCHEDULES – 1 – 7</b>  <b>PREAMBLE</b>  <b>TITLE</b></p>
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**FRIDAY, MARCH 19, 2004**

9.15 A.M. – 10.30 A.M.	<p><b>CULTURAL ENTERTAINMENT</b></p> <p><b>INTER DENOMINATION THANKS GIVING PRAYERS</b></p>
4.00 P.M.	<p><b>DELEGATES ADMINISTRATION</b>  Finance And Administration</p>

**WEEK 11**

**TUESDAY, MARCH 23, 2004**

9.15 A.M. – 11.30 A.M.	<p><b>CULTURAL ENTERTAINMENT</b></p> <p><b>NCC CHAIRPERSON ADDRESS</b></p> <p><b>ENDORSEMENT AND HANDOVER OF THE DRAFT BILL TO CKRC</b></p> <p><b>ISSUE OF CERTIFICATES TO DELEGATES</b></p>
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**APPENDIX D:**

**FINAL LIST OF DELEGATES AND OBSERVERS**

**(i) DELEGATES**

<b>DELEGATE NUMBER</b>	<b>NAME</b>
1	Mwai Kibaki
2	Moody Awori
3	Abdirahman Ali Hassan
4	A. Egwaton
5	Moses Akaranga
6	Abdullahi Ibrahim Ali
7	Jimmy Angwenyi
8	Julius Arunga
9	Adhu Awiti
10	Davis Nakitare
11	Ayacko G. M. Ochilo
12	Abdu Bahari Ali
13	Najib Balala
14	Sylvester Wakoli
15	Billow Adan Kerrow
16	Nicholas Biwott
17	William Boit
18	Moses Cheboi
19	Alicen Chelaite Jematia
20	Lucas K. Chepkitony

21	Choge Jim
22	Abdullahi Sheikh Dahir
23	Dzoro Morris Mwachondo
24	Ekwee Ethuro
25	Gachagua Nderi James
26	G. B. Galgalo
27	W. Kabogo
28	Robinson Githae
29	Bonaya Godana Adhi
30	Fred Gumo
31	Mohamed Yusuf Haji
32	Patrice M. Ivuti
33	Mutahi Kagwe
34	Francis Kagwima
35	Peter Kyalo Kaindi
36	Kajembe Seif Ramadhan
37	Otieno Kajwang
38	Kamama Asman
39	Maina Kamanda
40	J. J. Kamotho
41	D. Karaba
42	G.G. Kariuki
43	Mirugi Kariuki
44	Martha Karua
45	Njenga Karume
46	John Katuku
47	Kembi Gitura
48	Peter Kenneth
49	Uhuru Kenyatta
50	Charles Keter
51	Mohammed Ahmed Khalif
52	Bonny Khalwale
53	Daniel Khamasi
54	Joe Khamisi
55	George Khaniri
56	Enock Kibunguchy
57	Kivutha Kibwana
58	Kihara Njeri Jane

59	Lina Kilimo Jebii
60	Kiema Kilonzo
61	Viscount Kimathi
62	Anthony Kimetto
63	Amos Kimunya
64	Kingi Kahindi Joseph
65	Joseph K. Lagat
66	Kipruto arap Kirwa
67	Mukhisa Kituyi
68	Mwangi Kiunjuri
69	John arap Koech
70	Koech Sammy Cheruiyot
71	Tolla Koffa
72	Harrison Kombe
73	Musikari Kombo
74	Ole Konchellah G.S.
75	Joseph Korir Kipkaptu
76	David Koros
77	Henry Kosgey
78	Newton Kulundu
79	Kuria Simon Kanyingi
80	Mohamed Kuti
81	Leshore Prisa Sammy
82	Simeon Lesrima
83	Ligale Andrew N.
84	Maathai Wangari
85	Machage W. Gisuka
86	Marsden Madoka
87	Magara James Omingo
88	Magugu Arthur
89	Emmanuel K. Maitha
90	Moffat Maitha
91	Lucas Maitha
92	Hezron Manduku
93	Christine Mango
94	Manoti Stephen
95	Maoka Maore
96	Kenneth Marende
97	Masanya Godfrey Okeri

98	Benson Mbai
99	E. Mbau
100	Boniface Mghanga
101	J. Michuki
102	Midiwo Washington J.
103	Kirugi M'Mukindia
104	Petkay Shen Miriti
105	Hussein Maalim M.
106	Mohamed Abdi Mohamed
107	Abdullahi Haji Mohammed
108	Mohamed Abu Chiaba
109	Gideon Moi
110	Samuel Moroto
111	Gachara Muchiri
112	Beth Mugo
113	P. Muiruri
114	P. Kibugi Muite
115	Macharia Mukiri
116	Mungatana Danson
117	Peter Munya
118	Joseph Munyao
119	John Munyes
120	P. K.G. Muriithi
121	Muriuki Karue
122	Raphael Muriungi
123	C. Murungaru
124	Kiraitu Murungi
125	David Musila
126	Stephen Kalonzo Musyoka
127	Kilionzo Charles Mutavi
128	John M. Mutiso
129	J. B. Muturi
130	Ali Mwakwere
131	Mwandawiro Mganga
132	Onesmus K. Mwangi
133	F. Mwanzia
134	Nyiva Mwendwa
135	David Mwenje

136	David Mwiraria
137	Kilemi Mwiria
138	Gideon Ndambuki
139	Nderitu, Alfred Mwangi
140	Kalembe Ndile
141	Reuben Ndolo
142	Peter Njeru Ndwiga
143	Charity Ngilu
144	Titus Ngomyoni
145	Abdalla Ngozi
146	Maj. General (rtd) Nkaiserry
147	W. R. Ole Ntimama
148	Ole Ntutu Stephen K.
149	Simeon Nyachae
150	Norman M. G. K.Nyagah
151	J. W. Nyaga
152	Nyamunga Eric Opon
153	Peter Anyang Nyong'o
154	Henry Obwocha Onyancha
155	Raila Odinga
156	Peter Odoyo
157	Oburu Oginga
158	Ogur Tobias O. Ochola
159	Sospeter Ojaamong
160	Orwa Ojode
161	Chris Okemo
162	Okioma Samson
163	Phillip Okundi
164	Olweny P. Ayiecho
165	Odhiambo Omamba
166	Omino Jacob H. O.
167	William Omondi Opondo
168	Bishop Stephen Ondiek
169	Onyancha Joel Omagwa
170	Wycliffe Oparanya
171	Opore Zebedeo
172	Wyclife Osundwa
173	Owidi Peter Otieno

174	Owino Charles Oyugi
175	Kato ole Metito
176	S. Poghisio
177	Gonzi Rai
178	Phillip Rotino
179	William arap Ruto
180	Sammy K. Ruto
181	Saitoti George
182	Nick K. Salat
183	John Sambu Kipkorir
184	Sang Kipkorir Marisin
185	Abdi Tari Sasura
186	John Serut
187	Shaaban Issack
188	Naomi Shaaban
189	Suleiman Shakombo
190	Musa Sirma
191	Soita Shitanda
192	Sudi David Kiprono Sutter
193	Adan A. Sugow
194	Gor Sungu
195	Syongoh Zaddock Madiri
196	Stephen Tarus
197	Noah N. arap Too
198	Eng. Toro
199	Raphael Tuju
200	Fahim Twaha
201	Waithaka Mwangi
202	M. N. Wambora
203	Wafula Wamunyinyi
204	Koigi wa Wamwere
205	Raphael Wanjala
206	Ali Wario
207	Noah Wekesa
208	David Were
209	Moses Wetangula
210	Weya Samuel Arthur
211	Amina Abdalla

212	Peter Oloo Aringo
213	Franklin K. Bett
214	Esther Keino
215	Mutula Kilonzo
216	Kipkalya arap Kones
217	Cecily Mbarire
218	Mwau Adelina Ndeto
219	Njoki S. Ndungu
220	Ojiambo, J
221	Ruth Oniang'o
222	Betty Njeri Tett
223	Kaparo F. O
224	Nancy Lung'ahi
225	Salim Ibrahim
226	Rev Muchuga
227	Amina Zuberi
228	Raphael Livu
229	Farouk Said
230	Fatuma Boy Bakari
231	Mwalimu Digore K.
232	Raphael Ndeme
233	Beatrice Mwaringa
234	Mwinyi Haji Mwijaa
235	Reuben Tsuma
236	Zuhura Zukira Wanje
237	Jillo Onotto
238	Abdurhman Baawy
239	Fatuma Halako Galgalo
240	Mohammed Juma abuti
241	Juma Wario
242	Amina Ahmed
243	Sheikh Abdalla
244	Omar Twalib Mzee
245	Mariam Mwanyota
246	Mwalengo Haji Joel
247	Munene O. J.
248	Asli Ibrahim
249	Abdirahaman Ali Abbas

250	Mohammed Abdi Haji
251	Hubbie Hussein Al Haji
252	Dubat Ali Amey
253	Saleh Maalim Arte
254	Fatuma Sheikh Mohamed
255	Ahmed Maalim Omar
256	Noor Ibrahim Abdi
257	Sahara Ahmed Hillo
258	Issack Darrow Ibrahim
259	Salah Maalim Alio
261	Khadija Fugicha
262	Abdikadir Guyo
263	Kaaru Abdukadir Guleid
264	Einsintele Kureya
265	Guracha Denge Wario
266	Galgallo Tuye Adano
267	Fatuma B. Jaldesa
268	Godana Adhi Doyo
269	Yusuf Wako
270	Beatrice Bariu
271	Amos Kiumo
272	Thimangu Jim Muketha
273	Muriuki Joyce Kagendo
274	Victor P. Gituma
275	M Mworio Julius
276	Leah Ndeke
277	M' thigaa Godfrey Mbuba
278	Peter Kangethe Nkoroi
279	Grace Ntembi Nduyo
280	Bruno Kaimba
281	Julius M. Muungania
282	Lydia W. Kimani
283	Abel Mwaniki Njeru
284	John Gitari Munyi
285	Nalea G. Kithumbu
286	Isa Ileri Ngunia
287	Nichasius Mugo
288	Jane Mutunga

289	Robert Maithya Maluki
290	Eric Kyalo Mutua
291	Jane Mwendu
292	Francis N. Kaloki
293	Justus Musyoki Mutweti
294	Victoria Mutheu M.
295	Ngalaatu Musau
296	Stamislou W. Kasoka
297	Praxedas N. Wambua
298	Rhonda Maende
299	William N. Matheka
300	L. Wambui Muriuki
301	G. Ndatho Muchiri
302	Frederick Nderitu
303	M. Nyathogora
304	Waithanje Minjire
305	D. Muraguri Nderi
306	C. Nyawira Ngari
307	J. Nyaga Waruri
308	J. S.Mathenge
309	J. Kirangari Kamwanga
310	J. Mwangi Waweru
311	Father Gitonga
312	M. Muthoni Mburu
313	G. G. Gichuru
314	Gacuru wa Karengu
315	Beatrice Wairimu
316	Gitu Wa Kahengeri
317	John Kinuthia Waitiki
318	H. Nyambura Kimani
319	J. Kinuthia Mwangi
320	Kiri Ngugi
321	Layor Rhoda
322	Emmanuel Lomoukai
323	Peter E. Ejore
324	Hellen Koring'ura
325	William Lopetakou
326	Simon L. Alew

327	Sophia Lepuchirit
328	Pius Lobuk
329	Julius Lalampaa
330	Iyadi Nancy
331	Isaac K. Bungei
332	Nathaniel Tum
333	Emmy Kipsoi
334	Moses Keter
335	Julius Sitienei
336	Mkawerweren Chebii
337	Michael Sengech
338	Jane J. Kiptum
339	Caroline Chemursoi
340	David Kuto
341	Ernest Kaittany
342	Felicity Irene Magut
343	Augustine Saina
344	Kimayo Arap Sego
345	Mariam Ntansian L.
346	Isaiah Cheruiyot
347	Naftali K. Chelagat
348	Sally Chepkoech
349	David Kigen
350	Kipkoech Kiptongos
351	Pascalina R. Lebarleiya
352	John Muchai Kiniti
353	Joseph Njalis Shuel
354	Liza Chelule
355	Michael Githu
356	Ezekiel Kesendany
357	Teclah Nairesiai
358	Moses Naimodu
359	David O. Mpilei
360	Lorna Timanoi
361	William S. Ole Yiaile
362	Koitamet Ole Kina
363	Keko Margaret
364	Daniel Ole Osoi

365	Moses Lengete Ole Sisika
366	Carolyne Ruto
367	Alex Chepkwony
368	Joel Sang'
369	Christina C. Ng'eno
370	Joseph Maritim Soo
371	James Koskei
372	Bornice S. Chelang'at
373	Kiplangat arap Koech
374	Joseph K. Soi
375	Jane Kauka
376	Mafunga Wambulwa
377	David Okiya
378	Dorcas Mbelersia
379	Levi Ahindikha
380	Charles Lwanga Lwole
381	Ombito Rita Katamu
382	Sammy Aswani A.
383	Apollo Warrens Tsalwa
384	Evelia Rebecca
385	Caleb Jumba
386	Edward C. Ohare
387	Nancy C. Ngeywa
388	Sammy Naibei Chemwei
389	Wilberforce Kisiero
390	Kellan Wavomba
391	Oscar Makokha
392	Nakitare Paul E.
393	Ashepete Baraza
394	Asili Adungo
395	Ajaa Olubayi
396	Gloria Wabwire
397	David L. A. Erulu
398	George Wesonga
399	Grace Akinyi Ogot
400	Marie Rose Owino
401	Daniel Obare Awora
402	Eve Akinyi Obara

403	Benta Auma
404	Fares Ogada
405	Fibie Atieno Ochola
406	Shakeel Shabir
407	James Omolo Kayila
408	Judith A. Nam
409	Joseph Attyang
410	Elphas Ombura
411	Teresa Osunga
412	Prof.Odhiambo M.O.
413	Otieno Ogingo
414	Elizabeth Okelo
415	Dache John Pesa
416	David Oyao
417	Gaudentia Atonga
418	Orwa Ochieng
419	Onyango R.P.
420	Susan Wambura
421	Thomas Merengo
422	Maasai Maroa
423	Omanga Claire
424	Thomas Nyabote Aburi
425	Silvanus Ogari
426	Orwenyo Mary Obonyo
427	Benson Kegoro
428	Richard Kibagendi
429	Judith Magundho
430	Albert Onyango Mitere
431	Rose Otieno
432	Kamanda Rhoda
433	David M. Rakamba
434	Peter Nyanducha
435	John Katumanga
436	Francis Ng'ang'a
437	Zeruiya Otwani
438	John Cheruiyot
439	George Muchai
440	Rajab Mwondi

441	Joel Chebii
442	Francis Waweru
443	Roselinder Simiyu
444	Maero Tindi
445	Esther Lelei
446	Francis Wangara
447	Kiliku Kennedy
448	Isaiah Kubai
449	Benson Okwaro
450	James Ngusi
451	Milly Odhiambo
452	Maurice Odhiambo Makoloo
453	Elkanah Odembo
454	Kathurima M'noti
455	Lawrence Mute
456	Mohammed Nyaoga
457	Nyang'au Onwonga
458	Lumumba Odenda
459	Oduor Og'wen
460	Gichura Kibara
461	Phillip Ole Sironka
462	Samuel Tororei
463	Suba Churchill Meshack
464	Sing'oei Korir
465	Nduta Beatrice Kiarie
466	Joyce Umbima
467	Mary Wambui Kanyi
468	Hellen Yego
469	Grace Githaiga
470	Sophia Abdi Noor
471	Rose K. Lukalo-Owino
472	Mariam Muto
473	Pamela Mboya
474	Anne A. Okoth
475	Anne Njogu
476	Jamila Mohamed
477	Beryl Ouma
478	Sabenzia N. Wekesa

479	Kavoo Kilonzo
480	John K. Njiraini
481	Daniel G. Ichangi
482	Isaac O. Kibwage
483	Yahya Saad Swaleh
484	Wafula Sylvester
485	Raphael G. Mwai
486	Daniel Njagi
487	Rihal Singh
488	James F. T. Foster
489	Jane Mumbi Kiano
490	Rose Waruhiu
491	Lilian Wanjera
492	Mercy Mwamburi
493	Asha Chiku Wanje
494	Kauchi Chivumba
495	Asenath Nyamu
496	Ann Mululu
497	Jillo Mumina Konso
498	Kathini Maloba-Caines
499	Margaret Hutchingson
500	Kamla Sikand
501	Joyce Majiwa
502	Rose Olende
503	Elizabeth Mayieka
504	Rukia Subow
505	Fatuma Ali Saman
506	Fatma Ibrahim Ali
507	Margaret Kamar
508	Mereso Agina
509	Martha Rop
510	Atsango Chesoni
511	Ruth Kibiti
512	Florence Machayo
513	Agnes Abuom
514	Ajuoga Milka Aoko
515	Ali Shee Mohammed
516	Peter O. Bwana

517	El-Busaidy Abdulghafur .
518	Fadhil Sultana
519	Marie Therese Gachambi
520	James Nthiga Gatiti
521	Wahu Kaara
522	Archbishop David Gitari
523	Margaret Muchai
524	Neera Kent Kapila
525	Ibrahim Ahmed Yusuf
526	Rosemary Kinyanjui
527	Archbishop Njeru Wambugu
528	James John Mageria
529	Rev. Patrick M. Musungu
530	Mburugu Florence Ruhiu
531	Sheikh Mustafa Ali
532	Walubengo Lumatete
533	Helen Mung'athia
534	Pastor David Oginde
535	Fred Ojiambo
536	Tabitha Mwaniki
537	Asiya Mwanzi
538	Samuel K. arap Ng'eny
539	John Njue
540	Zablon Nthamburi
541	Zacheus Okoth Arch.
542	Ibrahim Omondi
543	Rasmin P. Chitris
544	Sehmi Rupinda Singh
545	Simon Shitemi
546	Bishop Phillip Sulumeti
547	Wandati Abudlrahman M.
576	Mwai Gakuya S.
577	George Kinyua
578	Jacob Odino
579	Daniel Rasugu
580	Francis Carey Onyango
581	Yusuf Moh. Aboubakar
582	Njuguna Kung'u
583	Apollo Njonjo

584	Makau Mutua
585	Dennis Kodhe
586	George Mburu Mwaura
587	Caroline Ng'ang'a
588	Francis Wabayale
589	Daniel Njoroge
590	Patrick O. Onyango
591	Ogembo Masese
592	Francis Kilemi
593	Gerves A. Akhwabi
594	Orie Rogo-Manduli
595	Joseph M. Shikuku
596	K. N. Mamonda
597	Moses M. Wekesa
598	Kimani M. Ng'ang'a
599	Leslie Mwachiro
600	Zakayo M. Karimi
601	Luseno Liyai
602	Benjamin Gitoi
603	Winston A. Adhiambo
604	Samuel Mwaura
605	Ngorongo Makanga
606	Phoebe Sikoya
607	Nginyo Kariuki
608	Lihanda K. Savai
609	Kenneth Njiru
610	Justus Wekala
611	Nyakundi Peter
612	David Wakahu
613	Mike Oliewo
614	Dalmas Otieno
615	George Nyamweya
616	Domtilla Were
617	Manu Chandaria
618	R. O. Kwach
619	Wilfred Kiboro
620	R. S. C. Omolo
621	Robert Rukungah
622	Bermadette Quadros

623	Murtaza Jaffer
624	King'ori Mwangi
625	Gilbert Omondi
626	Abudo Q. Mamo
627	Danny Irungu
628	James Bwatuti
629	T. K. Githiora

Total Number	-	599
Commissioners	-	29
Delegate	-	01
Total Delegates	-	629

**(ii) OBSERVERS**

OBS. NO.	NAME OF OBSERVER	ORGANIZATION / REMARKS
1	Usha Shah	Hindu Council of Kenya
2	Elisha Daniel Godana	Burji Community
3	Moses Leleu Laima	Sengwer Community
4	Medina Ibrahim	Nubian Community
5	Agnes McAnthony	National Focal Point on FGM Eradication
6	Fatuma H. Ahmed	Watta Community
7	Jacinta Nyokabi	Young Political Party of Kenya
8	Bernard Chahilu	Vihiga Cultural Festival
9	Burudi Nabwera	NARC
10	Hon. Josephine O.Sinyo	UDPK, and former nominated MP
11	Fatuma Yusuf	UDPK Wajir
12 (a)	KHRC (Card for rotation)	Kenya Human Rights Commission (KHRC)
12 (b)	KHRC (Card for rotation)	Kenya Human Rights Commission (KHRC)
13	Dr. Jacinta K. Muteshi	Kenya Human Rights Commission (KHRC)
14	Peter Kiama	Kenya Human Rights Commission (KHRC)
15	Jane Ogot	Kenya Women Political Caucus
16	Charles K. Wambugu	Ufungamano
17	Okeru Otieno	Daystar University
18	Josephine N. Sane	KWADA
19	Simeon Mauncho	Mauncho & Co. Advocates
20	Dr. Mitch Medina	Clik. Org
21	Charles Kanjama	Strathmore University
22	Charles Kamuren	Endorois
23	Lt Col Benjamin Muema	Retired Military Officers
24	Anne Gathumbi	COVAW
25	Ummi Mwavumba	Muslim Women Forum
26	Amina Hersi Ali	Kenya Women Political Caucus
27	Rosemary Bensina	Samburu S.C.S.P
28	Dr. Josephine Ojiambo	Kenya Medical Women Association
29	Faith Kasiva	WPA-K

30	Prof. Jacqueline A.Oduol	Kenya Women Political Caucus
31	Rose Mary Moraa	MYWO Programme Manager
32	John Ngene Muniu	Kenya African Mau Mau Union (KAMMU)
33	Mary Okumu	WPA-K
34	Mumbi Ngaru	NARC
35		
36	Beatrice K. Elachi	NCWK
37	Ida Odinga	KLWV
38	Khatib Hudson	Kenya United Christian Churches
39	Gibson Kamau Kuria	NCEC
40	Patrick Onyango Sumba	Sports
41	Peter Wango Opany	UDPK
42	Isaac Waweru Karanja	Kenya Assoc. of Retired Officers,
43	Dr. Katini-Nzau Ombaka	Kenya Medical Women Association
44	Mwanashehe S. Mohamed	Information Technology
45	Fatma Alhad Hyder	Bankers Assoc.
46	Rose Nekesa M.	Langata Women's Prison
47	Beatrice A. Ouma	Voice of Youth
48	Evans Gor	Coalition of Youth Against Violence
49	Eleanor Muthoni	Youth Agenda
50	Kepta Ombati	Youths
51	Elizabeth Mwakelemu	KAAC and Youth Agenga
52	Benedict Kinuthia	Kenya Youth Parliament
53	Peter Ligale Khalekha	Youth Rights Fom
54	Cornelius W. Lupao	University of Nairobi Students Organization
55	Monica Opole	CIKSAP
56	Moses Maranga	Nyaribari Masaba Devpt Support Organization (NMDSO)
57	Mohamed Khatib	Muslim Lawyers Trust
58	Bernard Mucheke	Shelter Forum
59	Litha Musyimi Ogana	African Centre for Empowerment Gender and Advocacy (AC-EGA)
60	Kathini Maloba-Caines	Kenya Women Workers Organization
61	Stephen S. Ole Timoi	Pastoralists & Hunter Gatherers Network
62	Amina Sheikh Kassim	Woman Concern
63	Hilda Agola Orimba	WOWESOCK
64	Judith Loesia Mahindu	Kenya Deaf Assoc.
65	Ochieng' Khairalla	Minority Rights
66	Gordon Muga	Langata CCC
67	Julius Musandu	Kamkunji Jua Kali Assoc
68	James Wanjeru	Complimentary / Alternative Medicine
69	Joseph K. Waweru	Muungano Wa Wanavijiji
70	Zachary Momanyi Matayo	Kenya Republican Reformation Party
71	Davinder Singh Lamber	Mazingira Institute / NCEC
72	Betty Chemutai Maina	Policy Solutions
73	Churchil Omondi Owino	United Disabled Caucus
74	Jael Mbogo	Kenya Tuitakayo, Citizens Coalition for Constitution

		Change
75	Rebecca Kitana	Maendeleo ya Wanawake Organisation
76	Hassan Omar Hassan	Youth Forum
77	Rev. Timothy Njoya	Member, NCEC
78	Josephine Aska Odera	UDPK
79	Abdullahi Slatch	SUPKEM
80	Peter Agweli Onalo	Assoc. of Legl Authors, advocate,
81	Lena A. Omondi	St. Judes Counseling Centre
82	Loise Towon	Samburu Girl Child Educ. Support Prog.
83	Asca Kwamboka	Activist
84	Beatrice Njeri Njoroge	IRRP
85	Fatuma Hassan	Woman Kind
86	Immaculate M. Njenge	FIDA
87	Charles K. Kimani	C.E.P.S.
88	John Okoyo	NARC Youth Congress
89	Susan Ngugi Wangui	Youth for Review Forum
90	Jennifer Masiz	Tears of Women Organisation
91	Victoria Mambo	Civic Education Provider
92	Nasra Aweis Abubakar	KHRC
93	Dr. Kithure Kindiki	Moi University
94	Prof. Nick Wanjohi	Jomo Kenyatta University of Agriculture and Technology
95	Miriam Kamau	
96	Prof. Rosalind Mutua	Kiriri Women's University University for Sci. & Tech.
97	Samuel Ongoro	COVAW
98	Prof. J.P. Marangu	Nazarene University
99	Prof. Paul A. Ogula / F.B. Macharia	Catholic University
100	Dr. Mitei Kiprono Richard	Kenyatta University
101	George Mirie	NCEC / Citizens Coalition for Constitutional Change (4Cs)
102	Prof. Macharia Munene,	
103	Prof. Crispus Kiamba / Donald O. Okonjo	University of Nairobi
104	Prof. Patrick Kenya	NGO Council
105	Dr. Wilson Nguyo	Egerton University
106	Wilson Siambi	Public Service Commission
107	James Kamau Mwangi	DAU
108	Sarah Muyonga	Cradle. Foundation The Children
109	Carren Angara	SWAI
110	Daniel Odhiambo O.	L.D.P.Y.C.
111	David Orechi K.	Catholic Vocation
112	Joseph M. Mutuma	CBO, Akithii R.C.
113	Dr. Pamela Kola	CRECHE / YWCA/NGO Council
114	Dr. Pius Sylvester Achola	NGO Council
115	Muga Alfred N. Owira	Individual
116	Fredrick Ochieng Olendo	SWAI

117	Kevin Wanyama	Youth For Development & Democratic Governance
118	Haron M. Ndubi	Kituo Cha Sheria / LSK
119	Michael Manana	UN Habitat
120	Jane Kiragu	FIDA Representative
121	Rosemary Sawe	Maendeleo ya Wanawake Organisation
122	Stanley Wanyeki Kahahu	USIU
123	Victor Kariithi Mutuma	Kuani Biodiversity Programme
124	Kipkemoi Nimrod	Heprof Educ. Centre
125	Omar Al. Kamanda	Chairman Muslim Deaf Association
126	Hassan Wako Wario	Northern NGO Forum
127	Adan Jirma Duba	Northern NGO Forum
128	Margaret Mutoka	Kenya Magistrates & Judges Association
129	Nyabonyi Kazungu	CJPC
130	Halima Ismail Ahmed	Anisaa Women Group
131	Karanja John Njoroge	ACK
132	Wycliffe Muema Maithya	KEDU (Kenya Entrepreneur Devt. Org)
133	Atieno Ndomo	Panos Eastern Africa
134	Njee Muturi	KANU
135	Wanjala Welime,	NARC
136	<i>Card for Rotation</i>	Dialogue Africa
137	Linda Agalochieng	Nyanza Professional Caucus
138	Washington O.Kalee	NARC
139	Christopher Lonyala	Kenya Land Alliance
140	Chris Oyucho	NGO COUNCIL
141	Abdullahi Abdi	Supkem Representative
142	Al - Hajj Yusuf Murigu	Supkem
143	David Malaba	Computer Society of Kenya
144	Ahmed Nasir	LSK Chairman
145	Ng'ang'a James Mburu	Global Visions International
146	Johnson Awuor	Help Age kenya
147	Cecilia Kimemia	Kenya League of Women Voters
148	Wairimu Mungai	AMKA
149	Aisha Mumbua Omar	Muslim Deaf Women Organization
150	Mona Muthengi	WOWESOK
151	Zipporah Kittony	Mandeleo Ya Wanawake Org, Former nominated MP
152	Hon. Muruthi Mureithi	Former Parliamentarians Association
153	Paul Simba Arati	National; Polytechnics Students Association
154	Mohammed Omar	Muslim Task Force on Constitutional Review
155	Gedion Changole	Kenya Human Rights
156	Julius Sunkuli	KANU Secretary General
157	Rose Ogega	ICPAK
158	Edla Atieno Muga	League of Women Voters
159	Cleophas Nyangiro	Nyakach CCC
160	Waithera Ndungu	Abantu for Development
161	Rachel Shebesh	League of Women Voters
162	Jane Nakodony	MYWO
163	Francis Angila	NGO Council, CEO

164	Papias Gitahi	Green Belt Movement
165	Donald Omondi Deya	East Africa Law Society
166	(Card for Rotation)	ALGAK
167	Kang'ethe Kimani	Kenya National Chamber of Commerce
168	Edward Kings O. Maina	Kenya National Chamber of Commerce
169	Dr. Christine Sadia	UNIFEM
170	Dr. Abdullahi Wako	Pastoralist Parliamentary Group
171	Cathreen Nyamato	Individual
172	To Provide One Name	Jaramogi Oginda Odinga Foundation
173	Alice Kagunda	Kenya Police
174	Lawrence Mwadime	Kenya Police
175	Asenath Bole Odaga	Writer
176	Eunice Marima	NARC
177	Brian Weke	The Cradle
178	Rose W. Waruinge	East Africa Law Society/ Wosesok
179	Mithamo Kariuki	Release Political Prisoners
180	Capt. L.M Sande	Department of Defence
181	Francis Atwoli	COTU
182	Joseph Chillumoh	Friends of Norway Devpt. Agency
183	James Orengo	Social Democratic Party (SDP)
184	Moses Muihia	Social Democratic Party (SDP)
185	Israel Agina	Ex-Political Detainee
186	Daniel Kotut	Teachers Service Commission
187	(Rotation)	Adminstration Police
188	(Rotation)	Adminstration Police
189	Peterson Nyanchongi	Individual
190	Grace Okello	The Leque of Women Voters
191	Koki Muli	IED
192	Francis Austin Njiri	Rotary Club of Nairobi
193	Robert Kiptoo Kipkorir	Former MP, Marakwet East
194	Yusuf Sheikh	SUPKEM
195	Rev. Julius Murang'a	Catholic Church / Grace Centre Int'l
196	Charles Saina Sena	Ogiek Rural Intergral Projects
197	Phitallis Masakhwe	UDPK
198	Prof. Walter Oyugi	Nairobi University
199	Beatrice Opany	KWPC
200	Silvance Onyango Abeka	Egerton University
201	Stephen Muthiani Malului	Kenya Entreprteneurs Devpt. Org
202	Solomon Kaiya	KNAD
203	Nuria Gollo	Borana Community (SNV)
204	Alice Kirambi	KWPC
205	Gen.(Rtd) Augustine Cheruiyot	Retired Army Commander/ Director, KENGEN
206	Muthoni Kihara	Nairobi City Council
207	(Card for Rotation)	Kenya National Commission on Human Rights
208	(Card for Rotation)	Kenya National Commission on Human Rights
209	Ken Karanja	Childrens Cabinet

210	Joseph Mwawasi	Individual
211	Peter O. Maanya	Individual
212	Dr. Daniel K. Tuitoek	Kabarak University
213	Salome Kimatta	UDEK
214	Khadijah Mzee	Kibokoni Self Help Group
215	Said Athman	SUPKEM
216	Philip Kisia	NCBDA
217	Sarah Muyonga	The Cradle
218	Paul M'Ethingia	Njuri - Nceke
219	Phares Rutere	Njuri - Nceke
220	Mathias Keah	Individual
221	Solomon K. Thanje	Individual
222	Card for Rotation	Tachoni Cultural Society (TACUSO)
223	Card for Rotation	TSC 1998 Nairobi American Embassy Bomb Blast Assoc.
224	Card for Rotation	Sportswomen & Administrators Int'l
225	Abdul Asiz Ahmed	Nubian Constitutional Review Forum
226	Salma Ahmed	The League of Muslim Women of Kenya
227	Fatuma Yusuf	The League of Muslim Women of Kenya
228	Dr. George K. Njiru	University of Nairobi (Dept. of Economics)
229	Jebet Kibogy	Individual
230	Rose Menin	Individual
231	Dr. Tom Wolf	Individual
232	Card for Rotation	Ministry of Local Government
233	Card for Rotation	Ministry of Local Government
234	Ochieng Osano Lawrence	SWAI
235	Christine Nyagitha Miller	Individual
236	Gichane Muraguri	Kenya Community Abroad
237	Card for Rotation	NGO Council
238	Luke Oduoy	NGO Council
239	John O,Oduor	U.D.P.I.
240	Card for Rotation	FIDA
241	Naomi Wangai	Ministry of Education
242	Ali Bashir	Africa Planning & Design Consultants
243	Mary Ariviza Mwami	The Kenya Church
244	Card for Rotation	Isahakia Community
<b>LANCASTER CONFERENCE GROUP</b>		
<b>NO</b>	<b>NAME</b>	<b>CATEGORY</b>
L. 01	Hon. George Nthenge	Lancaster Conference Group
L. 02	Hon. R. Achieng' Onoko	Lancaster Conference Group
L. 03	Hon. Jeremiah Nyagah	Lancaster Conference Group
L. 04	Hon. Taitta arap Towett	Lancaster Conference Group
L. 06	Hon. Dennis Akumu	Lancaster Conference Group
L. 07	Hon. Robert Matano	Lancaster Conference Group
L. 08	Hon. Priscilla Abwao	Lancaster Conference Group
L. 09	Hon. John Keen	Lancaster Conference Group

L. 10	Hon. Fritz R.S. de Souza	Lancaster Conference Group
L. 11	Hon. Sheikh A. Nassir	Lancaster Conference Group
<b>ECK MEMBERS</b>		
<b>NO</b>	<b>NAME</b>	<b>ORGANIZATION/REMARKS</b>
SD 1	Comm. S.M. Kivuithu	Electoral Commission of Kenya
SD 2	Comm. G.K. Mukele	Electoral Commission of Kenya
SD 3	Comm. Kihara Muttu	Electoral Commission of Kenya
SD 4	Comm. Rachel Mzera	Electoral Commission of Kenya
SD 5	Comm. Wangui Karanja	Electoral Commission of Kenya
SD 6	Comm. Anne Wambaa	Electoral Commission of Kenya
SD 7	Comm. Nathaniel Chebelyon	Electoral Commission of Kenya
SD 8	Comm. Amb. J.B. Tumwa	Electoral Commission of Kenya
SD 9	Comm. Justice William Mbaya	Electoral Commission of Kenya
SD 10	Comm. Habel Nyamu	Electoral Commission of Kenya
<b>ECK MEMBERS</b>		
<b>NO</b>	<b>NAME</b>	<b>ORGANIZATION/REMARKS</b>
EA 1	Hon. Jared Kangwana	East African Legislative Assembly (EALA)
EA 2	Hon. Ochieng Mbeo	East African Legislative Assembly (EALA)
EA 3	Hon. J. Shamalla	East African Legislative Assembly (EALA)
EA 5	Hon. Rose Waruhiu	East African Legislative Assembly (EALA)
EA 6	Hon. Calista Mwatela	East African Legislative Assembly (EALA)
<b>DIPLOMATS</b>		
<b>DIP. NO.</b>	<b>NAME</b>	<b>EMBASSY / HIGH COMMISSION</b>
D1	Hugh Evans Political Advisor	British High Commission
D2	Ian Peterson, 2nd Secretary	British High Commission
D3	Paul Harvey, Deputy High Commissioner.	British High Commission
D4	Mark Norton	British High Commission
D5	Mark Norton Press, Public Aff.	British High Commission
D6	Maria Kong's, Political Officer	British High Commission
D7	Stella Ondimu, Political Officer	British High Commission
D8	Harriet Wanjohi DFID	British High Commission
D9	Matthew Wyatt Head, DFID	British High Commission
D10	Walter Pflaumer Political Counselor	US Embassy
D11	Nathan Holt Political Officer	US Embassy
D12	Fatuma Sanneh	US Embassy

	Political Officer	
D13	Nancu Gitau USAID	US Embassy
D14	Kevin Borher USAID	US Embassy
D15	Michael Kamau Political Specialist	US Embassy
D32	Julius B. Okara	COMESA
D33	Hendrica Okondo	UNIP
D34	John Mugerwa	Uganda High Commission
D35	William Brencick	US Embassy
D37	HE L. M. Makhubela	South African High Commission
D38	G.P. Setlhoke	South African High Commission
D39	N.S. Tshivhula	South African High Commission
D40	Keith Lewis	Canadian Embassy
D41	Immanuel Chileshe, First Secretary	Zambian High Commission
D43	Matti Kaariainen Pertti	Finish Embassy
D44	Timo Olkkonen	Finish Embassy
D45	Antoine Anfre	French Embassy
D46	Thirode Louis - Xavier	French Embassy
D47	H.E. Edward Clay	British High Commission
D48	Dorothy Nachilongo	Zambian High Commission
D49	Lydia Mapusha	Zambian High Commission
D50	Erin Taron	US Embassy
D51	Isack Bernaard	South African High Commission
D52	Craig Olson	US Embassy
D53	Bernd Braun	German Embassy
D54	Michael Hoffman	German Embassy
D55	Kathrin Bauch	German Embassy
<b>INTERNATIONAL ORGANIZATIONS</b>		
<b>NO</b>	<b>NAME</b>	<b>INTERATIONAL ORGANIZATION</b>
CD 4	Nicholas Taylor	European Union
CD 13	Dr. Schwartz Roland	H.Stiftung
CD 21	<i>Card for Rotation</i>	National Democratic Institute
CD 22	<i>Card for Rotation</i>	National Democratic Institute
CD 24	Anne Wanjiru Muragu	Heinrich Boll Foundation
CD 26	George Okoth_Obbo	United Nations High Commission for Refugees
CD 27	Emmanuel Nyabera	United Nations High Commission for Refugees (UNHCR)
CD 28	Sue Tatten	USAID
<b>LOBBY ORGANIZATIONS</b>		
<b>NO</b>	<b>NAME</b>	<b>ORGANIZATION</b>
RT.01	Anymba Perez	KWPC 1
RT.02	Husna Hassan	KWPC 2
RT.03	Eric Okelo	IED 1
RT.04		FIDA 1

RT.05	Wambua Kituku	CRECO 1
RT.06	Antony Mwangi	CRECO 2
RT.07		KHUC 1
RT.08		KHUC 2
RT.09	Eusebio Wanyama	NGO Council 1
RT.10	George Gathuru	NGO Council 2
RT.11	Mark Osiche	ALGAK 1
RT.12	A.M.K Odipo	ALGAK 2
RT.13	Ndungu Wainaina	NCEC 1
RT.14	Cyprian Nyamwamu	NCEC 2
RT.15	Milly Odongo	Cradle 2
RT.16	Justus Kivindyo	Cradle 2
RT.17	Phyllis Mramko	NARC 1
RT.18	Evelyne Makori	NARC 2
RT.19		NCEC
RT.20		NCEC
RT.21	A.A. Nassaer	SUPKEM
RT.22	Al-Amin Kimathi	SUPKEM
RT.23	F. Abdalla	
RT.24	Mary Ndinda	IED 1
RT 23 224	Luke Odoyo Akech	NGO Council
RT 24	Boniface Kilonzo	CRECO 2
RT 25	Anthony Muchiri	Kenya Alliance for Advancement Children (KAACR)
RT 26	Mary Ndinda	NGO Council
RT 27	Benson Nganga	National Youth Movement
RT 28	Careen	Kenya Alliance for Advancement Children (KAACR)

**RAPPORTEUR - GENERAL**  
**PROF. H. W. O. OKOTH -OGENDO**