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## 1. DISTRICT CONTEXT

This constituency falls in Lamu district of Coast province of Kenya.

### 1.1 Demographic Profile

<b>District Population</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
	37,553	35,133	72,686
Total District Population of 18 years of Age & Below	19,391	18,561	37,952
Total District Population of 19 years of Age & Above	18,162	16,572	34,734
Population Density (persons/Km <sup>2</sup> )	12		

### 1.2 Socio-Economic Profile

- The district has low absolute poverty profile at 39.35% ranking it eleventh in the country.
- The district has low food poverty profile at 31.86% ranking it seventh in the country.
- The district has average primary school enrolments rate at 70.6%, ranking it 38<sup>th</sup> nationally.
- The district has low secondary school enrolments rate at 13.4% ranking it forty sixth in the country.
- The district has low levels of malnutrition.
- 62.4% of the residents in the district have access to safe sanitation.
- 50% of the residents in the district have access to safe drinking water
- The main diseases in the district are acute respiratory tract infections, malaria, skin diseases and infections, diarrhoea diseases, intestinal worms.
- Two members of parliament represent Lamu District. Both of the MPs are from KANU and each cover an average area of 3,084 Km<sup>2</sup> to reach an average of 36,343 constituents each.

## 2. CONSTITUENCY PROFILE

Lamu is composed of Amu, Hindi, Mpeketoni, and Witu Divisions of Lamu District.

### 2.1 Demographic Profile

<b>Constituency Population</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>	<b>Area Km<sup>2</sup></b>	<b>Density (persons per Km<sup>2</sup>)</b>
	29,261	26,631	55,892	4,503.7	12.4

### 2.2 Socio-Economic Profile

The main socio-economic activity in the constituency is Mangrove harvesting and small-scale fishing by the Bajun peasants. Business activity is also important.

### 2.3 Election and Political activity

As in Lamu East, the politics in this constituency has been dominated by KANU with victories in

both 1992 and 1997 general elections. However, opposition parties also garnered a lot of support as evidenced by the relatively low percentage of votes for the KANU winners (43% and 64% in 1992 & 1997 respectively) compared to other constituencies (districts). In 2002, KANU retained the seat.

#### 2.4 1992 General Election Results

1992 TOTAL REGISTERED VOTERS			20,405
CANDIDATE	PARTY	VOTES	% OF VALID VOTES
Karim Mohammed	<b>KANU</b>	5,749	42.83
<b>Nasir Abdala</b>	<b>DP</b>	3,750	27.94
Benard Gazara	FORD-A	2,425	18.07
Abdulreman Hilai	FORD-K	1,499	11.17
<b>Total Valid Votes</b>		13,423	100.00
<b>Rejected Votes</b>		128	
<b>Total Votes Cast</b>		13,551	
<b>% Turnout</b>		66.41	
<b>% Rejected/Cast</b>		1.60	

#### 2.5 1997 General Election Results

1997 total registered voters			
CANDIDATE	PARTY	VOTES	% OF VALID VOTES
Fahim Yasin Twaha	KANU	8,851	64.41

Rishad Hamid Ahmed	FORD-P	4,373	31.8 2
Bwanakheri Bakari Musa	KNC	518	3.77
Total Valid Votes		13,742	100. 00
Rejected Votes		223	
Total Votes Cast		13,965	
% Turnout		61.05	
% Rejected/Cast		1.60	

## 2.6 Main Problems

- Restrictions on mangrove harvesting and small-scale fishing;
- Poor road infrastructure making accessibility difficult especially during the rainy seasons.

## 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**

- Facilitation of 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 constituency was carried out between 5<sup>th</sup> February 2002 and 27<sup>th</sup> April, 2002.

### 4.1 Phases and issues covered in Civic Education

Stage one:- Is the only phase that was covered. This is the stage preceding the 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

- Constitution and Democracy
- Nationhood and Constitutionalism
- Governance
- Constitution making process in Kenya
- Introduction and overview of the Constitution
- Emerging Constitutional Issues

## 5. CONSTITUENCY PUBLIC HEARINGS

### 5.1 Logistical Details

- Date and Number of Days for Public Hearings
  - a) Date(s): 29<sup>th</sup> and 30<sup>th</sup> May 2002
  - a) Total Number of Days: 2
- Venue
  - a) Number of Venues: 2
  - a) Venue(s):
    - 1) Mpeketoni Catholic Church Hall
    - 2) Lamu Fort
- Panels
  - a) Commissioners
    1. Mr. Ahmed I. Hassan - Commissioner
    2. Dr. Mosonik arap Korir - Commissioner
  - a) Secretariat
    1. Treza Apondi - Programme Officer
    2. Carolly Okeyo - Asst. Programme Officer
    3. David Muturi - Sign Language Interpreter
    4. Asha Boru - Verbatim Recorder

### 5.2 Attendance Details

Category	Details	Number
Number of People Who Presented		98

Category	Details	Number
<b>Sex</b>	Male	78
	Female	13
	Not Stated	7
<b>Presenter Type</b>	Individual	69
	Institutions	29
	Not Stated	0
<b>Educational Background</b>	Primary Level	24
	Secondary/High School Level	60
	College	6
	University	5
	None	1
	Not Stated	2
	Other (Adult Education/Vernacular/Madrassa/Informal Education)	0
<b>Form of Presentation</b>	Memoranda	0
	Oral	69
	Written	4
	Oral + Memoranda	0
	Oral + Written	25
	Not Stated	0

### 5.3 CONCERNS AND RECOMMENDATIONS

The following are the recommendations made by the presenters in Lamu West 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

- There constitution should have a preamble (9)
- The preamble should state that the constitution belongs to the people of Kenya



- The preamble should express the need for peace, security, prosperity and justice to all Kenyans
- The preamble should capture a vision of true democracy, protection of our cultures and religion
- The preamble should declare Kenya a God fearing rather than a Christian country.
- The preamble should express our national unity and the commitment to national development.
- The preamble should reflect our common experience of subjection to un-democratic governance and tribal clashes
- The preamble should reflect our common struggle for independence and the resulting shedding of blood

### 5.3.2 **DIRECTIVE PRINCIPLES OF STATE POLICY.**

- We need a constitution that has guiding principles and capture national policies
- Democracy should be the guiding principle in the constitution (3)
- The constitution should place Kenyans above the organs of the government

### 5.3.3 **CONSTITUTIONAL SUPREMACY.**

- The constitution should provide for its supremacy over all other laws in the country. (3)
- The constitution should provide that MPS discuss and amend bills only by way of referendum
- The constitution should be practical
- The parliament should not have the power to amend the constitution (2)
- No parts of the constitutions shall be subject to amendment (2)
- Wakf commission Act of 1965 should be reviewed
- All the 17 sections of the land act should be consolidated for easy reference
- The constitutions should address and implement the Mwambao agreement of 1963
- The parliament should have the power to amend the constitution by 2/3 majority vote (2)
- The constitution should emphasize that parliament shall not have the power to amend the constitution. Unless with a 75% vote (2)
- The parliament should have the power to amend the constitution by 80% majority vote (2)
- The parliament should have the power to amend the constitution by 90% majority vote (2)
- The constitution should provide that a constitutional amendment shall only be through a public referendum. (13)
- Referendums should be conducted by religious organizations (3)
- Referendums should be conducted by the ECK

### 5.3.4 **CITIZENSHIP.**

- All indigenous Kenyans should be regarded as automatic citizens
- The constitution should confer automatic citizenship to all persons legally married to a Kenyan citizen irrespective of gender. (5)
- The constitution should provide that ID cards be issued to Muslims without discrimination
- All who have lived in Kenya before independence should be considered automatic citizens
- Kenyan citizenship should be acquired through naturalization

- The constitution should confer to all persons born of Kenyan parents automatic citizenship, irrespective of where they were born.(6)
- Spouses of Kenyan citizens should be given automatic citizenship, irrespective of gender (7)
- The constitution should confer to all persons who have lived in Kenya for more than 15 years automatic citizenship.
- The constitution should provide for dual citizenship.(2)
- The constitution should not provide for dual citizenship.(5)
- The constitution should guarantee that issuance of government documents such as Ids and passports are done without favourism and with less bureaucracy (12)
- All citizens should live peacefully and be treated equally
- All citizens should be obligated through enforceable law to develop and to protect Kenya
- Swahili people should be given all the rights of other Kenyan citizens
- Rights and obligations of Kenyans should be to defend and build the nation, ensure national unity and observe existing laws
- All Kenyans irrespective of location (abroad, jail, hospital e.t.c) should be allowed to vote (2)
- The rights and obligations of Kenyan citizens should apply to all irrespective of how citizenship was acquired (2)

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

- The constitution should provide for the establishment of disciplined forces in the constitution (4)
- Recruitment to disciplined forces should be on quota basis (4)
- There should be a code of conduct And mode of discipline for the armed forces
- The constitution should provide for disciplined forces to be subjected to the law
- The constitution should provide for a proper definition of military service and appointments to prevent mushrooming of secret armies such as Jeshi la Mzee and Kamjesh
- The constitution should provide that the president shall be the Commander in Chief of the armed forces. (3)
- The constitution should provide that the president shall not be the Commander in Chief of the armed forces. (4)
- The constitution should give the president the mandate of declaring war (3)
- The constitution should give the president the mandate of declaring states of emergency (2)
- The constitution should give parliament the power to stop and prolong the state of emergency
- The constitution should not permit for the use of extra ordinary powers during emergency
- The constitution should permit for the use of extra ordinary powers during emergency
- The constitution should abolish state of emergency and curfews
- The constitution should provide that police are well remunerated to reduce the level of corruption.
- The armed forces should have the role of assisting citizens such as in tracking lost persons

### 5.3.6 **POLITICAL PARTIES.**

- The constitution should provide for political parties to be involved in economic projects (3)
- The constitution should regulate formation, management and conduct of political parties (5)
- The constitutions should ensure that affirmative action policy is employed in political party structures
- The constitution should provide for only one political party in the country.
- The constitution should limit the number of political parties in the country to 3. (5)
- The constitution should limit the number of political parties in the country to 4.
- The constitution should limit the number of political parties in the country to 5. (2)
- The constitution should limit the number of political parties in order to curb tribal voting
- The government should finance 30% of all political party budgets
- Political parties should be funded from public coffers (3)
- The constitution should abolish the nomination procedure in selecting candidates of political parties
- Number of seats won and party strength should determine the amount of public funds allocated to it and there should be laws/rules to guide their financing
- The constitution should provide for the state and political parties to work hand in hand for mutual development (2)
- The head of state should not be a member of a political party (3)
- All parties should be given equal opportunities in broadcasting by the national broadcasting stations

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

- The constitution should allow for the presidential system of government to be retained (3)
- The constitution should allow for unitary system of government to be retained (2)
- The constitution should not provide for parliamentary system of government (4)
- The constitution should provide for federal system of government (13)
- The constitution should not provide for federal system of government
- The constitution should provide for a hybrid system of government
- The constitution should give the prime minister power to address state matters and government administration policies
- The prime minister should be in charge of administration
- The president should be the head of state (2)
- The constitution should provide for a ceremonial president
- The president should be given the powers to address all political matters
- The president should be given the powers to open and close parliament
- The constitution should provide for the independence of the three arms of the government
- The constitution should provide for a ceremonial President and an executive Prime Minister as head of government.
- The constitution should not provide for Majimboism
- The constitution should provide for Majimboism to bring development and infrastructure closer to the people (15)
- Power should be devolved to lower levels of government to allow the lower levels an upper hand in decision making (3)
- Governance should be given back to the people of Kenya
- The vice-president should be a running mate of the president during the elections (2)
- The vice-president's tenure should be 2 terms of 5 years each

- The vice-president should be elected directly by the people (2)
- The vice-president should be recallable by the people incase he does not deliver
- The Attorney general should be appointed by an independent commission
- The Attorney general should be appointed by the president

### 5.3.8 **THE LEGISLATURE**

- The constitution should provide that all presidential appointments be vetted by parliament (14)
- The constitution should provide that the commissioners of all commissions be appointed by parliament
- Parliament should create and dissolve ministries
- Parliament should approve all government expenditures
- Parliament should oversee all government issues
- Parliament should enact all laws and procedures for registration of persons, voters and voting of the president and MPs
- Cabinet ministers should be appointed by a parliamentary committee
- Parliament should have limited power to control its own procedures (2)
- Each house of parliament should appoint its own speaker
- Being an MP should be a full time occupation (4)
- The constitution should provide for the president to be 25 years and above (2)
- The constitution should provide for the president to be 30 years and above
- The constitution should provide for the president to be 35 years and above (2)
- The constitution should provide for the president to be between 35and 55 years
- The constitution should provide for the president to be between 30 and 65 years
- The constitution should provide for the president to be between 40and 60 years
- The constitution should provide for the president to be between 35 and 70 years
- The constitution should provide for the president to be between 40and 70 years
- The constitution should provide for the supremacy of parliament
- Language tests required for parliamentary elections are not sufficient
- An aspirant MP should have O’level education and above (4)
- An aspirant MP should have university education (2)
- The constitution should provide for moral and ethical qualifications for parliamentary candidates (2)
- The constitution should provide that parliamentary candidates shall not have been convicted of a criminal offence (4)
- The constitution should provide that aspirants for parliamentary nominations shall not have been convicted of a criminal offence (2)
- The constitution should provide for MPs to be recalled by the electorate incase of non-performance and should do so by giving their grievances to the ECK through a 15% representation of all registered voters
- The constitution should provide for MPs to be recalled by the electorate incase of non-performance and should do so by giving their grievances to the ECK through a 25% representation of all registered voters
- MPs should follow instructions from their constituents and should participate directly in development activities and be watch dogs of their constituents (3)
- The constitution should determine MPs salaries and benefits
- An independent commission should determine MPs salaries and benefits (3)

- The treasury should vet and determine MPs salaries and benefits (3)
- Abolish nominated MPs
- Retain the concept of nominated MPs
- Include a Muslim personality who is well versed in Islamic religion among the nominated MPS
- Marginalized people should be considered in the nomination of MPs (2)
- Reserve 1/3 of nominated MP positions for women (2)
- We do not need any special measures to increase women participation (2)
- Continue multi-party system at all levels
- Parliament should have two chambers (3)
- Parliament should have two chambers, one with constituency representatives, and the other composed of ethnic and district representatives
- The constitution should provide for the impeachment of the president incase of misconduct (3)
- The constitution should provide that the president shall have veto power over legislation in parliament (2)
- The constitution should provide that the president shall have the power to dissolve parliament (4)
- Presidential elections should not be staggered
- Mps should have offices at their constituencies (2)
- Mps should be forced by law to visit their constituencies at least 3 times a month
- The constitution should provide for a coalition system of government (6)
- The constitution should provide for the impeachment and recalling of non-performing MPs (4)
- The constitution should provide for the impeachment of MPs found embezzling government resources
- The constitution should give Parliament power to control its own calendar. (4)
- The constitution should abolish prorogation of parliament
- The constitution should guarantee for 50% seats in parliament to be occupied by women
- The constitution should provide for a code of conduct for MPs
- The constitution should guarantee that all MPs reside in their constituencies
- The constitution should provide that elected MPs do not contest again
- The constitution should provide that MPs who defect or change parties be barred from contesting
- The constitution should provide for a reduction in the number of ministries
- The constitution should provide for a bicameral parliamentary system with a senate and a house of representatives
- The constitution should debar parliament from appointing ministers and their assistants.

### 5.3.9 **THE EXECUTIVE.**

- The president should be a graduate of economics and political science (2)
- The president must be a Kenyan citizen of sound mind, a university graduate, married and without a criminal record (3)
- The constitution should specify qualifications for a presidential candidate
- The constitution should specify the functions of the president (4)
- A presidential candidate should be a Kenyan citizen
- The president's term should be 2 terms, five years each (8)

- The president shall not have power to sack civil servants or judicial officers
- The president shall not have power to appoint senior civil servants
- The president should be independent (4)
- Leaders and administration officers of the respective provinces and districts should be indigenous people
- The constitution should limit the powers of the president.(10)
- The constitution should provide for a reduction of commuter allowances for MPs
- The constitution should provide for the impeachment of the president. (5)
- The constitution should abolish the provincial administration structure of government.
- The constitution should retain the provincial administration structure of government but re-define its role.
- PCs and DCs should not head security issues in their areas of jurisdiction
- Provincial administration should be removed and replaced with elected officials (3)
- Provincial, district and all government posting should be from the dominant local community
- Chiefs should be elected directly (5)
- Number of ministries should be defined in the constitution
- The constitution should guarantee that all district commissioners be locals who are aware of local problems
- The constitution should provide a code of conduct for the President and the Prime Minister.
- The constitution should debar the president from being a members of any political party (2)
- The constitution should debar the president from making remarks that impact negatively on the lives of the citizen
- The constitution should give the president the mandate to appoint ministers and their assistants
- The constitution should provide that the president shall be subject to the law. (14)
- The constitution should trim the powers of the provincial administration
- The constitution should provide that the president be at least a graduate (5)
- The constitution should provide that the president be about 65 years of age

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

- The present structure of the judiciary is adequate
- Lady magistrates should listen to rape cases
- The constitution should establish the post of a deputy chief Kadhi to assist the Kadhi
- The constitution should establish the post of a deputy chief Kadhi to be appointed by Muslim people
- The constitution should provide for a Kadhi's court assessor to assist Kadhis
- There should be specialized Islamic lawyers in the judiciary
- The constitution should provide for women Kadhis
- The constitution should provide for a code of conduct for Kadhis.
- The constitution should provide that Kadhis be graduates of LLB and fully conversant with Islamic law
- The constitution should provide that Kadhis be appointed only by Muslims (4)
- The constitution should provide that Kadhis be allowed to call non-Muslim witnesses in court



- The constitution should provide for the amendment of Muslim marriage laws
- The constitution should allow the chief Kadhi to appoint 8 kadhis (Ulama) to arbitrate on communal rights
- The constitution should guarantee that chief Kadhis have equal status with chief magistrates
- The constitution should provide for a supreme court (6)
- The constitution should not provide for a supreme court
- The constitution should provide for a constitutional court (7)
- The constitution should provide that judicial officers be appointed by a commission of parliament (2)
- The constitution should provide that judicial officers be graduates of LLB
- The constitution should provide that judicial officers be given security of tenure (2)
- The constitution should provide for a supreme court (6)
- The constitution should not provide for a supreme court
- The constitution should provide for a constitutional court (7)
- The constitution should provide that judicial officers be appointed by a commission of parliament (2)
- The constitution should provide that judicial officers be graduates of LLB
- The constitution should provide that Kadhis retire at 65 years
- The AG should discipline judges who enjoy security of tenure
- The constitution should provide for immediate replacement of Kadhis who retire
- Existing laws should be used to discipline errant judges
- Kadhis should be restricted to judicial work only
- Kadhis should have similar qualifications with magistrates
- Kadhis shall be well versed in Islamic religious education
- Kadhis should have a degree in Islamic education and should have abilities to read and understand Arabic language (3)
- Kadhis should be Muslim scholars who are well versed in Islamic religion and law
- Kadhis should have a law degree from a recognized university
- The constitution should provide that Kadhis have a diploma in Islamic law from a recognized university
- The constitution should provide that Kadhis be of similar qualification as other judicial officers
- Kadhis should be able to read and understand the Quran effectively and should be able to translate it into other languages.
- Kadhis should be college graduates in Sharia and Sunna
- The constitution should provide that Kadhis be appointed by a supreme council of Kenya Muslims
- The constitution should provide that Kadhis shall not handle other matter except divorce, marriage and succession
- Kadhis court should be empowered to handle other matters related to Islamic law other than marriage, divorce and succession (7)
- Kadhis court should be empowered to enforce children's rights (12)
- The chief Kadhi's decision should not be appeal able
- The constitution should provide that Kadhis be given appellate jurisdiction (5)
- Kadhis should be appointed by the judicial service commission
- Kadhis should be interviewed and their appointments be recommended by a panel of Islamic scholars appointed by the AG (3)

- The constitution should provide for the independence of the judiciary. (8)
- Court cases should not take more than 6 months without judgment
- Court cases should not take more a long time without judgment
- People should be educated on how to go about getting justice after police harassment
- The constitution should provide a constitutional right to legal aid for all Kenyans (4)
- A council of elders should be responsible for handling customary/cultural affairs and disputes (4)
- The constitution should provide that the judiciary improves the efficiency and speed of courts in hearing cases
- The constitution should provide that supreme and constitutional courts shall deal with peculiar and subsidiary cases
- The constitution should provide that the judiciary ensures justice for all Kenyans
- The constitution should provide that justice shall apply uniformly to all irrespective of status
- The constitution should provide that Kadhis courts are treated equally with all other judicial courts
- The constitution should provide that Kadhis be salaried like other cadres in the judicial structure

#### 5.3.11 **LOCAL GOVERNMENT.**

- The constitution should provide that Mayors and Chair of County Council be given security of tenure in-order to oversee security of development
- The constitution should provide for the autonomy of local authorities (4)
- The constitution should provide that Mayors and Chair of County Council be elected by the public (10)
- Mayors term should be extended to 5 years
- Local authorities should be autonomous from the government
- The clerk to the council should be an employee of the council who is liable to sacking just like other members of staff
- Mayors and Chair of County Council should have at least O'level education (3)
- Language tests required for civil authorities are sufficient
- The constitution should provide for a code of ethics for those contesting for local authority seats (2)
- The constitution should provide for people to have powers to recall non-performing councilors after 1 year (2)
- Council officials should be paid from the consolidated funds (3)
- The constitution should retain the post of nominated councilors but give special consideration for marginalized and specific interest groups
- The constitution should provide for 1/3 of nominated councilors to be women
- The president should have power to dissolve councils
- ECK with consultation with stake holders should have power to dissolve and create councils
- The county councils should introduce licenses for hawkers to operate business freely
- Hawkers should be given a defined area for their operations in the constitution

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



- The constitution should provide for a representative electoral system
- Secret ballot system should be retained (2)
- Retain simple majority as the basis of winning an election (4)
- Electoral process should be designed to increase participation of women in parliament and local authorities (2)
- A winning presidential candidate should garner at least 55% of the total votes cast
- Candidates should be allowed to defect from one party to another to seek nomination (2)
- Candidates should not be allowed to defect from one party to another to seek nomination (5)
- The requirement of 25% representation in 5 provinces for presidential elections should be retained (2)
- The requirement of 25% representation in 5 provinces for presidential elections should be scrapped (2)
- The constitution should provide for not less than 50 seats in parliament for specific interest groups such as women and the disabled
- The constitution should provide for not less than 33% seats in parliament for women
- Five seats should be preserved in parliament for indigenous minority tribes in Kenya (2)
- Constituencies should be demarcated on the basis of population and not geographical considerations (3)
- Constituencies should be demarcated on the basis of geographical considerations (2)
- The constitution should provide that the presidential, parliamentary and civic elections be conducted simultaneously
- The constitution should provide that the presidential, parliamentary and civic elections be conducted separately
- Every Kenyan should vote wherever he/she is without restriction
- The electioneering process should be simplified
- Transparent ballot boxes should be used in elections (2)
- Independent candidates should be allowed
- Parliamentary election campaign should have a ceiling expenditure of 2 million
- Presidential candidates should be elected directly (2)
- Presidential elections should be held partly directly proportional based on ethnic and religious groups
- Electoral commissioners should be appointed by parliament (2)
- Electoral commissioners should be appointed by parliament and the president
- Electoral commissioners should not be appointed from their home areas
- Electoral commissioners should be appointed by political parties
- Appointments of electoral commissioners should take into account provincial representation, gender equality and representation of special interest groups
- 1/3 of all electoral commissioners should be women
- Electoral commissioners should have security of tenures (2)
- The constitution should provide that the president and the vice-president be elected by a majority votes
- The constitution should provide that the president must garner at least 45% of all votes cast
- The constitution should provide that the date for general election be made known to the public (3)
- The constitution should guarantee de-tribalization of politics during elections in-order to avoid tribal and ethnic clashes

- The constitution should provide that Mayors and Chair of County Council to be elected by the people for a 5 year term
- The constitution should provide that all nominees for civic offices especially the president should have a running mate
- The constitution should ban political defectors be banned from future electoral posts
- The constitution should provide for the independence of the electoral commission (3)
- The constitution should guarantee that the electoral commission adheres to electoral laws and prosecute election offenders (2)
- The constitution should provide that the electoral commission be elected by the public
- The constitution should allow presentation of all constituencies in the electoral commission
- The constitution should guarantee the use of secret ballot during elections
- The constitution should provide that counting of votes be done at polling stations (5)
- The constitution should provide that in a presidential election, the winning candidate must get at least 50% of the votes cast
- The constitution should provide that the president serve for only 2 terms

### 5.3.13 **BASIC RIGHTS**

- Bill of rights for all Kenyans should be respected and implemented by the constitution
- All social and economic rights should be included in the constitution
- Government should ensure protection of basic human rights (3)
- Education should be provided as a basic right for all (2)
- The government should provide free universal education to all Kenyans irrespective of gender
- Free health care should be provided as a basic right for all (9)
- Water should be provided as a basic right for all
- Freedom of expression, speech and movement should be guaranteed to all.
- All ethnic groups should be given some weekly days of for worship depending on their spiritual beliefs
- The constitution should provide for the right of life. Death penalty should be abolished
- The constitution should guarantee the right to security, water, shelter, food education, employment and health care and adequate services to all. (4)
- Maternity leave should be extended to 5 months for all working women
- Public housing should be accessible to all people with disabilities
- Free housing should be provided as a basic right for all
- Islamic women should be given special leave upon the death of their husbands (3)
- Voluntary retirement should be 45 years and mandatory retirement 60 years
- Employment should be provided as a basic right for all (3)
- Quota system should be used in employment to increase participation of women in employment
- Priority should be given to the local people in matters of employment for vacancies available in their regions, especially at the coast
- Casual laborers should be given equal rights with permanent employees
- Retirees should be paid their benefits promptly (3)
- There should be a one man, one job policy
- All employee salaries should be harmonized
- All employees should be paid according to their qualifications

- There should be allowances for the aged
- Education should be provided free up to primary level (2)
- The constitution should provide for free and compulsory education (2)
- The constitution should be written in simple English and Kiswahili for all to understand (5)
- Civic education should be provided to all
- Kenyans should have a right to access information in the possession of the state or any other agency (2)
- All workers should be given trade union representation and all agreement reached upon between employer and employees should be honored (2)
- The constitution should provide for Muslim employees in the government, parastatals and private sectors to attend to their Friday prayers
- The constitution should provide for the freedom of communication for the public media.
- The constitution should provide for the employment of all graduates.
- The constitution should provide freedom of worship by allowing Muslim women to wear Shijab and ensure that Muslim children do not study Christian religious education.
- The constitution should provide for the constitution to be translated into all languages for all Kenyans to understand
- The constitution should provide for parliamentary proceedings to be aired in the public media.
- The constitution should provide that the ruling party ceases to dominate the public media.
- The constitution should provide for limit of freedom of worship to worship of God alone. (10)
- The constitution should guarantee security for all Kenyans. (4)
- The constitution should provide for free health services, clean water and shelter.
- The constitution should provide freedom of civil servants to engage in politics.
- The constitution should provide for free and compulsory formal education up to university level.
- The constitution should provide for free airtime for all religions.
- The constitution should guarantee the protection of the human rights of all Kenyans.

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

- Women should be given all the basic rights as enshrined in the constitution (2)
- The disabled should be given all the basic rights as enshrined in the constitution
- Education for the disabled should be free and anyone banning them should be prosecuted
- Every district should have a special institute for the mentally retarded and totally disabled persons
- There should be free care for the disabled
- The constitution should guarantee children all the basic rights by including them into the national law treaties and convention already ratified and protecting their rights (2)
- The constitution should guarantee affirmative action in favour of children
- The constitution should guarantee affirmative action in favour of women (4)
- Street children should be rehabilitated by the government (3)
- All minority groups should have their rights protected
- The Shia sect of Islam should be recognized as a vulnerable group
- Widows should be considered as vulnerable

- Prisoners' rights should be protected. They should not be tortured and they should be given a right to worship
- There should be a parole in the constitution for prisoners
- Prison conditions should be improved to protect the rights of prisoners
- The constitution should provide that the ruling party ceases to dominate the public media
- The constitution should provide limit freedom of worship to worship of God alone
- The constitution should provide for government rehabilitation and education of street children.
- The constitution should guarantee stiffer penalties for rapists
- The constitution should guarantee that lady magistrates prosecute rapists
- The constitution should abolish forced marriages
- The constitution should outlaw sexual harassment and ensure that culprits prosecuted
- The constitution should provide that any man who impregnates a girl provides financial support for the child
- The constitution should guarantee the full implementation of children's act

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

- The individual should have ultimate land ownership rights (2)
- The state should have ultimate land ownership rights (3)
- All land should be under community ownership (3)
- The constitution should provide that all land commissioners should be transparent in the issuance of title deeds and all land transactions be vetted by local elders.
- The government should not have power to compulsorily acquire land
- The government should have power to compulsorily acquire land (3)
- The government should have power to compulsorily acquire land, but must compensate the common man for the same
- The state should have power to control use of land by occupiers (2)
- Allocation of public land should give first preference to the local people
- Government should provide free land for the election of mosques and Quran schools
- No settlement schemes should be created for non-indigenous people
- Allocation of land for agriculture should be restricted to indigenous people
- The constitution should address issues of some settlement schemes in matters relating to protection of minority indigenous ethnic groups
- Government should protect trust land and allocate all government land to local communities
- Government should allocate 90% of all government land to local communities
- Local communities should not be discriminated against in matters of land allocation
- The constitution should protect all public land from grabbing
- There should be a ceiling on the amount of total land owned by an individual (8)
- An individual should not own more than 200 acres of land
- An individual should not own more than 500 acres of land
- Title deeds should be issued to all land owners
- The constitution should provide that no land buyer purchases more than 50 acres of land
- The constitution should guarantee that the district land allocation committee is abolished and replaced by a council of community elders

- Non-citizens should not own land in Kenya (3)
- Non-citizens should own land in Kenya (8)
- Non-citizens should not own more than 5 acres of land in Kenya
- Title deed should be issued free of charge for all people who own less than 50 acres of land
- The constitution should empower the community to form committees to oversee all land transactions
- All people should be well sensitized on how to acquire title deeds or own land
- Men and women should have equal access rights (7)
- All pre-independence treaties and agreements should be cancelled
- The Duncan Sand/PM Shamte and Jomo Kenyatta agreement of 1963 on land issues should be re-adopted in the constitution (2)
- Kenyans should own land anywhere in the country (6)
- Kenyans should own land anywhere in the country, but priority be given to the locals
- Kenyans should not own land anywhere in the country, but only in their native areas (4)
- All Kenyans should have access to land (11)
- The constitution should guarantee that no person shall be landless in Kenya
- Squatters who have occupied land for a period of 50 years and above should own and have total rights over that land
- Trust land and crown land ownership should be abolished (2)
- Trust land and crown land ownership should be retained
- Status of local authority land should change from government land to community reserve land
- The constitution should guarantee the issuance of title deeds to all land holders in the coastal region
- The constitution should debar foreigners from buying land in Kenya (4)
- The constitution should guarantee that all land grabbers are forced to surrender the land to the local people
- The constitution should provide that customary law regarding land reform be reviewed
- The constitution should provide that all government land be redistributed to the landless indigenous people whose land was grabbed by colonialists
- The constitution should provide that all idle land is distributed to the landless
- The constitution should provide freedom for every citizen to have property and to settle anywhere in Kenya
- The constitution should provide that land reform to be reviewed to allow legitimate land owners get title deeds
- The constitution should provide that all indigenous land be registered and title deeds issued
- The constitution should provide that local leaders should vet the rightful owners of the land
- The constitution should provide that land committees to supervise the allotment of land and acquisition

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

- The constitution should promote respect for ethnic and cultural diversity (5)
- “Washwahili” should be regarded as an ethnic group as they have their own culture, identity and language

- Culturally sensitive issues should be addressed through a community referendum instead of long government procedures
- Parents who force their children into early marriages in the name of culture should be prosecuted
- The constitution should provide protection from the discriminatory aspect of culture and origin
- Wife beating should be made illegal
- The constitution should provide for upholding of Kiswahili and English as the national languages
- The constitution should provide that succession laws on mixed marriages are properly enacted
- The constitution should provide that the commissioners act is reviewed to ensure protection of antiques and mosques in Kenya
- The constitution should provide for the establishment of museums in every district
- All historical sites and monuments should be protected and there should be registration to retrieve antiques and cultural property of Kenya from foreign countries and museums (2)
- The constitution should provide that Mohammed's death and date are honored and declared a public holiday.
- The constitution should provide for the legalization of palm wine.
- The constitution should guarantee that Muslims are not addressed as Mohammedans
- The constitution should provide that Kiswahili be spoken as a national language

5.3.17

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

- Parliament should retain the power to authorize the raising and appropriation of public finances (92)
- Opportunities and privileges such as employment and natural resource benefits should be distributed equally among the people and 75% of the revenues collected from the province be used to develop that province
- The constitution should safe guard equitable distribution and use of national resources and the benefits of natural resources in Kenya
- Regional priority should be paramount in appointing regional project directors
- 80% of government postings to an area should be from the local area
- The government should apportion 30% of the benefits from resources within a province for local development of infrastructure
- The government should apportion benefits from local resources to the local community (6)
- The government should apportion benefits from resources between Central government and communities where such resources are found, with the community retaining 50% of the proceeds
- The controller and auditor general should have powers to prosecute those who misappropriate government funds (4)
- The controller and auditor general should be appointed by parliament
- The controller and auditor general should be appointed by an independent commission
- The controller and auditor general should be appointed by the president
- Ministers should be appointed to ministries according to their professions (3)
- Public servants should be given attractive terms and conditions of service
- Public service commission members should be appointed by parliament
- Retired officers should not be reappointed to head parastatals or other government



departments

- There should be a code of ethics for all public officers (3)
- All public servants should be required to declare their assets and their immediate family members (2)
- The constitution should provide that the presidents entourage is reduced and any expenditure on this be accounted for
- The constitution should provide for equitable distribution of national resources.
- The constitution should provide for automatic promotion of teachers and all civil servants every 5 years
- The constitution should provide that teachers are remunerated adequately to allow them deliver services well

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

- The constitution should guard against pollution and destruction of forests, water catchment areas and resource mining
- Government and local communities should be empowered to enforce environmental protection laws
- Parliament should be empowered to enforce environmental protection laws
- Local communities should own all local natural resources (2)
- Local communities should control the use of local natural resources
- Local communities should protect, preserve and replenish the environment (2)
- The government in conjunction with local communities should protect all natural resources
- The government should protect all natural resources
- The constitution should provide for protection of game reserves
- The constitution should provide for protection of forests from plunder and deforestation
- The constitution should provide for protection of parks, waters and mines
- The constitution should provide for protection of all publicly owned natural resources
- The constitution should provide that local communities be given first preference in benefiting from local natural resources
- The constitution should provide for protection of coastal beaches to allow locals to fish without encroachment of middlemen
- The constitution should provide that citizens be compensated for damage from wild animals.

### 5.3.19 **PARTICIPATORY GOVERNANCE**

- A Mufti should minister over civil society organizations and play a watchdog role (2)
- Two members of each ethnic group should be members of the house of senates
- The government should finance women groups in Kenya
- The government should waiver taxes on churches and NGOs
- All professional bodies such as KFF, KNCCI and Kenya tourism board should be regulated by the state
- The state should not regulate the conduct of the media (2)
- The role of civil societies should be institutionalized in the constitution through an act of parliament
- Women should be given a chance to participate fully in governance

- There should be a 1/3 women representation in all distinct committees and local authorities
- Women should be encouraged to take leadership roles
- People with disabilities should be encouraged under new technology to deliver to the public in leadership positions
- Minority group members should be appointed to leadership positions in government
- To enhance participation of the elderly of governance, they should be respected by all

### 5.3.20 **INTERNATIONAL RELATIONS**

- Conduct of foreign affairs should be the responsibility of the executive
- Conduct of all foreign affairs should be the responsibility of parliament (3)
- The constitution should provide that the government adheres to COMESA treaties
- The constitution should provide for the enactment of legislation to discourage our government from collaborating with superpowers that perpetuate terrorism

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

- The constitution should provide for an office of Ombudsman to arbitrate matters between the people and the governors (3)
- The constitution should provide for an office of Ombudsman with security of tenure and independence (3)
- The constitution should provide for the establishment of a human rights commission (3)
- The constitution should provide for the establishment of an anti-corruption commission (2)
- The constitution should provide for the establishment of a land control board with local level representation (2)
- The constitution should provide for the establishment of a children's rights commission
- The constitution should provide for the establishment of a commission to deal with national disasters
- The constitution of Kenya review commission should be institutionalized and guaranteed security of tenure
- Truth and reconciliation act should be established to reveal all (2)
- The constitution should provide for the establishment of a minister for constitutional affairs to be the legal chief advisor and the AG to be the chief prosecutor of the government

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

- The constitution should provide that during the transition period, presidential powers rest with the AG (2)
- The constitution should provide that during the transition for 90 days
- The constitution should provide that during the transition period, presidential powers rest with an independent body
- The incoming president should assume office immediately after he is declared the winner
- The high court should swear in an incoming president.
- The outgoing president should be provided with security
- The constitution should make welfare provisions for the outgoing president so long as he does not engage in politics
- The president should be removed from office through recalling by the people if he/she does not perform his duties well



### 5.3.22 **WOMEN'S RIGHTS**

- The constitution should protect the rights of women to ensure that they are respected everywhere
- The constitution should protect the rights of women equally with those of men to avoid all forms of gender discrimination (3)
- Women should have a right to own property
- ½ representation into the lands commission should be women
- Women should be allowed to control their wealth without interference from any male relative
- The constitution should provide that women inherit property from both her parents
- The constitution should provide that women inherit property from her husband (2)
- Women should have a right to succession and inheritance (2)
- Marriage certificate from Kasha should be recognized as a valid document
- Bride price payment should be done away with
- Couples should be allowed to get married at 20 years
- The constitution should provide that women share her husband's property upon divorce or separation.
- Fathers should ensure women of child support and maintenance (3)
- Kadhis should be empowered to force fathers to ensure women of child support and maintenance

### 5.3.22 **INTERNATIONAL POLICY**

- The constitution should debar the government from seeking loans from the World Bank and IMF
- Kenya should be borrowing money from the World Bank

### 5.3.22 **NATIONAL ECONOMIC POLICY**

- The constitution should provide for quota employment in all regions in Kenya
- The constitution should provide that all employment be based on merit
- The constitution should provide for equal development of infrastructure in all regions (4)
- The government should allow people along the coast to cut mangrove trees for exports
- The government should ensure that there is economic liberalization to avoid closure of industries (2)
- The constitution should provide that 95% of revenue collected from any given area be devoted to development of local infrastructure
- The constitution should provide that proceeds from tourism be devoted to development of local infrastructure
- The constitution should provide that antiques taken abroad be brought back and registered in museums and archives
- The constitution should provide for exemption of NGOs from paying import duty
- The constitution should provide that public finance and natural resources be harnessed to help the public
- The constitution should provide farmers in the coastal area with open markets and

incentives to boost trade in the regions

- The constitution should provide for the development of infrastructure
- The constitution should provide that the government legislates decent salaries for all public employees
- The constitution should guarantee improvement of roads to enable farmers ferry their goods to the market
- The constitution should provide that farmers are exempted from paying taxes on agricultural products
- The constitution should provide for the independence of the KBC as a public media

### 5.3.22 **NATIONAL OTHER POLICY**

- The government should take responsibility of children infected with HIV/AIDS
- HIV/AIDS testing should be compulsory for all people before marriages.
- Anyone who infects another with HIV/AIDS knowingly should be prosecuted
- Police should not arrest peaceful workers on industrial action.
- Police brutality should be abolished and reservists made available at the local level
- A better public relationship between the public and the police force should be emphasized through seminars and workshops (3)
- Vigilant groups should be banned
- The constitution should provide that each district has a sporting ground or division to cater for youths recreational needs in order to mitigate drug abuse and alcohol consumption
- The constitution should guarantee that wealth of public servants is made public and corrupt officers prosecuted
- The constitution should provide for corrupt officers to be prosecuted (3)
- Land grabbers should be prosecuted and forced to return land to the rightful owners
- The constitution should provide for corrupt MPs to be prosecuted
- The constitution should provide that embezzlers of government funds and property are prosecuted
- The constitution should provide that all public servants are paid their dues promptly upon retirement
- The constitution should debar the police from harassing hawkers and the hawkers encouraged to trade freely
- The constitution should provide that hardship allowances be granted to all local people
- The constitution should provide that embezzlers of government funds and property are prosecuted
- The constitution should debar doctors from operating private clinics
- The constitution should provide for mandatory military pre-university training

### 5.3.22 **SECTORAL POLICY**

- The constitution should abolish board of governors in schools and instead their role should be taken over by parents teachers associations
- Agricultural policies should be improved to ensure food security. Authority for development of special crops should be made more independent
- The constitution should provide for the revival of the cotton industry
- Government should protect cotton farmers
- Government should protect all farmers in order to boost the agricultural sector (3)

- The constitution should guarantee farmers access to adequate and subsidized inputs
- Agricultural inputs should be subsidized (2)
- Industries should be constructed where raw materials are found
- The constitution should provide farmers with free markets to sell their produce
- The constitution should provide for a review of the education system
- The constitution should provide for equal opportunities in public schools for students in all districts
- Islamic education should be emphasized in the school curriculum (2)
- There should be easy admission of Muslim children into schools
- The 8-4-4 system of education should be reviewed (2)
- The 8-4-4 system of education should be abolished
- A University should be constructed at the Coast province
- Offices of the director of education and chief inspector of schools should be constitutionalized and be assured of security of tenure
- Constitution should be taught in schools (3)
- Civic education should be taught in schools
- School equipment and materials should be supplied to schools
- The government should ensure that all students are registered for exams
- There should be a university offering agricultural and animal husbandry studies
- Properties owned by the disabled should not be taxed
- Taxation should be based on ability to pay
- Interest rates in banks should be abolished
- Currency should retain the currency of the founding president of the Kenyan nation, it should not change with every new president (2)
- Government should be responsible for equitable distribution of well equipped schools managed by trained teachers to ensure equal opportunity regardless of the province
- Sex education and the evolution theory should not be taught in schools
- There should be a quota system in education in order to increase participation of women
- The constitution should abolish board of governors in schools and instead their role should be taken over by parents teachers associations
- The constitution should ensure security of tenure to education officers
- The constitution should provide that the government revives school equipment schemes
- Hospitals should have fully trained doctors and enough drug supply (2)
- P3 forms should be available in hospitals
- A special fund should be established to for medical bills for terminally ill patients
- The government should establish drug rehabilitation centers in every district hospital to offer mandatory counseling and treatment to drug abusers
- The constitution should provide for the independence of the KBC as a public media
- Media should be allowed to play watch dog on the three arms of the government
- Broadcasting stations should not be religious biased
- The constitution should provide that small scale traders be exempted from taxes
- Small scale enterprises should be protected
- The constitution should guarantee an improvement in the fishing industry in the coastal region (2)
- The constitution should provide local residents with the freedom to fish in the ocean without license requirements (2)
- The government should protect fishermen by restricting foreign fishermen (2)
- The constitution should protect the people from wild animals (4)

### **5.3.26 CUSTOMARY LAW**

- Widows should be given the customary right to bury their dead husbands without interference by the clan members

### 5.3.22 **STATUTORY LAW**

- To discourage drug abuse, a stiff penalty should be introduced on drug traffickers
- 'Miraa' chewing should be banned by the constitution (2)
- Bhang smoking should be outlawed
- Drug abuse should be abolished
- Acts of parliament should be harmonized with the constitution and none should contradict the provisions of the constitution
- Homosexuality should be punishable by death
- The law should provide that any driver who causes accidents by careless driving should be barred from driving in future
- Victims of imprisonment should be given compensation
- Courts fines for petty offences should be reviewed and lowered.
- The constitution should enact strict laws to stop illicit trafficking of antiques and other cultural property from Kenya to foreign countries

### 5.3.22 **ISLAMIC LAW**

- The constitution should provide for an office of a Mufti to advice the AG on Islamic matters.
- The clause "this constitution is above all other laws" should be removed from the constitution because it violates Islamic law
- Legal anomalies in the Islamic law should be removed
- The constitution should require that land placed under the custody of land commissioners should sold to willing Muslim buyers
- Muslims should be governed exclusively by Islamic law (2)
- Muslims should not be referred to as Mohammedans
- Islam should be respected and Muslims should not be abused

### 5.3.22 **GENDER EQUITY**

- Gender equity should be promoted in all respects (2)
- Gender equity should be not be encouraged because it is against most religious and peoples morals
- To ensure gender equality in the local government, 1/3 representation of one each gender at a time should be entrenched in the constitution

### 5.3.22 **TRANSPARENCY AND ACCOUNTABILITY**

- The president and the prime minister should be open and accountable to the people

### 5.3.22 **NATURAL JUSTICE/RULE OF LAW**

- Every Kenyan who has had his rights infringed upon should be vindicated
- There should be equality before the law and there should be no discrimination for whatever grounds

### 5.3.22 **NATIONAL INTEGRITY /IDENTITY**

- Idd-ul-haji should be made an extra holiday



## **APPENDICES:**

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

1. Hon Fahim Twaha MP
2. Mohammed Abubakar DC
3. Mr. Kassim Athman Chairman
4. Cllr. Sharifa Abubakar
5. Amina Hussein
6. Sheikh Nassir Bwanamkuu
7. Pastor Zebedi Maina
8. Peter Gitau Ngugi
9. Husna Ali Swabu
10. Hamid Mohammed Abdalla Fadhil

### **Appendix 2: Civic Education Providers (CEPs)**

- Ecumenical Civic Education Programmes
- Muungano Women Group
- National Council of Churches
- Maendeleo ya Wanawake Organisation
- Kikozi Programme
- Task Force
- Kenya African Mau Mau Union
- Lamu Development Initiatives

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

1	0006OLWCO	Abdul Wamad	CBO	Written	Lamu Community Development O
2	0011OLWCO	Ahmed Mohamed Omar	CBO	Memorandum	Shella-Lamu
3	0002OLWCO	Ali Abubakar	CBO	Memorandum	Tchundwa Welfare Association
4	0017OLWCO	Barke Athmani	CBO	Written	Mvafaka Women Group
5	0012OLWCO	Cllr. Abdul Twahir	CBO	Memorandum	Islahil Islamiya of Kenya
6	0014OLWCO	Esther W. Njoroge	CBO	Written	Bahati Women Group
7	0007OLWCO	Feisal Moh'd Miji	CBO	Written	Lamu Cultural Promotion Grou
8	0013OLWCO	Mohamed Ali Baddi	CBO	Memorandum	Sanye Welfare Self Help Grou
9	0001OLWCO	Noor Salim Omar	CBO	Memorandum	MYWO Lamu
10	0003OLWCO	Omar Famau	CBO	Memorandum	Tawasal Foundation Institute
11	0010OLWCO	Sauda Kassim Kupi	CBO	Memorandum	Annaswiha Women Group
12	0004OLWCO	Zehra Shee	CBO	Written	Muongano Women Group
13	0001ILWCO	Abdulraham M. Hilal	Individual	Memorandum	
14	0022ILWCO	Abubakar A Mashauri	Individual	Oral - Public he	
15	0058ILWCO	Abubakar Hussein	Individual	Oral - Public he	
16	0029ILWCO	Abubakar Mohamed	Individual	Oral - Public he	
17	0037ILWCO	Ahmed S. Bagufah	Individual	Oral - Public he	
18	0034ILWCO	Ahmed Sheikh Hadi	Individual	Oral - Public he	
19	0031ILWCO	Ahmed Swaleh Saary	Individual	Oral - Public he	
20	0068ILWCO	Alex M. Kitetu	Individual	Oral - Public he	
21	0042ILWCO	Alex Munyoki	Individual	Oral - Public he	
22	0013ILWCO	Ali Abdalla Shee	Individual	Written	
23	0030ILWCO	Ali Aboud	Individual	Oral - Public he	
24	0003ILWCO	Ali Aboud	Individual	Written	
25	0039ILWCO	Ali Charo	Individual	Oral - Public he	
26	0032ILWCO	Ali Fani	Individual	Oral - Public he	
27	0023ILWCO	Ali Gubo Baldo	Individual	Oral - Public he	
28	0041ILWCO	Ali Omar	Individual	Oral - Public he	
29	0078ILWCO	Amos M. Waweru	Individual	Oral - Public he	
30	0063ILWCO	Antony Mwaura	Individual	Oral - Public he	
31	0012ILWCO	Athumani H. Sudi	Individual	Written	
32	0036ILWCO	Azraa Mahmoud Ahmed	Individual	Oral - Public he	
33	0017ILWCO	Barke Athmani	Individual	Written	
34	0019ILWCO	Bayou Ngaburia	Individual	Written	
35	0059ILWCO	Christopher Mashengu	Individual	Oral - Public he	
36	0033ILWCO	Cllr. Abdul Twahir	Individual	Oral - Public he	
37	0005ILWCO	Cllr. Abdul Twahir	Individual	Memorandum	
38	0009ilwco	Cllr. Abdul Twahir	Individual	Written	
39	0010ilwco	Cllr. Abdul Twahir	Individual	Written	
40	0007ilwco	Cllr. Abdul Twahir	Individual	Written	
41	0006ilwco	Cllr. Abdul Twahir	Individual	Written	
42	0057ILWCO	Cllr. Husni Akawi	Individual	Oral - Public he	
43	0018ILWCO	Cllr. Reuben Karanja	Individual	Written	
44	0079ILWCO	Daniel Mwangi	Individual	Oral - Public he	
45	0055ILWCO	Elias P. Kitoto	Individual	Oral - Public he	
46	0044ILWCO	Emmanuel W. Kimani	Individual	Oral - Public he	
47	0015ILWCO	Ephantus Mashoya	Individual	Memorandum	



48	0048ILWCO	Fr. Daniel Karau	Individual	Oral - Public he	
49	0043ILWCO	Francis Kerigo	Individual	Oral - Public he	
50	0045ILWCO	Fredrick Kariuki Mwangi	Individual	Oral - Public he	
51	0070ILWCO	Fredrick Mugo	Individual	Oral - Public he	
52	0088ILWCO	Geoffrey Ngari	Individual	Oral - Public he	
53	0021ILWCO	Geoffry Mumia Ngari	Individual	Memorandum	
54	0080ILWCO	George Muha	Individual	Oral - Public he	
55	0020ILWCO	Gicheru Julius Muguro	Individual	Written	
56	0069ILWCO	Hadija Mohamed	Individual	Oral - Public he	
57	0026ILWCO	Hamba Omar	Individual	Oral - Public he	
58	0089ILWCO	Hussein Salim	Individual	Oral - Public he	
59	0073ILWCO	James Kariuki	Individual	Oral - Public he	
60	0049ILWCO	James Kimani	Individual	Oral - Public he	
61	0084ILWCO	James Mangara	Individual	Oral - Public he	
62	0087ILWCO	James Muiruri	Individual	Oral - Public he	
63	0086ILWCO	Jeremiah Kikuvi	Individual	Oral - Public he	
64	0067ILWCO	John Wainaina Kabira	Individual	Oral - Public he	
65	0027ILWCO	Joseph Muteru	Individual	Oral - Public he	
66	0061ILWCO	Julius Macharia	Individual	Oral - Public he	
67	0083ILWCO	Linus Gachoki	Individual	Oral - Public he	
68	0011ILWCO	Mahmoud Ahmed Abdulkadi	Individual	Memorandum	
69	0064ILWCO	Mary M. Mbugua	Individual	Oral - Public he	
70	0038ILWCO	Melek Galole	Individual	Oral - Public he	
71	0054ILWCO	Michael Kamau	Individual	Oral - Public he	
72	0040ILWCO	Mohamed Mbwana Shee	Individual	Oral - Public he	
73	0028ILWCO	Mohamed Somo	Individual	Oral - Public he	
74	0071ILWCO	Monica Maina	Individual	Oral - Public he	
75	0056ILWCO	Muchiri Mwangi	Individual	Oral - Public he	
76	0047ILWCO	Nancy Mwarania	Individual	Oral - Public he	
77	0082ILWCO	Njoroge Wambugu	Individual	Oral - Public he	
78	0004ILWCO	Omar Makenzi	Individual	Written	
79	0035ILWCO	Omar T. Mzee	Individual	Oral - Public he	
80	0051ILWCO	Patrick Kariuki	Individual	Oral - Public he	
81	0016ILWCO	Peter Kariuki Wanjohi	Individual	Written	
82	0060ILWCO	Peter Kibaki	Individual	Oral - Public he	
83	0053ILWCO	Peter Mbue	Individual	Oral - Public he	
84	0081ILWCO	Peter Ndungu	Individual	Oral - Public he	
85	0077ILWCO	Peter Ngugi	Individual	Oral - Public he	
86	0014ILWCO	Peter Njehia	Individual	Written	
87	0072ILWCO	Phillip Kimani	Individual	Oral - Public he	
88	0062ILWCO	Pr. Charles Luvanda	Individual	Oral - Public he	
89	0050ILWCO	Pricilla Karanja	Individual	Oral - Public he	
90	0024ILWCO	Rukia Lali	Individual	Oral - Public he	
91	0074ILWCO	Samuel Mwangi	Individual	Oral - Public he	
92	0046ILWCO	Silvester Mutegi	Individual	Oral - Public he	
93	0066ILWCO	Simon Kamau	Individual	Oral - Public he	
94	0076ILWCO	Susan Gaitho	Individual	Oral - Public he	
95	0065ILWCO	Susan Wangari	Individual	Oral - Public he	
96	0025ILWCO	Swaleh Moh'd Atik	Individual	Oral - Public he	
97	0002ILWCO	T.S.S. Ahmed	Individual	Written	
98	0075ILWCO	Wilfred Maina	Individual	Oral - Public he	
99	0085ILWCO	Zabedee Maina	Individual	Oral - Public he	
100	0052ILWCO	Joseph Munene	Other Institutions	Oral - Public he	

101	0008OLWCO	Omari B. Khelef	Pressure Groups	Memorandum	KNUT Lamu
102	0016OLWCO	Simon Njagi Kareke	Pressure Groups	Written	Mpeketoni Physically Handica
103	0009OLWCO	Elijah Shimbira	Religious Organisation	Memorandum	Methodist, PEFA & Catholic C
104	0005OLWCO	Gideon Abuga	Religious Organisation	Written	SDA Church
105	0015OLWCO	Julius Kimotho	Religious Organisation	Memorandum	NCKK & Ecumenical Centre for

#### Appendix 4: Persons Attending Constituency Hearings

S.N.	Name	Organization/Address	Form of Submission
1	Noor Salim Omar	MYWO-Box 283 Lamu	Memorandum
2	Ali Abubakar	Tehundwa Welfare Ass.-Box 48 Lamu	Memorandum
3	Omar Famau	Tawasal Foundation Ins. Fund-Box 248 Lamu	Memorandum
4	Zahra Shee	Muungano Women Group-Box 206 Lamu	Written
5	Gedeon Abuga	SDA Church -Box 470 Lamu	Written
6	Abdul Wamad	Lamu Community Dev Org.-Box 174 Lamu	Written
7	Feisal Mohamed Miji	Lamu cultural Promotion Group-Box 260 Lamu	Written
8	Omari B Khelef	KNUT-Box 62 Lamu	Memorandum
9	Elijah Shimbira	Methodist/ PEFA & Catholice Churches-Box 89 Lamu	Memorandum
10	Sauda Kassim	Annaswiha Women Group-Box 54 Lamu	Memorandum
11	Ahmed Mohamed Omar	Shella -Box 49 Lamu	Memorandum
12	Cllr. Abduli Twahir	Islahil Islamiya of kenya-Box 22 Lamu	Memorandum
13	Mohamed Ali Baddi	Senye Welfare Self Help Group-Box 137 Lamu	Memorandum
14	Esther W njoroge	Bahati women Group-Box 75 Mpeketoni	Written
15	Julius Kimotho	NCCK & Ecumenical Centre for Peace & Justice-Box 75 Mpeketoni	Memorandum
16	Simon Njagi Kareke	Mppeketoni Physically Handicapped-Box 138 Mpeketoni	Written
17	Barke Athman	Mvafaka Women group-Box 1 Witu	Written
18	Abdulraham M Hilal	Box 34 Lamu	<u>Memorandum</u>
19	T S S Ahmed	Box 103 Lamu	<u>OTHER</u>
20	Ali Aboud	Box 51 Lamu	<u>Written</u>
21	Omar Makenzi	Box 97 Lamu	Written
22	Cllr. Abduli Twahir	Box 22 Lamu	Written
23	Cllr. Abduli Twahir	Box 22 Lamu	Written
24	Abubakar M A Al-amudy	Box 22 Lamu	Written
25	Cllr. Abduli Twahir	Box 22 Lamu	Memorandum
26	Cllr. Abduli Twahir	Box 22 Lamu	Memorandum
27	Cllr. Abduli Twahir	Box 22 Lamu	Memorandum
28	Mohmoud Ahmed Abdulkadir	Box 11 Lamu	Memorandum
29	Athumani H Sudi	Box 72 Lamu	Written
30	Ali Abdalla Shee	Box 54 Lamu	Written
31	Peter Njehia	Box 60 Mpeketoni	Written
32	Ephantus Mashoya	Box 237 Mpeketoni	Memorandum
33	Peter kariuki Wanjohi	Box 60 Mpeketoni	Written

34	Barke Athman/ Zahran M	Box 1 Witu	Written
35	Cllr. Reuben Karanja	Box 245 Mpeketoni	Written
36	Bayon Nyamburia	Box 21 Witu	Written
37	Gicheru Julius Muguro	box 66 Mpeketoni	Written
38	Geoffry Mumia Ngari	Box 101 Mpeketoni	Memorandum
39	Abubakar A Mashauri	N/A	ORAL
40	Ali Gubo Baldo	Box 74 Lamu	ORAL
41	Rukia Lali	Box 54 Lamu	ORAL
42	Swaleh Moh'd Atik	Box 74 Lamu	ORAL
43	Hamba Omar	Box 147 Lamu	ORAL
44	Joseph Muteru	Box 45 Mokowe	ORAL
45	Mohamed Somo	Box 83595 Msa	ORAL
46	Abubakar Mohamed	Box 48 Lamu	ORAL
47	Ali Aboud	Box 51 Lamu	ORAL
48	Ahmed Swaleh Saary	Box 35 Lamu	ORAL
49	Ali Fani	Box 48 Lamu	ORAL
50	Cllr. Abdul Twahir	Box 22 Lamu	ORAL
51	Ahmed Sheikh hadi	Box 45 Lamu	ORAL
52	Omar T Mzee	Box 64 Lamu	ORAL
53	Azra Mahmoud Ahmed	Box 54 Lamu	ORAL
54	Ahmed S Bagufah	Box 11 Lamu	ORAL
55	Melek Galole	Box 125 Lamu	ORAL
56	Ali Charo	Box 213 Lamu	ORAL
57	Mohamed Mbwana Shee	Box 142 Lamu	ORAL
58	Ali Omar	Box 147 Lamu	ORAL
59	Alex Munyoki	Box 421 Lamu	ORAL
60	Francis Kerigo	Box 169 Lamu	ORAL
61	Emmanuel W Kimani	N/A	ORAL
62	Fredrick Kariuki Mwangi	Box 214 Mpeketoni	ORAL
63	Sylvester Mutegi	Box 101 Mpeketoni	ORAL
64	Nancy Mwarania	N/A	ORAL
65	Fr. Daniel Karau	Box 142 Mpeketoni	ORAL
66	James Kimani	Box 142 Mpeketoni	ORAL
67	Pricilla Karanja	Box 11 Mpeketoni	ORAL
68	Patrick Kariuki	Box 5 Mpeketoni	ORAL
69	Joseph Munene	Box 60 Mpeketoni	ORAL

70	Peter Mbue	Box 65 Mpeketoni	ORAL
71	Micheal Kamau	Box 18 Mpeketoni	ORAL
72	Elias P Kitoto	Box 60 Mpeketoni	ORAL
73	Muchiri Mwangi	Box 101 Mpeketoni	ORAL
74	Cllr. Husni Akani	Box 5 Witu	ORAL
75	Abubakar Hussein	Box 10 Witu	ORAL
76	Christopher Mashengu	Box 35 Mpeketoni	ORAL
77	Peter Kibaki	Box 12 Mpeketoni	ORAL
78	Julius Macharia	Box 203 Mpeketoni	ORAL
79	Pastor Charles Luvanda	box 66 Mpeketoni	ORAL
80	Antony Mwaura	Box 60 Mpeketoni	ORAL
81	Mary M Mbugua	Box 19 Mpeketoni	ORAL
82	Susan Wangari	Box 75 Mpeketoni	ORAL
83	Simon Kamau	Box 48 Mpeketoni	ORAL
84	John Wainaina	Box 153 Mpeketoni	ORAL
85	Alex M Kitetu	Box 148 Mpeketoni	ORAL
86	Hadija Mohamed	Box 1 Witu	ORAL
87	Fredrick Mugo	Box 75 Mpeketoni	ORAL
88	Monica Maina	box 66 Mpeketoni	ORAL
89	Philip Kimani	Box 60 Mpeketoni	ORAL
90	James Kariuki	Box 159 Mpeketoni	ORAL
91	Samuel Mwangi	Box 28 Mpeketoni	ORAL
92	Wilfred Maina	Box 90420 Msa	ORAL
93	Susan Gaitho	Box 254 Mpeketoni	ORAL
94	Peter Ngugi	Box 22 Mpeketoni	ORAL
95	Amos M Waweru	Box 48 Mpeketoni	ORAL
96	Daniel Mwangi	Box 67 Mpeketoni	ORAL
97	george Muha	Box 50 Mpeketoni	ORAL
98	Peter Ndungu	Box 191 Mpeketoni	ORAL
99	Njoroge Wambugu	Box 27 Mpeketoni	ORAL
100	Linus Gachoki	Box 53 Mpeketoni	ORAL
101	James Mangara	Box 22 Mpeketoni	ORAL
102	Zabede Maina	Box 20 Mpeketoni	ORAL
103	Jeremiah Kikuvi	Box 244 Mpeketoni	ORAL
104	James Muiruri	Box 48 Mpeketoni	ORAL
105	Geoffrey Ngari	Box 101 Mpeketoni	ORAL
106	Hussein Salim	Box 174 Mpeketoni	ORAL
107	Silaha Abubakar	Box 12 Lamu	ORAL
108	Hussein Sodd Elmaawy	Box 97 Lamu	ORAL