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## 1. DISTRICT CONTEXT

Tetu constituency is situated in Nyeri district, Central Province.

### 1.1. Demographic Characteristics

| <b>District Population</b>                           | <b>Male</b> | <b>Female</b> | <b>Total</b> |
|--|-------------|---------------|--------------|
|  | 322,521     | 338,635       | 661,156      |
| Total District Population of 18 years of Age & Below | 160,053     | 156,533       | 316,586      |
| Total District Population of 19 years of Age & Above | 162,468     | 182,102       | 344,570      |
| Population Density (persons/Km <sup>2</sup> )        | 197         |               |              |

### 1.2. Socio-Economic Profile

Nyeri district:

- Has the fourth lowest absolute poverty level in the country (31.05%).
- Is the third richest district in central province.
- Is the second most populous district in central province and the seventh most populous district in the country.
- Has the lowest unemployment rate in central province (5%) ranking ninth countrywide.
- Has the second highest secondary school enrolment in the country at 46.5%.
- Has the second largest average constituency size in central province.
- Has six members of parliament who represent about 110,193 people each.

## 2. CONSTITUENCY PROFILE

Tetu constituency comprises of Aguthi, Tetu, Mahoya, Gaaki, Karundu and Thegenge Divisions of Nyeri District.

### 2.1. Demographic Characteristics

| <b>Constituency Population</b> | <b>Total</b> | <b>Area Km<sup>2</sup></b> | <b>Density (persons per Km<sup>2</sup>)</b> |
|--------------------------------|--------------|----------------------------|---|
|                                | 80,100       | 212                        | 378   |

### 2.2. Socio-Economic Profile

- The main economic activity in the constituency is agriculture.
- Tea and Coffee are the main cash crops.
- The constituency enjoys low absolute and food poverty levels.
- The constituency enjoys low levels of malnutrition.
- Infant mortality rate in the constituency is low.
- The constituency has a low unemployment rate.

- The constituency has a high primary and secondary school enrolment rate.

### 2.3. Electioneering and Political Activity

Since the reintroduction of a multiparty system in Kenya in 1991, DP has been the most popular party in the constituency. In both the 1992 and 1997 general elections, the DP parliamentary candidate won the parliamentary elections with an overwhelming majority of the votes cast. In 2002, the National Rainbow Coalition took the seat.

### 2.4. 1992 General Election Results

| 1992 TOTAL REGISTERED VOTERS |           |        | 34,153           |
|------------------------------|-----------|--------|------------------|
| CANDIDATE                    | PARTY     | VOTES  | % OF VALID VOTES |
| <b>Joseph Githenji</b>       | <b>DP</b> | 28,085 | 95.03            |
| Nahason Kanyi                | KANU      | 1,469  | 4.97             |
| <i>Total Valid Votes</i>     |           | 29,554 | 100.00           |
| Rejected Votes               |           | 218    |                  |
| Total Votes Cast             |           | 29,772 |                  |
| % Voter Turnout              |           | 87.17  |                  |
| % Rejected Votes Cast        |           | 0.73   |                  |

### 2.5. 1997 General Election Results

| 1997 TOTAL REGISTERED VOTERS |           |        | 31,300           |
|------------------------------|-----------|--------|------------------|
| CANDIDATE                    | PARTY     | VOTES  | % OF VALID VOTES |
| <b>Paul Gikonyo Muya</b>     | <b>DP</b> | 24,229 | 89.00            |
| Nahashon Kanyi               | KANU      | 1,994  | 7.32             |
| Wangari Muta Mathai          | LPK       | 905    | 3.32             |
| Peter Wachira Muchemi        | SDP       | 95     | 0.35             |
| <i>Total Valid Votes</i>     |           | 27,223 | 100.00           |
| Rejected Votes               |           | 142    |                  |
| Total Votes Cast             |           | 27,365 |                  |
| % Voter Turnout              |           | 87.43  |                  |
| % Rejected Votes Cast        |           | 0.52   |                  |

### 2.6. Main Problems

- Poor road network.
- Inadequate Water supply.
- Poor telephone facility supply.

- Complete absence of electricity power supply.
- Inadequate supply of health facilities. The constituency solely relies on Nyeri Provincial hospital, which apart from being far from the constituency is always overcrowded and lacks adequate supply of medical personnel, drugs and medical equipment.

### 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 and ‘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 21<sup>st</sup> February 2002 and 31<sup>st</sup> March 2002.

### 4.1. **Phases covered in Civic Education**

Of the five phases of civic education only one was covered. That is the stage preceding collection of views. It dealt with information, knowledge, skills and virtues, which enabled Kenyans to make informed choice and present their views to CKRC.

### 4.2. **Issues & Areas covered**

- Constitutional making and the court system.
- Presidency and the executive.

- National resources.

## 5. CONSTITUENCY PUBLIC HEARINGS

### 5.1. Logistical Details

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

- a) Date(s)
1. 19th April 2002
  2. 20<sup>th</sup> April 2002

- b) Total Number of Days: 2

#### 2. Venue

- a) Number of Venues: 2

- b) Venue(s):

1. Muthiga Aguthi Secondary School Hall
2. Tetu Catholic Mission

#### 3. Panels

- a) Commissioners

1. Com. Dr. Arale Nunow
2. Com. Ahmed I. Hassan
3. Com. Pheobe Asiyu

- b) Secretariat

- |                      |   |                         |
|----------------------|---|-------------------------|
| 1. J. Nyegenye       | - | Programme Officer       |
| 2. Mary Wahinya      | - | Asst. P. Officer        |
| 3. Regina Obara      | - | Verbatim recorder       |
| 4. Millicent Musyoka | - | Sign. Lang. Interpreter |

## 5.2. Attendance Details

| Category  | Details                            | Number |
|---|------------------------------------|--------|
| <b>Number of People</b>                               |                                    | 83     |
| <b>Sex</b>  | Males                              | 75     |
|   | Females                            | 7      |
|   | Not Stated                         | 1      |
| <b>Individual/Institution</b>                         | Individuals                        | 70     |
|   | Institutions                       | 5      |
| <b>Educational Background</b>                         | Primary Level                      | 25     |
|   | Secondary/High School Level        | 40     |
|   | College                            | 6      |
|   | University                         | 8      |
|   | None                               | 3      |
|   | Not Stated                         | 1      |
|   | Other (Adult Education/Vernacular) | 0      |
| <b>Number of Memoranda/Oral/written Presentations</b> | Memoranda                          | 23     |
|   | Oral                               | 55     |
|   | Written                            | 0      |
|   | Oral + Memoranda                   | 0      |
|   | Oral + Written                     | 0      |
|   | Not Stated                         | 0      |

## 5.3. Concerns and Recommendations

The following are the recommendations made by the presenters in Tetu 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 TO THE CONSTITUTION

- The constitution should have a preamble. (3)

- The constitution should ensure that the Preamble reaffirms Kenyan's fear of God, respect for democracy, liberty and general welfare of the present generation and prosperity.

The preamble should:

- State the recognition of God by people, commitment of people to unity and respect to state.
- Be simple and clear.
- State that Kenya is a God fearing country.
- Acknowledge God as the ultimate lawgiver.
- Express the Sovereignty of all Kenyans.
- Acknowledge Kenya's successful struggle for political independence.
- Capture the freedom fighters role in struggle for independence and liberation.

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

The constitution should:

- Enshrine directive principles that shall guide the citizens in their endeavors.
- State that Kenya is a country governed by the rule of law.
- Provide for equality of all persons before the law, support for culture and customs not repugnant for justice morality.
- Provide for the principle of separation powers of government and checks and balances at all levels.
- Provide that the Executive, the Judiciary and the Legislature shall always be independent of each other. (3)
- Enshrine popular sovereignty/power.
- Enshrine the values of good governance, democracy, the rule of law, separation of powers, national security, the sanctity of human life and respect for fundamental rights.
- Uphold the element of the rule of law.

### 5.3.3. **CONSTITUTIONAL SUPREMACY.**

The constitution should provide:

- For its supremacy over all other laws in the country.
- For the supremacy of the parliament.
- That parliament shall not have power to amend the constitution.
- That the constitution amendment be done by 75% majority vote of the MPs. (2)
- For limiting the Parliament's power to amend the constitution only to provisions that will benefit the citizens and not a section thereof.
- For limiting the parliament's power to amend the preamble.
- That it is the supreme law of the land that should not be amended whatsoever by the parliament.
- That amendment shall only be through a public referendum. (5)
- That any amendment to the independence to the three arms of government shall only be by referendum.
- That any amendment to the freedoms enshrined therein shall only be referendum.

- That a body comprising of the nominees of religious sector, civil society, political parties and other interested groups conduct the referendum.
- That the constitutional commission conducts the referendum.

#### 5.3.4. **CITIZENSHIP.**

The constitution should:

- Provide for a national body to vet all applications for citizenship.
- Confer automatic citizenship to all persons born within Kenya. (2)
- Confer automatic citizenship to all persons born outside the country as long as both parents are Kenyan citizens.
- Confer automatic citizenship to all persons who at least have one parent who is a Kenyan citizen.
- Confer automatic citizenship to any adopted child whose one of the parents is a Kenyan citizen.
- Confer automatic citizenship to any person who marries a Kenyan citizen.
- Only confer citizenship to those whose grandfathers were born in Kenya.
- Provide for dual citizenship.
- Prescribe that passports will be issued automatically and expeditiously on application to citizens.
- Provide that all Kenyans be issued with passports upon attainment of 18 years and be done simultaneously with the ID cards.
- Provide that National Identity Cards to only bear information on the place of issuance and not the holder's place of origin.
- Provide that voting be made an obligation of every citizen be strictly enforced.

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

The constitution should provide:

- That the armed forces be de-linked from the executive.
- For the establishment of a disciplined military force. (2)
- For the establishment of the Anti-corruption police by the government.
- For efficiency and independence of the police force. (3)
- That the members of armed forces who are in-disciplined be punished.
- That the Commander in Chief of the armed forces be appointed by a panel comprising of the Chief justice, the Law Society of Kenya and the Attorney General.
- That the president should not be the commander in chief of the armed forces. (5)
- That the chief of general staff be the commander in chief of the armed forces.
- For a retraining of Kenya's police force to make it more friendly to the ordinary citizen.
- For the independence of the office of Police Commissioner.
- For safeguarding the ordinary citizen from police harassment.
- For the prosecution of any police officer who abuses his/her power.
- That prison warders be trained in counseling.
- For the existence of a private military.
- For no existence of a private military as it would endanger state security.

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

- The constitution should regulate the formation and conduct of political parties.
- The constitution should limit the number of political parties to 3. (2).
- The constitution should not limit the number of political parties but rather retain the current system.
- The constitution should provide for state funding of all political parties.
- The constitution should allow for external funding for political parties.
- The constitution should provide that the funding of political parties be based/proportional to the number of votes garnered in the immediate election.
- The president should be non-partisan. (2)
- The constitution should provide that the political parties shall have equal access to air time in the national broadcasting station.

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

The constitution should provide for a system of government:

- With an executive president.
- With a President and a Prime Minister. Both should be directly elected by popular vote.
- With a President and a Prime Minister. Both should exercise executive authority with the President as the head of government and the Prime Minister as the deputy.
- With a President and a Prime Minister. The President subject to the approval of parliament should appoint the Prime Minister.
- In which the President shares powers with the Prime Minister.
- With a ceremonial president. (2)
- With a ceremonial president whose only function will be to open parliament.
- With a president, a vice president and a prime minister.
- Where members of parliament appoint cabinet ministers and assistant ministers.
- Where members of the cabinet shall not be members of parliament.

Provide for a parliamentary system of government:

- With a prime minister as the head of government. (4)
- In which the Prime Minister is chosen from the party with majority seats in the national assembly.
- With the Prime Minister as the head of government. The Prime Minister should have powers to appoint cabinet ministers.
- In which cabinet ministers choose the Prime Minister.

The constitution should provide:

- For a federal form of government.
- For a federal system in which the current provinces would be turned into states or sub-national governments.
- Adopt a federal system of government with regional state under the leadership of the elected government and establish parliament with responsibility of local legislation, and a national parliament with supreme legislation authority.

- Not provide for a federal system of government.
- For a Unitary system of government.
- Adopt a devolved system with states, based on the current provincial boundaries and provinces.
- That power is devolved to local authority.
- That the vice president be elected at universal suffrage for a term of five years.
- That the AG be an MP.
- That the Attorney General shall not be a member of parliament.

### 5.3.8. **THE LEGISLATURE**

Presidential candidates:

- The presidential candidate be aged between 35 and 40 years.
- Minimum age limit of a president be 45 years and a maximum of 70 years.
- The president shall be between 45 and 75 years.

Chambers of Parliament, the constitution should provide for:

- A two-chamber parliament.
- A two-chamber parliament with a Senate and a House of Representatives.
- A two-chamber parliament with a Senate and a lower house. The Senate should have the power to veto parliamentary bills from the lower house.
- A two-chamber parliament. The upper house should be composed of district representatives, representatives of the civil society and other special interest groups.

Parliament:

- Give Parliament power to impeach the president.
- Give Parliament power to vet the appointment of cabinet ministers and assistant ministers as well as judges and members of the Public Service Commission.
- Give Parliament power to vet the appointment of Electoral commissioners by the President, all presidential appointees.
- Give Parliament power to vet the appointment of the Chief Justice and Commissioner of Police.
- Provide for the participation of MPs in all the stages of the preparation of the national budget.
- Give Parliament power to vet the appointment of the Attorney General, Chief Justice, the Head of the Civil Service, the Commander in chief of the armed forces, the Chair of the Electoral Commission, the Governor of the Central Bank, controller and auditor general, commissions of inquiry and all members of the cabinet.
- Give Parliament power to appoint Permanent Secretaries, Chancellors of Public Universities, the Head of the Military, the Governor of the Central Bank, members of the Electoral Commission, members of the Judicial Service Commission and Ambassadors and High Commissioners.
- Give Parliament power to appoint members of the Electoral Commission.
- Give Parliament sole authority to form constitutional Commissions.
- Not give Parliament the power to review laws.

- Empower the parliament to check presidential orders and decrees.
- Acquire additional roles of the appointments promotion and dismissal of chief constitutional officers.
- Empower the parliament to approve peace keeping missions.
- Clearly stipulate the duration of a parliamentary term.
- Empower Parliament to control its own calendar. (3)
- Have the powers of its dissolution and extension of time at war for three months.
- Give Parliament power to control its own operations through the standing orders.
- Provide for the independence of parliament from the office of the president.
- Not provide for the president to dissolve the parliament. (3)

#### Members of Parliament:

- One third of parliamentary seats to be reserved for women.
- Members of parliament must have a minimum education qualification of a university degree. (2)
- Minimum age for an MP be 30 years.
- A member of parliament must have a minimum age of 35 years and above but not above 60 years.
- A member of parliament must be an inhabitant of his/her constituency.
- Members of parliament shall serve a maximum limit of two terms of five years each.
- Spend half their time consulting with the electorate in the constituency.
- Provide for a code of conduct for MPs.
- Shall not decide on their own remuneration.

#### Power of voters over Members of Parliament:

- Give voters power to recall non-performing MPs through a collection of signatures of 50% of the registered voters the target MPs constituency.
- Allow voters to re-call ineffective MPs. (4)
- The constitution should give voters the right to recall non-performing MPs by way of collection of signatures of at least two-thirds of the members of the MPs constituency.

#### Nominated MPs:

- Provide for nominated MPs. Such MPs should represent special and minority groups such as the disabled, the youth, women and the civil society.
- Provide that the nomination of MPs ensures gender balance.
- Nominated MPs be chosen on the basis of the numerical strength of the political parties.
- A parliamentary election loser shall not be eligible for nomination to parliament.
- To have offices in their constituencies. (2)

#### Additionally:

- Provide for a coalition government. (2)
- Provide for a government of National Unity.

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

The constitution should:

- Limit the presidential terms.
- Let president's tenure to be automatically determined by upon efflux ion of the period of the period of his/her term.
- Spell the out the functions of the president.
- Provide that the functions of the president to include monitoring, advice and counsel the institutions where the presidential powers have been devolved to.
- Provide that a president shall serve a maximum one term. (2)
- Provide that a president shall serve a maximum one five-year term.
- Provide that a president shall serve a maximum two terms.
- That the president shall serve a maximum two five year terms.
- Provide that the president shall not be an elected MP.
- Provide that the president shall be a member of parliament.
- Provide that the president shall not belong to any political party and must be above party politics.
- Provide that the president and cabinet ministers shall not engage in private business.
- Provide for a code of conduct for the president, cabinet ministers and all members of the executive.
- Provide that in the event of the president attaining 70 years before the official end of his term, he should automatically retire from office.
- Provide that the president shall not be pensionable.
- Provide for appointment to the cabinet through merit.

President:

- Must be a Kenyan citizen.
- Must be a university graduate.
- Shall be popularly elected.
- Shall have executive power.
- Provide a code of conduct for the President.
- Shall be subject to the law. (4)
- Declare the source of their wealth.
- Must have a demonstrable experience in politics or public service.
- Shall appoint his/her running mate during presidential polls.
- Must not have a criminal record.
- Be impeached by 50% vote in case of underperformance.
- Shall cease to own office upon conviction of guilt.
- Have the power to veto legislation that is not in the interest of the people.
- Limit the powers of the president. (13)
- Shall only have the powers to appoint judges of the High Court.
- Shall not have power to nominate MPs.
- Shall have no powers over the running of public universities.
- Shall not send military personnel on an international mission without the approval of parliament.

Provincial administration:

- Abolish the provincial administration structure of government.
- Provide that the provincial administration be abolished and its role should be taken over by a local government elected by the people.
- Provide that the positions of the District Commissioner, the District Officer, the Chief and the Assistant Chief shall be elective.
- Prescribe a minimum age for a Chief of 25 years.
- Provide that the Chief shall be the lowest level office of the provincial administrative structure.
- Provide that the Chief shall not be an indigene of his location.
- Abolish the office of the chief.
- Replace Assistant Chiefs with a council of elders.
- Provide that the chiefs and their assistants shall have no power of arrest or detention of criminal suspects and neither shall they be involved in collection public funds.
- Provide that the provincial administration be replaced with a less costly alternative management system.
- Provide that the provincial administration be replaced with an alternative administration comprising elected PCs, DCs, chiefs and assistant chiefs elected for not more than ten years.
- That the government ensures that employment of chiefs and sub-chiefs is based on merit and qualification.

Size of government:

- Provide that the number of ministries be reduced to eight.
- Create a ministry of women affairs to address women's issues.

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

The constitution should:

- Provide for the independence of the judiciary. (4)
- Ensure no discrimination in the dispensation of justice.
- Provide for a supreme court.
- Provide for a permanent constitutional court.
- Provide for establishment of an anti-corruption court for prosecution of corrupt cases.

Appointment and tenure of Judicial Officers:

- Provide that judges be appointed by parliament.
- Provide that the members of the judiciary be appointed by the president upon the approval of the parliament and the judicial service commission.
- Ensure that judicial officers are appointed on merit.
- Provide that the chief justice be appointed by judges in conjunction with the law society of Kenya officials and appointment of other categories of judges be done by judicial service commission from among officers immediately junior to them in rank.
- Provide security of tenure for the judges.
- Provide unlimited terms for the judges.

- Provide that judges suspected of corruption be tried before the courts of law.
- Provide that the chief justice shall only be removed for bad conduct or behavior.
- Establish a code of ethics for judicial officers and persons aggrieved by act/omissions of judicial officers should lodge such complaints in court of law competent to try those officers. If found guilty should be relieved of their duties.
- Provide that errant and corrupt chief justices be impeached.
- Provide that all cases be heard and determined without prejudice.

Additionally:

- Restrictions of the adjournment of cases by courts and the advocates to allow speedy conclusion of court cases
- The office of the Attorney General be under the judiciary.
- The independence of the office of the Chief Justice.
- And independent office of Public Prosecution.
- Expeditious dispensation of justice.
- Free legal aid to every Kenyan who cannot afford legal services.
- The right to appeal without any procedural hindrance.

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

The constitution should provide:

- For an autonomous local government. (2)
- For creation of a national body to coordinate the activities of local authorities.
- That local government official is elected by popular vote.
- That local authorities be allowed to utilize 80% of the revenue collected in their jurisdiction.
- That mayors and Chair of County Councils be directly elected by popular vote. (5)
- That Mayor serves a maximum of five years. (2)
- That Mayors and councilors be directly elected by popular vote.
- That one third of councilors in any local authority be women.
- That a candidate for councillorship must have a minimum education qualification of form four. (3)
- That the nomination of councilors shall ensure gender balance
- For appointment of nominated councilors by electoral commission.

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

The constitution should:

- Put in place mechanisms to ensure free and fair elections.
- Retain the simple majority rule.
- Provide that voting be done by secret ballot.
- Put in place mechanisms to ensure the physical security of voters during elections.
- Provide for a continuous registration of voters. (2)
- Make voting in elections compulsory and provide for punishment of eligible voters who fail to vote.

- Provide that votes be counted at the polling station in the presence of electoral commission officials, observers and supporters/agents of the contesting candidates. (7)
- Provide that the ballot boxes be transparent. (2)
- Ban voting by acclamation in any election.
- Outlaw by-elections and instead appoint a fellow constituent to replace.
- Provide for increment of time allocated for polling. (2)
- Provide for opening of polling stations 5:30am and end as late as 7:30 pm.
- Clearly stipulate the election date of general elections. (2)
- Limit election expenditure to Kshs.100,000 ( one hundred thousand).
- Provide that any member of parliament who defects to another party before the conclusion of his/ her term, shall automatically be disqualified from contesting in the subsequent by-election and shall additionally be compelled to pay 50% of the cost of the by-election.
- Outlaw inter-party defection by MPs and such MP who defects should bear the cost of the ensuing election.
- Provide for reservation of seats to ensure that women constitute at least 1/3 of the parliament.

#### Presidential elections:

- Provide for direct elections of the president. (2)
- Provide that in a presidential election, the winner must get at least 50% of the votes cast.
- Provide that in a presidential election, the winner must get 51% of the votes cast.
- Provide that in a presidential election, the winner must get at least 51% of the votes cast. In the event that no candidate gets this in the first contest, a run-off election of the first two leading candidates must be carried out within 51 days.
- Provide that in a presidential election, the winner must get 60% of the votes cast.
- Provide that in a presidential election, the winner must get at least 65% of the votes cast.
- Provide that in a presidential election, the winner must get at least 25% of the votes cast in all provinces.
- Provide that a presidential candidate shall have a running mate.
- Provide that the person who gets the second highest number of votes in a presidential election becomes the Vice president.
- Provide that if a presidential candidate loses three times, he/she should be automatically be disqualified from contesting subsequent presidential elections.
- Provide that presidential elections shall be held before the election of the vice president and members of parliament.
- Provide that parliamentary and local government elections shall be held six months after the presidential election.
- Provide that any potential candidate for presidential, parliamentary or local government elections who has failed to secure nomination by one political party, shall automatically be disqualified from being nominated by another party.

#### Constituencies:

- Provide for clear rules for the creation of parliamentary constituencies.
- Provide for regular constituency boundary reviews.
- Provide that all parliamentary constituencies shall have equal number of registered voters.

- Ensure that constituencies shall be established on the basis of numbers to ensure equal representation. (2)
- Ensure that each constituency is based on the population. (4)

Electoral Commission of Kenya:

- The electoral commissioners be people with integrity and competent.
- The electoral commissioners and chairman be elected by parliament. (2)
- The electoral commission be elected by the people.
- Provide for security of tenure for the electoral commissioners.
- The chairman of the electoral commission to serve not for more than ten years.
- Provide for an independent Electoral Commission.
- Electoral Commission shall set the date of presidential, parliamentary and local government elections.
- Members of the Electoral Commission be appointed by all the parties represented in parliament.

### 5.3.13. **BASIC RIGHTS**

The constitution should:

- Guarantee the protection of the fundamental human rights of all Kenyans. (2)
- Make provisions practical enforcement of fundamental rights and freedoms.
- Outlaw detention without trial. (2)
- Guarantee protection of individuals from torture.
- Provide that the government shall not restrict freedom of association.
- Provide mechanisms for the enforcement of the bill of rights.
- Abolish the death penalty.
- Provide that nobody shall be required to take any oath without his/her consent.
- Provide for the freedom of expression and association.
- Guarantee all citizens the right to security, healthcare, water, free education, shelter, food and employment for qualified Kenyans.
- Guarantee enjoyment and respect of human rights by the state and other institutions.
- Provide for the freedom of movement.
- Guarantee the physical security of all.
- Guarantee members of the public shall not be subjected to arbitrary searches and arrests.
- Guarantee every Kenyan, equal treatment by the law irrespective of gender, ethnic or racial background.

Education:

- Guarantee free basic and compulsory education to all.
- Guarantee free education up to primary school level to all. (10)
- Guarantee free primary and secondary school education to all.
- Guarantee affordable education to all.

- Guarantee education for all and subsidized education for students from poor families.

#### Health and water:

- Provide for free basic health care and medicines for all. (4)
- Guarantee free safe and clean drinking water to all.
- Guarantee every Kenyan, basic food, clothing and shelter.

#### Employment:

- Uphold the principle of one-man one job.(2)
- Ensure that the civil servant and teacher's pensions shall be increased alongside normal salary increments. There should be free medical care.
- Prohibit retrenchments and ensure those retrenched are paid compensation.
- Have a provision for the government to create opportunities for employment to absorb educated graduates.
- The constitution should guarantee equal employment opportunities to all Kenyans as opposed to the practice of nepotism and tribalism.
- Provide that civil servants shall retire at 70 years.
- Provide that contributions to the national security be voluntary.
- Review law on maternity leave to afford women annual leave in addition to the maternity leave.
- Provide that the state shall provide gainful employment to all school and college graduates.
- Provide that all public employment shall be based on the principle of gender parity.
- provide that workers contributions to the National Social Security Fund and the National Hospital Insurance Fund be voluntary.
- provide that pensions paid to retired persons be regularly reviewed and adjusted upwards.

#### Religion:

- Guarantee the freedom of worship and define worship places.
- Provide that nobody shall be required to state his/her religious faith.
- Prescribe that religious groups shall be free to evangelize anywhere within the country.

#### Information:

- Provide that civic education be provided in schools.
- Provide for the widest distribution of free copies of the constitution by the government.
- Guarantee all Kenyans the right to information.
- Guarantee the freedom of the print and electronic media.

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

#### Women and children:

- Spell out the rights of the child to survival, protection, development and participation. The

law should require government and parents to promote the realization of these rights.

- Provide that the state shall buy land and resettle all street families on it.
- Guarantee the protection of the young, the old and the infirm.
- Abolish Female Genital Mutilation.
- Protect children from any form of abuse such as sexual abuse, child labor and harassment.
- Outlaw child labor.
- Provide for the government to be responsible for taking care and providing for needs of destitute children.
- Entrench affirmative action to ensure gender equity in the structures of the government.
- Provide an institutional framework for the implementation of the affirmative action principles.

Additionally:

- Create a fund to cater for all the disabled.
- Provide for state funding for the creation of old peoples' homes.
- Provide that conditions in prison meet the standards of human habitation.

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

The constitution should:

- Guarantee the right of any Kenyan to own land in any part of the country. (4)
- Provide for individuals to have the ultimate ownership of land.
- Provide for the ownership of land to rest in the community-local authority should only hold land in trust for them.
- Provide for protection from illegal alienation of land by the state or a private citizen.
- Provide that land transfers must be consented to by the whole family. (2)
- Provide for the review of land laws to seal loopholes that have allowed illegal land allocations and all government land allocations after 1990 should be revoked.
- Provide the state with the power to acquire private land for use in putting up necessary infrastructure such as schools, hospitals and roads. The owners of the land should be adequately compensated.
- Give the state the power to settle the landless on any available land.
- Put in place mechanisms to stop illegal grabbing of public land.
- Guarantee that no Kenyan shall be a squatter.
- Give the government the right to acquire all unutilized land and distribute it to the landless.
- Provide that married women shall not inherit land from their parents.
- Provide that married women shall inherit land from their husbands.
- Ensure mechanisms for spousal joint ownership of land title deeds.
- Provide that public officials shall not allocate public utility land.

On land ceiling, individual shall not own more than:

- 20 acres of land.
- 30 acres of land.
- 50 acres of land.

- 100 acres of land.
- 500 acres of land.

Additionally:

- The government should abolish the payment of stamp duty on land transactions involving inheritance.
- Specify the procedure required before inheritance of land.
- Provide for heavy taxation on unused land.
- Provide that land disputes be arbitrated by a Council of Elders.
- Provide that land disputes be arbitrated by a competent court system.
- Identify the beneficiaries of Trust land act.

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

The constitution should:

- Acknowledge that Kenya is a culturally diverse country united in common aspirations and vision.
- Guarantee the protection of Kenya's cultural diversity.
- Guarantee the respect of customs and cultures.
- Protect ethnic and cultural values that reflect natural issues.
- Outlaw Female Genital Mutilation. (2)
- Guarantee the right to social and cultural rights.
- Provide for and promote Kiswahili as a national language. (2)
- Provide for abolition of ethnic languages.
- Provide for the teaching of all local languages in schools.
- Stipulate that the constitution shall be translated into all local/ethnic languages.
- Provide for the application of customary law where necessary.
- Acknowledge the valiant fight of freedom fighters to secure the country's independence.
- Provide for a council of elders.
- Provide for the freedom of ethnic practices as long as they are not repugnant to morality and natural justice.
- Abolish any cultural practice that abuses or denigrates women.

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

The constitution should:

- Provide for equitable distribution of national resources. (2)
- Provide for the government to establish a body to be in charge of apportioning benefits from resources between the central government and the local communities from where the resources are drawn.
- Provide for parliament to play a role in distribution of national resources.

Auditor General:

- Guarantee independence of the Auditor General to carry out their work without interference by the executive. (2)
- Provide for the parliament to audit expenditure by office of the president yearly.
- Provide for the independence of the office of the Auditor General. The Auditor General should enjoy security of tenure.
- Provide that the office of the Auditor-General shall audit the use of taxes collected by the government.
- Provide that the Auditor General shall be appointed by the parliament.

#### Public Officers:

- Provide that promotion and appointments of public officers be done on the basis of merit, specialization and ability. (3)
- Provide for security of tenure for public servants.
- Ensure that ministers are trained on their respective jobs they should not be MPs. (2)
- Provide that the public servants be banned from investing their money abroad.
- Stipulate a retirement age of all public servants.
- Provide that civil servants shall not engage in private business.
- Institute a five-day working week for all public servants.
- Provide for public officers to subscribe to the code of ethics.
- Require the MPs and public officers to declare their assets publicly and sources. (2)
- Provide that appointment of the Public Service Commission be made by parliament.
- Provide that all appointments to public office be subject to parliamentary approval.

#### 5.3.18. **ENVIRONMENT AND NATURAL RESOURCES**

The constitution should provide:

- Mechanisms for the protection of water catchments, Forests, Mineral Resources, Wildlife, the Airspace and other parts of the environment.
- Clearly for protection of natural resources.
- That an autonomous committee and parliament manage natural resources, should debate any use, abuse or disposition of natural resources.
- That the management of natural resources be the responsibility of the local community.

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

- The constitution should provide for the participation of Non-governmental organization and other civil society groups in governance.
- The constitution should provide for proportional representation to enhance women participation in parliament and in land boards to ensure gender balance. (2)

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

- Provide that an elected committee representative of all provinces shall do the conduct of the foreign affairs.
- Domesticating and implement the international convention of the elimination of all forms of discrimination.
- Provide that no defense forces shall be sent abroad on peace missions.



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

The constitution should:

- Provide that constitutional commissions be set up by parliament or with the approval parliament.
- Establish a watchdog committee to check the acts and omissions of parliament such as MPs remunerations.
- Provide that commissions established shall be monitored by the public and such commissions should not be disbanded mid-term before crystallizing recommendations.
- Establish an anti-corruption commission.
- Establish a human rights commission to promote the protection of human rights.
- Ensure that commissions appointed under the Commissions Act are effective and efficient.
  
- Provide for a Constitutional Review Commission, which should oversee the operations of the Electoral Commission.
- Provide for the establishment of a national commission to vet all presidential appointments.
- Provide for the establishment of a Judicial Service Commission.
- Vest the Judicial Service Commission with the powers to vet the appointment of the Chief Justice and to appoint lower court judges.
- Create a national Land Commission to look into all land disputes. (3)
- Provide for the independence of the Teachers Service Commission.
- Provide for a Gender Commission, which should supervise the enforcement of the principle of gender parity in all public employment.
- Create the office of an ombudsman.

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

- The constitution should provide that during a presidential election, the Chief Justice shall be the acting president from the time such elections are declared until the next president is sworn in.
- The constitution should provide that during a presidential election, the Speaker of the national assembly shall be the acting president from the time such elections are declared until the next president sworn in.
- The constitution should not provide for the welfare or attendant for the retired president.

### 5.3.23 **WOMEN'S RIGHTS**

The constitution should:

- Provide that where a marriage contract collapses, the government shall take into its care all the children from the union.
- Provide that marriages shall be contracted under renewable contracts of 10 years. (2)
- Provide for women's rights to check inimical and discrimination.
- Provide for the women to have the right to property ownership hence they should be absolute proprietors of land and other immovable property.
- Give women enforceable rights to succession and inheritance.
- Ensure that widowed women are protected against in-laws on inheritance.
- Provide that marriage laws be revised such that divorce is prohibited.
- Ensure that DCs are prohibited from conducting marriages. (2)
- Ensure that there is no automatic inheritance of property of a parent by his or her sons and daughters.
- Provide for laws protecting families from domestic violence.
- Provide for the affiliation act to be reinstated with appropriate amendments.

### 5.3.24 **NATIONAL ECONOMIC POLICIES**

The constitution should:

- Provide for state protection of the local market.
- Outlaw restrictive trade practices.
- Provide for the government to introduce controls in the domestic market e.g. price control.
- Ensure that marketing of coffee be liberalized to allow farmers to sell their own produce.
- Provide for liberalization of market for the agricultural products.
- Ensure that liberalization policies protect local produce from cheap imports.
- Provide for the government to ban the importation of agricultural goods such as milk, food that we can produce locally. Government to take steps to ensure that sub- standard goods are not put in the market.
- Provide for poverty eradication strategies to focus in the causes of poverty.
- Ensure that the government should create jobs to alleviate poverty.
- Enact laws to enhance the development of physical, economic and social infrastructure for economic growth and sustainability.
- Provide that the development of the infrastructure be done on the basis of economic productivity of the area.

### 5.3.25 **OTHER NATIONAL POLICIES**

#### Corruption:

- The constitution should provide mechanisms for the prosecution of corrupt public officials.(2)
- The constitution should establish an anti corruption police unit and ant-fraud law be enacted.
- The constitution should address the issue of corruption and spell out measures to contain it. (2)
- The constitution should provide for enactment of legislation to curb corruption in both the private sector and public offices.
- The constitution should outlaw corruption in the judiciary.
- The constitution should provide for the government to charge those persons who misappropriate farmers' money.
- The constitution should ensure that bribery is stopped.

#### HIV/AIDS:

- The constitution should provide that those infected with HIV not discriminated against by employers.
- The constitution should provide that the government shall provide cheaper HIV/AIDS drugs to victims.
- The constitution should provide that nobody shall be discriminated against on account of affliction by HIV/AIDS.

#### Security:

- The constitution should provide security of all persons living within the boundaries of Kenya should be guaranteed as a right and the government to provide compensation to victims of insecurity.
- The constitution should outlaw organizations, which are unsafe to public security.
- The constitution should provide for the police to protect people and to stop harassing and torturing them to death.
- The constitution should provide that the power of the police as law enforcement agents be reduced and put under control to avoid abuse of the powers through harassment of citizens.

Agriculture:

- Create a national office to handle the problems experienced by farmers.
- Provide for farmers to have their own bank with relatively lower interest rates. (2)
- Not provide for taxation on farm inputs; it is the products which should be taxed.
- A policy on irrigation of land should be adopted and implemented.
- The government should be empowered to play role in the production and marketing of agricultural produce like coffee and tea. (2)
- The constitution should establish a development fund under the constitution, which compensates farmers in the event of poor production due to bad weather.
- The constitution should provide for the government to put in place measures to ensure continuous food sufficiency in the country.
- The constitution should provide for the creation of a farmers' bank.
- The constitution should provide for government role in the marketing of Kenyan agricultural produce.

Education:

- The teachers' service commission should be independent of the ministry of education.
- Provide the replacement of 8-4-4 system of education with the now defunct 7-4-2-3.
- Scrap the 8-4-4 system of education and private schools. (2)
- The government should issue certificates to all pupils and students at every stage they have reached.
- Abolish cost sharing in schools.

Health:

- Ensure that the N.H.I.F shall be comprehensive as to cater for all medical bills. (2)
- Abolish cost sharing in public health and maternity facilities. (2)
- Provide for management of mission hospitals to be under the control of ministry of health.
- Bar the government health officers from owning private clinics.
- Provide that doctors and nurses working in public hospitals and clinics shall not run private hospitals and clinics.
- Provide for reduced cost of mortuary charges.

Information and communication:

- Provide for liberalized airwaves.
- Guarantee freedom of media. (2)

Fiscal and monetary policy:

- Establish a process to check the rates of inflation; revenue collection strategies should be enacted.
- Design structures to allow taxpayer a say over government expenditure.
- Enact the central bank of Kenya amendment bill to check the interest rates charged by

the bank.

- Ensure that the portrait of the currency shall not be of an individual.
- Guarantee the freedom of the private citizen to source funds and loans from donors outside the country.

Additionally:

- Abolish cigarette smoking in public facilities.
- Provide for state subsidy to the arts, theatre, sports and athletics and the music industry.
- Provide for state subsidy to the Jua Kali sector.

### 5.3.27 **LEGAL SYSTEMS**

The constitution should:

- Provide for a national office mandated to curb corruption in the country.
- Outlaw divorce.
- Provide for the review of the local government act cap 265, and the land act.
- Provide for the review of the co-operative act.
- Outlaw life imprisonment.
- Provide for new governance mode to uphold the bill of rights.
- Provide that debate and ultimate enactment of bills shall be preceded by consultation of the public by MPs.
- Provide that the presidential assent for any bill shall be done within 14 days after the passing of the bill by the senate.
- Repeal section 77(6) of the constitution and section 210 of the criminal procedure. Repeal sections a, b, c, d and of the magistrate's courts act and 0.43 of the civil procedure act. Section 15(cap 170) be repealed for its inconsistency.

### 5.3.28 **GEDNDER EQUITY**

- The constitution should establish a parliamentary gender desk. Guarantee gender equity as a basic right and provide a clause emphasizing equality of all persons regardless of gender or age.

### 5.3.29 **TRANSPARENCY/ACCOUTABILITY**

- The constitution should provide the accounts of a local authority shall be audited by a private Auditor.
- The constitution should provide for transparency in the management of public funds.

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

- The constitution should ensure that there shall be uniform application of law.

### 5.3.31 **NATIONAL INTEGRITY/IDENTITY**

- The constitution should set up a public holiday in honour of freedom fighters.

## **APPENDICES:**

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

1. Hon. P.G. Muya - MP
2. J.N. Mugo - DC
3. P.K. Munene
4. S.W. Ndegwa
5. Cllr. C.G. Gichuki
6. Mary Mwangi
7. Mellen Mwangi
8. Wahome Gikonyo
9. Mrs. Murunga
10. Fr. Maina

### **Appendix 2: Civic Education Providers**

- Kenya Association of Retired Officers
- Kenya National Union of Teachers
- Catholic Justice and Peace Committee
- National Civic Education Programme
- Presbyterian Church of East Africa
- Anglican Church of Kenya
- Constituency Constitutional Committee
- Commissioner Salome Muigai

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

|    |           |                         |            |                  |                        |
|----|-----------|-------------------------|------------|------------------|------------------------|
| 1  | 0003ONTCE | Anne Watetu Ndirangu    | CBO        | Memorandum       | Tetu Women             |
| 2  | 0004ONTCE | Anne Watetu Ndirangu    | CBO        | Memorandum       | Karundu Location Women |
| 3  | 0068INTCE | Andrew Githinji         | Individual | Oral - Public he |                        |
| 4  | 0057INTCE | Andrew Ndirangu         | Individual | Oral - Public he |                        |
| 5  | 0065INTCE | Antony Gichuki          | Individual | Oral - Public he |                        |
| 6  | 0056INTCE | Bernard Mugambi         | Individual | Oral - Public he |                        |
| 7  | 0071INTCE | Bernard Mwangi          | Individual | Oral - Public he |                        |
| 8  | 0019INTCE | Christopher Muchiri     | Individual | Written          |                        |
| 9  | 0059INTCE | Cllr. Samuel Githendu   | Individual | Oral - Public he |                        |
| 10 | 0029INTCE | Cyrus Mureithi          | Individual | Oral - Public he |                        |
| 11 | 0006INTCE | D K Munene              | Individual | Written          |                        |
| 12 | 0063INTCE | Daniel Kimamo           | Individual | Oral - Public he |                        |
| 13 | 0022INTCE | Daniel Murage           | Individual | Oral - Public he |                        |
| 14 | 0033INTCE | David Nderitu Gikuhe    | Individual | Oral - Public he |                        |
| 15 | 0007INTCE | David Njogu             | Individual | Written          |                        |
| 16 | 0067INTCE | Esau Wachira            | Individual | Oral - Public he |                        |
| 17 | 0013INTCE | F.W. Ndegwa             | Individual | Written          |                        |
| 18 | 0016INTCE | Fr. Daniel Kariuki      | Individual | Memorandum       |                        |
| 19 | 0048INTCE | Gathenya Wa Wanderi     | Individual | Oral - Public he |                        |
| 20 | 0045INTCE | Gen. Ndaya Muraya Mutih | Individual | Oral - Public he |                        |
| 21 | 0032INTCE | Gerald Maruhi Njagi     | Individual | Oral - Public he |                        |
| 22 | 0023INTCE | Hiram Kimari Muiiri     | Individual | Oral - Public he |                        |
| 23 | 0036INTCE | Isaiah Guthura          | Individual | Oral - Public he |                        |
| 24 | 0050INTCE | James Gaita             | Individual | Oral - Public he |                        |
| 25 | 0042INTCE | James Mwangi            | Individual | Oral - Public he |                        |
| 26 | 0062INTCE | James Nderitu           | Individual | Oral - Public he |                        |
| 27 | 0001INTCE | James Ndirangu Gachanja | Individual | Written          |                        |
| 28 | 0028INTCE | Joel Muthoga            | Individual | Oral - Public he |                        |
| 29 | 0015INTCE | John Mwangi Waweru      | Individual | Written          |                        |
| 30 | 0060INTCE | John Wambugu Karanja    | Individual | Oral - Public he |                        |
| 31 | 0014INTCE | Joseph Matara           | Individual | Written          |                        |
| 32 | 0018INTCE | Joseph Maina Kariuki    | Individual | Written          |                        |
| 33 | 0004INTCE | Joseph Maina Ndirangu   | Individual | Written          |                        |
| 34 | 0064INTCE | Joseph Ndumia Gatimu    | Individual | Oral - Public he |                        |
| 35 | 0039INTCE | Joshua Kariuki Kamau    | Individual | Oral - Public he |                        |
| 36 | 0058INTCE | Josphat Muchiri         | Individual | Oral - Public he |                        |
| 37 | 0017INTCE | Justus Kabuta           | Individual | Written          |                        |
| 38 | 0053INTCE | Justus Mwai             | Individual | Oral - Public he |                        |
| 39 | 0035INTCE | Margaret Wanjiru Thiara | Individual | Oral - Public he |                        |
| 40 | 0005INTCE | Mathew Mamba Theuri     | Individual | Written          |                        |
| 41 | 0020INTCE | Moses Gitonga Kagogi    | Individual | Written          |                        |
| 42 | 0034INTCE | Munyi Mutahi            | Individual | Oral - Public he |                        |
| 43 | 0049INTCE | Musa Muhinja Nderi      | Individual | Oral - Public he |                        |
| 44 | 0002INTCE | Mwangi Ndumuti          | Individual | Written          |                        |
| 45 | 0044INTCE | Mwaniki Gathura         | Individual | Oral - Public he |                        |
| 46 | 0011INTCE | Nancy Wanjiru           | Individual | Written          |                        |
| 47 | 0069INTCE | Ndung'u Ndirangu        | Individual | Oral - Public he |                        |
| 48 | 0047INTCE | Nicholas Nguju          | Individual | Oral - Public he |                        |
| 49 | 0051INTCE | Patrick Thiga           | Individual | Oral - Public he |                        |
| 50 | 0030INTCE | Paul Wanjohi Mweiga     | Individual | Oral - Public he |                        |
| 51 | 0072INTCE | Peter K. Gichohi        | Individual | Oral - Public he |                        |

|    |      |       |                          |                        |                  |                             |
|----|------|-------|--------------------------|------------------------|------------------|-----------------------------|
| 52 | 0024 | INTCE | Peter Maina Ngumo        | Individual             | Oral - Public he |                             |
| 53 | 0055 | INTCE | Purity W. kiboi          | Individual             | Oral - Public he |                             |
| 54 | 0012 | INTCE | Rev. Joseph N. Wang'ombe | Individual             | Written          |                             |
| 55 | 0026 | INTCE | Richard Maina Kabutu     | Individual             | Oral - Public he |                             |
| 56 | 0008 | INTCE | Robert Mweiga Mwaniki    | Individual             | Written          |                             |
| 57 | 0054 | INTCE | Rose Wambui              | Individual             | Oral - Public he |                             |
| 58 | 0037 | INTCE | Samuel Gikonyo Kamotho   | Individual             | Oral - Public he |                             |
| 59 | 0066 | INTCE | Samuel King'ori          | Individual             | Oral - Public he |                             |
| 60 | 0038 | INTCE | Samuel Kuhia Wathinji    | Individual             | Oral - Public he |                             |
| 61 | 0041 | INTCE | Samuel Maina             | Individual             | Oral - Public he |                             |
| 62 | 0061 | INTCE | Samuel Mureithi          | Individual             | Oral - Public he |                             |
| 63 | 0070 | INTCE | Samuel Ngubia            | Individual             | Oral - Public he |                             |
| 64 | 0031 | INTCE | Samuel Wahome            | Individual             | Oral - Public he |                             |
| 65 | 0027 | INTCE | Simeon Ngugi             | Individual             | Oral - Public he |                             |
| 66 | 0073 | INTCE | Simon Ndung'u            | Individual             | Oral - Public he |                             |
| 67 | 0052 | INTCE | Stephen Gachie Kagema    | Individual             | Oral - Public he |                             |
| 68 | 0040 | INTCE | Stephen Wanjohi Weru     | Individual             | Oral - Public he |                             |
| 69 | 0046 | INTCE | Thuku Joseph Gacheru     | Individual             | Oral - Public he |                             |
| 70 | 0025 | INTCE | Timothy Kabutu           | Individual             | Oral - Public he |                             |
| 71 | 0003 | INTCE | Wachira Theuri James     | Individual             | Written          |                             |
| 72 | 0043 | INTCE | Wahome Gikonyo           | Individual             | Oral - Public he |                             |
| 73 | 0002 | ONTCE | Jane Nderitu             | Other Institutions     | Written          | Aguthi Secondary school     |
| 74 | 0001 | ONTCE | Waruru Ndegwa            | Pressure Groups        | Memorandum       | Youth We Can Do It Movement |
| 75 | 0005 | ONTCE | Simon Mwangi Njuguna     | Religious Organisation | Memorandum       | Tetu Catholic Parish        |

#### Appendix 4: Persons Attending Constituency Hearings

| No. | Name:            | Adress:      | No. | Name:            | Adress:       |
|-----|------------------|--------------|-----|------------------|---------------|
| 1   | James N Gachanja | 2493 Nyeri   | 58  | Isaiah Gathura   | 519 Nyeri     |
| 2   | Daniel Muragu    |              | 59  | Stephen Kangema  | 82 Nyeri      |
| 3   | Mwangi Dumuti    |              | 60  | Ann Ndirangu     | 162 Nyeri     |
| 4   | Hilum Kimari     |              | 61  | Shadrack Gatheru | 85 Nyeri      |
| 5   | Jesee Wachira    |              | 62  | Robinson Mwangi  | 85 Nyeri      |
| 6   | James Wachira    |              | 63  | Nduhiu Njama     | 1528 Nyeri    |
| 7   | Peter Maina      |              | 64  | Peter Kariuki    | 380 Nyeri     |
| 8   | Timothy Kabutu   |              | 65  | Gregory Kiboi    | 519 Nyeri     |
| 9   | Richard Maina    |              | 66  | Charles Kibaka   | 172 Nyeri     |
| 10  | Waruru Ndegwa    | 12402 Nyeri  | 67  | Francis Mutahi   | 654 Nyeri     |
| 11  | Samuel Gikonyo   |              | 68  | James Mwangi     | 1369 Nyeri    |
| 12  | Simon Ngugi      |              | 69  | James Gaita      | 85 Nyeri      |
| 13  | Isaac Gitero     |              | 70  | Samuel Macharia  | 654 Nyeri     |
| 14  | Joel Kingari     |              | 71  | Joseph Ngumo     |               |
| 15  | Joseph Mbaara    |              | 72  | Paul Muya        | 58358 Nairobi |
| 16  | Cyrus Muriithi   | 512 Nyeri    | 73  | Joseph Thuku     | 346 Nyeri     |
| 17  | Peter Ndutu      |              | 74  | Samuel Maina     | 172 Nyeri     |
| 18  | Bernard Gicheho  |              | 75  | Samuel Kuhia     | 654 Nyeri     |
| 19  | Richard Wambugu  | 56 Nyeri     | 76  | Joshua Kamau     | 654 Nyeri     |
| 20  | Paul Muiga       | 480 Nyeri    | 77  | Stephen Wanjohi  |               |
| 21  | Samuel Wahome    | 381 Nyeri    | 78  | Reuben Kimunya   | 138 Nairobi   |
| 22  | Gerald Maridi    | 654 Nyeri    | 79  | Jackson Mwaniki  | 612 Nyeri     |
| 23  | Joshua Wachira   | 519 Nyeri    | 80  | Muraya Mutahi    | 138 Nyeri     |
| 24  | David Nderitu    | 85 Nyeri     | 81  | Robert Muiga     | 480 Nyeri     |
| 25  | David Njogu      | 480 Nyeri    | 82  | Gathanya Wanderi | 386 Nyeri     |
| 26  | Maina Gichinga   | 480 Nyeri    | 83  | Simon Wambugu    | 519 Nyeri     |
| 27  | Mwinyi Mutahi    | 386 Nyeri    | 84  | George Macharia  | 480 Nyeri     |
| 28  | Wambugu Muiru    | 138 Nyeri    | 85  | Nicholas Nguyu   | 69 Nyeri      |
| 29  | Musa Muhinga     | 480 Nyeri    | 86  | Samuel Githendu  | 273 Nyeri     |
| 30  | Francis Mureithi | 480 Nyeri    | 87  | John Wambugu     | 764 Nyeri     |
| 31  | Stephen Muthee   |              | 88  | Samuel Muriithi  | 190 Kerogoya  |
| 32  | Joseph Maina     | 85 Nyeri     | 89  | James Nderitu    | 129 Tetu      |
| 33  | Josphat Kariuki  | 138 Nyeri    | 90  | Daniel Kimono    | 427 Nyeri     |
| 34  | Matthew Theuri   | 85 Nyeri     | 91  | Fr.David Kariuki |               |
| 35  | Ndirangu Thumbi  | 85 Nyeri     | 92  | Joseph Ndumia    | 213 Nyeri     |
| 36  | Patrick Thiga    | 480 Nyeri    | 93  | Justus Kabuta    | 129 Nyeri     |
| 37  | Peter Waweru     | 519 Nyeri    | 94  | Anthony Gichuki  | 213 Nyeri     |
| 38  | D.K. Munene      | 101 Giakanja | 95  | Samuel Kingori   | 213 Nyeri     |
| 39  | Charles Wahome   | 519 Nyeri    | 96  | Essau Wachira    | 12221 Nyeri   |
| 40  | Margaret Wanjiru | 85 Nyeri     | 97  | Andrew Githinji  | 137 Nyeri     |
| 41  | Musa Muhinja     | 519 Nyeri    | 98  | Ndungu Ndirangu  | 213 Nyeri     |
| 42  | Gitau Wamithu    | 519 Nyeri    | 99  | Samuel Gabia     | 273 Nyeri     |
| 43  | Samuel Mwangi    | 172 Nyeri    | 100 | Paul Kimeme      | 129 Nyeri     |
| 44  | Nancy Wanjiru    | 12403 Nyeri  | 101 | John Waweru      | 265 Nyeri     |
| 45  | Justus Mwai      | 519 Nyeri    | 102 | Joseph Mataara   | 63 Giakanja   |

|    |                      |            |     |                   |               |
|----|----------------------|------------|-----|-------------------|---------------|
| 46 | Julius Nderitu       | 85 Nyeri   | 103 | Benard Mwangi     | Box 49 Nyeri  |
| 47 | Wilson Nderitu       | 2034 Nyeri | 104 | Peter Gichohi     | Box 220 Nyeri |
| 48 | Rose Wambui          | 654 Nyeri  | 105 | Simon Ndungu      | Box 120 Nyeri |
| 49 | Esther Wangui        | 328 Nyeri  | 106 | Simon Njuguna     | 129 Nyeri     |
| 50 | Jane Nderitu         | 480 Nyeri  | 107 | Rev. Joseph Ndemi | 696 Nyeri     |
| 51 | Charles Ndei         | 129 Nyeri  | 108 | Adrew Maina       | 1883 Nyeri    |
| 52 | Christopher Warutumo | 1650 Nyeri | 109 | Joseph Kariuki    | 1222 Nyeri    |
| 53 | David Ndugu          | 443 Nyeri  | 110 | Moses Kagogi      | 1072 Nyeri    |
| 54 | Stephen Macharia     | 708 Nyeri  | 111 | N. Wangangi       | 2 Nyeri       |
| 55 | Purity W Kiboi       | 292 Nyeri  | 112 | F. Wangangi       | 2 Nyeri       |
| 56 | Bernard Mugambi      | 129 Nyeri  | 113 | J. Muchiri        | 1387 Nyeri    |
| 57 | Fredrick Wachira     | 1230 Nyeri |     |                   |               |