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1. DISTRICT PROFILE

Machakos District is one of 13 districts of the Eastern Province of Kenya.

1.1. Demographic Characteristics

District Population by Sex	Male	Female	Total
	442,891	463,753	906,644
Total District Population aged below 18 years	250,366	239,737	490,103
Total District Population aged above 18 years	192,525	224,016	416,541
Population Density (persons/Km ²)	144		

1.2. Socio-Economic Profile

Machakos District:

- Is the 5th most densely populated district in the province;
- Has a 85.9% primary school enrolment rate, being the leading in the province and ranking 10th nationally;
- Has a 28.0% secondary school enrolment rate, being ranked 4th in the province and 18th nationally;
- Experiences the following main diseases: Malaria, upper respiratory tract infections, skin diseases and infections, diarrhea diseases, and urinary tract infections;
- Has a child mortality rate of 45%, being ranked 11th nationally;
- Has a life expectancy of 68.1 years, being ranked 2nd nationally;
- Has a 27.0% malnourishment rate of children under 5 years of age, being ranked 29th nationally; and
- Has a population of 63% that is considered among the absolute poor.

Machakos district has 6 constituencies: Masinga, Yatta, Kangundo, Kathiani, Machakos Town, and Mwala. The district's 6 MPs each cover on average an area of 1047 Km² to reach 151,107 constituents.

2. CONSTITUENCY PROFILE

Machakos comprises of Mutituini , Kalama , Mumbuni and Maruti locations and Machakos municipality , together with that area of Konza North settlement of central division of Machakos district.

2.1. Demographic characteristics

Constituency Population by sex	Male	Female	Total	Area Km ²	Density/ persons per Km ²
	90,267	94,007	184,274	881.7	208.9

2.2. Socio -Economic Profile

Machakos town constituency is basically a business region. Large scale and small-scale district traders reside in the area and feed Machakos town with goods and services .It is also a residential district and farming is done on the periphery of the town area.

2.3. **Electioneering and Political Information**

Like in most Machakos district, the constituency is predominantly pro KANU. In 1992 and 1995 by elections K.A.N.U, won the by an overwhelming majority. However in 1997, S.D.P candidate won the seat. The constituency had a by election in 1995 after John Kyalo, then M.P, passed away. In 2002, the National Rainbow Coalition took the seat.

2.4. **1992 General Election Results**

1992 TOTAL REGISTERED VOTERS			42,709
CANDIDATE	PARTY	VOTES	% VALID VOTES
John Kyalo	KANU	13,812	54.20
DP Mbole	FORD-K	7,789	30.56
Joseph Kalunde	FORD-A	3,256	12.78
Jonesmus Kikuyu	DP	628	2.46
Total Valid Votes		25,485	100.00
Rejected Votes			
Total Votes Cast		25,485	
% Turnout		59.67	
% Rejected/Cast		0.00	

2.5. **1995 By-Election Results**

1992 TOTAL REGISTERED VOTERS			42,709
CANDIDATE	PARTY	VOTES	% VALID VOTES
Alphonse Musyoki	KANU	7,970	71.56
Jonesmus Kikuyu	DP	3,168	28.44
<i>Total Valid Votes</i>		<i>11,138</i>	<i>100.00</i>
Rejected Votes		161	
Total Votes Cast		11,299	
% Turnout		26.46	
% Rejected/Cast		1.42	

2.6. 1997 General Election Results

1997 TOTAL REGISTERED VOTERS			63,426
CANDIDATE	PARTY	VOTES	% VALID VOTES
Jonesmus M. Kikuyu	SDP	27,093	60.18
Wilson M. Muema	KANU	16,058	35.67
John E. Wambua	DP	1,382	3.07
Bernard K. Katiku	NDP	486	1.08
<i>Total Valid Votes</i>		45,019	100.00
Rejected Votes		647	
Total Votes Cast		45,666	
% Turnout		72.00	
% Rejected/Cast		1.42	

2.7. Main Problems

The constituency is dogged by quite a number of problems. Areas sympathetic to the opposition parties claim that they have been denied public services. Potentially productive areas lack electricity even where power lines are already installed, water shortage in the town is also a major problem. The Kilimanjaro water project supplies part of the town with water but other areas experience water shortages because most of the water meant for the areas, has been diverted to irrigate influential people's flower farms

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 8th March 2002 and 14th May 2002.

4.1. **Phases and areas 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
- The constitution of Kenya
- The constitution making process in Kenya
- Emerging constitutional issues
- Structures and systems of government
- Governance
- Issues and questions for public hearings

5. **CONSTITUENCY PUBLIC HEARINGS**

5.1. **Logistical Details**

5.1.1. **Date and Number of Days for Public Hearings**

- a) Date(s) 5th March and 14th May 2002
- b) Total Number of Days: 2

5.1.2. **Venue**

- c) Number of Venues:

- d) Venue(s): 1) Machakos Municipal Social Hall
2) Muuma Andu.Sc School

5.1.3. **Panels**

- e) Commissioners
Com. Hon. Phoebe Asiyo
Com. Dr. C. B. Maranga
Com. Pastor Zablon Ayonga
Com. Mutakha Kangu
- f) Secretariat
Peter Kanyi - Programme Officer
Lydia Manyoni - Assistant Programme Officer
Jacqueline Nyumoo - Verbatim Recorder

5.2. Attendance Details

Category	Details	Number
Number of People Who Presented		73
Sex	Male	35
	Female	9
	Not Stated	29
Presenter Type	Individual	32
	Institutions	11
	Not Stated	30
Educational Background	Primary Level	1
	Secondary/High School Level	34
	College	3
	University	2
	None	3
	Not Stated	30
Form of Presentation	Memoranda	0
	Oral	22
	Oral + Memoranda	22
	Not Stated	29

5.3. Concerns and Recommendations

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

5.3.1. PREAMBLE

- The constitution should have a preamble (3)
- The preamble should be simple and clear.
 - The preamble should state that Kenya is a God fearing country.
 - The preamble should express the Sovereignty of all Kenyans.
 - The preamble should state that Kenya shall always be a democratic state.

- The preamble should spell out the broad socio-economic values of the Kenyan state.
- The constitution should have a preamble.

5.3.2. **DIRECTIVE PRINCIPLES OF STATE POLICY**

- The constitution should have democratic principles such as fairness, justice, truth transparency and accountability
- The constitution should have statements capturing the national philosophy and guiding principles

5.3.3. **CONSTITUTIONAL SUPREMACY**

- The constitution should provide for its supremacy over all other laws in the country.
 - The constitution should provide that a constitutional amendment shall only be through a public referendum.
 - The constitution should emphasize that parliament shall not have the power to amend the constitution.
- The constitution should provide that a constitutional amendment shall be by 75% of members of parliament.
- The constitution should provide that parliament and not public should amend the constitution.

5.3.4. **CITIZENSHIP**

- The constitution should confer to all persons born of Kenyan parents automatic citizenship.
- The constitution should provide for dual citizenship.
- The constitution should not provide for dual citizenship.
- The constitution should confer automatic citizenship to all persons legally married to a Kenyan citizen irrespective of gender.
- The constitution should provide that proof of citizenship shall be by way of National identification cards, birth certificates and passports.
- The constitution should confer automatic citizenship to all persons who have stayed in Kenya for a continuous period of more than five years.
 - The constitution should provide permanent residence status to all deserving foreigners on application.
- The constitution should confer citizenship through naturalization after an aggregate of 5 years.

5.3.5. **DEFENCE AND NATIONAL SECURITY**

- The constitution should provide that no decisions affecting national policy on defense shall be made without the approval of parliament.
- The constitution should provide that the president shall be the Commander in Chief of the armed forces.
- The constitution should provide that One third of National Assembly members shall have the power to veto a declaration of war or a state of emergency by the chief executive.
- The constitution should provide that the president should not be the Commander-in-Chief of the armed forces.

5.3.6. **POLITICAL PARTIES**

- The constitution should provide broad guidelines for the formation, management and conduct of political parties.

- The constitution should limit the number of political parties in the country to 3.
- The constitution should limit the number of political parties in the country to 4.
- The constitution should provide broad guidelines requiring that political parties have a national outlook.
- The constitution should provide broad guidelines requiring that political parties have a development focus.
- The constitution should provide for public funding of political parties as long as such parties have representation in parliament and have a demonstrable substantial following.
- The constitution should provide for equal funding of all political parties in parliament.
- The constitution should limit political parties to 10.

5.3.7. **STRUCTURES AND SYSTEMS OF GOVERNMENT**

- The constitution should provide for a parliamentary system of government with a prime minister as the head of government.
- The constitution should provide for a parliamentary system of government in which the National Assembly chooses the Prime Minister.
- The constitution should provide for a government of National Unity composed of all parliamentary political parties.
 - The constitution should provide that where a government of National Unity is formed, the nominee of the party with the majority of seats in parliament shall become the Prime Minister.
- The constitution should provide for a unitary system of government.
- The constitution should provide for a unitary system of government with a ceremonial President and an executive Prime Minister.
- The constitution should provide for the strict observation of the doctrine of separation of power by the government of the day.
- The constitution should provide for unitary system of government.
- The constitution should provide for Majimbo system of government with 3 jimbo only.
- The constitution should provide for a federal system of government.

5.3.8. **THE LEGISLATURE**

- The constitution should provide for a bicameral parliamentary system with an upper house of elected MPs and a lower house composed of representatives of special interest groups and regions.
- The constitution should provide for a bicameral parliament comprising a senate and seven provincial legislatures.
 - The constitution should provide for a two-chamber parliament. The Upper House should comprise five members from each, of the country's eight provinces and should be charged with the duty of supervising the president.
 - The constitution should provide for a two-chamber parliament. The upper house should have a veto power over the lower house.
- The constitution should give Parliament power to impeach the president.
- The constitution should give Parliament power to vet all constitutional appointments.
 - The constitution should give Parliament power to supervise the Judicial Service Commission and the Public Service Commission.
- The constitution should give Parliament sole power of approval of public expenditure as well as the salaries of MPs.

- The constitution should debar MPs from legislating their own remuneration.
- The constitution should provide for an independent commission to decide on the salaries of MPs.
- The constitution should give Parliament power to control its own calendar.
- The constitution should give Parliament power to control its own operations through the standing orders.
- The constitution should give parliamentary committees the power to prosecute.
- The constitution should give voters the right to recall non-performing MPs by way of petition, referendum or collection of a required number of signatures from the MPs constituency.
- The constitution should provide for a code of conduct for MPs.
- The constitution should provide that MPs shall not be pensionable.
- The constitution should provide that MPs have public offices in their constituencies.
- The constitution should not provide for the nomination of members of parliament.
- The constitution should not provide for more than one chamber of parliament.
- The constitution should provide that parliament should only be dissolved by parliament.

5.3.9. **THE EXECUTIVE**

- The constitution should provide for a ceremonial president who should not belong to any political party and should be elected by popular vote.
 - The constitution should provide a code of conduct for the President and the Prime Minister.
 - The constitution should provide that all presidential candidates declare the source of their wealth.
 - The constitution should provide that the president shall be subject to the law.
 - The constitution should limit the powers of the president.
 - The constitution should provide that the president shall not have the power to dissolve parliament.
- The constitution should provide for the impeachment of the president.
 - The constitution should provide that the president shall serve a maximum two five year terms.
 - The constitution should provide that all presidential appointments be vetted by parliament.
 - The constitution should provide a minimum qualification of a university degree for a presidential candidate.
 - The constitution should provide that the president shall also be an elected M.P.
 - The constitution should provide that the president shall not be an elected MP.
 - The constitution should provide that the president must be a Kenyan by birth.
 - The constitution should provide that the president shall be 40, years married and with a clean conduct.
 - The constitution should provide that the prerogative of declaring a state of emergency shall be exercised by the president.
 - The constitution should provide that the Vice President be directly elected by popular vote.
 - The constitution should provide for appointment to the cabinet through merit.
 - The constitution should provide that all elective public positions have a retirement provision of a maximum 55 years.
 - The constitution should make provisions for the overhaul of the provincial

administration to ensure its efficiency.

- The constitution should abolish the provincial administration structure of government.
- The constitution should provide for the election by popular vote of provincial administration officials.
- The constitution should provide that the provincial administration be abolished and its role should be taken over by the local government.
- The constitution should provide that provincial administration officers be elected by popular vote.
- The constitution should provide that the Chief and the Assistant Chief be elected by popular vote by members of the respective administrative location.
- The constitution should provide for the retention of provincial powers.
- The constitution should clearly lay out the functions of a president.

5.3.10. **THE JUDICIARY**

- The constitution should provide for the independence of the judiciary.
- The constitution should provide for a permanent constitutional court.
- The constitution should provide for the independence of private prosecutors.
- The constitution should provide that appointment of judges should be approved by two thirds of the Members of Parliament.
- The constitution should provide for Mobile courts.
- The constitution should provide that judges be appointed by a commission composed of senior and more experienced judges.
- The constitution should provide for a levy- free access to judicial service.
- The constitution should provide for a Judicial Commission elected by the people to oversee the functioning of the Judiciary.
- The constitution should provide for security of tenure for judges.
- The constitution should stipulate that application and filing fees should as much as possible be pegged at a rate affordable to the common person.
- The constitutions should provide for the establishment of a human right court.
- The constitution should provide for the establishment of a family court.
- The constitutions should provide for appointment of more judges to reduce the pending cases in court.
- The constitution should provide that cases should be determined not later than six months after filing date/commencement date.

5.3.11. **LOCAL GOVERNMENT**

- The constitution should provide that all elective positions in the local government, including the position of the mayor and the chair of the Country Council, be filled by direct popular elections.
- The constitution should provide that all local authority by-laws be adopted by way of a referendum.
- The constitution should provide that Mayors and Chair of County Council serve a maximum two five-year terms.
- The constitution should provide that Mayors and Chair of County Council serve a maximum of a single one-year term.
- The constitution should give mayors and councilors limited executive power.
- The constitution should provide for the funding of Local authorities by the central

government.

- The constitution should limit the power of the Ministry of local government to dissolve local councils.
- The constitution should provide for direct mayor election at universal suffrage.
- The constitution should provide for remuneration of mayors and councilors from the consolidated fund, autonomy in budgetary process and development plan.
- The constitution should provide that persons elected by the local residents should head districts.
- The constitution should provide that districts should have direct links to the central government.
- The constitution should provide for decentralization of powers to the local government.
- The constitution should provide for the creation of a local authority national assembly comprising of members nominated by the local members.

5.3.12. **THE ELECTORAL SYSTEM AND PROCESS**

- 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 political party with the second largest number of seats in parliament shall nominate the national Vice President.
 - The constitution should provide for clear rules for the creation of parliamentary constituencies.
 - The constitution should provide for Independent candidates for local government, parliamentary and presidential elections.
 - The constitution should provide that votes be counted at the polling station.
 - The constitution should provide that Presidential and Parliamentary elections be held on separate dates. In all cases, presidential elections should be held first.
 - The constitution should provide that voting be done by secret ballot.
 - The constitution should provide that a parliamentary candidate be a Kenyan by birth.
 - The constitution should provide that a constitutional review process be finalized before the subsequent general elections.
 - The constitution should clearly stipulate the election date of general elections.
 - The constitution should provide for the autonomy of the Electoral Commission.
 - The constitution should provide clear criteria for the appointment of commissioners to the Electoral Commission.
 - The constitution should provide that a percentage of the members of the Electoral Commission be drawn from specific professions and gender.
 - The constitution should provide that Commissioners appointed to the Electoral Commission be nominated by, and be representative of all political parties.
 - The constitution should provide that election of commissioners to the Electoral Commission be subject to vetting and approval by parliament.
 - The constitution should provide that ballot boxes be transparent.
 - The constitution should provide that in a presidential election, the winning candidate must get 50% of the total votes cast. In the event that this is not achieved in the first contest, a run-off of the first two candidates with highest number of votes shall be immediately held.
 - The constitution should abolish nomination of MPs and councilors.
 - The constitution should provide that constituencies must be created by parliamentary approval. Those constituencies, which might have been created through other processes,

must be abolished.

- The constitution should provide that the election date for the next general election be announced when parliament reconvenes for its last sitting before the term is over.
- The constitution should provide that nomination of MPs and Councilors be done in proportion to the number of seats the political parties hold in parliament
 - The constitution should abolish the rule that requires that the winner in a presidential election gets a mandatory 25% of votes cast in at least five provinces.
- Civic education should be entrenched in the constitution and should be a continuous process
- The constitution should provide the electorate with a right to petition any election at all levels.
- The constitution should provide that the president must have a running mate who should be the vice president.
- The constitution should provide for continuous registration of voters.
- The constitution should reserve positions for Muslims in all spheres of public life.
- The constitution should provide for reservation of 1/3 of seats in parliament and local authorities for women and disabled.
- The constitution should provide for tribal representation for each tribe in parliament.
- The constitution should decentralize government offices to ensure the MPs have more time with their constituents in order to represent them in parliament.

5.3.13. **BASIC RIGHTS**

- The constitution should guarantee the protection of the human rights of all Kenyans.
 - The constitution should protect all Kenyans against domestic violence.
 - The constitution should guarantee the freedom of worship to all Kenyans.
 - The constitution should provide freedom and protection of all religious groups.
 - The constitution should provide that there shall be no special day of worship.
 - The constitution should provide for the freedom of expression and association.
 - The constitution should provide for the freedom of movement.
 - The constitution should provide for the protection of all Kenyans from torture and intimidation.
 - The constitution should guarantee the security of all Kenyans.
 - The constitution should provide for free and compulsory formal education up to university level.
 - The constitution should provide for free basic health care for all in both rural and urban areas
 - The constitution should guarantee every Kenyan, basic food, clothing and shelter.
 - The constitution should guarantee every Kenyan, equal and non-discriminative treatment by the law irrespective of gender, ethnic or racial background.
 - The constitution should guarantee all Kenyans the right to information.
 - The constitution should guarantee the protection of Workers from intimidation from employers.
 - The constitution should provide workers with the right to industrial action.
 - The constitution should provide workers with the right to a fair hearing in courts.
- The constitution should provide for free education for all up to form four levels.
 - The constitution should provide for medical care for the poor.

- The constitution should entrench cultural, social and economic rights.

5.3.14. **THE RIGHTS OF VULNERABLE GROUPS**

- The constitution should provide for government rehabilitation of street children.
- The constitution should abolish the practice of Female Genital Mutilation.
- The constitution should make provision for sign language and Braille services for the deaf in all public places including parliament.
- The constitution should provide affirmative action in favor of the disabled in all public facilities.
- The constitution should provide for government buildings structurally sensitive to the needs of the disabled.
- The constitution should provide that deaf people be allowed to drive.
- The constitution should provide for special identification cards for the deaf.
- The constitution should provide for affirmative action in favour of the needy, aged, HIV positive and mentally sick persons.
- The constitution should provide for protection of unmarried women against all forms of gender abuse.
- The constitution should protect Child rights especially the right not to be forced into an early marriage.
- The constitution should provide for a Children's cabinet, which should be composed of representatives of children from all parts of the country.
- The constitution should protect the education of the Girl child.
- The constitution should provide for sign language interpretation services for the deaf in courts of law and other public utilities.
- The constitution should provide for at least for representatives for the disabled in the electoral commission.
- The constitution should protect the right of prisoners.

5.3.15. **LAND AND PROPERTY RIGHTS**

- The constitution should guarantee the right of every Kenyan to own land in any part of the country.
- The constitution should provide that all government/trust land lying idle should be distributed to the landless.
- The constitution should provide that no citizen should own more than 20 acres of land.
- The constitution should provide that no citizen should own more than 30 acres of land.
- The constitution should provide that no citizen should own more than 100 acres of land.
- The constitution should guarantee that no Kenyan shall be landless.
- The constitution should abolish buying and selling of land.
- The constitution should put a ceiling on the fees charged for sub-division and registration of boundaries.
- The constitution should give either partner in a marriage the right to inherit property belonging to their spouse.
- The constitution should give unmarried girls the right to inherit parental land.
- The constitution should allocate land next to Mt. Kenya to the current inhabitants

- The constitution should provide equal access to land for both men and women.
 - The constitution should provide for a proper drafting of title deeds to reflect matrimonial/spousal joint ownership.
- The constitution should provide for rescission of all land allocations on forestlands.
- The constitution should provide for compulsory acquisition of illegally acquired land.
- The constitution should provide for a fair, just and adequate compensation of landless persons whose land was taken away by the white people.
- The constitution should provide for a restitution of land claims through a land claims commission.

5.3.16 CULTURAL, ETHNIC AND REGIONAL DIVERSITY AND COMMUNAL RIGHTS

- The constitution should provide for the freedom of ethnic practices as long as they are not repugnant to morality and natural justice.
- The constitutions should outlaw culture, which is inimical to the enjoyment of fundamental rights and freedoms.

5.3.17 MANAGEMENT AND USE OF NATIONAL RESOURCES

- The constitution should provide for equitable distribution of national resources.
 - The constitution should provide that all government services and facilities be accessible to all Kenyans without discrimination.
- The constitution should provide for the full participation of MPs in the preparation of the national budget at all stages.
 - The constitution should provide that the national currency/legal tender has a permanent face.
- The constitution should give the offices of the Auditor General and Controller General power to prosecute.
 - The constitution should provide that public officers convicted of corruption be also made to repay the full amount of monies embezzled.
- The constitution should provide that all appointments to civil service must be based on merit.
- The constitution should provide for a standing salary review commission, represented at all levels of government, with a mandate to review the salary of all public servants.
- The constitution should provide for government role in price control to protect local produce
- The constitution should provide for government protection of the local market against the infiltration of fake and contraband products.
 - The constitution should provide farmers with the freedom to market coffee through their own channels.
 - The constitution should provide for government role in the marketing of Kenyan products.
 - The constitution should provide that farmers be paid directly for their agricultural produce.
- The constitution should provide for prompt payment of farmers for their agricultural produce.
- The constitution should provide for government control over interest rates charged on bank loans.
 - The constitution should abolish the role of middlemen and brokers in marketing

transactions.

- The constitution should provide for government financing of the teaching and development of sign language in all schools and institutions.
- The constitution should provide for the full liberalization of the agricultural sector.
- The constitution should provide that admissions to government schools be strictly based on merit.
- The constitution should provide for the review of the education system in order to enhance the quality of the education provided.
- The constitution should give supervisory power to Parents Teachers Association over Board of Governors in the running of primary and secondary schools.
- The constitution should provide for strict enforcement of employment on merit in all public institutions.
- The constitution should provide for reasonable and affordable government taxation of consumer goods.
- The constitution should provide all workers with a right to form a trade union except Armed Forces.
- The constitutions should provide that famine stricken areas should receive aid and relief from the government.
- The constitutions should provide for creation of jobs to curb the problem of unemployment.
- The constitution should provide for one-man-job policy.

5.3.18 ENVIRONMENTAL AND NATURAL RESOURCES

- The constitution should provide that communities be given first preference in benefiting from local natural resources.
- The constitution should provide that citizens be protected from wild animals.
- The constitution should provide for the protection of forests.
- The constitution should provide for a commission to oversee the management of natural resources.

5.3.19 PARTICIPATORY GOVERNANCE

- The constitution should provide for the participation of religious and other non-governmental organizations in governance.
- The constitution should provide that all violent religious groups are nullified
- The constitution should provide that the state shall regulate the conduct of civil society
- The constitution should provide that women are actively involved in governance
- The constitution should provide that the youth are actively involved in governance
- The constitution should provide that minority groups are actively involved in governance
- The constitution should provide that all communities are actively involved in governance

5.3.20 INTERNATIONAL RELATIONS

- The constitution should provide that all the conduct of foreign affairs be vetted by parliament.

5.3.21 CONSTITUTIONAL COMMISSIONS, INSTITUTIONS AND OFFICES

- The constitution should provide that constitutional commissions be set up by parliament or with the approval parliament.
- The constitution should provide for a commission to oversee the education sector,

which should be de-linked from the executive and should be answerable to the National Assembly.

- The constitution should provide for a commission to appoint public officers.
- The constitution should provide for the creation of the office of the ombudsman to check public administration.
- The constitution should provide for the creation of a district land commission constituted by the mayor or council chairperson, the district lands officer and other professionals to oversee the management of land resources in the administrative district.
- The constitution should establish an Anti-Corruption Commission

5.3.22 SUCCESSION AND TRANSFER OF POWER

- The constitution should provide that retiring/outgoing presidents should hand over the instruments of power to the Chief Justice in the interim period before the next president is sworn in.
- The constitution should provide that during the transition period presidential powers rest with the Attorney General.
- The constitution should provide that should the president vacate office for whatever reason, the vice president should assume office for the remaining duration of the existing presidential term.

5.3.23 WOMEN RIGHTS

- The constitution should provide that women's rights are constitutionalized
- The constitution should provide that women shall have equal rights to land and other resources (5)
- The constitution should provide that unmarried girls shall inherit land from the parents (3)
- The constitution should provide that marriage law shall be reviewed and harmonized (4)
- The constitution should provide that fathers shall offer children support until they attain eighteen years of age (4)
- The constitution should provide that wife beating shall be illegalized by the law

5.3.24 INTERNATIONAL POLICY

- The constitution should provide that donor loans and grants shall be channeled to intended projects

5.3.25 NATIONAL ECONOMIC POLICY

- The constitution should provide for the liberalization in the provision of essential services sector
- The constitution should provide that Family planning programmes shall be supported (2)

5.3.25 NATIONAL OTHER POLICY

- The constitution should provide that HIV testing shall be mandatory
- The constitution should provide that citizens shall be protected from police brutality and harassment (2)
- The constitution should provide that all corrupt officers shall prosecuted

5.3.26 **SECTORAL POLICY**

- The constitution should provide that cultivatable public land should be used for agricultural production
- The constitution should provide that agricultural personnel shall be decentralized to the grassroots level
- The constitution should provide that farmers shall be supplied with farming equipment and other services
- The constitution should provide that cooperative services shall be monitored by the government
- The constitution should provide that
- The constitution should provide that each province shall have a university
- The constitution should provide that there shall be free primary education
- The constitution should provide that auditing of schools' accounts shall be compulsory
- The constitution should provide that premarital sex between teachers and pupils shall be punishable by law
- The constitution should provide that medical services shall be free in government facilities
- The constitution should provide that there shall be loan facilities for all students pursuing higher education
- The constitution should provide for the decentralization of medical services to grassroots level
- The constitution should provide that incentives are provided to entrepreneurs in the rural areas
- The constitution should provide that the government should compensate all destruction and harm caused by the government (2)

5.3.28 **STATUTORY LAW**

- The constitution should provide that local brewing shall be illegalized
- The constitution should provide that grabbing of public land shall be punishable by law
- The constitution should provide that the affiliation act shall be reintroduced
- The constitution should provide that abortion shall continue to be illegalized

5.3.29 **CUSTOMARY LAW**

- The constitutional should provide that customary tenure system should be recognized on the same footing as statutory law
- The constitutional should provide that customary marriages shall be recognized by the law
- The constitutional should provide that dowry payment system shall continue
- The constitutional should provide that polygamous husbands shall be buried in their first wives' homestead upon death

5.3.30 **ISLAMIC LAW**

- The constitutional should provide that Islamic law shall be adopted in Kenya

5.3.31 **TRANSPARENCY / ACCOUNTABILITY**

- The constitutional should provide that there shall be a ceiling on the number of acres of land an individual should have
- The constitutional should provide that the government shall be sued for failing to honor its

policies

- The constitutional should provide that issuing of government tenders should be open to the public
- The constitutional should provide that management of public funds shall be subject to accountability

5.3.33 **NATURAL JUSTICE AND RULE OF LAW**

- The constitutional should provide that the victims of Kiima Kimwe shall be compensated by the British government

APPENDICES:

Appendix 1: Members of the Constituency Constitutional Committee

- | | |
|---------------------------|---------------|
| 1. Hon. J. Kikuyu | MP - Chairman |
| 2. Rose N. Kimeu | DC |
| 3. Francis Kyania | Secretary |
| 4. Alphonse Musyoki | |
| 5. Cllr. Donald Mutua | |
| 6. Angelina Katuku Mbithi | |
| 7. Andrew Nduva | |
| 8. Ninah Mbithe Kalla | |
| 9. Ahmed Yussuf | |
| 10. Rosemary Makau | |

Appendix 2: Civic Education Providers (CEPs)

1. Ecumenical civic education providers
2. Maendeleo ya wanawake
3. Mulam self help group
4. Machakos Muslim association
5. Christian education outreach

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

1	0008OMWEA	Benson Kimundu Muia	CBO	Written	Kyelei Dev. Project.
2	0002OMWEA	Cllr. Dannies Musau	CBO	Written	County Council of Masaku
3	0037IMWEA	Agnes Wathome	Individual	Oral - Public he	
4	0016IMWEA	Alphonse M. Musyoki	Individual	Written	
5	0034IMWEA	Archibald Mutiso M.	Individual	Oral - Public he	
6	0021IMWEA	Ben Kioko Mbai	Individual	Memorandum	
7	0020IMWEA	Boniface M. Kitaka	Individual	Written	
8	0028IMWEA	Charles Mutava Maluti	Individual	Oral - Public he	
9	0045IMWEA	Christopher	Individual	Oral - Public he	
10	0006IMWEA	Cllr. Elizabeth Ndeto C	Individual	Memorandum	
11	0029IMWEA	Cllr. Jean K. Kimilu	Individual	Oral - Public he	
12	0017IMWEA	David N. Muli	Individual	Written	
13	0027IMWEA	Dishon Kiilu Ndonge	Individual	Oral - Public he	
14	0012IMWEA	F. Ndeto Mulwa.	Individual	Written	
15	0039IMWEA	Fredrick Mwanzia Kyalo	Individual	Oral - Public he	
16	0023IMWEA	Grace Kivuvi	Individual	Written	
17	0026IMWEA	Grace Mumo Mwanza	Individual	Oral - Public he	
18	0040IMWEA	Grace Mwati Muli	Individual	Oral - Public he	
19	0001IMWEA	J M Munuka	Individual	Written	
20	0035IMWEA	Jackson N. I.	Individual	Oral - Public he	
21	0042IMWEA	James M. Kyalo	Individual	Oral - Public he	
22	0014IMAEA	John Musembi Kyengo	Individual	Written	
23	0010IMWEA	John Muteti	Individual	Written	
24	0004IMWEA	Jonah K. Nthenge	Individual	Memorandum	
25	0002IMWEA	Jonah M Kamule	Individual	Written	
26	0019IMWEA	Jones Kimatu Kilonzo	Individual	Written	
27	0015IMWEA	Joseph Kiilu Kathuki	Individual	Written	
28	0011IMWEA	Joseph Makau	Individual	Written	
29	0005IMWEA	Josephine K. Musembi	Individual	Written	
30	0009IMWEA	Josphat Musyoka Mutua	Individual	Written	
31	0014IMWEA	Joyce Muthee Kioko	Individual	Written	
32	0008IMWEA	Julius Muindu	Individual	Written	
33	0003IMWEA	M. Musyoka	Individual	Written	
34	0013IMWEA	Martin M. Muli	Individual	Written	
35	0038IMWEA	Mutula Musyoki	Individual	Oral - Public he	
36	0043IMWEA	Ndunga Katumo	Individual	Oral - Public he	
37	0025IMWEA	Nina Mbithe Kalaa	Individual	Oral - Public he	
38	0044IMWEA	Patrick Lumumba	Individual	Oral - Public he	
39	0024IMWEA	Paul Mutuku Saa	Individual	Oral - Public he	
40	0041IMWEA	Peter M. Nziuko	Individual	Oral - Public he	
41	0018IMWEA	Rosemary M. Makau	Individual	Written	
42	0032IMWEA	Samson Muteti Ndhuli	Individual	Oral - Public he	
43	0030IMWEA	Samson Mutua Ndunda	Individual	Oral - Public he	
44	0022IMWEA	Simon Mutunga	Individual	Written	
45	0036IMWEA	Teresia Kilondo	Individual	Oral - Public he	
46	0033IMWEA	Titus Musyoka Kithu	Individual	Oral - Public he	
47	0031IMWEA	Wilson Matibo Kyalo	Individual	Oral - Public he	
48	0006OMWEA	John M. Kilonzo	NGO	Memorandum	Kenya Union of the Blind
49	0010OMWEA	Josephine Mutua	NGO	Written	MYWO
50	0003OMWEA	Cyrus Makau	Other Institutions	Memorandum	KNUT- Machakos
51	0009OMWEA	George M. Kiilu	Other Institutions	Written	K-RIDA
52	0007OMWEA	Pr. Abraham Mbundi	Religious Organisation	Memorandum	SDA Church

Appendix 4: Persons Attending Constituency Hearings

No	Name:	Address:	No	Name:	Address:
1	John M. Kilonzo	P.O. Box 124, Machakos	24	Cllr. Wilson Kyalo	P.O.Box 149, Machakos
2	William Kilonzo	P.O. Box 657, Machakos	25	Cllr. Titus M. Tua	P.O. Box 262, Machakos
3	Eric Kyalu	P.O.Box 1415, Machakos	26	Athman Babu	P.O. Box 994, Machakos
4	Dr. Muema	P.O. Box 826, Machakos	27	Adam Said	P.O. Box 57, Machakos
5	Richard Munjue	P.O. Box 861, Machakos	28	Cyrus Makau	P.O. Box 46, Machakos
6	Pastor Bundi	P.O. Box 622, Machakos	29	Rachael M. Waita	P.O. Box 25042, Nairobi
7	Cllr. Elizabeth Ndetu	P.O. Box 298, Machakos	30	Scholastica James	P.O. Box 62, Machakos
8	Eliud Kamau	None	31	O. Kyunguti	P.O. Box 923, Machakos
9	Samson Kimulu	None	32	Michael Kivondo	P.O. Box 1, Machakos
10	Dominic Munyi	None	33	Cllr. Mathew Kathilu	P.O. Box 475, Machakos
11	Kennedy Msiocha	None	34	Franics Kyania	P.O. Box 1202, Machakos
12	Patrick M. Muia	P.O. Box 1770, Machakos	35	G. K. Kitili	P.O. Box 369, Machakos
13	Harrison Mbuthi	P.O. Box 112, Machakos	36	Roy Odipo	P.O. Box 3, Machakos
14	Regina Mbithi	P.O. Box 112, Machakos	37	Washington Mwiti	P.O. Box 3, Machakos
15	Alice Mwendu	P.O. Box 112, Machakos	38	Mrs. Rose Mbithi	P.O. Box 1111, Machakos
16	Joseph Oguba	P.O. Box 28, Machakos	39	Cllr. S. N. Mutiso	P.O. Box 262, Machakos
17	Joseph Muinde	P.O. Box 35, Machakos	40	Abeid J. Mutunga	P.O. Box 346, Machakos
18	Manthi Musyoka	P.O. Box 1503, Machakos	41	Rosalia Kyalo	P.O. Box 1682, Machakos
19	Musyoki Maleve	None	42	Jonah K. Nthenge	P.O. Box 1853, Machakos
20	Jane Muthoni	P.O. Box 44, Machakos	43	Jennifer Wambua	P.O. Box 129, Machakos
21	Samson Ondiek	P.O. Box 1635, Machakos	44	Kioko Mutunga	P.O. Box 129, Machakos
22	Onesmus Kavila	P.O. Box 1415, Machakos	45	Benjamin Muli	P.O. Box 14382, Machakos
23	Kilonzo E. M.	P.O. Box 1950, Machakos	46	Mwanza Joseph	P.O. Box 9, Muthetheni
47	Esther Isika	P.O. Box 9, Muthetheni	70	Rose Maweu	P.O. Box 350, Machakos
48	Omar Ramathan	P.O. Box 288, Machakos	71	Micheni Kibati	P.O. Box 40, Mackakos
49	Irris Mwema Mutuku	P.O. Box 288, Machakos	72	Cllr. Dans Musau	P.O. Box 140, Machakos
50	Solomon Mulwa	P.O. Box 704, Machakos	73	Sammy Ndoto	P.O. Box 138, Machakos
51	Nancy Kagau	P.O. Box 1551, Machakos	74	Gakuku Joseph	P.O. Box 4862, Machakos
52	Magdalena Uhuru	P.O. Box 397, Machakos	75	Mathew Kioko	P.O. Box 1442, Machakos
53	Kavuku Mutisya	P.O. Box 8, Matifuni	76	Harrison Nyimu	P.O. Box 62048, Nairobi
54	Albanus Mumo	P.O. Box 1010, Machakos	77	George Nyakundi	P.O. Box 7744, Machakos
55	Mdee Kivuva	P.O. Box 54, Machakos	78	Mohammed Abu	P.O. Box 137, Machakos
56	Dominic Kaleli	P.O. Box 2060, Machakos	79	Stanley Thomas	P.O. Box 187, Machakos
57	William Okotsi	None	80	Juma Said Kithuku	P.O. Box 147, Machakos

58	Mzee Juma	P.O. Box 62, Machakos	81	John Missevu	P.O. Box 1415, Machakos
59	Josephine Kanini	P.O. Box 457, Machakos	82	Mary Ngonyo	None
60	Cllr. Kivindio	P.O. Box 22309, Machakos	83	Anna Syokau	P.O. Box 310, Machakos
61	Jonathan Masyuki	P.O. Box 136, Machakos	84	Francis Kyalo	P.O. Box 103, Machakos
62	Joel Mutua	P.O. Box 239, Machakos	85	J. M. Munuka	P.O. Box 1564, Machakos
63	Benard Isika	P.O. Box 62, Machakos	86	G. M. Mbole	P.O. Box 1564, Machakos
64	Aziza Ramadhan	P.O. Box 62, Machakos	87	Musili Mutie	P.O. Box 1134, Machakos
65	Mkiana Mgeni Athman	P.O. Box 64, Machakos	88	Philip Daud	P.O. Box 704, Machakos
66	Saumis Hassan	P.O. Box 62, Machakos	89	D. M. Maluda	P.O. Box 1366, Machakos
67	Zainabu Ismael	P.O. Box 313, Machakos	90	S. K. Munene	P.O. Box 345, Machakos
68	Paul Mbole	P.O. Box 108, Machakos	91	M. K. Mutana	P.O. Box 345, Machakos
69	Elijah Wambua	P.O. Box 1591, Machakos	92	Timothy Kilonzo	P.O. Box 262, Machakos
93	Benjamin Ndeti	P.O. Box 126, Machakos	116	Fred M. Kyalo	P.O. Box 462, Machakos
94	Livingston Wambua	P.O. Box 79, Machakos	117	Daniel Kanyambu	P.O. Box 146, Machakos
95	J. M. Kimeu	P.O. Box 1328, Machakos	118	Teresia Kinyamasyo	P.O. Box 2004, Machakos
96	David Muli	P.O. Box 245, Machakos	119	Nelson Musyoki	P.O. Box 858, Machakos
97	Mornica Paul	P.O. Box 214, Machakos	120	Peter Musyoki	P.O. Box 858, Machakos
98	Paulina Mutinda	P.O. Box 214, Machakos	121	Cllr. Cosmas Musyoka	P.O. Box 262, Machakos
99	Margaret Mului	None	122	Hassle Mamunye	P.O. Box 1595, Machakos
100	Seth Mutua	None	123	Musyoki Maleve	None
101	Kerlwuelu	None	124	Kenedy Kamau	P.O. Box 1948, Machakos
102	Fracnis Saya	None	125	Onesmus Kioko	P.O. Box 1432, Machakos
103	Mutuku Ntuli	P.O. Box 2456, Machakos	126	Joseph Ndolo	P.O. Box 186, Machakos
104	Sammy Mbodo	P.O. Box 1119, Machakos	127	Agnes Nthambi	P.O. Mungala
105	Philiph M. Ndolo	P.O. Box 562, Machakos	128	Justus Mutunga	P.O. Box 1164, Machakos
106	Dominic Kaleli	P.O.Box 868, Machakos	129	David Musyoki	P.O. Box 303, Machakos
107	Rhamedhani Kababu	P.O. Box 883, Machakos	130	Katuhu Kihathya	P.O. Box 499, Machakos
108	Ali Ismail	P.O. Box 883, Machakos	131	Teresia John	P.O. Box 998, Machakos
109	Bernard Ndunda	P.O. Box 2081, Machakos	132	Cllr Kimuyu	P.O.Box 262, Machakos
110	James M. Kilonzo	P.O. Box 2324, Machakos	133	Ann Wanjiru	P.O. Box 27, Machakos
111	Jonah Kamule	P.O. Box 262, Machakos	134	Ali Athman Mumini	P.O. Box 200, Machakos
112	Jackson Kala	P.O. Box 499, Machakos	135	Alphonce Musyoka	P.O. Box 1345, machakos
113	Ndura Kitongu	P.O. Box 1820, Machakos	136	Fredrick Kiilu	P.O. Box 1146, Machakos
114	Daniel Mutisya	P.O. Box 789, Machakos	137	Mary A. Kivuita	P.O. Box 126, machakos

115	Rispa M. David	P.O. Box 1581, Machakos	138	Robert Mutyango Mwai	P.O. Box 174, Machakos
139	Joseph Musau	P.O. Box 181, Machakos	145	William Okotsi	Machakos
140	Wilson Mativo Kyalo	Machakos	146	Jackson Musyoka	Machakos
141	Musyoka Maleve	P.O. Box 2309, Machakos	147	Dominic K. Kaleli	Machakos
142	J. M. Masyuki	P.O. Box 136, Machakos	148	Julius M. Mwai	P.O. Box 1211, Machakos
143	Gideon Mbole	Machakos	149	Manlhi Musyoki	Machakos
144	Jonah Kilese Nthenge	P.O. Box 1853, Machakos	150	Cllr Maasai	Box 12 Machakos