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1. DISTRICT CONTEXT

Makueni constituency is in Makueni District. Makueni District is one of 13 districts of the Eastern Province of Kenya.

1.1. Demographic Characteristics

District Population by Sex	Male	Female	Total
	372,639	398,906	771,545
Total District Population Aged 18 years & Below	225,965	216,967	442,932
Total District Population Aged Above 18 years	146,674	181,939	328,613
Population Density (persons/Km ²)	97		

1.2. Socio-Economic Profile

Makueni District:

- Is the 6th most densely populated district in the province;
- Has a primary school enrolment rate of 85.4%, being ranked 2nd in the province and 11th nationally;
- Has a secondary school enrolment rate of 29.0%, being ranked 3rd in the province and 16th nationally;
- Experiences the following main diseases: Malaria, respiratory tract infections, skin diseases and infections, diarrhoea diseases, and urinary tract infections;
- Has a life expectancy of 67.2 years, being ranked 4th of 45 of the nationally ranked districts;
- Has a 27.5% malnourishment rate of children under 5 years of age, being ranked 30th of 42 of the nationally ranked districts;
- Is the country's 2nd poorest district in the country after Homa Bay with more than 73% of its population among the absolute poor; and
- Has a majority of its residents as peasant farmers who are quite vulnerable to the weather. Due to this, it is usually a candidate for food relief.

Makueni district has 5 constituencies: Mbooni, Kilome, Kaiti, Makueni, and Kibwezi. Each of the 5 district's MPs covers on average an area of 1,593 Km² to reach an average 154,309 constituents.

2. CONSITUENCY PROFILE

Makueni comprises the locations of Makueni, Mavindini, Kathonzweni, Nzaui and Mbitini of Makueni division of Makueni district.

2.1. Demographic Characteristics

Constituency Population	Total	Area Km ²	Density (persons/Km ²)
	212,938	2,064.00	103.2

2.2. Socio-Economic Profile

Subsistence farming, trade and bee keeping are the major economic activities in the constituency.

2.3. Electioneering and Political Information

The issues that determine electoral outcome therefore revolve around famine relief and provision of basic infrastructure facilities. The politics of the area pits KANU against the opposition.

2.4. 1992 General Election Results

1992 TOTAL REGISTERED VOTERS			41,766
CANDIDATE	PARTY	VOTES	% VALID VOTES
Peter Maundu	KANU	9,954	43.59
Paul Sumbi	DP	9,117	39.93
Maurice Musomba	FORD-A	3,363	14.73
Joel Ngundo	FORD-K	401	1.76
<i>Total Valid Votes</i>		<i>22,835</i>	<i>100.00</i>
Rejected Votes		204	
Total Votes Cast		23,039	
% Turnout		55.16	
% Rejected/Cast		0.89	

2.5. 1997 General Election Results

1997 TOTAL REGISTERED VOTERS			
CANDIDATE	PARTY	VOTES	% VALID VOTES
Paul Sumbi	SDP	21,420	57.64
Peter E. Maundu	KANU	14,896	29.90
David Sila Nzioki	DP	846	2.28
<i>Total Valid Votes</i>		<i>37,162</i>	<i>100.00</i>
Rejected Votes		610	
Total Votes Cast		37,772	
% Turnout		67.64	
% Rejected/Cast		1.61	

**The Makueni MP Paul Sumbi passed away in 1998 necessitating a by- election, which was won by KANU's Peter Maundu.

2.6. **Main Problems**

Like most parts of Makueni district this constituency is underdeveloped. Tarmac roads are non-existent while other roads are impassable during the rainy season. Poverty is entrenched in the villages and women trek long distances in search of water. Famine is a common feature in the constituency.

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 9th February 2002 and 14th May 2002

4.1. **Phases covered in civic education**

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

4.2. **Issues and areas covered**

- Structures and systems of government
- Constitution
- Constitution making process
- Emerging constitutional issues
- 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) 15th and 16th May 2002
- b. Number of Days: 2

5.1.2. **Venue**

- a) Number of Venues: 2
- b) Venue(s): a) Matiliku Catholic Church Hall
b) AIC Wote

5.1.3. **Panels**

- c) Commissioners
 - Com. Prof. Wanjiku Kabira
 - Com. Mr. Ahmed I. Hassan .
 - Com. Mrs. Abida Ali Aroni .
- d) Secretariat
 - Maimuna Mwidau - Programme Officer.
 - Rosemary Mwangi - Assistant Programme Officer.
 - Josephine Ndungu - Verbatim Recorder.

5.2. Attendance Details

Category	Details	Number
Number of People Who Presented		78
Sex	Male	61
	Female	17
	Not Stated	0
Presenter Type	Individual	48
	Institutions	30
	Not Stated	0
Educational Background	Primary Level	7
	Secondary/High School Level	54
	College	4
	University	11
	None	0
	Not Stated	2
Form of Presentation	Other (Adult Education/Vernacular/Madrassa/Informal Education)	0
	Memoranda	38
	Oral	22
	Written	17
	Oral + Memoranda	1
	Oral + Written	0
Not Stated	0	

5.3. Concerns and Recommendations

The following are the recommendations made by the presenters in Makueni 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 is need for a preamble in the constitution. (17)

The constitution should have a preamble that recognizes people as supreme and owners of the document.

A National vision to be set out in the preamble should reflect development and integrity leadership issues.

A National vision to be set out in the preamble should include a constitution to safeguard life and property of all Kenyans without discrimination.

The national vision should encompass freedom of men and women to have a right to live their lives freely and raise their children, participatory governance, equality of individuals, solidarity, tolerance and respect for nature.

The preamble should state that the Kenyan people (42 ethnic groups) have decided to come together for betterment of their lives. It should be the mandate of the government in power to facilitate towards this goal.

The preamble should state that the Kenyan people are superior in amending the law than any other individual.

- The preamble should define boundaries, tribes of Kenya and include heroes of Kenya and shall mention the type of tribal governments.
- The preamble should state that Kenya should be a Christian nation.
- The preamble should express our past, future, expectations and hopes.
- The preamble shall capture our unity in diversity, which is belief in God.
- The preamble should capture historical experiences of women.
- The preamble should recognize the role played by the Mau Mau freedom fighters.

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

There is need for statements capturing national philosophy and guiding principles. (5)

- The constitution should provide guidelines capturing national policies of free and fair elections.

- The constitution should provide that there is clear separation of powers.

The constitution should provide that the rights of the people should be supreme.

The constitution should be supreme. (3)

Democratic principles should be included in the constitution. (2)

The constitution should capture values such as generosity, humanity and hard work.

The constitution should capture values such as culture, norms and traditions of the different groups.

- The constitution should provide that the values in the national anthem should be constitutionalized.
- The constitution should capture values such as peace, love, unity and harambee spirit. (3)
- The constitution principles should be enforceable in law.

5.3.3. **CONSTITUTIONAL SUPREMACY.**

- The constitution should retain the 65% majority vote required for constitutional amendments. (6)
- The constitution should replace the 65% majority vote required for constitutional amendments.
- The constitution should provide that the constitution should be amended by 75% majority vote by the parliamentarians.
- The constitution should emphasize that parliament shall have the power to amend the constitution.
- The constitution should emphasize that parliament shall not have the power to amend the constitution. (3)
- The constitution should provide that parliament should have limited powers to amend the constitution. (4)
- The constitution should provide that international law and children's rights are parts that should be beyond the amending power of parliament.
- The constitution should provide that constitutional democratic basic human rights and international laws are parts that should be beyond the amending power of parliament.
- The constitution should provide that a constitutional amendment should only be through a public referendum. (13)
- The constitution should provide that the constitution of Kenya review commission should conduct the public referendums. (2)
- The constitution should provide that an independent electoral commission should conduct the referendum.
- The constitution should provide that an independent body should conduct the public referendums. (3)
- The constitution should provide that
- The constitution should provide supreme law of the land.
- The constitution should provide that MPs should not amend constitution without public referendum.
- The constitution should emanate from the will and consent of the people.

5.3.4. **CITIZENSHIP.**

The constitution should provide that anyone born of two parents belonging to the 42 ethnic tribes of Kenya should be an automatic Kenyan citizen.

The constitution should provide that anyone born of both Kenyan parents should be an automatic Kenyan citizen. (7)

The constitution should provide that anyone born in Kenya should be an automatic Kenyan citizen. (4)

The constitution should provide that Kenyan citizen should also be acquired through registration. (3)

The constitution should provide that Kenyan citizen should also be acquired through registration and naturalization.

The constitution should provide that women should pass citizenship to foreign husbands and children.

The constitution should provide that spouses of Kenyan citizens, regardless of gender should be entitled automatic citizenship. (5)

The constitution should provide that spouses of Kenyan citizens, regardless of gender should be entitled to citizenship after a maturation period of two years.

The constitution should provide that if a Kenyan woman is married to a foreigner the man should be under supervision for more than 10 years and he should have bought a piece of land to settle for her to be regarded as a citizen.

The constitution should confer automatic citizenship to a child of a Kenyan lady citizen married to a foreigner.

The constitution should provide citizenship for any child born of a Kenyan parent regardless of gender. (6)

The constitution should provide for the right and responsibility of a citizen beyond the ordinary civil liberties under the bill of rights, which includes the right to basic needs i.e. basic healthcare, education and security.

The constitution should provide for dual citizenship. (5)

The constitution should not provide for dual citizenship. (4)

The constitution should guarantee issuance of ID cards and passports to all persons over 18 years of age.

The constitution should provide that ID cards are issued free of charge.

The constitution should provide that citizens should have ID cards, passports and birth certificates for identification.

- The constitution should provide that citizens should carry birth certificates, driving licenses and passports as proof of citizenship. (3)
- The constitution should provide that citizens should carry national ID cards as proof of citizenship. (4)
- The constitution should provide that citizens should carry national ID cards and passports as proof of citizenship. (4)

5.3.5. **DEFENCE AND NATIONAL SECURITY.**

- The constitution should provide paralegal training for police officers.
- The disciplined forces; the military, paramilitary, police and prisons should be established in the constitution. (8)
- The constitution should provide for recognition of armed forces.
- The constitution should provide that police should man public offices.
- The constitution should provide for paralegal training of police.
- The constitution should provide that professionals should be employed in the military.
- The constitution should provide that recruitment to the disciplined forces should be according to the academic qualifications.
- The constitution should provide for a court to deal with the disciplining of the armed forces and if one of them has gone against the law, he/she should be interdicted and his case taken to court.
- The constitution should provide for an independent body regulating the conduct of the armed forces.
- The constitution should provide that no decisions affecting national policy on defense should be made without the approval of parliament.
- The constitution should provide that the president should remain the commander in chief. (4)
- The constitution should provide that the president should not be the Commander in Chief

of the armed forces. (6)

- The constitution should provide that the president should have exclusive power to declare war. (3)
- The constitution should provide that the president should not have exclusive power to declare war.
- The constitution should permit the use of extraordinary powers in emergencies. (3)
- The constitution should provide that parliament should have the authority to invoke emergency powers. (3)
- The constitution should provide that parliament should have a role in invoking emergency powers.

5.3.6. **POLITICAL PARTIES.**

- The constitution should provide that political parties should be involved in development projects. (3)
- The constitution should provide that political parties should conduct civic education and also protect the environment.
- The constitution should regulate the formation, management and conduct of political parties. (3)
- The constitution should provide for political parties code of conduct.
- The constitution should provide that political parties should be represented in parliament to qualify for registration.
- The constitution should provide that a party with less than five seats should be deregistered and absorbed by a party with more seats.
- The constitution should limit the number of political parties in the country to three, and that each shall be required to show 200 supporters from each constituency.
- The constitution should provide that political parties should have at least 1000 members from 1/3 of the tribes in Kenya.
- The constitution should provide for political parties code of conduct.
- The constitution should provide regulation of number of political parties.
- The constitution should provide for a maximum of 2 political parties. (4)
- The constitution should provide for a maximum of 3 political parties. (11)
- The constitution should provide for a maximum of 3-4 political parties.
- The constitution should provide for a maximum of 10 political parties.
- The constitution should provide that political parties should be financed by its members, government and donors. (3)
- The constitution should provide that political parties should be financed from the public funds. (13)
- The constitution should provide that political parties should have more than 10 seats to qualify for public funding.
- The constitution should provide that political parties should be accountable for its expenditure. (3)
- The constitution should provide for public funding of political parties, which shall be based on the size of the representation.
- The constitution should provide that the president should be non-partisan.
- The constitution should provide that parliament should de-link itself from affairs of political parties.

- The constitution should provide that the state and political parties should join hands to develop the nation. (4)

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

The constitution should retain the presidential system of government. (3)

The constitution should provide for a parliamentary system of government. (8)

- The constitution should provide for a parliamentary system of government with a Prime Minister as the head of government.
- The constitution should provide that the prime minister should be in charge of defence and finance.
- The constitution should provide that the prime minister should attend parliamentary debates and present to parliament proposals for the appointment of senior government officials.
- The constitution should provide that the president should be in charge of government and the appointment of ministers.
- The constitution should provide that the president should be the head of state. (2)
- The constitution should provide that the president should preside over national holidays.
- The constitution should provide that the executive powers should be shared between the prime minister and the president.
- The constitution should retain the unitary system of government. (2)
- The constitution should adopt a federal system of government.
- The constitution should provide that if the president is a man, the Vice president should be a woman and vice versa.
- The constitution should provide for separation of attorney general's office and state prosecutor.
- The constitution should provide that the AG should be the legal advisor of the government enjoying the security of tenure.
- The constitution should provide that the AG should not be the legal advisor of the government.
- The constitution should provide that the AG should be appointed by parliament.
- The constitution should provide that judges of the high court should appoint the AG.
- The constitution should provide that the AG should be proposed by the president and voted by parliament.
- The constitution should establish an office of public prosecutor.

5.3.8. **THE LEGISLATURE**

- The constitution should give Parliament power to vet all constitutional appointments. (8)
- The constitution should give Parliament power to vet all presidential appointments. (6)
- The constitution should provide that the appointment of all the senior government officials should be vetted by parliament. (4)
- The constitution should provide for redefinition of MPs duties.
- The constitution should provide that parliament functions should be expanded by making them overseers of development projects.
- The constitution should provide for control of parastatal bodies by the parliament.

- The constitution should provide that Attorney General, chief justice and judges should be appointed by the parliament.
- The constitution should provide that parliament should have unlimited control over its own procedures through the standing orders. (9)
- The constitution should provide that MPs should work for normal hours from Monday to Friday.
- The constitution should provide that MPs should work from Tuesdays to Fridays.
- The constitution should provide that MPs working time should be increased and recess period shortened.
- The constitution should provide that MPs should not seek other jobs.
- The constitution should provide for shortening of MPs recess period.
- The constitution should provide that being an MP should be a full time occupation. (11)
- The constitution should provide that the voting age requirement should be 18 years old.
- The constitution should provide that MPs should be below 60 years of age.
- The constitution should provide that MPs should be between 35 and 70 years of age.
- The constitution should provide that MPs should be between 30 and 75 years of age.
- The constitution should provide for a young president.
- The constitution should provide that a presidential candidate should be 40 to 70 years of age.
- The constitution should provide that a presidential candidate should be 45 years old and above. (3)
- The constitution should provide that a presidential candidate should be 35 years old and above.
- The constitution should provide that a presidential candidate should be 35 years old.
- The constitution should provide that a presidential candidate should be 35 to 70 years of age.
- The constitution should provide that a presidential candidate should be 35 to 65 years of age.
- The constitution should provide that a presidential candidate should be 50 to 70 years of age.
- The constitution should provide that a presidential candidate should be 40 years old.
- The constitution should provide that a presidential candidate should be 65 years old.
- The constitution should provide that a presidential candidate should be 35 to 100 years of age.
- The language tests required for a parliamentary candidate is irrelevant and should be abolished.
- The constitution should provide that a parliamentary candidate should be a diploma holder and above.
- The constitution should provide that an MP should be holder of at least K.C.S.E. certificate with good passes in English and Kiswahili. (7)
- The constitution should provide that all MPs should be university graduates.
- The constitution should provide that parliamentarians' conduct should be scrutinized by KACA.
- The constitution should provide that parliamentary candidates should not be forced to retire from former jobs.
- The constitution should provide that an MP must be morally and ethically upright. (3)
- The constitution should provide that all MPs should be person(s) of high integrity.
- The constitution should provide that moral and ethical qualifications of aspiring MPs

should ascertain their honesty, transparency and accountability in their private and public lives.

- The constitution should provide that a parliamentary candidate should be financially stable without any criminal record. (3)
- The constitution should provide that a parliamentary candidate should not have been convicted of any criminal offence. (2)
- The constitution should provide for a code of conduct for MPs.
- The constitution should give voters the right to recall non-performing MPs. (6)
- The constitution should provide that MPs should vacate their seats when a petition to the speaker is signed by at least 67% of the voters in the affected constituency.
- The constitution should provide that the electorate should have the right to recall their MP through a 2/3-majority vote of no confidence by the electorate.
- The constitution should provide that MPs should serve for a maximum of two terms of five years each. (2)
- The constitution should provide that MPs should serve for a maximum of three terms of four years each.
- The constitution should provide that MPs should serve for a maximum of three terms of five years each.
- The constitution should provide that parliament should be dissolved after every 5 years.
- The constitution should provide that MPs should act on the basis of instructions from their constituents. (5)
- The constitution should provide that MPs should be pensionable after serving 2 terms.
- The constitution should debar MPs from legislating their own remuneration. (3)
- The constitution should provide for an independent commission to decide on the salaries of MPs. (4)
- The constitution should provide for a parliamentary commission should determine the salaries and allowances of MPs.
- The constitution should provide that the prime minister should determine the salaries and allowances of MPs.
- The constitution should provide for the Ombudsman office to determine the salaries of allowances.
- The constitution should provide for reduction of MP s salaries. (3)
- The constitution should retain the concept of nominated MPs. (5)
- The constitution should provide that a religious representative should be nominated as an MP.
- The constitution should provide that a third of all nominated MPs should be women.
- The constitution should provide for nomination of MPs on merit.
- The constitution should provide that nomination of MPs should be abolished. (3)
- The constitution should provide for measures to increase women's participation in parliament.
- There should not be any measures to increase women's participation in parliament. (2)
- The constitution should provide that winning party should have 65% representation in parliament to form the government.
- The constitution should provide for the formation of a coalition government. (8)
- The constitution should provide for a government of National Unity composed of all parliamentary political parties. (6)
- The constitution should provide for multiparty representation n legislature and executive levels.

- The constitution should provide for a single chamber parliament. (5)
- The constitution should provide for two chambers of parliament.
- The constitution should give Parliament powers to remove the president through a vote of no confidence. (7)
- The constitution should provide that the president should have veto powers over legislation in parliament. (2)
- The constitution should provide that the president should not have veto powers over legislation in parliament. (2)
- The constitution should provide that parliament should have powers to override the president's veto. (2)
- The constitution should provide that parliament should not have powers to override the president's veto.
- The constitution should provide that the president should have the power to dissolve parliament. (2)
- The constitution should provide that the president should not have the power to dissolve parliament. (5)
- The constitution should provide that parliamentary elections should not be staggered. (3)
- The constitution should provide that MPs have public offices in their constituencies. (2)

5.3.9. **THE EXECUTIVE.**

- The constitution should provide that a president should have a family and be a person of good moral history.
- The constitution should provide that a president should be a Kenyan, registered voter with strong family values and above all a university graduate. (2)
- The constitution should introduce moral and ethical qualifications for presidential candidates. (3)
- The constitution should provide that a president should have a degree in law with a clean criminal or civil record.
- The constitution should provide that a president should have a degree in both economic and political science.
- The constitution should provide a minimum qualification of a university degree from a recognized university for a presidential candidate. (6)
- The constitution should provide that the presidency post should be open to any gender.
- The constitution should provide that the president should have 90% of his properties invested locally.
- The constitution should provide that the presidential term should be two years of five years each. (16)
- The constitution should provide that the presidential term should be three years of five years each.
- The constitution should clearly define the functions of the president. (3)
- The constitution should provide that the president should be receiving foreign dignitaries, awarding loans and medals and presiding over the official opening of parliament.
- The constitution should provide that the government should be bound to honour its gazetted commitments.
- The constitution should provide that the president should approve the appointment of permanent secretaries, ambassadors, P.C., D.C. and the speaker of parliament.

- The constitution should limit the powers of the president. (8)
- The constitution should provide that the president should not have the powers to appoint and sack ministers.
- The constitution should provide that the president should not have the powers to dismiss the civil servants at his/her will.
- The constitution should provide that the president should not be the chancellor of the public universities.
- The constitution should provide that the president should not be above the law. (8)
- The constitution should provide for the removal of the president due to misconduct while in office. (10)
- The constitution should provide that parliament and the president should have a mutual relationship. (2)
- The constitution should provide that parliament and the president should be independent from each other. (2)
- The constitution should provide that the president should also be an elected M.P. (2)
- The constitution should provide that the president should not be an elected MP. (11)
- The constitution should provide that the provincial administration should be retained. (5)
- The constitution should provide that chiefs should be married and elected directly by the people.
- The constitution should provide that chiefs should have at least a form four certificate of education. (2)
- The constitution should provide that chiefs should be transferable.
- The constitution should recognize village elders as administrators and they shall be put on salary.
- The constitution should provide that the posts of P.C's, D.C's and D.O's should be abolished while chiefs and their assistants should be elected directly by the people.
- The constitution should provide for the election by popular vote of provincial administration officials. (3)
- The constitution should provide that the provincial administration is abolished and its role should be taken over by the local government. (3)
- The constitution should provide that the provincial administration is abolished. (4)
- The constitution should provide that PC should represent Kenyans to the central government.
- The constitution should state the number of ministries/ministers.

5.3.10. **THE JUDICIARY.**

- The constitution should provide for the independence of the judiciary. (3)
- The constitution should provide for constitutionally recognized superior courts for children.
- The constitution should provide for simplification of legal language.
- The constitution should provide for establishment of land courts in locations.
- The constitution should provide for a supreme court. (3)
- The constitution should not provide for a supreme court. (2)
- The constitution should provide for a permanent constitutional court. (4)
- The constitution should provide for a Judicial Commission to oversee the appointment of the Judiciary officers.

- The constitution should provide for a Judicial Commission to appoint the judicial officers. (3)
- The constitution should provide that the judicial officers should be appointed with regard to their qualification and examined by a tribunal.
- The constitution should provide that the chief justice and other judicial officers should be appointed by parliament.
- The constitution should provide that the judicial officers should be appointed by parliament. (4)
- The constitution should provide that appointment of judicial officers be in accordance to compensate, education, experience and integrity.
- The constitution should punish judicial officers for misconduct.
- The constitution should provide that judicial officers should have a degree in law. (2)
- The constitution should provide that judicial officers should have a master's degree in law.
- The constitution should provide that judicial officers should have a degree in law with 7 years experience.
- The constitution should provide that judicial officers should hold office for 10 years but renewable.
- The constitution should provide that the tenure for judicial officers should retire at 64-74 years of age.
- The constitution should provide that the tenure for judicial officers should be 70 years.
- The constitution should provide that the tenure for judicial officers should be 72 years.
- The constitution should provide that the tenure for judicial officers should be 74 years.
- The constitution should provide that the tenure for judicial officers should retire at 92 years of age.
- The constitution should abolish security of tenure to members of the judiciary.
- The constitution should provide for a code of ethics for the judicial officers.
- The constitution should provide that judiciary shall be corruption free and judges who disobey this shall be sacked.
- The constitution should provide that public service commission should discipline the judiciary officers.
- The constitution should provide that the Chief Kadhi's/ Kadhi's court should be restricted to judicial work only. (3)
- The constitution should provide that the Chief Kadhi's/ Kadhi's court should not be restricted to judicial work only.
- The constitution should provide that Kadhi's should have same qualifications as magistrate.
- The constitution should provide that the judicial service commission should appoint the Kadhi's.
- The constitution should provide that the Kadhi's court should handle matters related to marriage, divorce and succession.
- The constitution should provide that the Kadhi's court should have appellate jurisdiction.
- The constitution should provide that the judicial powers of the state should be vested exclusively in courts.
- The constitution should provide that the judicial powers of the state should be vested in church and ethnic institutions.
- The constitution should ensure that all people have access to courts. (2)
- The constitution should provide for right to legal aid in matters of property and judicial review of laws.

- The constitution should provide for right to legal aid in matters pertaining to capital sentences and property.
- The constitution should provide that legal aid should be affordable to the poor and the disadvantaged/vulnerable.
- There should be provision for judicial review of laws made by legislature. (4)
- The council of elders that are elected directly by the people should be allowed to solve clan disputes related to lands.

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. (17)
- The constitution should provide that mayors and council chairmen should serve for 2 years. (3)
- The constitution should provide that mayors and council chairmen should serve for 2 1/2 years.
- The constitution should provide that mayors and council chairmen should serve for 5 years. (5)
- The constitution should provide that councils should be independent from the central government. (4)
- The constitution should provide that councils should continue working under the central government. (3)
- The constitution should provide that the town clerk should be answerable to the council chairman.
- The constitution should provide for empowerment of local government, municipal and county councils to generate their own income so that they shall be able to carry out their responsibilities.
- The constitution should provide for the funding of Local authorities by the central government.
- The constitution should provide that all councilors should have a minimum education of 'O' level with a mean grade of C and above. (6)
- The constitution should provide that mayors and council chairmen should have a minimum education of 'O' level with a mean grade of C and above. (4)
- The constitution should provide that civic candidates should be diploma holders and above.
- The constitution should provide that mayors should have a minimum education of university level.
- The constitution should provide that language tests required for local authority seats are sufficient. (2)
- The constitution should provide that mayors and council chairmen should have a good pass (c+) in languages.
- The constitution should provide that councilors should have good passes in English and Kiswahili. (3)
- The constitution should provide that civic candidates should not be above 60 years of age.
- The constitution should provide that councilors should be ethically and morally upright. (6)
- The constitution should provide for recalling of councilors who do not perform. (4)

- The constitution should provide that impeachment of mayors, council chairpersons and councillors should be by a petition to the electoral commission signed by ¼ of the residents in each particular jurisdiction area.
- The constitution should retain the concept of nominated councillors. (5)
- The constitution should provide that parties should nominate councilors.
- The constitution should provide that nomination of councilors should be abolished. (4)
- The constitution should provide that the president/local authority minister should have powers to dissolve local authorities. (3)
- The constitution should provide that the president/local authority minister should not have powers to dissolve local authorities. (2)
- The constitution should reduce levies for urban businesses.
- The constitution should provide that local council should have youth account.
- The constitution should provide for dissolution of local authority.
- Local authorities should ensure that the city is clean.

5.3.12. **THE ELECTORAL SYSTEM AND PROCESS**

The constitution should provide that voting be done by secret ballot.

The constitution should provide for the representative electoral system. (3)

- The constitution should retain the simple majority rule as the basis for winning an election. (3)
- The constitution should provide that a presidential candidate should garner the highest number of votes to be considered a winner.
- The constitution should abolish simple majority rule and establish run up system.

Women should compete competitively as men for the parliamentary seats.

The constitution should provide that a civic, parliamentary and presidential candidate should garner at least 25% of the total votes to be declared a winner. (2)

The constitution should provide that a civic, parliamentary and presidential candidate should garner at least 40% of the total votes to be declared a winner.

The constitution should provide that a civic, parliamentary and presidential candidate should garner at least 50% of the total votes to be declared a winner.

The constitution should provide that a presidential candidate should garner at least 20% of the total votes to be declared a winner. And in a case where the first two contestants get the same number of votes, they should go for a re-run where the simple majority determines the winning president.

The constitution should provide that a presidential candidate should garner at least 50% of the total votes to be declared a winner. (3)

The constitution should provide that a presidential candidate should garner at least 51% of the total votes to be declared a winner. (3)

The constitution should provide that a presidential candidate should garner at least 55% of the total votes to be declared a winner.

The constitution should provide that candidates who fail to seek nomination in one party should be allowed to seek nomination from another party. (4)

The constitution should provide that candidates who fail to seek nomination in one party should not be allowed to seek nomination from another party.

The constitution should provide that defectors should lose their seats.

- The constitution should disqualify defectors from contesting for 10 years.
- The constitution should provide that defectors should forfeit their seats and seek

re-election from the electorate. (6)

- The constitution should discourage defections from one party to another.
- The constitution should provide that there should be no defection within 5 years term.
- The constitution should provide that defectors should be responsible for the cost of the by election.
- The constitution should retain the rule that requires that the winner in a presidential election get a mandatory 25% of votes cast in at least five provinces. (5)
- The constitution should provide that winning president should have 30% votes from every province.
- The constitution should not retain the rule that requires that the winner in a presidential election get a mandatory 25% of votes cast in at least five provinces. (3)
- The constitution should provide that there should be seats reserved for specific interest groups. (4)
- The constitution should provide that there should be no seats reserved for specific interest groups.
- The constitution should retain the current geographical constituency system. (4)
- The constitution should provide for clear rules for the creation of parliamentary constituencies.
- The constitution should provide that constituency should be on the basis of population. (3)
- The constitution should provide that a constituency should have 40,000 people.
- The constitution should provide that a parliamentary constituency must have a standard maximum number of people.
- The constitution should provide that civic and parliamentary elections should be held simultaneously but presidential elections should be done separately. (6)
- The constitution should provide that Presidential and Parliamentary elections be held on separate dates. (2)

The constitution should provide that civic, parliamentary and presidential elections should be held simultaneously. (2)

Election process should be simplified.

The constitution should provide that ballot boxes be transparent. (3)

- The constitution should provide for free and fair elections. (3)
- The constitution should provide for issuance of voter's cards continuously alongside ID cards.
- The constitution should provide that voter registration should be a continuous exercise. (3)
- The constitution should make provision for independent candidates.
- The constitution should provide that Kenyans living abroad should be allowed to vote.
- The constitution should put a limit on election expenditure by each candidate. (6)
- The constitution should provide that no government funds should be applied in campaigns.
- The constitution should clearly stipulate the election date of general elections. (13)
- The constitution should provide that presidential elections should be done directly by the citizens.
- The constitution should provide that the 2002 elections should be conducted in a free and fair manner that is all aspiring candidates be given an equal playing ground, provincial administration should keep off during campaigns and elections unless for security purposes.
- The constitution should provide that the 2002 elections should be conducted under the new constitution.

- The constitution should provide that electoral commissioners should be university graduates.
- The constitution should provide that electoral commissioners should be degree holders in theology, teaching, law and administration.
- The constitution should provide that electoral commissioners should be degree holders in law and morally upright.
- The constitution should provide for appointment of the Electoral Commission of Kenya by the Public service commission and that the ECK shall represent all the interested groups.
- The constitution should provide that electoral commissioners should be appointed by parliament. (4)
- The constitution should provide that the chief justice should appoint electoral commissioners.
- The constitution should provide that 1/3 of the electoral commissioners should be nominated by the ruling party.
- The constitution should provide that members of religious fraternity and the political parties represented in parliament should nominate electoral commissioners.
- The constitution should provide that each political party on the basis of general consensus should elect electoral commissioners and members so elected should be vetted by parliament.
- The constitution should provide for the autonomy of the Electoral Commission.
- The constitution should provide that that the electoral commissioners should serve for 10 years. (5)
- The constitution should provide that that the electoral commissioners should serve for 5 years.
- The constitution should provide that that the electoral commissioners should not enjoy security of tenure.
- The constitution should provide that that the electoral commissioners should retire after the general elections.
- The constitution should provide that that the electoral commissioners should retire at 70 years of age.
- The constitution should provide that that the electoral commissioners should be removed from office due to misconduct. (2)
- The constitution should provide that that the electoral commission should be funded from the consolidated funds. (4)
- The constitution should provide that that funding of electoral commission should be vetted by parliament.
- The constitution should provide for 9 electoral commissioners.
- The constitution should provide for 22 electoral commissioners and the chairperson, their main function is conducting elections and by-elections.
- The constitution should provide for 23 electoral commissioners.
- The constitution should provide that votes be counted at the polling station. (5)
- The constitution should provide that that the electoral commissioners should have powers to summon and suspend any non-performing MP or Councillor even before the end of his/her tenure.
- The constitution should provide that people should not be required to resign from their jobs when vying for an elective seat.
- The constitution should provide that the police should not be used in campaigns to harass people.

5.3.13. **BASIC RIGHTS**

- The constitution should guarantee the protection of the human rights of all Kenyans. (2)
- The constitution should guarantee political, civil, economic, social and cultural rights for all Kenyans. (5)
- The constitution should guarantee the freedom of worship to all Kenyans. (4)
- The constitution should provide freedom and protection of all religious groups.
- The constitution should guarantee freedom of press.
- The constitution should guarantee inclusion of third and second-generation rights.
- The constitution should guarantee every Kenyan, basic food, clothing and shelter.
- The constitution should provide for the freedom of expression and association.
- The constitution should guarantee right and protection to private property.
- The constitution should guarantee all Kenyans freedom of settling anywhere in Kenya.
- The constitution should abolish death penalty and provide for life imprisonment. (3)
- The constitution should abolish death penalty to safeguard the right to life. (7)
- The constitution should protect security, health care, water, education, shelter, food and employment as basic rights for all Kenyans. (6)
- The constitution should provide that MPs should have the responsibility of ensuring that all Kenyans enjoy their basic rights.
- The constitution should provide that the government should have the responsibility of ensuring that all Kenyans enjoy their basic rights. (3)
- The constitution should guarantee free security for all Kenyans.
- The constitution should guarantee free health care services for all Kenyans. (8)
- The constitution should provide for free basic health care for all in both rural and urban areas.
- The constitution should guarantee clean and piped water for all. (6)
- The constitution should guarantee a right to education. (2)
- The constitution should provide that relief food should be given to primary and secondary schools.
- The constitution should provide that relief food should be handled well to ensure that it reaches those in need.
- The constitution should provide that every district should have a food store and mills.
- The constitution should provide that government houses should be renovated.
- The constitution should guarantee employment for all people.
- The constitution should provide for the one-man one job policy. (3)
- The constitution should guarantee that the husband's whose wife's are in maternity leave should also be given paternity leave.
- The constitution should guarantee increment of women maternity leave.
- The constitution should provide that government should create jobs in rural areas.
- The constitution shall provide that retirees shall be prohibited from taking other jobs.
- The constitution should provide for strict enforcement of employment on merit in all public institutions.
- The constitution should provide basic salary for every Kenyan.
- The constitution should provide that all the qualified employees should be awarded equal terms and benefits.
- The constitution should protect part time and temporary workers.

- The constitution should provide that retirees should receive pension increments concurrently with the workers.
- The constitution should guarantee that retired women should get pension.
- The constitution should guarantee that elderly people aged 65 years and above should be taken care of by the government. (2)
- The constitution should guarantee for the old social welfare support.
- The constitution should provide that all retired people should be paid pension. (3)
- The constitution should guarantee free basic education as fundamental right.
- The constitution should guarantee free education up to form 4 level. (4)
- The constitution should guarantee free education at all levels for all Kenyans.
- The constitution should provide for free and compulsory basic education. (2)
- The constitution should provide for free and compulsory education up to the university level. (4)
- The constitution should provide that citizens should have right to access information in the hands of the state. (4)
- The constitution should provide for civic education as a basic right. (3)
- The constitution should guarantee all Kenyans the right to information.
- The constitution should be made accessible to all people. (2)
- The constitution should be available to all people in the mother tongues. (3)
- The constitution should abolish taking of fingerprints from suspects.
- The constitution should guarantee all workers the right to trade union representation. (8)

5.3.14. **THE RIGHTS OF VULNERABLE GROUPS**

The constitution should fully guarantee women rights. (3)

- The constitution should fully take care of the rights of the people with disabilities. (4)
- The constitution should guarantee free food supply, shelter, education, and healthcare for the disabled people. (3)
- The constitution should provide for government buildings structurally sensitive to the needs of the disabled.
- The constitution should guarantee special education for all disabled.
- The constitution should guarantee disable exemption from taxation.
- The constitution should guarantee disabled inheritance of parent's property.
- The constitution should guarantee employment for all educated disabled.

The constitution should provide that disabled people should be assisted to have small enterprises so that they can earn their living while the unskilled should be sponsored for vocational training.

The constitution should guarantee and protect children's rights.

- The constitution should guarantee scholarships for poor bright children.
- The constitution should abolish child labour.
- The constitution should guarantee support for AIDS orphans and free health care scheme to street children.
- The constitution should provide that children should not be held in custody for more than 24 hours and a child admitted to a rehabilitative institution should be separated from adults.
- The constitution should guarantee abolishment of child labour. (2)
- The constitution should guarantee protection of children from sex abuse.
- The constitution should protect the education of the Girl child.

- The constitution should contain the African charter on the rights of a child.
- The constitution should guarantee equal rights of inheritance to girls and boys. (2)
- The constitution should provide for a welfare society to benefit children.
The constitution should guarantee abolishment of child marriage.
- The constitution should provide for government rehabilitation of street children. (2)
- The other groups considered vulnerable are the aged, widows, orphans and street children. (2)
- The constitution should guarantee protection of the widows.
- The constitution should provide affirmative action in favor of the disabled in all public facilities.
- The constitution should provide for affirmative action in favor of the needy, aged, HIV positive and mentally sick persons.
- The constitution should abolish affirmative action favoring women and other vulnerable groups. (2)
- The constitution should provide affirmative action in favor of the elderly men and women and the mentally impaired people.
- The constitution should guarantee that at least 30% of parliamentarians should be women.
- The constitution should provide that suspects should not be held in police custody for a long period without being taken to court.
- The constitution should provide that suspects should not be held in police custody for more than 24 hours without being taken to court. Suspects should have a right not to be mistreated by the police before they are proven guilty.
- The constitution should protect the right of prisoners.

5.3.15. **LAND AND PROPERTY RIGHTS**

The constitution should provide that an individual should have the ultimate land ownership.

The constitution should provide that the state should have the ultimate land ownership.

(3)

The constitution should provide that the government should have the ultimate land ownership.

The constitution should provide that the government should have power to compulsorily acquire private land for any purpose but should adequately compensate the owner. (6)

- The constitution should provide that the government should not have power to compulsorily acquire private land. (2)

- The constitution should guarantee proper use of both private and public land.

The constitution should provide that the government should control use of land by the land occupiers. (2)

The constitution should provide that the state should control use of land by the land occupiers. (2)

The constitution should provide that the state, government or local authority should not have power to control use of land by the occupiers.

The constitution should provide that tax should be levied on idle land owned by an individual.

- The constitution should guarantee that land title deeds and transfers would be easily obtainable.
- The constitution should guarantee regulation of costs of land transfers.
- The constitution should provide that property/land acquired through corruption should be processed and returned to rightful owners.
- The constitution should provide that sale of land shall be after family consensus. (2)
- The constitution should provide that village elders and not attorneys should do deliberations on land issues.

The constitution should provide that the land board should be brought closer to the people.

The constitution should provide that the government should intervene when a man wants to sell land for the purposes of safeguarding the needs of the children.

- The constitution should guarantee constitutional limit of land ownership. (6)

The constitution should provide that an individual should own a maximum of 10 acres of land. (2)

- The constitution should provide that there should be no ceiling on land owned by an individual. (2)

The constitution should provide that no citizen should own more than 20 acres of land. (4)

The constitution should provide that an individual should own a maximum of 100 acres of land.

There should be restriction on land ownership by non-citizens. (4)

- The constitution should provide that foreigners should not own land. (2)

The constitution should provide that the procedures for transfer of land should be simplified. (6)

The constitution should provide that title deeds should be made available to the owners at most a year after survey, demarcation and allocation.

The constitution should provide that title deeds should be issued within one day upon

application.

- The constitution should provide that men and women should have equal access to land. (7)
- The constitution should provide for a proper drafting of title deeds to reflect matrimonial/spousal joint ownership.
- The constitution should guarantee joint registration of matrimonial property between the husband and the wife.
- The constitution should provide that property should be registered under the husbands name even in instances where the property has been acquired by wife exclusively.
- The constitution should annul pre-independence land treaties and agreements. (3)
- The constitution should guarantee the right of any Kenyan to own land in any part of the country. (8)
- The constitution should guarantee access to land for every Kenyan. (10)
- The constitution should provide that every Kenyan aged 18 years and above should be given at least 5 acres of land.
- The constitution should provide that every Kenyan aged 18 years and above should have access to land.
- The constitution should abolish squatter system.

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

Kenya's ethnic and cultural diversity contributes to a national culture. (4)

- The constitution should provide for recognition and respect of ethical and cultural diversity. (3)

Traditional oaths should be retained and captured in the constitution. (2)

- The constitution should provide for maintenance of "Kithitu" and that it shall be given constitutional recognition.
- The constitution should provide that clan laws shall be protected and that their application shall be constitutionally binding.

The constitution should provide that the promise to give Mau Mau land and money should be honored.

The constitution should recognize the ethnic ways of life in relation to communities and their rights be recognized to cater and safeguard property and transfer in relation to acquiring and distribution.

- The constitution should provide for the freedom of ethnic practices as long as they are not repugnant to morality and natural justice.
- The constitution should guarantee the outlawing of harmful cultural practices.
- The constitution should abolish wife inheritance to curb the spread of AIDS.
- The constitution should abolish the practice of Female Genital Mutilation.
- The constitution should provide for sign language after Kiswahili and English.
- The constitution should provide for one national language.
- The constitution should provide for two national languages.
- The constitution should recognize and promote indigenous languages.

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

The constitution should provide that the executive should retain the powers to raise and

distribute financial resources and management of human resources. (3)

The constitution should provide that parliament should retain the powers to raise and distribute financial resources and management of human resources.

The constitution should provide that parliament should retain the powers to authorize the raising and appropriation of public finances. (2)

- The constitution should provide for equitable distribution of national resources. (3)
- The constitution should provide that all government services and facilities are accessible to all Kenyans without discrimination.
- The constitution should guarantee that taxes are only paid for services delivered.
- The government should be required to apportion benefits from resources between the central government and communities where such resources are found. (2)
- The constitution should provide that 75% of all taxes collected from a particular district should be used to develop that particular area while 25% should go to the central government.
- The constitution should provide that $\frac{1}{2}$ of output from natural resources should benefit the local area where such resources are found while the rest should go to the central government.
- The constitution should provide that the appointment of comptroller and auditors should be done by the parliament. (3)
- The constitution should provide that a parliamentary committee should be used by parliament to control the management and use of public finances.
- The constitution should provide that government should account for tax collected.
- The constitution should provide that an audit should be used by parliament to control the management and use of public finances.
- The constitution should provide for a good remuneration package to attract competent Kenyans to work in the public service. (4)
- The constitution should provide that all appointments to civil service must be based on merit. (2)
- The constitution should provide that neglect of duty by civil servants should be an offence liable in court.
- The constitution should provide that any civil servant found guilty of corruption should be sacked. (2)
- The constitution should provide for drawing of cabinets from professional sphere and that they shall not necessarily be MPs.
- The constitution should provide for appointment to the cabinet through merit.
- The constitution should provide that parliament should appoint members of the public service commission. (3)
- The constitution should provide for a code of ethics for holders of public office. (3)
- The constitution should provide that civil servants should not engage in private business. (3)
- The constitution should provide that the presidential candidates should be required to declare their assets. (2)
- The constitution should provide that the president, all MPs, councillors, chairmen and directors of public institutions should be required to declare their wealth.
- The constitution should provide that public officers should be required to declare their assets. (4)

5.3.18. **ENVIRONMENTAL AND NATURAL RESOURCES**

The constitution should provide that industries that pollute the environment should pay taxes.

The constitution should safe guard the environment. (2)

Afforestation, deforestation and protection of water catchment areas are some of the protection issues that should be included in the constitution.

- The constitution should provide for the protection of natural resources.
- The constitution should provide that environmental commission should have the powers to enforce environmental protection issues.
- The constitution should provide that the government should have the powers to enforce environmental protection issues.
- The constitution should provide that the national conservation board should have the powers to enforce environmental protection issues.
- The constitution should provide that all citizens should own natural resources.
- The constitution should provide that natural resources should be owned by the state. (4)
- The constitution should provide that the local communities should participate in the management and protection of the environment. (2)
- The constitution should provide that the local councils should take control of natural resources within their jurisdiction.
- The constitution should provide that the environment control commission should be responsible for the management and protection of natural resources.
- The constitution should provide that the local communities, parliament and the government should be responsible for the management and protection of natural resources.
- Natural resources should be protected and managed efficiently and effectively.

5.3.19. **PARTICIPATORY GOVERNANCE**

- The constitution should provide that NGOs and other organizations should make recommendations for appointment of judges.
- The constitution should provide that NGOs and other organizations should a role in governance. (3)
- The constitution should provide that civil society organizations should be allowed to participate in decision making in the urban council and county council.
- The constitution should address the operating legal issues of the civil society organizations.
- The constitution should provide for inclusive democratic in exercising of governance.
- The constitution should provide that the state should regulate the conduct of conduct civil society organizations.
- The constitution should provide for professionals qualification for preachers.
- The constitution should provide that the state should regulate the conduct of conduct civil society organizations including the media. (3)
- Women groups should be funded by the government to help them educate the community about AIDS, family planning, first aid, seminars and workshops. Women should also be recognized in leadership and government institutions.
- The constitution should guarantee participation of women in politics.
- Women groups should be organized and put in place.

- The constitution should recognize Youth groups and provide for a youth representative in parliament.
- The constitution should provide that dropouts and secondary schools should be recruited in youth camps in every district.
- The constitution should provide for an avenue that enables children’s voices to be heard.
- The Jua kali group members should be guaranteed loans by the government as a way of improving their participation in governance.

5.3.20 INTERNATIONAL RELATIONS

The constitution should provide that parliament and the ministry of affairs should be responsible for conduct of foreign affairs.

The constitution should provide that parliament should vet international treaties and conventions and regional and bilateral treaties before they are adopted.

The constitution should provide that international treaties and conventions, regional and bilateral treaties should not have automatic effect on domestic law. (2)

The constitution should provide that laws and regulations made by regional organizations that Kenya belongs should not have automatic effect on domestic law.

5.3.21 CONSTITUTIONAL COMMISSIONS, INSTITUTIONS AND OFFICES

- The constitution should provide that constitutional commissions or institutions are set up.
- The constitution should provide for a tribunal to make appointments.
- The constitution should provide for setting up of parliamentary budget office.
- The constitution should provide for a parliamentary service commission. (3)
- There should be an Ombudsman’s office. (7)
- There should be an Ombudsman’s office with the security of tenure to cater for public complaints. (2)
- The constitution should provide that a human rights commission should be established. (4)
- The constitution should provide that a gender commission should be established.
- The constitution should provide for establishment of anti corruption commission.
- The constitution should provide that a land commission should be established.
- The constitution should provide for a revenue collection and distribution commission.
- The constitution should provide for a death commission.
- The constitution should provide that the human rights commission should act as a watchdog against the existing widespread violation of human rights.
- The constitution should provide for a minister of justice for constitutional affairs as distinct from AG’s office. (3)

5.3.22 SUCCESSION AND TRANSFER OF POWER

- The constitution should provide a clear procedure on succession.
- The constitution should provide that the speaker of the national assembly should be in charge of executive powers during the presidential elections. (3)
- The constitution should provide that the chief justice should be in charge of executive powers during the presidential elections.

- The constitution should provide that the speaker should declare the presidential elections.
- The constitution should provide that the winning president should assume office in one month's time after the presidential elections results.
- The constitution should provide that the incoming president should assume office immediately.
- The constitution should provide that the incoming president should assume office two months after the presidential elections.
- The constitution should provide for a transitional period of three months before a new president takes over power.
- The constitution should provide for a specific date for the swearing in of the incoming president.
- The constitution should provide that the speaker of the national assembly should swear in the incoming president.
- The constitution should provide that the chief justice should swear in the incoming president.
- The constitution should provide that the instruments of power should be transferable to the incoming president during the swearing in ceremony.
- The constitution should provide that verbal declaration of power from out going president to incoming president should be the mode of transfer of instruments of power.
- The constitution should make provisions for a former president in terms of security. (2)
- The constitution should make provisions for a former president in terms of welfare. (3)
- The constitution should make provisions for a former president in terms of immunity from legal process.
- The constitution should provide that the president should be removed from the office if he/she is insane or declared bankrupt.

5.3.23 **WOMENS RIGHTS**

The constitution should provide that widows should have the right to own their husbands property.

The constitution should provide that on divorce, a woman should be given a share of the husband's property.

- The constitution should provide that women should have the right to inheritance and succession. (3)
- The constitution should give unmarried girls the right to inherit parental land.
- The constitution should provide for non-discrimination of women in inheritance matters.
- The constitution should provide that all marriages whether customary or statutory should be registered. (3)
- The constitution should guarantee that marriage certificates should be issued for all marriages.
- The constitution should provide recognition of come we stay.
Fathers should ensure women of child support and maintenance especially those who get children out of wedlock; they should ensure child support until the age of 22.
- The constitution should guarantee protection of women against exploitation and issues such as rape; divorce and other forms of violence shall be addressed.
- The constitution should protect women from domestic violence and especially hostile husband. Women should be told of the steps to take in case of the same.

5.3.26 **NATIONAL ECONOMIC POLICY**

- The constitution should provide for reasonable and affordable government taxation of consumer goods.

The government should introduce price control on domestic commodities.

The constitution should provide for localization to industries to create job opportunities.

Every constituency should have electricity.

Every constituency should have all roads tarmacked.

5.3.27 **NATIONAL OTHER POLICY**

The government should cater for orphans whose parents have died of AIDS.

HIV/AIDS testing should be free of charge.

There should be mobile traffic police officers that are in a position to fine on the spot any vehicle in bad condition or one, which is overloaded.

Police officers should not beat up suspects before they are found guilty of an offence.

Watchmen should be provided with radio calls to call police in case of theft and be protected.

Police should not be used by anybody for political or selfish interests to intimidate or harass citizens but must conduct their work professionally under the command of the commissioner of police.

Police should not receive any bribe from offenders.

The government should formulate mechanisms of fighting corruption.

Bribery should stop in hospitals.

5.3.28 **SECTORAL POLICY**

The government should establish irrigation schemes in every province.

The government should provide market for farmers' agricultural products.

- The constitution should re-introduce price control on maize.
- The constitution should develop clear-cut policies to protect farmers.
- The constitution should guarantee protection of small-scale farmers.

Farmers should receive non-collateral credit facilities from the government to boost the production and food security on a yearly basis. All arid and semi-arid areas should receive first priority on provision of water.

- 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 provide for 7-4-3 system of education.
- The constitution should abolish classification of schools as national, district etc.
- The constitution should provide autonomy for universities.
- The constitution should provide for cost sharing in higher education.
- The constitution should provide the senate should choose that vice chancellor.
- The constitution should provide for fair distribution of national schools in all districts.
- The government should sponsor games from primary schools to the higher institutions of learning.

- The constitution should provide that schools BOG should work in cooperation with the parents.
- The constitution should provide for transfer of teachers.
- The constitution should provide that schools should be given relief food.
- The constitution should provide for bursaries for all schools.
- The constitution should provide that development committees should control schools' development funds.

Civic education should be made compulsory in schools. (2)

Polytechnics should be given equal treatment as primary and secondary schools. They should also be considered for bursaries.

Feeding programmes and school equipment scheme be introduced in every school and all teachers should be well remunerated for purposes of motivation. Central government should finance and develop all schools equally.

The government should offer bursaries and equipment to all schools. Teachers' salaries should be considered because they do a lot of work.

Holiday coaching in primary schools should be stopped.

Bursary funds should be well allocated to the needy for higher institutional learning.

Subsidies and bursaries should be made available to the people with disabilities, exam policy should be allocated curriculum to suit the disabled. There should not be any discrimination in admission and placement in education system devices for the disabled.

The constitution and civic education should be made subjects in primary and secondary schools. Parents should provide uniforms while the government should provide teachers, books, teaching materials and textbooks.

- The constitution should provide for reduction of taxes. (3)

The disabled should be exempted from taxation of all specified appliances, devices and equipment required for rehabilitation.

Every taxpayer should own a salary slip.

- The constitution should abolish operation of private hospitals. (3)
- Health service providers should be trained in sign language and medical appliances and other structures should be designed to be friendly user to the disabled.
- The constitution should guarantee affordable health services.
- NHIF contributions should cater for outpatient treatment for both contributor and his/her immediate family. The contributor should benefit even after retirement.
- The constitution should provide that government pharmacy at every district should sell drugs cheaply.

The disabled should have access to credit so as to start their small businesses.

The government should improve on the safety of PSC vehicles.

The government should compensate people whose property is destroyed by wildlife. (2)

5.3.29 **CUSTOMARY LAW**

Customary laws should be absorbed and accommodated in the constitution because they are not repugnant to justice and morality.

5.3.30 **STATUTORY LAW**

Law on rape and defilement should be revised such that a rapist gets a life sentence with

hard labour and be castrated for defilement.

Anyone found guilty of rape should be jailed for a minimum of 10 years with 10 strokes of cane. Vagrancy should be outlawed.

The government should curb drug abuse.

There should be law to safeguard the poor against the rich.

Prostitution should be banned.

- The constitution should prohibit playing of music in public vehicles.

5.3.31 **ENDER EQUITY**

- There is need for gender equity. (3)
- The constitution should guarantee equal justice to both men and women.

5.3.32 **NATURAL JUSTICE/ RULE OF LAW**

- The rule of law should prevail. (2)
- The constitution should provide that the law should apply in a non-discriminatory manner to all Kenyans.

APPENDICES:

Appendix 1: Members of the Constituency Constitutional Committee

1. Hon. Peter Maundu MP
2. Eric Mativu DC
3. Maingi Nyaunyo
4. Sammy Kiteng'u
5. Cllr. Ben Muia
6. Margaret Kyuma
7. Father Malai
8. Caroline Ngina
9. Rose Mulu
10. Allan Musyoki

Appendix 2: Civic education providers (CEPs)

1. Happy life consultants and trainers
2. Family planning association of Kenya
3. Golden hope society

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

1	0012OMFEA	Anonymous	CBO	Memorandum	Kawala Sub-location
2	0020OMFEA	Anonymous	CBO	Written	Kenya Alliance for Advanceme
3	0021OMFEA	Anonymous	CBO	Written	Mbooni Women Groups
4	0026OMFEA	Anonymous	CBO	Written	Mwaani Women Group
5	0006OMFEA	Baxtar Mbuvi	CBO	Memorandum	Kikumini & Nguu Locations
6	0007OMFEA	Cllr. Paul Soo Mwangangi	CBO	Written	Matiliku Market Residents
7	0019OMFEA	Cllr. R. Maende	CBO	Memorandum	Makueni Women Groups
8	0001OMFEA	Daniel M Musau	CBO	Memorandum	Kilifi Location
9	0013OMFEA	Daniel Ngii	CBO	Written	Kikumini Self Help
10	0014OMFEA	Daniel Wambua	CBO	Written	Mwaani Youth Group
11	0022OMFEA	Erastus Mutuku	CBO	Written	MAPALA
12	0015OMFEA	Gideon Mwango	CBO	Memorandum	Wote Divisional Rehabilitati
13	0003OMFEA	John Mbeetu	CBO	Memorandum	Mweni Location Residents Ngu
14	0024OMFEA	Nicodemus Mutuku	CBO	Written	Makueni Paralegal Coordinati
15	0008OMFEA	Philip Nzei	CBO	Written	Mulele Girls Teachers Ass.
16	0025OMFEA	Richard W. Kioko	CBO	Written	Mwaani Old Men SH Group
17	0002OMFEA	Titus Mutiso	CBO	Written	Ithumba Location
18	0047IMFEA	Amos M. Nguli	Individual	Oral - Public he	
19	0003IMFEA	Anonymous	Individual	Written	
20	0004IMFEA	Anonymous	Individual	Written	
21	0016IMFEA	Anonymous	Individual	Written	
22	0021IMFEA	Anonymous	Individual	Written	
23	0022IMFEA	Anonymous	Individual	Written	
24	0036IMFEA	Benjamin Iseki	Individual	Oral - Public he	
25	0001IMFEA	Benson Mutiso	Individual	Written	
26	0010IMFEA	Bernard Nyaunyo Maingi	Individual	Written	
27	0039IMFEA	Boniface K. Musyoki	Individual	Oral - Public he	
28	0044IMFEA	Bridget Kavindu	Individual	Oral - Public he	
29	0009IMFEA	D. Muli	Individual	Written	
30	0013IMFEA	Daniel K. Mutinda	Individual	Written	
31	0051IMFEA	David M. Munyao	Individual	Oral - Public he	
32	0028IMFEA	Dominic M. Nguli	Individual	Oral - Public he	
33	0014IMFEA	Dr. Joseph Mutinda	Individual	Written	
34	0012IMFEA	Esther N. Mutisya	Individual	Written	
35	0034IMFEA	Eunice Kiuvu	Individual	Oral - Public he	
36	0057IMFEA	Francis Kingoo	Individual	Oral - Public he	
37	0052IMFEA	Gregory Musyoka	Individual	Oral - Public he	
38	0019IMFEA	J.M. Mutie	Individual	Written	
39	0024IMFCE	James Keli	Individual	Oral - Public he	
40	0042IMFEA	Janet Muumbi	Individual	Oral - Public he	
41	0031IMFEA	Joseph Kiema	Individual	Oral - Public he	
42	0032IMFEA	Joseph Ngati	Individual	Oral - Public he	
43	0055IMFEA	Josphat Musembi	Individual	Oral - Public he	
44	0026IMFEA	Kilonzo Muthiani	Individual	Oral - Public he	
45	0008IMFEA	Kinyungu Haninton	Individual	Written	
46	0025IMFEA	Lazarus Kongo	Individual	Oral - Public he	
47	0002IMFEA	Margaret Chuma	Individual	Written	
48	0005IMFEA	Musyoka M. Boniface	Individual	Written	
49	0043IMFEA	Mutethya Mueke	Individual	Oral - Public he	
50	0023IMFEA	Mutua J.M	Individual	Written	
51	0006IMFEA	Mutuku Muthiani	Individual	Memorandum	

52	0056IMFEA	Norman Juma	Individual	Oral - Public he	
53	0018IMFEA	Paschal M. Kiio	Individual	Written	
54	0027IMFEA	Patrick M. Kamba	Individual	Oral - Public he	
55	0033IMFEA	Peter M. Nzola	Individual	Oral - Public he	
56	0029IMFEA	Peter Mutula	Individual	Oral - Public he	
57	0035IMFEA	Peter N. Nthenge	Individual	Oral - Public he	
58	0020IMFEA	Peter W. Komo	Individual	Written	
59	0049IMFEA	Petronilla Kitaka	Individual	Oral - Public he	
60	0048IMFEA	Philimenah Kilongosi	Individual	Oral - Public he	
61	0040IMFEA	Pr. David Mwangangi	Individual	Oral - Public he	
62	0037IMFEA	Pr. Samuel K. Koli	Individual	Oral - Public he	
63	0058IMFEA	Roy Nthusi	Individual	Oral - Public he	
64	0017IMFEA	Sakayo Ndisya	Individual	Written	
65	0046IMFEA	Samuel Ndulu	Individual	Oral - Public he	
66	0045IMFEA	Serah Muli	Individual	Oral - Public he	
67	0007INWCE	Simon Mwangi Koigi	Individual	Memorandum	
68	0050IMFEA	Steven Kyonda	Individual	Oral - Public he	
69	0015IMFEA	Theresia N. Kiema	Individual	Written	
70	0038IMFEA	Timothy Kingoku	Individual	Oral - Public he	
71	0011IMFEA	Urbanus Bernard Maingi	Individual	Memorandum	
72	0007IMFEA	Urbanus M. Mativa	Individual	Memorandum	
73	0054IMFEA	Victoria Mutunga	Individual	Oral - Public he	
74	0053IMFEA	William Mulamba	Individual	Oral - Public he	
75	0017OMFEA	Francis Mwanthi	Other Institutions	Written	Staff Members Makueni girls
76	0023OMFEA	Hillary Muthoka	Other Institutions	Written	Staff Makueni Boys
77	0018OMFEA	James Kimanathi	Other Institutions	Written	Staff Members Makueni Girls
78	0010OMFEA	Lawrence Wambua	Other Institutions	Written	Matiliku Sec. School
79	0011OMFEA	Mutua James	Other Institutions	Written	Matiliku Sec. School
80	0016OMFEA	Ndambuki Mwasya	Other Institutions	Written	St. John's Sec School
81	0009OMFEA	Rev. S. Mutisya	Pressure Groups	Memorandum	Kavuthu
82	0004OMFEA	Caroline Kangai	Religious Organisation	Written	Nziu Girls Young Christian
83	0005OMFEA	Faith Kamau	Religious Organisation	Written	Nziu Girls Christian Union

Appendix 4: Persons Attending Constituency Hearings

S.N.	Name	Organization/Address	Form of Submission
1	Daniel Ngii	Kikumini Self Help-Box 131 Makueni	Written
2	Daniel Wambua	Mwaani Youth Group-Box 65 Makueni	Written
3	Gideon Mwangi	Wote Divisional Rehabilitation Partners-Box 41 Makueni	Memorandum
4	Ndambuki Mwasya	St. John's Sec School-Box 33 Makueni	Written
5	Francis Mwanthi	Staff Members Makueni Girls-Box 72 Makueni	Written
6	James Kimanathi	Staff Members Makueni Girls-Box 72 Makueni	Written
7	Cllr. R maende	Makueni Women Groups-Box 275 Makueni	Memorandum
8	Anonymous	Keny aAll;iance for Advancement of Children-Box 73637 Nbi	Written
9	Anonymous	Mbooni Women Groups-Box 1 Tawa	Memorandum
10	Erastus Mutuku	MAPALA-Box 144 Makueni	Written
11	Hillarry Muthoka	Staff Makueni Boys-Box 20 Makueni	Written
12	Nichodemus Mutuku	Makueni Paralegal Coordinating Agency-Box 144 Makueni	Written
13	Richard W kioko	Mwaani Oldmen S H Group-Box 52 Makueni	Written
14	Anonymous	Mwaani Women Group	Written
15	Bernard Nyaunyio maingi	Box 52 Makueni	Written
16	Urbanus Bernard Maingi	Box 44 Makueni	Memorandum
17	Esther N Mutisya	Box 10 Makueni	Written
18	Daniel K mutinda	Box 43 Makueni	Written
19	Rev. Dr. Joseph Mutinda Mutunga	Box 25 Makueni	Written
20	Theresia N Kiema	Box 12 Mavindini	OTHERS
21	Anonymous	N/A	Written
22	Sakayo Ndisia	Box 190 Makueni	Written
23	Paschal M Kiio	Box 190 Makueni	Written
24	J M Mutie	Box 233 Makueni	Written
25	Peter W Komo	Box 89 Makueni	Written
26	Anonymous	N/A	Written
27	Anonymous	N/A	Written
28	Mutua J M	Box 96 Makueni	Written
29	James Keli	Box 14 Matiliku	ORAL
30	Lazarus Kongo	Box 26 Matiliku	ORAL
31	Kilonzo Muthiani	Box 39 Matiliku	ORAL
32	Patrick M Kamba	Box 36 Matiliku	ORAL
33	Dominic M Nguli	Box 19 Emali	ORAL
34	Peter Mutula	Box Simba	ORAL
35	Mutua James	Box 2 Matiliku	ORAL
36	Joseph Kiema	Box 51 Sultan Hamud	ORAL
37	Joseph Ngati	Box 38 Matiliku	ORAL
38	Peter M Nzola	Box 54 Matiliku	ORAL
39	Eunice Kiuvu	Box 118 Sultan Hamud	ORAL
40	Peter N Nthenge	N/A	ORAL
41	Benjamin Iseki	Box 89 Makueni	ORAL
42	Pr. Samuel K Koli	Box 309 Makueni	ORAL

43	Timothy King'oku	Box 185 Makueni	ORAL
44	Boniface K Musyoki	Box 5 Mavindini	ORAL
45	Pr. David Mwangani	Box 171 Makueni	ORAL
46	James Kimathi	Box 72 Makueni	ORAL
47	Janet Muumbi	Box 93 Kathonzwi	ORAL
48	Mutethya Mueke	Box 12 Mavindini	ORAL
49	Bridget Kavindu	Box 16 Kitise	ORAL
50	Serah Muli	Box 29 Kathonzwi	ORAL
51	Samuel Ndulu	Box 195 Makueni	ORAL
52	Amos M Nguli	Box 130 Makueni	ORAL
53	Philomena Kilongosi	Box 140 Makueni	ORAL
54	Petronilla Kitaka	Box 28 Kambi	ORAL
55	Steven Kyonda	Box 77 Kathonzwi	ORAL
56	David M Munyao	Box 275 Makweni	ORAL
57	Gregory Musyoki	Box 6 Makueni	ORAL
58	William Mulamba	Box 144 Makueni	ORAL
59	Victoria Mutunga	Box 144 Makueni	ORAL
60	Josphat Musembi	Box 375 Makueni	ORAL
61	Norman Juma	Box 329 Makueni	ORAL
62	Francis King'oo	Box 34 Ukia	ORAL
63	Roy Nthusi	Box 100 Wote	ORAL
64	Daniel MMUsau	Kilili Location-Box 12 Matiliku	Memorandum
65	Titus Mutiso	Ithumba Location-Box 227 Emali	Written
66	John Mbeetu	Mweni Location Residents Nguu Div. -Box 84 Matiliku	Memorandum
67	Caroline Kangai	Nziu Girls Young Christian Society-Box 70 Nziu	Written
68	Faith Kamau	Nziu Girls Christian Union-Box 70 Nziu	Written
69	Baxtar Mbuvi	Kikumini & Nguu Locations-Box 17 Emali	Memorandum
70	Baxtar Mbuvi	Kikumini & Nguu Locations-Box 17 Emali	Memorandum
71	Cllr. Paul Soo Mwangangi	Matiliku Market Residents-Box 115 Matiliku	Written
72	Phillip Ngei	Mulele Girls Teachers Ass.-Box 142 Matiliku	Written
73	Rev. S Mutisya	Kavuthu-Box 437 Sultan Hamud	Memorandum
74	Lawrence Wambua	Matiliku Secondary School Students-Box 2 Matiliku	Written
75	Mutua James	Matiliku Sec. School-Box 2 Matiliku	Written
76	Benson Mutiso	Box 15 Matiliku	Written
77	Margaret Chuma	Box 12 Matiliku	Written
78	Anonymous	N/A	Written
79	Anonymous	N/A	Written
80	Musyoka m Boniface	Box 2 Matiliku	Written
81	Mutuku Muthieni	Box 2 Matiliku	Memorandum
82	Urbanusi M Mativa	Box 2 Matiliku	Memorandum
83	Kinyungu Hanninton	Box 2 Matiliku	Written
84	D Muli	Box 2 Matiliku	Memorandum