

TABLE OF CONTENTS

Preface	i
1. District Context	1
1.1. Socio-economic Profile.....	1
2. Constituency Profile	1
2.1. Socio-economic Profile.....	1
2.2. Electioneering and Political Information.....	1
2.3. 1992 Election Results.....	1
2.4. 1997 Election Results.....	2
2.5. Main problems.....	2
3. Constitution Making/Review Process	2
3.1. Constituency Constitutional Forums (CCFs).....	2
3.2. District Coordinators.....	4
4. Civic Education	5
4.1. Phases covered in Civic Education	5
4.2. Issues and Areas Covered	5
5. Constituency Public Hearings	6
5.1. Logistical Details.....	6
5.2. Attendants Details.....	6
5.3. Concerns and Recommendations.....	7
Appendices	19

1. DISTRICT CONTEXT

Ijara constituency is located in Ijara District of North Eastern Province. It is the only constituency in the District.

1.1. Socio-Economic Profile

Ijara District:

- Has a primary school enrolment rate of 9.0%, being ranked 3rd in the province and the least nationally;
- Experiences the following main diseases: Malaria, respiratory tract infections, skin diseases and infections, and eye infections;
- Has 78 of 1000 of its live babies dying before the 1st birthday, being ranked 30th of 44 of the nationally ranked districts;
- Has a life expectancy of 52.7 years, being ranked 31st of 45 of the nationally ranked districts;
- In 1997, 54% of its population was considered amongst the absolute poor;
- Has one of the highest mean monthly income in the country, being ranked 6th nationally; and
- Has 80% of its urban population accessing safe water and sanitation.

2. CONSITUENCY PROFILE

2.1. Socio-Economic Profile

The arid conditions make the population nomadic pastoralists. Animals reared include camels, cattle, sheep and goats. It is one of the few areas in North Eastern where irrigated and rain fed agriculture can be practiced. However this has not been put to maximum practice and the political leadership is blamed for this.

2.2. Electioneering and Political Information

In most elections, clan elders and merchants tend to have the biggest say in who is to be the MP. However, other things relating to gender and individual capacity are being emphasized now. KANU has always won the seat.

2.3. 1992 General Election Results

1992 TOTAL REGISTERED VOTERS			7,896
CANDIDATE	PARTY	VOTES	% VALID VOTES
Nasir Arte	KANU	2,761	96.14
Abdiraham Mahat	FORD K	82	2.86
Degow Ibrahim	FORD-A	26	0.91
Hussein Mohamed	DP	3	0.10
<i>Total Valid Votes</i>		<i>2,872</i>	<i>100.00</i>

Total Votes Cast	2,872	
% Turnout	36.37	

2.4. 1997 General Election Results

1997 TOTAL REGISTERED VOTERS			7,501
CANDIDATE	PARTY	VOTES	% VALID VOTES
Mohamed D. Werrah	KANU	2,876	54.83
Sophia Abdi	FORD-A	2,355	44.90
Abdi Salat	DP	5	0.10
Abdirahamaan S. Mahat	FORD-K	5	0.10
Mohamed Y Haji	SAFINA	3	0.06
Abdul M. A. Daud	NDP	1	0.02
<i>Total Valid Votes</i>		5,245	100.00
Rejected Votes		16	
Total Votes Cast		5,261	
% Turnout		70.14	
% Rejected/Cast		0.30	

2.5. Main Problems

Lack of livestock marketing infrastructure and cases of insecurity are the major problems of Ijara.

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 10th February, 2002 and 30th May, 2002.

4.1. **Phases covered in Civic Education**

Stage one: - Is the only phase that was covered. This is the stage preceding the collection of views. This stage dealt with information, knowledge, skills and virtues that enabled Kenyans to have informed choice and present their views on constitutional review.

4.2. **Issues and areas covered**

- Constitutions; definition, types and models
- Constitution making process
- Peoples participation if the constitutional review process
- Organs and Levels of governments
- Systems and Structures of government
- Emerging Constitutional issues
- Governance; meaning, levels and challenges of good governance

5. CONSTITUENCY PUBLIC HEARINGS

5.1. Logistical Details

1. Date and Number of Days for Public Hearings

- a. Date(s) 4/6/02 & 5/6/02
- b. Number of Days: 2

2. Venue

- a. Number of Venues: 2
- b. Venue(s):
 1. Ijara Baraza Park
 2. Masalani Baraza Park

3. Panels

- a. Commissioners

1. Com. Kavetsa Adagala
2. Com. Riunga Raiji
3. Com. Abdirizak Nunow

- b. Secretariat

1. Peter Apamo - Programme Officer
2. Rukia Bakari - Asst. Programme Officer
3. Ezra Simiyu - Asst. Programme Officer
4. Asha B oru - Verbatim Report

5.2. Attendance Details

Category	Details	Number
Number of People Who Presented		80
Sex	Male	67
	Female	13
Presenter Type	Individual	73
	Institutions	6
	Not Stated	1

Category	Details	Number
Educational Background	Primary Level	7
	Secondary/High School Level	20
	College	5
	University	4
	None	36
	Other (Adult Education/Vernacular/Madrassa/Informal Education)	8
	Oral	63
	Written	9
	Oral + Written	8

5.3. **Concerns and Recommendations**

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

5.3.1. **PREAMBLE**

- There is need for a preamble in the constitution
- The preamble of the constitution should proclaim the reasons and importance of Kenya's independence.
- The preamble of the constitution should reflect a democratic and united nation.
- The preamble of the constitution should reflect the origin and the history of the country.
- The preamble of the constitution should capture the spirit of the entire Kenyan community.

5.3.2. **DIRECTIVE PRINCIPLES OF STATE POLICY**

- The constitution should promulgate equality of all before the law

5.3.3. **CONSTITUTIONAL SUPREMACY**

The constitution should:

- Provide that any amendments shall be done through a public referendum (2)
- Provide that any amendments shall be done through a public referendum
- Give parliament power to amend the constitution
- Be amended only on approval by 65% majority in parliament when deemed necessary

- Be amended only on approval by 66% majority in parliament
- Be amended only on approval by 75% majority in parliament
- Provide that referendums shall be carried out by a tribunal committee of five members to be headed by the high court

5.3.4. **CITIZENSHIP**

- The constitution should confer automatic citizenship to an individual born in Kenya
- Confer automatic citizenship to all persons legally married to a Kenyan citizen irrespective of gender.
- Provide that all citizens shall enjoy the same rights and be served by the government equally without discrimination
- Confer automatic citizenship to an individual born of at least one Kenyan parent.
- Confer automatic citizenship by naturalization to any person with a genuine interest of investing in Kenya for an indefinite period of time. (2)
- Provide for dual citizenship
- Do not provide for dual citizenship
- Provide that all citizens shall carry National Ids as evidence of citizenship
- Simplify the process of obtaining National IDs and passports (4)
- Abolish screening cards (3)

5.3.5. **DEFENCE AND NATIONAL SECURITY**

The constitution should:

- Provide for better remuneration of the armed forces
- Provide for the president to be the commander in chief of the armed forces (2)
- Debar the president from being the commander in chief of the armed forces
- Provide that war shall only be declared by resolution of parliament
- Provide that extraordinary use of power should not be used without consultation between the executive and parliament
- Provide that emergency powers shall only be invoked by the head of state
- Integrate administrative police in the police force under the police Act.
- Abolish the emergency laws.

5.3.6. **POLITICAL PARTIES**

The constitution should:

- Limit the power of political parties to political mobilization
- Provide broad guidelines for the formation, management and conduct of political parties. (2)
- Regulate and control the number of political parties so as not to exceed three. (2)
- Prohibit the funding of political parties from public funds.
- Provide guarantee that the running and functions of political parties are divorced from state activities
- Ensure that political parties encourage public participation.

5.3.7. **STRUCTURES AND SYSTEMS OF GOVERNMENT**

- Provide for a presidential system of government
- Provide for a position of a prime minister
- Provide for a position of a prime minister as head government
- Provide for the president to be the head of state with non-executive powers
- Provide for a federal system of government (2)
- The constitution should be opposed to 'Majimboism' (2).
- Provide for a unitary system of government. (3)
- Provide for the vice president to be a running mate to the president

5.3.8. **THE LEGISLATURE**

The constitution should:

- Provide for parliament to vet all appointments of the cabinet and other senior public officers (2)
- Provide for parliament to have its own calendar
- Provide for being a member of parliament to be a full time job
- Provide for moral and ethical qualifications of all parliamentary candidates (2)
- Provide for all parliamentarians to be accountable and transparent
- Give voters the right to recall non-performing MPs by a vote of no confidence (3)
- Provide that the criteria for electing and nominating MPS shall be purely on academic qualifications
- Give voters the right to recall non-performing MPs by a vote of 60% of the electorates.
- Fix the minimum age of a parliamentary aspirant at 35years. (2)
- Fix the minimum age of a parliamentary aspirant at 40years (2)
- Retain a single chamber of parliament (2)
- Allow for a two chamber of parliament
- Provide for all MPS to serve for a 5 year term
- Provide for all MPs to act in the interest of the political parties and his constituents
- Provide that MPs have public offices in their constituencies, which they should visit after every 3 months.
- Provide for a parliamentary commission to legislate on the remuneration on MPS.
- Allow for retention of the posts of nominated MPS
- Debar MPs from defecting from one party to another
- Allow for the dominant political party to form the government of the day
- Give parliament power to impeach the president with a 50% vote from the lower house and 50% vote from the senators
- Provide that the president shall not have veto power to legislation passed by parliament
- Provide that the president shall not have veto power to dissolve parliament
- Require both the MPs and the presidential candidates to be married persons (3).
- Give parliamentarians the mandate to change the constitution.
- Entrench that parliament shall be a supreme organ.
- Not provide for an affirmative action for women representation in parliament.

5.3.9. **THE EXECUTIVE**

The constitution should:

- Provide for moral and ethical qualifications for the president
- Provide that the president be at least a graduate
- Provide that President should be honest and experienced persons of not less than 42 years of age.
- Provide that President should be honest, upright, married, graduates and be of 45 years of age or above.
- Provide for the impeachment or removal of the president from office in case of misconduct.
- Limit the president term to only two, five year terms (3)
- Limit the functions of the president to making appointments to senior government positions
- Debar the president from being chancellor of public universities
- Provide that the president shall not be a member of parliament (3)
- Provide for each ministry to have two ministers
- Provide for the establishment of a ministry of justice
- Abolish the provincial administration.(6)
- Provide for restructuring of the provincial administration.
- Provide that the president shall not have special powers without the sanction of the parliament.
- Protect the president on retirement and should not be unnecessarily subjected to legal prosecution.
- Limit the powers of the president (4).
- Reduce the number of ministries.
- Provide for a reduction in the number of Chiefs and recommend that their salaries be increased.(2)

5.3.10. **THE JUDICIARY**

The constitution should:

- Empower the Kadhis to have a wider jurisdiction.(2)
- Empower Kadhis to apply sharia law among the Muslims. (2)
- Impose a precondition that the Kadhi must be a qualified lawyer.
- Provide that the people shall elect the Chief Kadhi.
- Empower the Imams and Supkem to appoint kadhis. (2)
- Provide that the Kadhi's court shall be the final court for Muslims.
- Provide that the Kadhis court be equivalent to a magistrate's court.
- Provide for the appointment of the kadhis by the Judicial Service Commission together with Islamic scholars from Supkem
- Provide for the appointment of the kadhis shall be done by muslims (2)
- Provide kadhi courts to have appellate jurisdiction to Islamic law (4)
- Provide that the kadhis court shall be highest court in Islamic matters. (6)
- Provide for a female assessor in the kadhis court
- Provide for a constitutional court (2)
- Provide for judges to be appointed by the Law Society of Kenya Supreme council (2)
- Provide for judges to be appointed by parliament
- Provide for judges to be graduates in law.
- Limit the term of judicial officers to 5 years, subject to renewal
- Provide for an independent judicial service commission to discipline judicial officers who leave cases pending for a long time

5.3.11. LOCAL GOVERNMENT

The constitution should:

- Provide that all elective positions in the local government, including the position of the Mayor and Chairmen of county councils, be filled by direct popular elections.
- Provide for qualifications of councilors to include eloquence in Kiswahili and English languages (2).
- Empower local government authorities and stipulate that they be funded by the government.
- Provide for the separation of the local government from the central government.(6)
- Provide for the scrapping off urban councils and retaining county councils.
- Provide for only three types of local authorities: City Council, County Council and the Municipalities.
- Empower the county council to manage its own affairs and resources.
- Provide for a reduction in the number of wards.
- Provide for moral and ethical qualifications for councilors.
- Provide that the Mayor and Chairmen of councils shall be elected by direct popular vote (3)
- Provide for the Mayor and Chairmen of councils to serve for a maximum period of two-five year terms.(3)
- Provide that councilors have at least O-level education
- Provide for a local government commission to review the remuneration of councilors and council staff
- Retain the position of nominated councilors
- Confer power on the president and local government ministers to dissolve local authorities

5.3.12. THE ELECTORAL SYSTEM AND PROCESS

The constitution should:

- Retain the simple majority rule as a rule for winning the elections
- Provide that candidates should not seek nomination from another party after failing to win nominations to another party (2)
- Provide for the requirement that a presidential candidate secure 33% of the total votes cast failure to which a re-run shall be called (1).
- Retain the current number of constituencies and wards (3).
- Provide that civic, parliamentary and presidential elections be held in separate days
- Provide that the electoral process be computerized to allow voters to vote anywhere in the country
- Provide for independent candidates in general elections
- Provide that the election expenditure by any candidate shall not exceed Kshs. 100,000
- Provide that the date of the general elections be made known to the public well before the elections take place
- Provide that the general elections be made be done every 5 years
- Provide for presidential elections to be done directly
- Provide for electoral commissioners to be appointed by parliament
- Provide for the electoral commission to be funded from the consolidated fund
- Consider creating more constituencies in the NEP.

- Provide for only two constituencies in Ijara district.
- Provide for measures to ensure that elections shall be free and fair.
- Retain the requirement that a presidential candidate shall secure 25% of votes cast from 5 provinces.
- Provide that the winning MP should get at least 40% of the total votes cast from half the number of wards in a constituency.
- Provide for increasing the constituencies in the NEP considering the geographical area.
- Review the 3-mile strip rule.

Additionally:

- The provincial boundaries between Coast and North Eastern provinces are a source of rivalry and should, therefore, be reviewed.

5.3.13. **BASIC RIGHTS**

The constitution should:

- Provide for free and compulsory education up to university level (11).
- Provide for free and compulsory education up to secondary level.
- Entrench freedom of movement.
- Entrench freedom of association and assembly
- Abolish death penalty
- Declare Friday as Muslims' holy day.
- Guarantee the right to security, water, employment and health care and adequate services by the government to its people (2).
- Protect and regulate freedom of worship (3).
- Entrench the right to security for all Kenyans.
- Be simple, clear and easy to comprehend by the local community.
- Be translated into English and Kiswahili (5).
- Be easily accessible and affordable by the common man.
- Protect freedom of marriage.

5.3.14. **THE RIGHTS OF VULNERABLE GROUPS**

The constitution should:

- Address the welfare and special needs of disabled persons, orphans and the poor (4).
- Protect the interests of marginalized groups.
- Protect children against all forms of abuse
- Consider women from NEP in matters of employment.
- Not provide for equal right of inheritance for Muslim men and women.
- Provide for the representation of the interests of minorities in parliament.
- Provide for nominated MPs from the marginalized communities.
- Incorporate affirmative action in favor of women and marginalized groups.
- Provide for jails and prisons to be improved to ease congestion
- Provide for thorough investigation of all torture cases
- Guarantee basic rights for all prisoners

- Provide for protection of prisoners against torture and crude treatment in prison.
- Grant prisoners conjugal rights with their spouses.
- Provide that disabled persons shall not be subjected to hard labour
- Provide for Muslims to be put in separate jails (2)

5.3.15. **LAND AND PROPERTY RIGHTS**

The constitution should:

- Provide for individuals to have ultimate ownership over land
- Provide that the community shall own all pasturelands.
- Provide that the community to control all local resources
- Enable the government the right of escheat where there is a genuine economic need (3).
- Provide for land inheritance in the area in accordance to Islamic law (2).
- Provide that ownership of land by non-citizens be vetted by the state
- Provide that ownership of land by non-citizens be limited to not more than 100 acres
- Provide for equal rights to land ownership by both males and females.
- Provide that interests of the community be taken into consideration before national reserve lands are gazette.
- Provide for unlimited access to the River Tana by the community.
- Provide for the 3 mile strip restriction on river Tana to be scrapped (6)
- Provide that the forests in the North Eastern province shall not be gazetted
- Provide for the abolition of trust lands and introduce communal land ownership instead (2).
- Provide for the management of land ownership in the area by the elders.
- Provide that resources from the River Tana be shared equally between the communities from the area.
- Provide for the right to own land and grant of title deeds
- Provide that the District Land Boards shall have majority local representatives and minority civil servants in the ratio of 90: 10.

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

- The constitution should promote ethical diversity and moral standards in the country.
- The constitution should cater for and protect Muslim interests in the country.(2)
- The constitution should make Kiswahili and English as the only official languages.
- The constitution should be involved in the settlement of local disputes.
- The constitution should provide for mobile social amenities to the pastoral communities
- The constitution should outlaw all forms of negative cultural practices
- The constitution should recognize diversity of culture amongst Kenyans. (4)
- The constitution should provide for two national languages; English and Kiswahili (3)
- The constitution should address the issue of religious fundamentalism.
- The constitution should embrace the traditional leadership.
- Conflicts between the Pokomo, the Orma and the Somali should be reviewed.

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

The constitution should:

- Provide that the executive shall consult other stake holders when controlling the country's financial resources
- That any profits accruing from the exploitation of the natural resources be distributed as follows: 25% to the local community, and 75% to the central government
- Provide for resources collected by the public to benefit the areas they come from
- Provide for the controller and auditor general to be appointed by the president
- Provide for members of the public service commission to be appointed by the president with consultation of the cabinet
- Provide for a single public service commission with representation from all provinces
- Provide that all public officers shall declare their wealth
- Provide for equal distribution of national resources.
- Provide for equal rights to water resources from the River Tana.
- Provide for the improvement of educational resources including teachers and school facilities.
- Bring the national service commissions like TSC, PSC etc under one umbrella
- Provide for public participation in the management of national resources.
- Provide for special and differential treatment for marginalized areas in matters of educational opportunities.
- Provide that 20% of the national budget be devoted for the development of pastoral areas.

5.3.18. **ENVIRONMENTAL AND NATURAL RESOURCES**

The constitution should:

- Address the management of River resources.
- Obligate the local community to protect the environment (2).
- Provide the government and local authorities with power to enforce laws for the protection of the environment
- Provide for a ministry of natural resources to be in charge of the protection of all natural resources
- Provide for the protection of forest reserves to prevent desertification
- Provide for the protection of water catchment areas
- Provide that all natural resources be owned by the state but the local communities to control utilization and management of these resources.
- Provide for participatory management of the environment and natural resources
- Provide that allocation and utilization of natural resources be approved by parliament
- Provide that all natural resources be owned by the local communities
- Divest national reserves in Ijara from the government and vest the same with the local community.
- Provide that the government shall approve all gazetted natural resources.
- Address the problem of upstream and down stream dam projects and their effects on the people.
- Obligate the government to provide loan facilities to the indigenous people living adjacent to major natural resources.

5.3.19. **PARTICIPATORY GOVERNANCE**

- Islamic agencies should be given provisions to cater for basic needs for the Islamic community

- He constitution should ensure maximum participation of women in governance through women caucus

5.3.20. CONSTITUTIONAL COMMISSIONS, INSTITUTIONS AND OFFICES

- The constitution should establish an office of an ombudsman to act as a referee between the government and the people (3)
- The constitution should provide for the establishment of a commission to deal with gender issues.
- The constitution should provide for a defense council, which should include the president, the PM, the chief of General staff and the heads of other forces.
- The constitution should provide for the creation of an educational-task force.

5.3.21. SUCCESSION AND TRANSFER OF POWER

The constitution should:

- Provide that during elections a caretaker of the government shall run the country.
- Provide that the incoming president assumes office immediately after he is sworn in.
- Provide that the chief justice and the chief Kadhi shall swear in the incoming president.
- Make provisions for the outgoing president in-terms of security after leaving office. (2)
- Make provisions for the outgoing president in-terms pension after leaving office. (2)
- Make provisions for the outgoing president in-terms a villa and a small staff paid from tax payers money after leaving office. (2)
- Provide for immunity of the president after leaving office.

5.3.22. NATIONAL ECONOMIC POLICY

- The constitution should spell out measures to eradicate poverty.
- The constitution should provide for development of economic and social infrastructure in pastoral areas without bias.
- The constitution should provide for equal development of infrastructure in North Eastern Province. (2)
- The constitution should ensure that 10% of the national budget be set aside for development of North Eastern Province.
- The constitution should provide that pastoralists who loose their animals to wild animals be compensated by Kenya Wildlife society.

5.3.23. NATIONAL OTHER POLICY

- The constitution should provide for compulsory HIV testing for all couples before marriage.
- The constitution should debar police from harassing innocent people. (2)
- The constitution should provide for corruption courts in all district head quarters to deal with corrupt officials.

5.3.24. SECTORAL POLICY

- The Kenya meat commission should be revived to provide market for livestock in North

Eastern Province (3)

- The government should strengthen the ministry of agriculture and livestock
- The government should provide loans for pastoralists to develop animal husbandry
- The constitution should restrict encroachment of traditional grazing areas
- The constitution should abolish taxation of livestock
- The government should provide markets for livestock and livestock products
- Manufacturing industries should be established in North Eastern Province
- Entry requirements into academic institutions should be lowered for candidates from North Eastern Province (2)
- The constitution should provide for mobile schools for nomadic pastoralists (2)
- The constitution should provide for University Chancellors and vice-chancellors to be appointed by the University senate (2)
- The constitutional program and civic education should be incorporated in the school curriculum
- The constitution should provide for Islamic law to be taught in the law degree at the local universities
- The constitution should provide for Islamic institutions to be assisted by the government
- The constitution should provide for 20% of consolidated funds to be given to North-Eastern province for physical development
- The constitution should provide for Islamic banks for the Muslim community
- The Kenya Broadcasting Corporation should strengthen their broad casts to reach the people in North Eastern Province
- The constitution should provide for donors to assist in the exploitation of minerals in North Eastern Province
- The constitution should obligate the government to fund the improvement of local infrastructure.
- The constitution should provide for livestock development and marketing.
- The constitution should promote informal education.

5.3.25. CUSTOMARY LAW

- The constitution should abolish wife inheritance in the customary law of marriage
- The constitution should provide that Friday and all Islamic religion celebration be declared holidays (3)

5.3.26. STATUTORY LAW

- The constitution should provide for those who steal public funds to be sentenced to life imprisonment
- The constitution should provide for stiff punishment for teachers who impregnate school girls
- The constitution should provide for stiff punishment for rapists
- The constitution should provide that any person arrested by the police shall not stay in custody for more than 12 hours

5.3.27. GENDER EQUITY

- The constitution should discourage gender equity as it is against Islamic religion.
- The constitution should ensure gender equity.

5.3.28. **ECONOMIC/SOCIAL JUSTICE**

- The constitution should guarantee that the people who died in the course of this nation be compensated
- The constitution should guarantee that the people who die under the Shifta menace be compensated

APPENDICES:

Appendix 1: Members of the Constituency Constitutional Committee

1. Hon M.D.Werrah - MP Ijara
2. Hon. Mohammed Y. Haji - MP
3. Khalif Hussein Hirey - DC
4. Cllr. Dubat Ali amey - Chairman
5. Cllr. Abdikadir Sheikh Hassan - Councilor
6. Noor Mohamed Ibrahim - Youth
7. Ress Osman Olow - Agricultural Extension Officer
8. Maulid Hussein (Khasow) - ”
9. Abdullahi Hussein - Opinion Leader
10. Bashir Mohamed Osman - Ag. Clerk to County Council
11. Mrs. Dinow Mohamud Haji - MYWO Chairlady
12. Mohamed Duale Ahmed - Religious Leader

Appendix 2: Civic Education Providers (CEPs)

1. Maendeleo ya Wanawake Organization
2. Badamadow Community and Wildlife Conservation
3. Supreme Council of Kenya Muslims
4. Ijara Environmental Watch

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

1	0002OIIINE	Abdi Salat	CBO	Memorandum	Badam Adow Community
2	0005OIIINE	Halaw S. Sigar	CBO	Written	Ijara Trading Group
3	0057IIINE	Abdi A. Farah.	Individual	Oral - Public he	
4	0025IIINE	Abdi Guhad	Individual	Oral - Public he	
5	0061IIINE	Abdi Hash	Individual	Oral - Public he	
6	0064IIINE	Abdi I. Gedi.	Individual	Oral - Public he	
7	0049IIINE	Abdi Mohamed	Individual	Oral - Public he	
8	0056IIINE	Abdi Mohammed.	Individual	Oral - Public he	
9	0070IIINE	Abdi W. Omar	Individual	Oral - Public he	
10	0036IIINE	Abdirizak Dubat	Individual	Oral - Public he	
11	0040IIINE	Abdulahi Ahmed	Individual	Oral - Public he	
12	0045IIINE	Abdulahkim	Individual	Oral - Public he	
13	0037IIINE	Abdulrahman Mohammed.	Individual	Oral - Public he	
14	0060IIINE	Abdulrahman Mohamed	Individual	Oral - Public he	
15	0058IIINE	Adam Ismail	Individual	Oral - Public he	
16	0059IIINE	Adan M. Gurre	Individual	Oral - Public he	
17	0047IIINE	Aden Salat	Individual	Oral - Public he	
18	0062IIINE	Ahmed Hussein	Individual	Oral - Public he	
19	0054IIINE	Ahmed K. Ali	Individual	Oral - Public he	
20	0016IIINE	Ahmed M. Mahmud.	Individual	Memorandum	
21	0015IIINE	Ali Haji Jelle	Individual	Written	
22	0065IIINE	Ali I. Hassan.	Individual	Oral - Public he	
23	0048IIINE	Bashir	Individual	Oral - Public he	
24	0042IIINE	Bashir Mohamed	Individual	Oral - Public he	
25	0077IIINE	Bashir Usman	Individual	Oral - Public he	
26	0026IIINE	Bille M. Salat	Individual	Oral - Public he	
27	0073IIINE	Binto Ahmed	Individual	Oral - Public he	
28	0033IIINE	Cllr. Abdikadir S. Has	Individual	Oral - Public he	
29	0021IIINE	Cllr. Bashir Dahir	Individual	Oral - Public he	
30	0046IIINE	Daud Ahmed	Individual	Oral - Public he	
31	0009IIINE	Degho Iman.	Individual	Written	
32	0069IIINE	Dubat Ali Amey	Individual	Oral - Public he	
33	0007IIINE	Dullu Amos	Individual	Written	
34	0075IIINE	Gari Dahir	Individual	Oral - Public he	
35	0074IIINE	Genya Omar	Individual	Oral - Public he	
36	0005IIINE	Gichu Duncan	Individual	Written	
37	0076IIINE	Hadija Bile Ali	Individual	Oral - Public he	
38	0072IIINE	Haretho H. Barre	Individual	Oral - Public he	
39	0030IIINE	Hassan Aden	Individual	Oral - Public he	
40	0044IIINE	Hassan Omar	Individual	Oral - Public he	
41	0041IIINE	Hawa H. Osman	Individual	Oral - Public he	
42	0027IIINE	Hon. Mohamed Yusuf Haj	Individual	Oral - Public he	
43	0071IIINE	Hussein E. Mahmoud.	Individual	Oral - Public he	
44	0018IIINE	Ibrahim Maalim	Individual	Oral - Public he	
45	0013IIINE	Ismael Duelle	Individual	Memorandum	
46	0014IIINE	Ismail A. Kassim	Individual	Written	
47	0002IIINE	Ismail Buro.	Individual	Written	
48	0006IIINE	John Gitonga	Individual	Written	
49	0038IIINE	Kalmey Mohammed	Individual	Oral - Public he	
50	0022IIINE	Kifi Dahir	Individual	Oral - Public he	
51	0024IIINE	Mariam H. Mohamed.	Individual	Oral - Public he	
52	0028IIINE	Marthar H. Adan	Individual	Oral - Public he	
53	0012IIINE	Mohamed Noor Aden	Individual	Written	

54	0008IIINE	Mohamed Noor Adhan	Individual	Written	
55	0032IIINE	Mohamed Y. Goni.	Individual	Oral - Public he	
56	0068IIINE	Mohammed Abdi	Individual	Oral - Public he	
57	0001IIINE	Mohammed Duale Ahmed.	Individual	Memorandum	
58	0010IIINE	Mohammed Dumal.	Individual	Written	
59	0053IIINE	Mohammed Farah.	Individual	Oral - Public he	
60	0004IIINE	Molid Ali	Individual	Written	
61	0017IIINE	Noor Ali Olow	Individual	Written	
62	0063IIINE	Osman J. Abdi	Individual	Oral - Public he	
63	0029IIINE	Roble Noor	Individual	Oral - Public he	
64	0003IIINE	Rubat Ali Amey	Individual	Written	
65	0011IIINE	Rukia Olow	Individual	Written	
66	0034IIINE	Sadia Mohammed	Individual	Oral - Public he	
67	0043IIINE	Said Mirat Dahir	Individual	Oral - Public he	
68	0052IIINE	Salat A. Noor.	Individual	Oral - Public he	
69	0023IIINE	Saleh M. Hassan	Individual	Oral - Public he	
70	0019IIINE	Shaji Dagane	Individual	Oral - Public he	
71	0020IIINE	Sheikh Abdi Haji	Individual	Oral - Public he	
72	0051IIINE	Sheikh Ali Aden	Individual	Oral - Public he	
73	0066IIINE	Sheikh Haret Ahmed.	Individual	Oral - Public he	
74	0067IIINE	Shuria H. Hire	Individual	Oral - Public he	
75	0050IIINE	Yussuf Arte	Individual	Oral - Public he	
76	0031IIINE	Zarah Mohamed	Individual	Oral - Public he	
77	0004OIINE	Ismail Duale	NGO	Memorandum	Womankind Kenya
78	0001OIINE	Sofia Abdi	NGO	Memorandum	Womankind Kenya

Appendix 4: Persons Attending Constituency Hearings

No.	Name	Address	No.	Name	Address
1	Cllr. Bashir	N/A	24	Shoria Hussein Jire	N/A
2	Abdi Mohammed	P.O. Box 419, Ijara	25	Mohamed Ajaib Abdi	N/A
3	Yusuf Arte	Ijara	26	Alass Bullo Shirie	N/A
4	Shalle g. Ali	N/A	27	Abdul Wahab Umar	N/A
5	Salat Ahmed Noor	N/A	28	Hussein Barre	N/A
6	Mohd Farah Abdi	N/A	29	Hussein Ilme	N/A
7	Ahmed Ali	N/A	30	Cllr. Amey	N/A
8	Abdul Mohd	N/A	31	Haretho Hussein	P.O. Box 1, Ijara
9	Dakane Sahelle	N/A	32	Halawi Sentur	N/A
10	Abdi Farah	N/A	33	Ismail Abdi Kassim	P.O. Box 36, Masalani
11	Adan Ismail	N/A	34	Hawa Mohd Abdullahi	N/A
12	Abdi Adan	N/A	35	Dubat A. Amey	P.O. Box 57, Ijara
13	Adol Mursal	N/A	36	Ahmed M. Mohd	N/A
14	Kosar Nunaw	N/A	37	Bashir Mohd Osman	P.O. Box 57, Masalani
15	Abdul Rahman Mohd	N/A	38	Ismail Duale	P.O. Box 4, Masalani
16	Arab Abdi	N/A	39	Dubat A. Amey	P.O. Box 57, Ijara
17	Ahmed J. Hussein	N/A	40	Ahmed M. Mohamed	N/A
18	Osman Jubat Abdi	N/A	41	Bashir M.Osuah	P.O. Box 57, Garissa
19	Ali Haji Jelle	N/A	42	Abdullahi Maalim Hussein	P.O. Box 40, Masalani
20	Ali Ibrahim	N/A	43	Ismael Duale	P.O. ox 895, Garissa
21	Abdi Ibrahim	N/A	44	Muhamed Mahamud	N/A
22	Abdul Rahman A. Barre	N/A	45	Hassan Omar Shuria	P.O. Box 9, Masalani
23	Sheikh Haraet Ahmed	N/A	46	Mohammed M. Duale	P.O. Box 227, Garissa
47	Mariam Hassan Mohid	Masalani	70	Sophia Abdi Noor	P.O. Box 627, Garissa
48	Iman Maalim Ibrahim	N/A	71	Sahara Mohamed Hussein	P.O. Box 29, Garissa
49	Shale Dagani	N/A	72	Mohamed Y. Goni	P.O. Box 15, Masalani
50	Khalil Gure	N/A	73	Mohamed A. Dahir	P.O. Box 1, Masalani
51	Sheikh Abdu Haji	N/A	74	Abdikadir Shellah Hassan	P.O. Box 23, Masalani
52	Abubakar Usman	N/A	75	Ismail B. Hassan	P.O. Box 4, Masalani
53	Cllr. Bashir Dahir	N/A	76	Mohammed Nur Ali	Masalani
54	D. Ali Amey	N/A	77	Daud Ali	Garissa
55	Mama Cuudi Mohamud	N/A	78	Degho Iman	P.O. Box 4, Masalani
56	Kifli Dahir Salat	N/A	79	Hussein Nur Haji	Masalani
57	Dubat A. Amey	N/A	80	Hawa Haji Usman	N/A
58	Saleh M. Hassan	P.O. Box 4, Masalani	81	Mohammed Ali	N/A
59	Abdu Maalim	N/A	82	Ahmed Hassan	N/A

60	Mohamed Kosar	N/A	83	Abdil Razak Dubat	N/A
61	Garas Kuro	N/A	84	Yusuf Mohd Salat	N/A
62	Abdi Buhad	N/A	85	Ismael Dualle	P.O. Box 895, Masalani
63	Daga Farah	N/A	86	Sheikh Abdil Rehman	Masalani
64	Bille Mohamed	N/A	87	Mohd Noor Aden	N/A
65	Madhar Haji Aden	N/A	88	Bashir Mohamed	P.O. Box 26, Masalani
66	Roble Nur	Masalani	89	Mohamed Dumal	P.O. Box 4, Masalani
67	Hassan Aden Hussein	Masalani	90	Hassan Dahiiz	P.O. Box 24, Masalani
68	Abbas Abdi	Masalani	91	Abdullahi Ahmed	Masalani
69	M.Y. Haji	P.O. Box 1, Masalani	92	Kalmey Mohd	P.O. Box 12, Masalani
93	Aden Shide	P.O. Box 5, Masalani	97	Hassan O. Shuria	P.O. Box 9, Ijara
94	Saadiya Mahmood Abdi	N/A	98	Abdul Hakim Ibrahim	Masalani
95	Said M. Dahir	P.O. Box 13, Masalani	99	Daud Ahmed	Masalani
96	Sadique G. Adan	P.O. Box 7, Ijara	100	Aden Salat	N/A