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1. DISTRICT CONTEXT.

Garsen Constituency is one of the three constituencies of Tana River District. Tana River District is one of 7 districts of the Coast Province of Kenya.

1.1. Demographic Characteristics

District Population	Male	Female	Total
	90,613	90,288	180,901
Total District Population of 18 years of Age & Below	52,862	51,186	104,048
Total District Population of 19 years & Above	37,751	39,102	76,853
Population Density (persons/Km ²)	5		

1.2. Socio-Economic Profile

- Is the least densely populated district in province;
- Has a 33.6% primary enrolment rate, ranking least in the province and 64th nationally;
- Has 11.6% secondary enrolment rate, ranking second last in the province and 52nd nationally;
- Experiences the following main diseases: Malaria, upper respiratory tract infections, skin diseases & infections, diarrhea, urinary tract infections;
- Has child mortality rate of 50% ranking second lowest in the province and 15 nationally;
- Has a life expectancy of 52.7 years ranking 3rd in the province and 30th nationally;
- Has 35.1% malnourishment rate of children under 5 years of age, being ranked 40th nationally; and
- In this district, ethnicity is always a factor determining the electoral outcomes. In the 1997 national general elections, all the three parliamentary seats in the district were won by KANU. Each of the 3 MPs represents on average 60,000 constituents and covering on average an area of 12,822 Km².

2. CONSTITUENCY PROFILE

2.1. Socio-Economic Profile

The constituency has two main economic activities that are specific to the two dominant communities in the area:

- The Pokomo who represent the farming or riverine communities in the district; and fishing on River Tana.
- The predominantly Muslim Orma who are the pastoralist community of the district.

2.2. Electioneering and Political Activity

This is generally a KANU region. In the 1992 and 1997 general elections, KANU won the seats with 48.09% and 57.67% of the valid votes respectively. The majority of the communities in the district follows tradition in their choice of candidate, and is largely bound by a system wielded by elders. In 2002, the National Rainbow Coalition took the seat.

2.3. 1992 General Election Results

1992 TOTAL REGISTERED VOTERS			27,160
CANDIDATE	PARTY	VOTES	% OF VALID VOTES
Yuda Komora	KANU	7,168	48.09
Nolu Shambaro	FORD-K	6,511	43.69
Said Rhova	DP	828	5.56
Omari Kalasigha	KNC	275	1.85
Said Wakole	FORD-A	122	0.82
<i>Total Valid Votes</i>		<i>14,904</i>	<i>100.00</i>
Rejected Votes		166	
Total Votes Cast		15,070	
% Turnout		55.49	
% Rejected/Cast		1.10	

2.4. 1997 General Election Results

1997 TOTAL REGISTERED VOTERS			22,129
CANDIDATE	PARTY	VOTES	% OF VALID VOTES
Molu Galgalo Shambaro	KANU	7,471	57.67
Mandara Barisa Badiribu	SAFINA	4,086	31.54
Said Mohammed Rhova	NDP	858	6.62
Omara Abae Kalasigha	SPK	540	4.17
<i>Total Valid Votes</i>		<i>12,955</i>	
Rejected Votes		141	
Total Votes Cast		13,096	
% Turnout		59.18	
% Rejected/Cast		1.08	

2.5. Main Problems

The main problems experienced in the constituency are:

- Insecurity mainly as a result of contentious issues on grazing rights and livestock theft;
- Low levels of education/literacy education;
- Poor health and infrastructure facilities; and
- Rampant unemployment.

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 7th February 2002 and 23rd April 2002.

4.1. **Phases and issues covered in Civic Education**

Stage one is the only phase that has adequately been covered. This is the stage preceding the collection of views. This stage dealt with information, knowledge, skills, and virtues that enabled Kenyans have an informed choice and present their views on constitutional review.**4.2**

Issues and Areas Covered

- Constitution
- Democracy
- Devolution of power
- The executive
- Structures and systems of government
- Constitution definition, making and constitutionalism
- Constitution review and organs of review
- Judicial process, parliament
- Roles and functions of government
- Issues and questions for public hearings
- Governance

5. CONSTITUENCY PUBLIC HEARINGS.

5.1. Logistical Details

1. Dates and days for Hearings

- a. Date(s): 2nd and 3rd May 2002
- b. Total Number of Days: 2

2. Venue

- a. Number of Venues: 2
- b. Venue(s): 1) Garsen Methodist Church
2) Kipini District Officer's Office

3. Panels

- a. Commissioners
 1. Com. Alice Yano
 2. Com. Mutakha John Kangu
 3. Com. Dr. Charles Maranga
- b. Secretariat
 1. Hassan M. Mohammed - Programme Officer
 2. Beatrice M. Gikonyo - Asst. Programme Officer
 3. Irene Karei - Verbatim Recorder
 4. Christine Ondicho - Sign Language interpreter

5.2. Attendance Details

Category	Details	Number
Number of People Who Presented		144
Sex	Male	99
	Female	13
	Not Stated	2
Presenter Type	Individual	90
	Institutions	22
	Not Stated	2
Educational Background	Primary Level	35
	Secondary/High School Level	47
	College	3
	University	6
	Not Stated	21
	Other (Adult Education/Vernacular/Madrassa/Informal Education)	2

Category	Details	Number
Form Presentation of	Memoranda	5
	Oral	64
	Oral + Memoranda	33
	Oral + Written	10
	Not Stated	2

5.3. **Concerns and Recommendations**

The following are the recommendations made by the presenters in Garsen 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**

- A preamble should be included in the constitution. (6)
- The preamble should set our respect for all human rights and the equality of all citizens.
- The constitution should be available in three languages; English, Kiswahili and Arabic.
- The constitution should have the preamble mention the name of God.
- The constitution should have the national anthem in its preamble.
- The constitution should have the preamble state how the constitutional sovereignty is to be guarded.
- The constitution preamble should recognize all the regional provinces.

5.3.2. **DIRECTIVE PRINCIPLES OF STATE POLICY**

- Other arms of the government like the executive, judiciary and the legislature should be recognized as subject to the constitution.
- The constitutions should have our country's philosophy as African Social Democracy.
- The constitution should promote the principles and philosophy of national unity and good governance.
- The constitution should promote democratic principles.
- The guiding principles in our state policies should be national unity through "harambee".

5.3.3. **CONSTITUTIONAL SUPREMACY**

- The constitution should be recognized as the supreme law in the country.
- Power of parliament to amend the constitution by 2/3-majority vote should be abolished. (2)
- The power of parliament to amend any part of the constitution should be removed.
- Parliament should only amend the constitution after conducting opinion polls. (2)
- People should be involved in the amendment of the constitution through referendums.

- The constitution should be amended by a majority vote in a national referendum.

5.3.4. **CITIZENSHIP**

- Anyone born of Kenyan parents without regard to gender should be automatic citizen. (4).
- Children should be given priority in employment and allocation of resources over non-citizens.
- Every Kenyan should be entitled to vote without restrictions being imposed on them.
- Dual citizenship should be disallowed. (2).
- Every citizen by birth should possess identification. (4).
- The constitution should outlaw the discrimination of some coastal tribes but consult the provincial administration in issuance of identification papers.
- The constitution should give recognition of minority tribes.
- The constitution should scrap the National identity cards system.
- The constitution should ease the issuance of passports.
- The constitution should scrap the vetting for identity cards.
- The constitution should provide for automatic citizenship for all persons born in Kenya.
- The constitution should provide for citizenship for only persons born in Kenya.
- The constitution should scrap the requirements of grandparents' birth certificates before issuance of identity cards.
- The constitution should ease the process of acquisition of identification documents.

5.3.5 **DEFENCE AND NATIONAL SECURITY**

- The constitution should provide for the Kenya police reservists to be paid by the government.
- The constitution should provide for the Kenya police reservists to be paid a salary and given offices.
- The constitution should provide for the Kenya police reservists to be given more powers.
- The constitution should provide that the president should not be the commander-in- Chief of the armed forces.
- Officers of the armed forces should be legible for prosecution in the local courts. The constitution should establish a court martial.
- Police officers should be retained on their jobs to avoid harassing members of the public.
- The president should be commander in chief of the armed forces.
- Parliament should have the power to declare war and not the president.
- The president should only declare war after consulting parliament.
- Exercise of emergency powers should be vetted in parliament.
- The government should increase the wages of the police.
- The constitution should separate the powers to arrest, investigate and prosecute such that all of them are not in the hands of the police.
- The constitution should provide that the Chiefs be elected by members of the public through a given system.
- The constitution should make the Provincial administration to carry out administration work only.
- The constitution should provide for the payment or salary for the headmen.
- The constitution should increase the powers of the chiefs.
- The constitution should provide for punishment of officers who drink while on duty.
- The constitution should provide for sacking of corrupt police officers.

- The constitution should prescribe a death penalty/ capital punishment for those found in illegal possession of arms.
- The constitution should enhance national security.
- The constitution should provide for a security commission to advise the president on security matters.
- The constitution should abolish the classification of Tana River as an operational area that has only served to harassment of residents by police.
- The constitution should provide for parliament to have the power to declare war and not the president.
- The constitution should provide for police posts in every location.
- The constitution should provide for abolishment of police harassment.

5.3.6 POLITICAL PARTIES

- The constitution should provide for only two political parties.
- The constitution should reduce the number of political parties.
- The power of the registrar to register political parties should be removed.
- The constitution should outline rules and regulations governing the operation of political parties and their roles. The power of the registrar of societies or register of political parties should be reviewed to allow his/her to monitor the activities of such.
- There should be established procedures and regulations on the formation and dissolution.
- There should be a standard number of political parties, which should not be more than eight.
- Kenya needs only five political parties.
- There should be many political parties.
- The number of political parties should be limited.
- The constitution should provide for not more than four political parties.
- The constitution should provide only 3 political parties
- The constitution should provide only 2 political parties
- The constitution should reduce the number of political parties.
- The constitution should reduce the number of political parties namely Labor Party, Democratic Party, Federal Party and New KANU.
- The constitution should not allow for unnecessary deregistration of political parties.
- The government should be compelled to finance political parties that are represented in parliament.
- Political parties should be funded from public coffers on the basis to strengthen in parliament. (3).
- Political parties should be required to declare the sources(s) of their funds and how such funds were utilized.

5.3.7 STRUCTURES AND SYSTEMS OF GOVERNMENT

- The constitution should provide for a federal system of government.
- Retain the current system of government. (2).
- There should be a prime minister in every region.
- The position of the prime minister should be created.
- A hybrid system of government should be adopted with power shared between the president and the prime minister.
- The constitution should provide for a bicameral house in the parliament.

- The constitution should provide for the office of the prime minister elected from among the MPs and be the head of the government.
- The constitution should provide that the prime minister serve for 5 years.
- The unitary system of government should be retained.
- Federal units should be established along tribal lines.
- The constitution should establish a federal system. (5).
- Every region/province should have a chief minister.
- The constitution should introduce Majimbo system of government. (2).
- The constitution should create a regional system of government with a president, deputy president and eight vice-presidents from each region.
- Council of elders should be recognized in the constitution, elders should be elected. (2).
- The constitution should provide for a prime minister to be elected from the most popular party.
- The president should be a man and the vice president a woman.
- The constitution should make the prime minister impeachable.
- The constitution should provide that every administrative division elects a representative to the regional assembly and that each region has a university executive.
- The constitution should make the position of the president a ceremonial one; he should be above 40 years old, with at least university graduate qualification and be nominated by a political party.
- The constitution should provide that the ministers be elected outside parliament. They should be experts in their professional fields and serve for a term of five years.
- The constitution should make the ministers impeachable by two-thirds vote of no confidence by parliament.
- The constitution should provide for a president and a prime minister.
- The constitution should provide for a federal government with a central government in charge of defense, judiciary and foreign affairs but with ministries being governed at the regional levels.
- The constitution providing for the bicameral house should have a senate and House of Representatives.
- The Constitution should provide for the position of a governor instead of a Prime Minister.
- The constitution should provide for a regional government with regional governors elected by the people.
- The constitution should provide for a regional government with each region having a chief minister and a Prime Minister as the head of central government.
- The office of the AG should work independently without interference from the executive.
- The office of the AG and director of prosecutions should be separated and independent of each other. The attorney general should not be allowed to interfere with prosecution by the controller & auditor general through nolle prosequi application.

5.3.8 THE LEGISLATURE

- The constitution should make it possible for legislators to be impeachable.
- Parliament should vet the appointment of ministers, the AG, judges, permanent secretaries and heads of state corporations. Appointment of electoral commissioners should be vetted by parliament.
- Parliament should appoint permanent secretaries from those proposed by the president.
- The functions of parliament should be expanded to reflect MP's salaries.

- Decisions and recommendations by the national security should be vetted by parliament. The prime minister should be answerable to parliament. Parliament should have powers to create provincial administrative units and appoint minister.
- Parliamentary committees should be established in line with government ministries. Parliament should regulate all activities of all organs of government.
- Regional parliaments should be free to control their own procedures.
- Parliament should have unlimited power to control its own procedures and timetable for any given year.
- MP's should work part time. (2).
- MP's should serve for five years.
- Parliament should vet presidential appointments.
- Presidential candidates should be over 40 years.
- The president should be 40 to 80 years and an MP should be 21 years, a voter should be 18 years of age. (2).
- The president must be between 50 and 70 years of age.
- MP's should be fluent in both written and spoken English and Kiswahili. Raise the minimum qualifications for parliamentary candidates to O'level school certificate. (2).
- People should recall their MP's by 65% of the registered voters.
- People should have a right to recall their MP's through a vote of no confidence.
- Prospective MP's should be people of high moral and social integrity. (4).
- People should have a right to recall their MP by 2/3 of the majority votes.
- People should have a right recall their MP's by petition to the speaker.
- MP's should pass bills and motions after consultation with their constituents. (3).
- MP's salary should be decided by at least 25 % of the voters in five provinces.
- The public service commission should determine MP's salaries.
- The constitution should make it possible for legislators to be impeached for failing to attend three consecutive parliamentary sessions.
- The constitution should make it possible for legislators to be impeached by a 65% vote of no confidence.
- The constitution should provide for MPs salaries to be regulated.
- The constitution should provide for the salaries to be determined by the people.
- The constitution should provide for the salaries to be reduced to pay councilors.
- The constitution should provide for more seats for women.
- The constitution should provide nominated MPs to be women.
- The constitution should provide the legislature with powers to summon and censor ministers
- The constitution should ensure that legislative sessions run for five days a week.
- The constitution should provide for the shadow cabinet for the opposition to work with the government cabinet.
- The constitution should stipulate that MPs be people of good standing, and at least diploma holders.
- The constitution should stipulate that MPs consult their constituents before voting for bills.
- The constitution should provide for MPs to have home offices in their constituencies.
- The constitution should scrap the nomination of MPs.
- Nominated MP's should be retained but reserved for women.
- Abolish nomination of MP's and allow for the nomination of the disabled persons to parliament.
- A parliamentary candidate who fails to win elections should be nominated in parliament.
- There should be no nomination of MP's.

- Nomination to parliament should be based on individual capabilities.
- Nominated MP's should be appointed from vulnerable groups in society.
- There should be a provision to increase women's representation in parliament.
- The constitution should provide for the nomination of women in parliament.
- The constitution should make it mandatory for MPs to attend all parliamentary sessions.
- 30% of the seats in parliament should be reserved for women.
- The people should authorize defection of MP's from and to political parties.
- The constitution should suspend MP's who defect from political parties that sponsored them to parliament from the house for 2 years.
- Constitution should provide for a coalition government in the event that no political party acquires more than 51% of the seats in parliament. The constitution should be amended to allow political parties with more than 51% of the seats in parliament.
- There should be a coalition government.
- There should be two chambers of parliament. The constitution should provide for the existence of one national parliament and regional assemblies.
- The constitution should provide for the establishment of a bi-cameral parliament with both upper and lower houses and regional assemblies.
- There should be an equal number of representative ministers from parliament.
- Parliament power to remove an executive through a vote of no confidence is adequate. Provide for the removal of the president or government through a vote of no confidence by over 51% of the parliament. (2).
- The executive should be removed from office on grounds of incapacitated by parliament and not the cabinet.
- President should not have power to veto legislation passed by parliament. (2).
- The legislature should have power to veto president's power.
- The legislature should have power to override the president's veto.
- The power of the president to dissolve parliament should be removed. (3).
- The constitution should provide for general elections before the dissolution of parliament.

5.3.9 **THE EXECUTIVE**

- The constitution should provide for the president to serve for two terms only.
- The minimum qualification of the president should be a University degree. (2).
- Presidential candidates must be God fearing should be educated and must not have been charged with corruption and must be popular.
- The duties of the president should be to ensure that the ministries are effectively run.
- The power of the president to form districts should be removed and vested in parliament.
- Powers of the president to do direct land allocation to be abolished.
- The presidential powers should be reduced. The president should not have power to pardon election offences.
- The constitution should provide for checks and balances to curb the excessive powers of the president.
- The president should not be above the law. (3)
- The president's power to pardon should be removed.
- The constitution should limit the powers of the president. (3).
- The president should be subject to prosecution for civil and criminal offences committed while in office.
- The president should not be an MP. (5).
- The president should be an MP.

- The provincial and district boundaries should be defined in the constitution.
- The constitution should maintain the original boundaries.
- The constitution should retain the provincial and district boundaries remain as they were by 1963.
- Retain provincial administration and the people should elect it.
- District boundaries must be drawn without any changes to the existing ones. The constitution should disband the provincial administration and its role.
- Remuneration for chief and assistant chiefs should be reviewed and chiefs paid a minimum of kshs.20, 000.
- District boundaries must be clearly drawn with any changes in the existing ones.
- The constitution should provide for the division of Tana River, as it is too big.
- The provincial administration should be scrapped.
- The government should adequately fund the provincial administration to work effectively.
- The public should elect the provincial administration directly.
- The public should be empowered to sack the provincial administration.
- The provincial administration should be reorganized and streamline and its activities vetted by parliament. The post of assistant chief should be abolished.
- The government should pay village elders.
- Powers chiefs and DO's
- The constitution should provide for the president to be elected by 51% of total votes cast countrywide.
- The constitution should provide for the president to be elected by 50% of total votes cast in 5 provinces instead of 25%.
- The constitution should provide for the president to be elected by 51% of total votes cast countrywide.
- The constitution should remove the powers of the president to make appointments and power to dissolve/prorogue parliament.
- The constitution should remove powers to declare war.
- The constitution should provide that any person-seeking presidency should have no history of corruption.
- The constitution should make the president under the law not above the law.
- The constitution should make it a requirement for any person contesting the president is a graduate.
- Create a ministry of livestock whose minister and permanent secretary should come from the pastorals.
- The constitution should provide for a parliamentary committee to approve all presidential appointments.
- The constitution should scrap the provincial administration.
- The constitution should ensure that all chiefs get a copy of the Kenya Gazette.
- The constitution should make the provincial administration impeachable.
- The constitution should provide for a president who is not a Member of Parliament.
- The constitution should create separate the Ministries of Livestock and Agriculture.
- The constitution should provide for professionals in the different fields to be the minister e.g. the minister for Health should be a qualified doctor.
- The constitution should provide for a Muslim vice president if the president is a Christian.
- The constitution should stipulate that if the president is a man then the vice president is a woman.
- The constitution should require the president to be a tea totter, of good education and elected

by popular vote.

- The constitution should provide for an executive president.
- There should be a minister of defense with the power to exercise emergency powers in times of war.
- The constitution should allow the creation of 10 ministers to cater for the services of the regional government.
- The people and chief should elect PC's and DCs and their assistants remain as public servants.

5.3.10 **THE JUDICIARY**

- The constitution should make the qualifications of a Kadhi similar to those of High Court judges.
- The present structure of the judiciary should be retained but should reflect federal system of government.
- There should be Islamic courts. There should be three Kadhi courts, district court, high court and court of appeal.
- The constitution should establish an independent court. There should be a high court of appeal.
- The constitution should change the present system of judiciary and establish regional courts with one national court of appeal.
- There should be a supreme court. (2).
- There should be a constitutional court. (2).
- The judicial commission should take over the presidential power to appoint judges. (2).
- There should be established a judicial parliamentary committee to vet appointments to the judiciary and their terms of service.
- The current qualifications for judges and magistrates should be retained.
- The chief Kadhi should serve until he/her attains the age of sixty.
- The constitution should make sure that the president does not appoint the Chief Justice.
- The constitution should provide for the following divisions of Kadhi courts; High Court, Court of appeal.
- The constitution should provide for the following divisions of Kadhi courts; district court, high court and court of appeal.
- The constitution should provide for the Chief Kadhi to have powers similar to those of the Chief Justice.
- The constitution should make the parliament pass laws and procedures to govern Kadhi courts.
- All judges should enjoy security of tenure.
- Chief Kadhis should be holders of University degrees from international recognized Islamic Universities.
- The qualifications for chief Kadhis and other Kadhis should be similar to those of judges and magistrates.
- The constitution should provide for Kadhi Courts in every division.
- The constitution should provide for the election of the Kadhi by Muslims.
- The constitution should make it possible for suspects to write their own statements and not be written by the police officers, as is the case today.
- The constitution should make P3 forms available at the hospitals
- The constitution should provide for an independent body to investigate and prosecute crimes

committed by the police or any other force.

- The constitution should provide for suspects to be arraigned in court soonest possible after arrest.
- The constitution should provide for petty offenders to be charged quickly.
- The constitution should provide for suspects to be informed on the reason for their arrest.
- The constitution should provide for arrests to be made on official orders only.
- The constitution should provide for the position of Minister for justice to replace the Attorney General
- The constitution should guard the sanctity of human life and declare death penalty for murderers.
- The constitution should double the current punishment for rape and make incest punishable by capital punishment.
- The constitution should provide for the expansion of prisons.
- The constitution should provide for more courts in the rural areas.
- The constitution should provide for capital punishment for murderers.
- The constitution should make it ensure that matrimonial disputes are not taken to court but settled by in-laws.
- Muslims should elect Kadhi.
- Imams and sheikhs should elect Chief Kadhi. The chief kadhi should appoint other kadhi.
- Kadhi should have appellate jurisdiction.
- Arrested persons should be availed in courts within 10 hours.
- The government should establish a court in Tana River to ensure easy access to justice.
- The constitutional should provide for the judiciary to scrutinize all laws passed by parliament before such a laws are enforced.

5.3.11 **THE LOCAL GOVERNMENT**

- The constitution should provide for councilors to be paid from the consolidated fund.
- Council chairmen and mayors should be elected directly by the people. (7).
- The tenure of council chairmen and mayors should be restricted to two-year terms.
- Councilors should serve for five years.
- Mayors and the council chairmen should hold office for five years. (3).
- Mayors should serve for only one term.
- Councils should continue to operate under the local government. (2).
- The minimum education qualification for civic candidates should be O' level. (5).
- Civic candidate should have a primary school certificate. (2).
- Mayors and council chairmen are signatories to council accounts instead of the chief officers.
- The constitution should provide for autonomy from the central government.
- The constitution should provide for direct election of the mayors.
- The constitution should make it a requirement for councilors to have a minimum education level of class 8 (K.C.P.E).
- The constitution should make civic leaders elected by the people.
- The constitution should make civic leaders impeachable.
- The constitution should require that councilors have a clean criminal record.
- The constitution should provide for governmental support to the local government.
- The constitution should give powers to the councilors to have power to remove the council clerk.
- The minister for local government should determine the remuneration for councilors. (2).

- Remuneration for councilors should be from consolidated fund.
- Councilors should be paid by the central government.
- Remuneration of councilors should be determined according to the wealth of their respective councils.
- Nominated councilors should be women.
- Councilor should not be nominated by the local government minister according to the presentation of political parties in the council.
- The concept of nominated councilors should be retained.
- Councilors should be nominated by the local government minister according to the representation of political parties in the councils.
- The concept of nominated councilors should be abolished.

5.3.12 **THE ELECTORAL SYSTEM AND PROCESS**

- The constitution should provide for the involvement of ecumenical officers in elections.
- Elections should be by secret ballot.
- There should be a minimum number of votes that a civic, parliamentary and presidential candidate should attain to be declared the winner in a given election.
- The president should be elected by more than 51% of the votes cast.(2)
- The constitution should provide for a run-off should a presidential candidate not garner more than 51% of the votes cast.
- Parliamentary candidates should garner more than 65% of the votes cast to be declared winners in a given election.
- The winning presidential candidate should garner 50% of the votes cast in a presidential election.
- The Prime minister should garner 51% of the votes cast in a given election.
- Candidates who fail to seek nomination in one party should not be allowed to seek nomination in other parties.
- Merging of political parties and defections should not be allowed.
- The 25% rule in presidential elections should be removed.(3)
- The electoral system should provide for vulnerable groups
- The constitution should provide for special seats for such groups like the youth, women, religious groups and the disabled.
- Constituency boundaries should be determined according to population density. (3)
- Constituency boundaries should be determined according to geographical expanse.
- Presidential elections should not be *staggered*. (2)
- Parliamentary elections should not be *staggered*. (2)
- Civic elections should be held separately from parliamentary elections.
- Presidential elections should be held separately from civic and parliamentary elections.
- The law should be simplified to provide for independent candidates.(2)
- Voter registration should be a continuous exercise.
- The constitution should specify the date of elections. (4)
- The president should be elected directly by the people. (4)
- The prime minister should be elected directly by the people.
- Electoral commissioners should be appointed by parliament. (2)
- The political parties present in parliament should appoint the electoral commissioners.
- Electoral commissioners should serve for only one five year term.(2)
- The electoral commission should be independent and representative.

- The electoral commission should be funded with money from the consolidated fund and parliament should approve such funds.

5.3.13 **BASIC RIGHTS**

- The constitution should provide free education.
- The constitution should provide free medical care. (3)
- The constitution should outlaw torture as a way extracting information from suspects.
- The constitution should provide for freedom of worship.(4)
- The constitution should make it possible for religious groups seeking registration to be investigated thoroughly.
- The constitution should provide for all religious associations to be registered.
- The system of education should be provided for in the constitution as 7-4-2-3
- The constitution should provide for free and mandatory education for both primary and secondary levels.
- The constitution should provide for free education from nursery to standard eight.
- The constitution should provide for free education up to university level.
- The constitution should provide for Friday, Saturday and Sunday as days of worship in accordance with the freedom of worship.
- The constitution should regulate the freedom of movement.
- The constitution should give recognition to essentials such as food.
- The constitution should provide for citizens to claim their constitutional right such as rights to education, the rights to health, the rights to information, the rights to security the rights to shelter.
- The constitution should ensure that all Kenyans enjoy human rights.
- The government should protect human rights.
- Human rights education should be made a basic right for every kenyan.
- Basic rights of the citizens should be entrenched in the constitution.(2)
- The constitutions should provide for citizens to seek redress in court for human rights abuse.
- The constitution should guarantee freedom of movement.
- The death penalty should be retained (3)
- 25% of all employees in a given industry should come from the area where such an industry is found.
- The constitution should provide Kenyans with the right to security.
- The Kenya police should be equipped with better weapons.
- Retirement benefits should be prepared one year before the beneficiary retires.
- The constitution should guarantee the right to life.
- The constitution should guarantee the enjoyment of basic rights by all citizens.

5.3.14 **THE RIGHTS OF VULNERABLE GROUPS**

- The constitution should reserve seats for women and the disabled in parliament.
- The government should support women groups.
- The constitution should provide for protection of the rights of persons with disabilities.
- The constitution should be amended to recognize disabled women, children, the aged and deaf as vulnerable groups. (3).
- The constitution should provide for the government to cater for the disabled, orphans and widows.

- The constitution should provide for regulation in the use and application of *wakfu* the donations by Muslims for the poor.
- The constitution should provide for the mandatory education of Muslim girls.
- The government should ensure equity and promote the rights of the vulnerable groups.
- The government should ensure that torture and harassment of prisoners is stopped.
- The constitution should provide for the recognition of **Wardei** community as Kenyans.
- The constitution should abolish the screening card system.
- The constitution should provide for boarding schools for nomads.
- The constitution should provide for mobile schools for nomads
- The constitution should provide for Islamic dress for Muslim students and civil servants.
- The constitution should declare Friday morning and every 11.00am – 2.00pm free time for Muslims.
- The constitution should recognize Friday as a holy day.
- The constitution should recognize Friday as a day of rest for Muslims.
- The constitution should declare religious holidays like **Idd-ul- fitr** as public holiday.
- The constitution should protect the right of prisoners and outlaw inhuman practices like stripping the prisoners naked.
- The constitution should provide for the inheritance of women to be governed by customary law.
- The constitution should provide for the government to employ Islamic teachers.
- The constitution should provide for employment for the minority groups.
- The constitution should provide for minority groups to be settled on settlement schemes.
- The constitution should provide for education of girls.
- The constitution should entrench the right of girls to inherit property.
- The constitution should provide for re-instatement of the Affiliation act to protect children’s rights.
- The constitution should provide for re-instatement of the Affiliation act to protect young girls who become pregnant.
- The constitution should provide for the government to take care of children aged between 0-5 years.
- The constitution should provide for the money put in trust for children not to be kept until they are 18. It should help them as they grow.
- The constitution should provide for the government to provide for the poor and elderly.
- The constitution should provide for outlawing of domestic violence.
- The constitution should provide for the involvement of women in development projects.
- The constitution should provide for bursaries for children from poor rural families.

5.3.15 **LAND AND PROPERTY RIGHTS**

- The constitution should provide for all Kenyans to own land.
- The constitution should provide for all communities to own land
- Individuals should own Land. (5).
- The government should not have the power to acquire private land. (3).
- The government should have power to acquire private land for any reason.
- Irregular land transfers should be revoked. (3).
- Government should control land use. (3)
- The government, local authority or state should **NOT** have power to control use of land by owners or occupiers. (2)

- Land should be under the control of local village elders.
- District land committees should be established to monitor and control land allocation in the district.
- The constitution should make it easy for all Kenyans to acquire title deeds for their pieces of land.
- The constitution should provide for the movement of pastoralists to be regulated by law.
- The government, local authorities and state should have powers to control private use of land.
- Public land that is illegally acquired should be reclaimed and given back to landless Kenyans.
- There should be laws to stipulate the transfer of land.
- Land inheritance should be transferred to the wife and children of the deceased. (2)
- The local communities through the local council of elders should handle Land transfer/inheritance. (3)
- Beach plots that are illegally acquired should be reclaimed and allocated for public use.
- The commissioner of land should **NOT** issue land title deeds without consulting the local council of elders.
- Land adjudication should be done countrywide.
- An individual should own only 20 acres of land.
- There should be an amount of land that a single individual can own.(3)
- An individual should not own more than 50 acres of land (4)
- Non-citizens should not be allowed to own land in Kenya but they should be allowed to lease land in Kenya for only 20 years.
- Foreigners should **NOT** own land in Kenya.
- Foreigners should only own land in areas that are not inhabited on condition that they surrender such land when the need arises.
- Land transfer procedures should be simplified. (3)
- District councils should have control over matters of land transfer. (2)
- There should be a land committee in every village to allocate land. (2)
- The power of the commissioner of land to allocate land should be revoked.
- Land allocation control should be with county councils.
- Local authorities should issue Land title deeds and the government should only play a supervisory role.
- The government should issue land title deeds to all landowners.
- The government should provide all squatters with land title deeds.
- Land transfer procedures should **NOT** be simplified.
- Men and women should have equal access to land. (6)
- Men and women should NOT have equal access to land.
- The constitution should provide for laws that allow local communities to access land mentioned in section 9 of the 1963 constitution as indigenous residents.
- All land title deeds that were issued before independence should be revoked.
- Pre-independence land treaties and agreements should be retained.
- Pre-independence land treaties should be abolished. (2)
- Kenyans should only land in their native regions only. (6)
- Kenyans should be allowed to own in any part of the country. (2)
- The government should settle farmers and pastoralists separately in Tana River district.
- The constitution should recognize access to land as a basic right.
- Every Kenyan citizen should have a right to own land. (7)
- Squatters who have settled in a piece of land for more than ten years should be given such land and title deeds for such land provided that they are Kenyan citizens.

- It should be responsibility of the Kenyan government to settle its citizens and not allow squatters.
- The constitution should guarantee the equal to land by all Kenyans.
- Land ownership should be a constitutional right of every citizen.
- The constitution should entitle all Kenyans to own land.
- The constitution should provide for land as a basic right.
- The constitution should provide for all to have title deeds for their land.
- The constitution should provide for families who have held land for long periods to have title deeds for the land
- The constitution should provide for women to be entitled to hold land.
- The constitution should provide for land allocation to be done by the local government.
- The constitution should provide for the local community to hold land for failed irrigation schemes.
- The constitution should provide for land adjudication to take care of pastoralists interests.
- The constitution should provide for free land adjudication and suspend it for 50 years.
- The constitution should provide for land allocation to be done in consultation with the council of elders.
- The constitution should provide for suspension of land adjudication until people understand issues concerning land sub division.
- The constitution should provide for Muslim widows to inherit their deceased husband's property.
- The constitution should provide for both the husband and wife's names to appear on land title deeds.
- The constitution should provide for the pastoralists to be allocated land.
- The constitution should provide for land to be owned communally.
- The constitution should provide for retirement benefits to be payable on the last day of employment.
- The constitution should accord property ownership rights for women.
- The constitution should ensure that pastoralists and farming communities should be allocated land in separate regions.
- The constitution should provide for residents to approve all land allocations.
- The constitution should provide for only the residents of the district to own land
- The constitution should mandate provincial administration to allocate land.
- The constitution should provide for a person the right to own land after living on it for 5 years.
- The constitution should make it impossible for foreigners to own land.
- The constitution should give power to the local government in land allocation.
- The constitution should trust lands.
- The trust land act should not be retained and all such land should be placed under the local authority.
- Trust land should be given to people of Tana River and it should not belong to the government. (2).
- The government should own trust land and crown land.
- Trust lands should be abolished.

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

- The constitution should outlaw repugnant practices such as forced marriages and female genital mutilation.

- The constitution should protect the traditions and customs of various ethnic communities. (7)
- Traditions and customs should not be contested.
- Peace, harmony and unity should be captured in the constitution. (2).
- Religious organization should be thoroughly scrutinized before legislation.
- The constitution should provide for preservation of non-repugnant aspects of tradition and culture.
- Constitution should cater for reserved grazing zones and access water for the pastoral communities.
- The constitution should recognize the existence of primitive communities and put in place laws to guarantee their speedy development.
- Laws should be enacted to restrict pastoralists from over-staying in places where they find pastures. The constitution should take care of the interests of the special groups.
- Nomadic pastoralists should not have the right to move and live anywhere in Kenya. Constitution should take care of the interests of special groups, i.e. freedom of worship and community rights.
- Recognize the Wardei community in development programmes and protect the community against threats, intimidation and discrimination.
- The government should guarantee the rights and recognition of small communities e.g. the Wardei
- All citizens should live in their indigenous homes. (2).
- Citizens from ethnic discrimination.
- Discriminatory aspects of culture like forced child marriages; female circumcision and defilement should be outlawed. (2).
- The constitution should provide protection of vulnerable groups from the discriminatory aspects of culture. (4).
- The constitution should provide for the government to support pastoralists.
- The constitution should provide for pastoralists to have equal access to rivers.
- The constitution should provide for a market for an open market for animal produce.
- The constitution should provide for the government to eliminate brokers and middlemen in the marketing of agricultural produce.
- The constitution should provide for a market for a market for coastal produce like cashew nuts and mangoes.
- The constitution should provide for a procedural allocation of beach plots.
- The constitution should give recognition to nomadic lifestyle.
- The constitution should regulate livestock keeping preventing overgrazing.
- Kiwahili should be made the only national language. (2).
- There should be one national language.

5.3.17 **MANAGEMENT AND USE OF NATIONAL RESOURCES**

- The constitution should provide for natural symbols like Mt. Kenya to appear in the Kenyan currency.
- Parliament must approve all government expenditure.
- The executive should retain the power to raise revenue, management and distribution of finance and natural resources.(2)
- The constitution should incorporate issues of utilization of natural resources with a view to protect all citizens.(2)
- The constitution should guarantee equitable distribution of resources by binding the minister of

finance to allocate funds to each district.

- 25% of benefits derived from natural resources in a given area should be left to develop that area.
- The constitution should protect and guarantee the enjoyment of the benefits of natural resources by local communities from where such resources emanate.(4)
- 65% of benefits from natural should benefit the local people from where such resources are found.(3)
- Revenue collected from natural resources should be used for the benefit of the local communities where such resources are found and for public projects.
- The office of the Controller and Auditor general should be made independent and he/she should have security of tenure.
- The controller and auditor general should have the power to prosecute any one found misappropriating public funds.
- The people should elect the Controller and Auditor general.
- The government should put donor funds into good use.
- The constitution should provide for equal employment opportunity for men and women.
- Public officers convicted of corruption should be fired and punished.
- Presidential candidates should not have been involved in corrupt deals.
- Persons convicted of corruption should not serve in public office.
- Public officers including the Prime minister should declare their wealth.
- The constitution should provide for the public to elect the head of public service.
- The constitution should provide for construction of roads and provision of electricity.
- The constitution should make promotions in employment based on hard work apart from academic qualifications.
- The constitution should make retrenchments from employment applicable to those near retirement age whose work is unsatisfactory.
- The constitution should bar doctors in public hospitals from running private clinics.
- The constitution should provide make it possible to withdraw licenses of drivers who take drugs such as *miraa*.
- The constitution should provide for the provincial administration to be elected by the people.
- The constitution should provide for consideration in employment for residents of all locations.
- The constitution should scrap the application fro employment with un-refundable fee system.
- The constitution should provide for people to be employed in their districts.
- The constitution should provide for the provincial administration to be comprised of a council of elders elected every two years.
- The constitution should provide for the government to support farmers for five years.
- The constitution should provide for the government to support farmers with farm implements and seeds.
- The constitution should provide for the government to extend loans to farmers.
- The constitution should provide for the government to support fishermen.
- The constitution should provide for the establishment of fish processing plants.
- The constitution should provide for the revival of government corporations like KFA, NCB
- The constitution should provide for the government to pay nursery school teachers.
- The constitution should set aside the pensions department from the employer.
- The constitution should provide for the workers' benefits to be administered by employers.
- The constitution should provide for a good salary to the police force commensurate with the life-threatening job.
- The constitution should make NGOs to work in rural areas

- The constitution should lower the retirement age so that young people could access jobs.
- The constitution should give priority in development programmes to marginalized areas.

5.3.18 **ENVIRONMENTAL AND NATURAL RESOURCES**

- The constitution should provide for regulations on the management of natural resources
- The constitution should address the issue of environmental pollution.
- The constitution should provide that 20% of country should turn into forest.
- The constitution should protect forests, water and game reserves and other natural resources.(6)
- The power of the government to control natural resources should be reduced.
- Responsibility to manage natural resources should fall on the government.(2)
- Parliament should be responsible for policy formulation on the use and management of natural resources.
- The authority of the government to allocate to allocate forestland should be established.
- Natural resources should be protected according to the traditions and customs of local people.
- Natural resources should be protected from misuse and damage.
- Environmental conservation should be embodied in the constitution.
- The local people should do natural resource management.
- Local authorities should have the power to enforce laws on protection of the environment.
- Local communities should own natural resources.(4)
- Laws should be made to involve the local communities in the protection and management of natural resources.(9)
- The constitution should ensure procedural allocation of beach plots.
- The constitution should scrap the compulsory acquisition of land by government.
- The constitution should ensure regulations are put in place to govern use of ocean resources.
- The constitution should ensure the local fishermen manage ocean resources.
- The responsibility for the management of natural resources should be vested with the government. (2)
- The constitution should ensure regulations are put in place to ensure that fishing in the ocean is done with the consent of the residents.
- The constitution should provide for regulation on the use of river Tana to ensure that all people benefit.
- The constitution should provide for regulation on the creation of dams along river Tana as salt is collecting in adjacent land.
- The constitution should make natural resources benefit local communities.
- The constitution should make management of natural resources involve local residents.
- The constitution should provide for the protection of national parks and reserves and allow people to use them.
- The constitution should uphold human life as more valuable than wildlife.
- The constitution should ensure compensation for damage done by wildlife to crops and loss of human life.
- The constitution should ensure that wildlife is enclosed.
- The constitution should provide for benefits from natural resources to be ploughed back to the residents.
- The constitution should provide for hunting licenses to be available to all people.

5.3.19 **PARTICIPATORY GOVERNANCE**

- The constitution should provide for the abuse of office should be dealt with severely.
- The constitution should provide for the participation of non-governmental organizations in national development. (2).
- The constitution should provide for the protection of civil society and professional organizations from harassment by the government.
- Penalties should be imposed on NGO's that misuse project funds.
- The constitution should establish proper procedures for the formation of groups by the vulnerable citizens.
- The people should take responsibility in the governance of their country.
- The constitution should be amended to provide for maximum participation of vulnerable groups in governance.
- The constitution should provide for the sacking of corrupt public servants.
- The constitution should provide for the sacking of public servants who are guilty of corruption.

5.3.20 **INTERNATIONAL RELATIONS**

- The constitution should provide the central government to conduct all foreign relations in the federal government.

5.3.21 **CONSTITUTIONAL COMMISSIONS, INSTITUTIONS AND OFFICES**

- The constitution should provide that constitutional commissions be made public always.
- There should be a National Defense Committee headed by the president.
- A national Security Council should deal with matters of national security.
- The constitution should establish the office of the ***Ombudsman***.
- The constitution should establish an independent human rights commission.
- The constitution should establish an independent anti-corruption commission with powers to arrest and prosecute corrupts persons.
- A permanent commission to deal with all matters pertaining to the constitution should be established.
- The constitution should provide that constitutional commissions be set up only for citizens to amend the constitution.
- The constitution should provide that the president should not set up constitutional commissions.
- The constitution should establish a security council to deal with all matters of security.
- Parliament should have power to establish commissions to look into matters of national importance.
- The constitution should a five member permanent constitutional commission with powers to appoint members of the constitutional court who shall handle all constitutional matters.
- All presidential and parliamentary commissions should make their findings public.
- The constitution should provide that the president should not be a politician (member of parliament)
- The constitution should remove powers of the president to block parliamentary bills.
- The constitution should provide for a constitutional Commission to oversee the payment of teachers.
- The constitution should provide for adequate time for the people to give their views.

- The constitution should remove the power to amend the constitution from the legislature and rest it with the people.

5.3.22 **SUCCESSION AND TRANSFER OF POWER**

- The constitution should make the position of the president rotational with succeeding president coming from a different region in the country.
- The constitution should make the position of the vice-president rotational with succeeding vice-president coming from a different region in the country.

5.3.23 **WOMEN'S RIGHTS**

- The constitution should include women rights as basic right.
- The constitution should provide for exclusive treatment of women in application of passport and other travel documents.
- Women and men should have equal rights to inherit land.
- Fathers who father children outside marriage should take care of them and their mothers.

5.3.24 **NATIONAL ECONOMIC.**

- Corruption should be stopped and tough laws made to punish offenders through life imprisonment, hanging and cutting of their arms.
- The procedures to acquire firearms should be simplified.
- Corruption should be outlawed.
- The government should ensure that all people who looted the economy are made to pay back.

5.3.25 **SECTORIAL.**

- The government should facilitate the formation of produce boards for crops produced in the coastal region.
- Farmers and herdsmen should be separated to avoid conflicts.
- The state should be directly involved in the development of agriculture.
- The government should enact laws to regulate the agriculture and livestock.
- The cut-off points for disabled students should be lower than those of other students in order to join colleges.
- The government should guarantee the right cost of education.
- The government should be responsible for the maintenance of school buildings.
- The government should ensure that bursary fund assist the poor.
- The 8.4.4 system of education should be abolished 7-4-2-3 system re-introduced. A parliamentary select committee on education should be established to determine to determine the remuneration of teachers and oversee educational issues.
- Civic education should be taught in all secondary schools.
- Livestock should be used as a security in getting banks loans.
- Kenyan money should be kept in the country.
- The provision of health services should be free of charge. (6).

5.3.26 **STATURORY LAW.**

- Any body convicted of rape of a child below 18 years should be sentenced for fourteen years in jail.
- Suspects should be taken to court within 48 hours of arrest.
- Children should take care of their parents after they complete education and get jobs.
- The constitution should provide for the enactment of laws that out-law disposal of human sewage into marine environment.
- Murderers should be killed.
- The consent to prosecute murder suspects should be given by the district police boss. Police should charge suspects with 24 hours of arresting them.

5.3.27 **COMMON GOOD.**

- The post of president should be given to all communities.
- The state should compensate for any infringement on constitutional rights.
- Wealthy people should be made to contribute a certain percentage of their wealth to assist the poor in community.

5.3.28 **GENDER EQUITY.**

- The constitution should provide for equal treatment of men and women.

5.3.29 **ECONOMIC /SOCIAL JUSTICE.**

- Constitution should guarantee the compensation of lose of life and livestock due of life and livestock due to cattle rustling.
- Laws should be passed to allow vulnerable groups to receive aid to lead normal lives.
- The constitution should provide for compensation of livestock loss to the pastoralist communities.

5.3.30 **CULTURAL/REGIONAL DIVERSITY.**

- The constitution should protect historical sites.

APPENDICES:

Appendix 1: Members of the Constituency Constitutional Committee

1. Hon Molu Shambaro MP
2. Omar A. Dhadho DC
3. Eunice Mungatana Chairlady
4. Erastus Buko
5. Mama Sera Wandu
6. Mama Khadija Guyo
7. Mohamud Galole
8. Abdul Rahman Gobu
9. Said Rhova
10. Mohamud Ahmed

Appendix 2: Civic Education Providers (CEPs)

1. Jurisa CBO
2. Kiboloko CBO
3. Maendeleo ya Wanawake
4. Mogagisha CBO
5. Tana pastoralist Development Organization

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

1	0003OTGCO	Ali Barisa	CBO	Memorandum	Ndera Community
2	0012OTGCO	Ali Bole	CBO	Written	Pastoral Youth Development
3	0016OTGCO	Buko M. Buya	CBO	Written	Gasa-Bubesa Village
4	0018OTGCO	Colde Hashako	CBO	Written	Garsen Pastoralists
5	0002OTGCO	Danson Mungatana	CBO	Memorandum	Maghaghisa Group
6	0005OTGCO	Danson Mungatana	CBO	Memorandum	Maghaghisa Group
7	0001OTGCO	Esther Dulluo	CBO	Written	MYWO
8	0019OTGCO	Hussein Yusuf	CBO	Written	Garsen Constituents
9	0015OTGCO	Jarso Guyo	CBO	Written	Wata Community
10	0013OTGCO	Mary Komora	CBO	Memorandum	Garsen North Women Group
11	0004OTGCO	Mary M. Sango	CBO	Memorandum	Garsen South Women
12	0010OTGCO	Omara A. Kalasinga	CBO	Written	Kenya Marine Forum
13	0008OTGCO	Samuel Bonaya	CBO	Memorandum	Ngao Village
14	0007OTGCO	Tue Bonaya	CBO	Memorandum	Ngao Youth Group
15	0014OTGCO	Yahya Ali	CBO	Written	Mwangaza kwa Mfungaji
16	0049ITGCO	Abae Shale Kofa	Individual	Oral - Public he	
17	0081ITGCO	Abdi Dende	Individual	Oral - Public he	
18	0079ITGCO	Abdulahi Bile	Individual	Oral - Public he	
19	0018ITGCO	Abdulahi Haji	Individual	Written	
20	0087ITGCO	Abdullai Bocha	Individual	Oral - Public he	
21	0078ITGCO	Adam H. Gurka	Individual	Oral - Public he	
22	0015ITGCO	Ali Barisa	Individual	Written	
23	0041ITGCO	Ali C. Ozi	Individual	Oral - Public he	
24	0056ITGCO	Ali Mohammed	Individual	Oral - Public he	
25	0009ITGCO	Ali Titina	Individual	Written	
26	0058ITGCO	Amina Bandra	Individual	Oral - Public he	
27	0002ITGCO	Awadh Mbarak	Individual	Written	
28	0037ITGCO	Bakari Ali Hirbaye	Individual	Oral - Public he	
29	0076ITGCO	Buya Hirbaye	Individual	Oral - Public he	
30	0024ITGCO	Colde Hashako	Individual	Memorandum	
31	0073ITGCO	Cyrus Wario	Individual	Oral - Public he	
32	0054ITGCO	Daniel J. Arubo	Individual	Oral - Public he	
33	0016ITGCO	David B Jilo	Individual	Written	
34	0038ITGCO	David Nyamu	Individual	Oral - Public he	
35	0061ITGCO	Dickson Jilo Martin	Individual	Oral - Public he	
36	0055ITGCO	George Amuma	Individual	Oral - Public he	
37	0066ITGCO	Guyo Hiyesa	Individual	Oral - Public he	
38	0019ITGCO	Harrison Muramba	Individual	Written	
39	0023ITGCO	Hassan Omar	Individual	Written	
40	0060ITGCO	Hussein Abdallah Ali	Individual	Oral - Public he	
41	0089ITGCO	Hussein Yusuf	Individual	Oral - Public he	
42	0082ITGCO	Ibrahim D. Mora	Individual	Oral - Public he	
43	0051ITGCO	Ibrahim Hirbaye	Individual	Oral - Public he	
44	0030ITGCO	Isa Kinaushuru	Individual	Oral - Public he	
45	0052ITGCO	Isaac Kakuti	Individual	Oral - Public he	
46	0028ITGCO	Islam Abdalla	Individual	Oral - Public he	
47	0017ITGCO	Ismael G. Dara	Individual	Memorandum	
48	0045ITGCO	Jacinta Mumbi	Individual	Oral - Public he	
49	0083ITGCO	Jeremia Igwo	Individual	Oral - Public he	
50	0013ITGCO	Joel A. Ruhu	Individual	Memorandum	
51	0053ITGCO	John Jalua	Individual	Oral - Public he	
52	0046ITGCO	John Ngige	Individual	Oral - Public he	
53	0033ITGCO	Joseph Mbau	Individual	Oral - Public he	

54	0010ITGCO	Kea Bagaja	Individual	Written	
55	0080ITGCO	Khadija Kedhie	Individual	Oral - Public he	
56	0011ITGCO	Kiteme Mulatya	Individual	Written	
57	0042ITGCO	Kombo Eliza	Individual	Oral - Public he	
58	0068ITGCO	Lea Kenga	Individual	Oral - Public he	
59	0069ITGCO	Levi Bahati	Individual	Oral - Public he	
60	0050ITGCO	Maimuna O. Abdalla	Individual	Oral - Public he	
61	0014ITGCO	Majid Morowa	Individual	Memorandum	
62	0027ITGCO	Maro Juma Abdul	Individual	Oral - Public he	
63	0077ITGCO	Mathew M. Gafo	Individual	Oral - Public he	
64	0029ITGCO	Matiko Mlatia	Individual	Oral - Public he	
65	0062ITGCO	Mohamed Ali Benjila	Individual	Oral - Public he	
66	0048ITGCO	Mohamed Godhana	Individual	Oral - Public he	
67	0043ITGCO	Mohamed Omar Ohadho	Individual	Oral - Public he	
68	0040ITGCO	Mohamed S. Dao	Individual	Oral - Public he	
69	0072ITGCO	Mohamed S. Gashora	Individual	Oral - Public he	
70	0091ITGCO	Mohammed A. Gabo	Individual	Oral - Public he	
71	0085ITGCO	Mohammed Farah	Individual	Oral - Public he	
72	0074ITGCO	Mohammed Golo	Individual	Oral - Public he	
73	0036ITGCO	Musa Gwiyo Omar	Individual	Oral - Public he	
74	0031ITGCO	Mwange Musili	Individual	Oral - Public he	
75	0020ITGCO	Nathaniel Kumea	Individual	Written	
76	0025ITGCO	Nathaniel Kumea	Individual	Written	
77	0021ITGCO	Nelly M. Daudi	Individual	Written	
78	0004ITGCO	Ngala Hinzano	Individual	Written	
79	0008ITGCO	Omar Babu	Individual	Written	
80	0067ITGCO	Omar Bashwaya	Individual	Oral - Public he	
81	0034ITGCO	Omar Ghalana	Individual	Oral - Public he	
82	0039ITGCO	Omar Ngama	Individual	Oral - Public he	
83	0088ITGCO	Peter Jilo	Individual	Oral - Public he	
84	0022ITGCO	Reuben Soso	Individual	Written	
85	0007ITGCO	Said Mohammed	Individual	Written	
86	0090ITGCO	Said Sadiki	Individual	Oral - Public he	
87	0075ITGCO	Salado Hokola	Individual	Oral - Public he	
88	0003ITGCO	Salim Ali Hirbaye	Individual	Written	
89	0071ITGCO	Salim Babiya	Individual	Oral - Public he	
90	0086ITGCO	Salim Ngolo	Individual	Oral - Public he	
91	0044ITGCO	Samuel Araka	Individual	Oral - Public he	
92	0047ITGCO	Samuel Jalva	Individual	Oral - Public he	
93	0059ITGCO	Samuel Kinuthia	Individual	Oral - Public he	
94	0005ITGCO	Serah Wande	Individual	Written	
95	0092ITGCO	Sheikh I. Bakero	Individual	Oral - Public he	
96	0035ITGCO	Sherrif Abdulkadi	Individual	Oral - Public he	
97	0070ITGCO	Simeon B. Amuma	Individual	Oral - Public he	
98	0064ITGCO	Steven Burigulu	Individual	Oral - Public he	
99	0032ITGCO	Toash Maro Wau	Individual	Oral - Public he	
100	0057ITGCO	Tomas P Guyo	Individual	Oral - Public he	
101	0063ITGCO	Veronica Kwamboka	Individual	Oral - Public he	
102	0006ITGCO	Wilson G. Malibe	Individual	Written	
103	0012ITGCO	Wilson G. Malibe	Individual	Written	
104	0001ITGCO	Yahya Swabir	Individual	Written	
105	0065ITGCO	Yusuf Godana	Individual	Oral - Public he	
106	0084ITGCO	Zilah Dullu	Individual	Oral - Public he	
107	0011OTGCO	Michael Nkaduda	Politcal Party	Memorandum	Federal Party of Kenya

108	0009OTGCO	Maria Kopesha	Religious Organisation	Memorandum	YWCA
109	0006OTGCO	Tom Bwora	Religious Organisation	Memorandum	NCCK Tana River DDC

Appendix 4: Persons Attending Constituency Hearings

No.	Name	Address	No.	Name	Address
1	Cllr. Bunglu	P.O. Garsen	64	Hussein Y. Fayoy	P.O. Garsen
2	Joel Ruhu	P.O. Garsen	65	Shukri Dahir Bocha	P.O. Box 52, Garsen
3	Nathaniel Amuma	P.O. Garsen	66	Mohamed Gedi	P.O. Garsen
4	Mafid Morawa	P.O. Garsen	67	Cllr. Saidi Sadik	P.O. Garsen
5	Ali Barisa	P.O. Garsen	68	Khadija Kadie	P.O. Garsen
6	Dickson Jilo	P.O. Garsen	69	Yahya Ali	P.O. Garsen
7	Pauline Kowora	P.O. Garsen	70	Cllr. Hasan Omar Kurtum	P.O. Garsen
8	Bahati Komora	P.O. Garsen	71	Abdi Bile	P.O. Garsen
9	Danson Mungatang	P.O. Garsen	72	Said Gobu	P.O. Box 1, Garsen
10	Cllr. Yusuf Godana	P.O. Garsen	73	Abdi Roble Gobu	P.O. Box 1, Garsen
11	Tom R. Bwora	P.O. Box 34, Garsen	74	Peter Bahola	P.O. Box 1, Garsen
12	Tuye Bonaya	P.O. Box 30, Tarasaa	75	Michael J. Nkaduda	P.O. Box 90042, Mombasa
13	Samuel Bonaya	P.O. Box 22, Tarasaa	76	Mama Lea Kenga	P.O. Garsen
14	Guyo Hiyesa	P.O. Box 56, Garsen	77	Kolde Y. Hashako	P.O. Box 40, Garsen
15	David B. Jillo	P.O. Box 1, Garsen	78	Sheikh Idris Bakero	P.O. Box 98, Garsen
16	Rev. Richard Yaro Abilo	P.O. Box 34, Garsen	79	Cllr. Robert Guyo	P.O. Box 56, Garsen
17	Abaloni Racha Abaloni	P.O. Box 98, Garsen	80	Levy Bahati	P.O. Box 56, Garsen
18	Abaroba Barisa Abakoba	P.O. Box 98, Garsen	81	Patrick Bosco	P.O. Box 21, Garsen
19	Maria Kopesha	P.O. Box 32, Garsen	82	Simeon B. Amuma	P.O. Box 21, Garsen
20	Omara A. Kalabinghe	P.O. Box 12411, Mombasa	83	Ababia Ndogo	P.O. Box 15, Garsen
21	Bashora O. Dhadho	P.O. Box 51, Garsen	84	Ismael Mohamed	P.O. Box 62, Garsen
22	Ismael G. Dara	P.O. Box 1, Garsen	85	Mohamed Said Bashera	P.O. Garsen
23	Abdullahi Haji Gudo	P.O. Box 98, Garsen	86	Silus Wairo	P.O. Garsen
24	Mohammed Golo	P.O. Garsen	87	Ali Bule	P.O. Box 62, Garsen
25	Saladho Hokola	P.O. Garsen	88	Peter Jillo	P.O. Box 83, Garsen
26	Buya Haribae	P.O. Garsen	89	Mago Abdul Juma	P.O. Kipini
27	Mathew M. Gafo	P.O. Box 60, Garsen	90	Yahya Swabir	P.O. Kipini
28	Cllr. Adam Gurka	P.O. Box 98, Garsen	91	Islam Abdala	P.O. Kipini
29	Cllr. Abdulah Bile	P.O. Box 62, Garsen	92	Awadh Mbarak	P.O. Kipini
30	Abdi Dende Godana	P.O. Garsen	93	Salim A. Hiribae	P.O. Kipini
31	Ibrahim Dube Molu	P.O. Garsen	94	Madiko Mlatya	P.O. Kipini
32	Cllr. Jarso Gwiyo	P.O. Box 1, Garsen	95	Ngala Hinzano	P.O. Kipini
33	Nathaniel Kiunga	P.O. Box 1, Garsen	96	Issa Kinaushuru	P.O. Kipini
34	Jeremia Igwo	P.O. Box 21, Garsen	97	Sera Wandu	P.O. Kipini
35	Reuben Soso	P.O. Box 21, Tarasaa	98	Mwange Musili	P.O. Kipini
36	Zila Dulu	P.O. Box 1, Garsen	99	Wilson Malibe	P.O. Box 1, Kipini
37	Benard Jilo	P.O. Box 7, Garsen	100	Said Mohamed	P.O. Box 22, Witu
38	Mohmoud Gabo	P.O. Box 62, Garsen	101	Toash Maro	P.O. Box 1, Kipini
39	Lawi Y. Gwiyo	P.O. Tarasaa	102	Joseph Mbau	P.O. Kipini
40	Mohamed Farah	P.O. Garsen	103	Omar Babo	P.O. Kipini

41	Rev. Harrison Muramba	P.O. Box 34, Garsen	104	Ali Titila	P.O. Kipini
42	Salim Golo	P.O. Box 15, Garsen	105	Sharif Abdulkadir	P.O. Kipini
43	Abdulaziz Bocha	P.O. Box 1, Garsen	106	Musa Gwiyo	P.O. Kipini
44	Fatma Sheikh Ahmad	P.O. Box 29, Garsen	107	Bakari AliHiribae	P.O. Kipini
45	Nelly Mkeayumbe	P.O. Garsen	108	David Nyamu	P.O. Kipini
46	Yusuf Juma	P.O. Garsen	109	Kea Bagaja	P.O. Kipini
47	Esther Dulu	P.O. Kipini	110	George Amuma	P.O. Kipini
48	Omar Ngama	P.O. Kipini	111	Ali Mohamed	P.O. Kipini
49	Mohamed Said Dawa	P.O. Kipini	112	Thomas Paul Guyo	P.O. Kipini
50	Ali Chubo	P.O. Kipini	113	Amina Banda	P.O. Kipini
51	Mahsan Abdirahman	P.O. Kipini	114	Samuel Kinuthia	P.O. Kipini
52	Kombo Eliza	P.O. Kipini	115	Danson Mungatana	P.O. Box 99755, Mombasa
53	Mohamed Omar Dhadho	P.O. Kipini	116	Dickson Jilo Martin	P.O. Box 32, Garsen
54	Samuel Araka	P.O. Kipini	117	Mohamed Ali Bajila	P.O. Kipini
55	Jesinta Mwangi	P.O. Kipini	118	Veronica Kwamboka	P.O. Kipini
56	John Ngige	P.O. Kipini	119	Dahir Sarei	P.O. Kipini
57	Samuel Jalua	P.O. Kipini	120	Fatuma Ali	P.O. Kipini
58	Mohamed Dodhana	P.O. Kipini	121	Kiteme Mlatiya	P.O. Kipini
59	Abae S. Kofa	P.O. Kipini	122	Alwy Sheikh	P.O. Kipini
60	Ali Hamesa	P.O. Kipini	123	Isack Kakuti	P.O. Kipini
61	Maimuna Abdala	P.O. Kipini	124	John Jalida	P.O. Kipini
62	Ibrahim Hiribae	P.O. Kipini	125	Daniel J. Arubo	P.O. Kipini
63	Salima Chilati	P.O. Kipini			