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1. DISTRICT CONTEXT

Lamu East constituency falls in Lamu district of Coast province.

1.1. Demographic Profile

District Population	Male	Female	Total
	37,553	35,133	72,686
Total District Population of 18 years of Age & Below	19,391	18,561	37,952
Total District Population of 19 years of Age & Above	18,162	16,572	34,734
Population Density (persons/Km^2)			12

1.2. Socio-Economic Profile

- The district has one of the lowest absolute poverty profile at 39.35% ranking it eleventh in the country.
- The district has one of the lowest food poverty profile at 31.86% ranking it seventh in the country.
- The district has average primary school enrolments rate at 70.6%, ranking it 38th nationally.
- The district has low secondary school enrolments rate at 13.4% ranking it forty sixth in the country.
- The district has low levels of malnutrition.
- 62.4% of the residents in the district have access to safe sanitation.
- 50% of the residents in the district have access to safe drinking water.
- The main diseases in the district are acute respiratory tract infections, malaria, skin diseases and infections, diarrhoea diseases, intestinal worms.
- Two members of parliament represent Lamu District. Both of the MPs are from KANU and each cover an average area of 3,084 Km^2 to reach an average of 36,343 constituents each.

2. CONSTITUENCY PROFILE

Lamu East constituency is made up of Faza, Kizingitini, and Kiunga Divisions of Lamu District.

2.1. Demographic Profile

Constituency Population	Male	Female	Total	Area Km^2	Density (persons per Km^2)
	8,292	8,502	16,794	1,663	101

2.2. Socio-Economic Profile

The main economic activity is small-scale farming and fishing.

2.3. Election and Political Information

Political party activity has largely revolved around KANU candidates. In 1992, KANU won with

54% of all votes cast while in 1997, it got 76% votes. KANU retained the seat in 2002.

2.4. 1992 General Election Results

1992 TOTAL REGISTERED VOTERS			**8,538**
CANDIDATE	**PARTY**	**VOTES**	**% OF VALID VOTES**
Abu Mohammed	**KANU**	**3,309**	**54.36**
Mohammed Hashim	FORD-K	2,054	33.74
Abu Soma Boa	DP	692	11.37
Mohamed Kusoma	FORD-A	32	0.53
Total Valid Votes		*6,087*	*100.00*
Rejected Votes		67	
Total Votes Cast		6,725	
% Turnout		74.32	
% Rejected/Cast		1.00	

2.5 1997 General Election Results

1997 total registered voters			**9,049**
CANDIDATE	**PARTY**	**VOTES**	**% OF VALID VOTES**
Mohamed Hashim Salim	**KANU**	**5,039**	**75.68**
Abudi Omar Mohammed	NDP	1,353	20.32
Bwanahamadi Kussoma Bunu	FORD-P	47	0.71
Salim Ali Mohammed Fani	FORD-K	35	0.53
Total Valid Votes	*6,658*	*100.00*	
Rejected Votes		67	
Total Votes Cast		6,725	
% Turnout		74.32	
% Rejected/Cast		1.00	

2.6 Main Problems

- Demarcation of land;
- Credit facilities; and
- High levels of illiteracy.

3. CONSTITUTION MAKING/REVIEW PROCESS

3.1. Constituency Constitutional Forums (CCFs)

3.1.1. Philosophy

The Constituency Constitutional Forum (CCF) plays a very significant role in the review of the constitution. It is designated as one of the organs ' through which the review process shall be conducted' - (sec. 4(1) of the Constitution of Kenya Review Act, Cap.3A). The importance attached to the CCF arises from the recognition of the need to involve the people fully in the review of the constitution. Only through such participation of the public will the new constitution reflect the preferences, hopes and aspirations of the people. It would also increase people's knowledge of constitutional issues, and facilitate their familiarity with the provisions of the new constitution. Additionally, the process, enhances the legitimacy of the constitution among Kenyans and their sense of ownership over it. In these ways the proper implementation and safeguarding of the constitution will be facilitated.

3.1.2. Composition and Establishment

The 1997 Review Act had provided for district forums 'to mobilize communities at the local level for the purpose of civic education in preparation for the Commission's work and to perform such other duties as the Commission may assign' - (sec. 12A (6). The District Forums were to consist of members elected to represent locations, religious organizations, and the disabled, in addition to MPs and members of every local authority in the district. The Act contained several provisions prescribing minimum qualifications for membership and regulating the operations of the District Forums.

The Select Committee of the National Assembly, which reviewed the Act in early 2000, decided to replace the District Forums with Constituency Forums to get views ' directly from the people in the constituency without necessarily going through the rigours of an election to determine the members of the forum'. It thought that this would provide for a more popular form of participation. It recommended on the simplification of the forum to avoid elections. The Select Committee envisaged the constituency forum as and 'open forum with no specific structures', which should be ' flexible and easy to manage'. Its opinion was that the 'existing leadership comprising Members of Parliament, councilors, community based organizations, religious groups and individuals should be able to present views and opinions directly from the grassroots' (*The Report of the Parliamentary Select Committee Reviewing the Constitution of Kenya Review Act,1997*, April 2000). It removed the regulatory powers of the Commission over the forum, its role being confined to the 'facilitation' of the forum. It also changed the function of the forum from the facilitation of civic education to also include facilitation and the collection of the views of the public on proposals to alter the constitution.

In view of the limited role of the CKRC in the establishment of the CCF's, the CKRC prepared and gazetted Guidelines for the operationalization of the constituency constitutional forums. The

Guidelines stipulated that all the residents of a constituency would constitute the CCF. The CCF is described as one of the organs ' through which the review process shall be conducted' - (sec.4(1)). The CCF was thus one of the principal ways in which the views of the public were to be obtained.

In order to coordinate and facilitate the activities of the CCF, a Constituency Constitutional Committee (CCC) was to be established. The Guidelines proposed its membership to consist of 10 persons, of which three would be ex-officio: the local MP, the chair of the County Council in which the constituency is located, and the District Coordinator. The Guidelines stated that the membership would be as broad and representative of the people of the constituency as possible and recommended that at least a third of the committee should be women.

3.1.3. **Functions of CCF**

- Facilitation of collection of the views of the public at the constituency level on proposals to alter the constitution; and
- Debate and discussion of the views of the members of the public on proposals to alter the constitution.

In performance of these functions, the CKRC was required to visit all constituencies (Sec.18 (1)(a)).

3.1.4. **Functions of CCC**

- The functions of the CCC were mainly facilitative and advisory, the primary aim being to enhance the effective participation in the ownership of the constitution review process by the people at the constituency level;
- The CCC was also mandated to promote, facilitate and monitor civic education at the constituency level in collaboration with the District Coordinator and civic education providers;
- Additionally, the CCC had to ensure that the constituency had access to all information relevant to the review process in coordination with District Documentation centers; and
- Finally, the CCC was also mandated with the task of dissemination of the report of the CKRC. It was to be assisted in this by the District Coordinator, who was also its accounting officer, in relation to funds that were made available to it by CKRC.

It is important to emphasize that the Guidelines were advisory, and the local community was free to modify them to suit local circumstances. For example, the size of the CCC could be increased when and if adequate representation and diversity required it.

3.1.5. **Date of Commencement of Work**

The Constituency Constitutional Forum (CCF) was to run for an initial period commencing November 2001 up to September 2002. Accordingly, each Constituency Constitutional Committee (CCC) should have been constituted at the very latest by the end of November 2001. The Constituency Constitutional Forum was to be operational by that time.

3.2. **District Coordinators**

3.2.1. **Mandate/Terms of Reference**

- Be the local grass root representative;
- Perform the generalization activities in the district;
- Be in charge of the documentation center/s in the district, facilitate its/their respective management, ensuring they are stocked and are easily accessible to the public and also organize their safety and security;
- Gathering any relevant local information and materials for the purpose of constitution making;
- Facilitate the identification, classification and organization of the physical and electronic retrieval and dissemination of information and materials for constitution making;
- Supply such information needed by local constituency forums and committees;
- Liaise with other documentation centers nearby and others for information;
- In collaboration with constituency committees, identify and arrange venues for public hearing whenever the CKRC visits the constituencies in their area;
- Facilitate regular meetings of the constituency committees and involve local people as much as possible in discussing constitutional issues;
- Source and identify other key personnel that the CKRC may wish to consult or engage in its work;
- Identify and arrange for simultaneous local translations, sign language users, procurement and hiring of public address systems, transport and communication facilities for CKRC's meetings in the district;
- Monitor the implementation of civic education by civic education providers in the district;
- Facilitate the formation of constituency committees with guidance and assistance of CKRC; and
- Perform any other tasks as directed by CKRC.

3.2.2. **Criteria for Appointment**

- Diversity in the composition, taking into account ethnicity, age, religion and professional or occupational background; and
- Appointees had at least attained Kenya Certificate of Secondary Education or its equivalent.

4. **CIVIC EDUCATION**

Civic Education in the constituency was carried out between 28th February, 2002 and 1st May, 2002.

4.1 Phases and issues covered in Civic Education

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

4.2 Issues and Areas Covered were

- Constitution

- Constitution making process in Kenya
- The Constitution of Kenya and Nationhood
- Management and use of Natural Resources
- Judiciary
- The Presidency and the Executive
- Emerging Constitutional Issues
- Kudhis Court
- Rights and Freedoms of an individual
- Governance and Basic Needs
- Structure and Systems of Government
- Citizenship

5. CONSTITUENCY PUBLIC HEARINGS

5.1. Logistical Details

- Date and Number of Days for Public Hearings
  a) Date(s): 2nd and 3rd May 2002
  a) Total Number of Days: 2
- Venue
  a) Number of Venues: 2
  a) Venue(s): 1) Kiunga At Msisini
  2) Faza Secondary School
- Panels
  a) Commissioners

  1. Com. Dr. Mosonik arap Korir
  2. Com. Mr. Ahmed I Hassan

  a) Secretariat

  1. Treza Apondi - Programme Officer
  2. Carolly Okeyo - Asst. Programme Officer
  3. Asha Boru - Verbatim Recorder

Attendance Details

Category	Details	Number
Number of People Who Presented		57
Sex	Male	48
	Female	9
Presenter Type	Individual	32
	Institutions	25

Category	Details	Number
Educational Background	Primary Level	14
	Secondary/High School Level	30
	College	5
	University	1
	Not Stated	6
	Other (Adult Education/Vernacular/Madrasa/Informal Education)	1
	Oral	37
	Written	4
	Oral + Written	16

5.2. CONCERNS AND RECOMMENDATIONS

The following are the recommendations made by the presenters in Lamu East 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 should be a preamble in the constitution (2)
- The preamble should reflect our national philosophy
- The preamble should visualize unity, peace, love, justice and prosperity (2)
- The constitution should recognize the Quran
- The preamble should reflect gender equity and basic human rights

5.3.2 DIRECTIVE PRINCIPLES OF STATE POLICY.

- We need a constitution that has guiding principles and capture national philosophy (3)
- All ethnic groups should exercise acceptable positive cultural activities and democratic principles
- The constitution should include values of education, health, human rights, land rights, security and employment (2)
- All principles should be enforced in law
- The constitution should provide that the law shall apply in a non-discriminatory manner to all Kenyans.

5.3.3 CONSTITUTIONAL SUPREMACY.

- Retain the procedures of amending the constitution with a 65% majority vote
- The parliament should have the power to amend the constitution by 75% majority vote (2)
- The parliament should have the power to amend the constitution by 80% majority vote (2)
- The parliament should have the power to amend the constitution by 90% majority vote (2)
- The constitution should provide for its supremacy over all other laws in the country.
- Parliament shall not have the power to amend the constitution in matters relating to parliamentarians, church, culture and Islamic law
- The constitution should provide that a constitution shall not be amended
- The constitution should provide that some parts of the constitution shall not be amended (4)
- The constitution should provide that a constitutional amendment shall only be through a public referendum. (4)
- The constitution should provide that a constitutional amendment shall only be through a constitutional review commission (3)

5.3.4 **CITIZENSHIP.**

- The constitution should provide that Kenyans living near national boundaries should be given automatic citizenship upon confirmation that they were born in Kenya
- The process of acquiring citizenship should be simplified
- Kenyan citizenship should be acquired through registration and naturalization (3)
- Council of elders should be allowed to grant individuals citizenship
- The constitution should ensure that all spouses of Kenyan citizens be granted automatic citizenship after living in Kenya for 5 years
- The constitution should ensure that all spouses of Kenyan citizens be granted automatic citizenship irrespective of gender (2)
- The constitution should confer to all persons born of Kenyan parents automatic citizenship. (13)
- The constitution should provide for vetting committees to approve citizenship
- The constitution should provide for dual citizenship.
- The constitution should not provide for dual citizenship. (3)
- The constitution should provide that ID cards be issued to Moslems without bias
- The constitution should provide that all Kenyans be issued with Identity cards at the age of 10 years
- Every citizen should be obligated to protect the constitution (2)
- Every citizen should have constitutional rights (2)
- Every citizen should be entitled to security, employment and medical facilities
- Rights and obligations of citizens should depend on how citizenship has been acquired (2)
- The national identity card should be the document of evidence of citizenship
- The national identity card and birth certificates should be the documents of evidence of citizenship (3)
- The national identity card should be the document of evidence of citizenship (2)
- The national identity card and passports should be the documents of evidence of citizenship (3)
- The national identity card should be replace with the passport as evidence of citizenship

5.3.5 **DEFENCE AND NATIONAL SECURITY.**

- The constitution should provide for the establishment of disciplined forces in the constitution (2)
- The constitution should provide for disciplined forces to be subjected to the law (2)
- The president should be the commander in chief of the armed forces (2)
- The constitution should provide that a council of defence be consult before declaring war
- The constitution should provide that the president shall have full power to declare war
- The constitution should permit use of extra ordinary powers in emergency situations (2)
- The constitution should provide that the president shall have full power to invoke emergency decisions
- The constitution should provide that the leaders of the affected region shall have full power to invoke emergency powers
- The constitution should provide that parliament shall have a role in effecting emergency decisions (3)
- The constitution should provide that security personnel be placed at border posts
- The constitution should provide for the abolishment of harassment and torture
- The constitution should provide for the abolishment of security act by the president
- The constitution should provide that the president shall not be the Commander in Chief of the armed forces.
- The constitution should provide that the general service unit be under surveillance of the parliament

5.3.6 **POLITICAL PARTIES.**

- The constitution should provide for political parties to play other roles like building the nation, other than political mobilization.
- The constitution should regulate formation, management and conduct of political parties
- The constitution should limit the number of political parties in the country to 3.
- The constitution should limit the number of political parties in the country to 2. (2)
- The constitution should limit the number of political parties in the country to 2 or 3.
- The constitution should provide for political parties to be funded by the government (2)
- The constitution should provide for political parties to be self funding
- The constitution should provide for the state and political parties to cooperate in national building

5.3.7 **STRUCTURES AND SYSTEMS OF GOVERNMENT.**

- The constitution should provide for a federal system of government (8)
- The constitution should retain a presidential system of government
- The constitution should provide that if the president is a Christian, the vice president be a muslim and vice-versa
- The constitution should not provide for Majimboism as a decentralized system of governance
- The constitution should provide for a unitary system of government with a ceremonial President and an executive Prime Minister.

5.3.8 **THE LEGISLATURE**

- All appointments should recognize Islamic law
- All appointments should be vetted by parliament (3)
- Parliament should not have unlimited power to control its procedures (2)
- MPs should serve for only 2 years
- Mps should work on a full time basis (4)
- The constitution should provide for the president to be 40 years and above
- The constitution should provide for the president to be 25 years and above
- The constitution should provide for the president to be 35 years and above (2)
- The constitution should provide for MPS to be 18 years and above
- The constitution should provide for MPS to be 25 years and above
- Language tests for MPS are insufficient
- Language tests for MPS are sufficient
- The constitution should provide for moral and ethical qualifications for parliamentary candidates (2)
- The constitution should require MPs to make routine visits to their constituencies
- The constitution should provide for MPs to be recalled by the electorate incase of non-performance (9)
- The constitution should provide for MPs to act on the basis of conscience and conviction or instruction from their constituencies
- The constitution should debar MPs from legislating their own remuneration. (2)
- The constitution should provide that women take at least 35% of all seats in parliament (2)
- The constitution should provide increased participation of women in parliament (4)

- The constitution should not allow for defections across parties after elections (2)
- The constitution should provide that churches take at two of the nominated seats in parliament
- Retain the concept of nominated MPS (5)
- The constitution should provide for a special committee to legislate over the remuneration of MPs. (8)
- The constitution should provide for live coverage of parliamentary proceedings
- The constitution should provide that MPs attend parliamentary sessions from Monday to Friday (4)
- The constitution should provide that all MPs who neglect their constituencies for a year be recalled and his seat declared vacant
- The constitution should provide that all MPs who desert their constituencies be liable to a vote of no confidence
- The constitution should provide for a coalition government (3)
- The constitution should provide for a vote of no confidence to be adequate to remove the president from power (6)
- The constitution should provide for a one Chamber parliament
- The constitution should provide for the impeachment of the president incase of misconduct (2)
- The constitution should provide that the president shall have veto power over legislation in parliament (3)
- The constitution should provide that the president shall have the power to dissolve parliament
- The constitution should that the president shall not have the power to dissolve parliament (4)
- The constitution should empower parliament to override president's veto

3.5.9 **THE EXECUTIVE**.

- The constitution should provide that the president shall be of good conduct, health and with no criminal record (2)
- The constitution should provide that the president shall have a university degree (2)
- The constitution should provide that the president shall serve for only 5 years (3)
- The constitution should provide that the president shall serve for 2 terms, each 5 years (3)
- The constitution should provide that the president shall perform such duties as appointing ministers, police commissioners, chief of the general staff and vice-chancellors of all public universities
- The constitution should define the functions of the president (4)
- The constitution should provide that the president shall provide security to the citizens, appoint ministers and care for the interest of workers
- The president should be an MP (2)
- The constitution should abolish the provincial administration structure of government.
- The constitution should abolish the provincial administration and such duties taken up by mayors and councilors
- The constitution should provide for the election by popular vote of provincial administration officials. (3)
- The constitution should provide that the president shall be subject to the law. (7)
- The constitution should provide that the provincial administration be elected by the public

- The constitution should provide that chiefs and their assistants be elected by the public

3.5.10 THE JUDICIARY.

- The present judicial structure is in adequate (2)
- The constitution should provide for a supreme court (6)
- The constitution should provide for a constitutional court (5)
- Judicial officers should be appointed by the government
- Appointment of judicial officers should be based on merit
- The constitution should provide that judicial officers be graduates of law (2)
- The constitution should provide that judicial officers serve for only 5 years (3)
- The constitution should provide that judicial officers serve for at least 20 years
- The constitution should provide that judicial officers serve until they are 65 years old
- The constitution should provide that judicial officers be disciplined by a court of law and enjoy security of tenure (2)
- The constitution should provide that Kadhis be graduates of Islamic education from a local university
- The constitution should provide that Kadhis be appointed only by Muslims
- The constitution should provide that Kadhis be restricted to judicial work only (2)
- The constitution should provide that Kadhis be of similar qualification as other magistrates (5)
- The constitution should provide that Kadhis be graduates of Islamic law (5)
- The constitution should provide that Kadhis have at least form 4 education in Islamic law (3)
- The constitution should provide that Kadhis be appointed by a committee of Islamic leaders (13)
- The constitution should provide that Kadhis should handle other matters related to Islamic law such as religious disputes, quarrels between muslims and related Islamic institutions (9)
- The constitution should provide that Kadhis be given jurisdictions similar to that of magistrates (3)
- Judicial powers should not be vested exclusively in courts (2)
- The constitution should ensure that people have access to courts by minimizing the charges in suits and courts (2)
- The constitution should provide a constitutional right to legal aid in cases related to state
- The constitution should provide for judicial review of laws made in parliament (2)
- The constitution should provide that Kadhis be given supreme powers in high court
- The constitution should provide that Kadhis be salaried like other cadres in the judicial structure
- The constitution should provide that the chief judicial officer be appointed by the national assembly
- The constitution should provide that death penalty be abolished
- The constitution should provide that petty thieves should be tried by village elders rather than formal courts

3.5.11 LOCAL GOVERNMENT.

- The constitution should provide for councils to continue working under the central

government (2)
- There should be no academic qualifications for local authority leaders
- Councilors should be at least form 4 graduates (3)
- Language tests required to vie for local authority seats is sufficient
- The constitution should provide for a code of ethics for those contesting for local authority seats (2)
- The constitution should provide for people to have powers to recall non-performing councilors (4)
- The constitution should provide for people to have powers to recall non-performing councilors after 2 years
- There should be a committee determining salaries of councilors (3)
- The constitution should abolish the post of nominated councilors (3)
- The constitution should abolish defection of councilors from one party to another
- There should be rules to govern the conduct of councilors in a multiparty state
- Power to dissolve councils should rest on the people, not the executive or parliament
- Power to dissolve councils should be given to parliament
- The constitution should provide that Mayors and Chair of County Council to be elected by the people (6)
- The constitution should provide that Mayors and Chair of County Council be elected for 2 years (4)
- The constitution should provide that Mayors and Chair of County Council be paid from the Central government fund rather than from the local authority fund
- The constitution should guarantee that county council cess be used to develop local councils

3.5.12 THE ELECTORAL SYSTEM AND PROCESS

- The constitution should allow for a representative electoral system
- The electoral process should be designed in a way that participation of women is increased (2)
- For all elections, there should be a minimum amount of votes that any candidate should attain to be declared a winner
- Candidates should be allowed to defect from one party to another to seek nomination (2)
- Candidates should not be allowed to defect from one party to another (2)
- Seats should be reserved for the disabled in parliament
- Lamu Central should be split to have more representation in parliament
- Constituency boundaries should be reviewed and be based on the number of people
- Presidential elections should be held on similar days as civic and parliamentary elections (2)
- The constitution should provide for independent candidates
- Election expenditure by each candidate should be limited to a specific amount
- The election date should be specified in the constitution (3)
- The president should be elected directly by the people (2)
- The electoral commission should be independent and enjoy security of tenure
- The constitution should debar non-Kenyans from being appointed in elective offices
- The constitution should provide that the electoral commission be elected by parliament
- The constitution should provide that ballot boxes be transparent.

3.5.13 BASIC RIGHTS

- Constitutional provisions for fundamental rights are not adequate (3)
- There should be freedom of worship (7)
- Death Penalty should be retained for some cases
- The constitution should guarantee the right to security, water, shelter, food education, employment and health care and adequate services by the government to its people. (8)
- Water should be provided to all citizens (4)
- Education should be free for all (11)
- Every citizen should be able to get adequate food (2)
- Employment should be guaranteed to every Kenyan (3)
- Workers union should be legalized
- Women should be given equal rights to employment with men
- Non-working parents should be given government child support (2)
- There should be civic education on environmental protection issues
- All divisions should be provided with hospitals well equipped with medicine and doctors (2)
- All mid-wives in hospitals should be women
- There should be training on health issues in towns and cities
- The constitution should provide for the freedom of expression and association.
- The constitution should provide for the protection of all Kenyans from torture and intimidation.
- The constitution should guarantee the security of all Kenyans.
- The constitution should guarantee the security in the constituency.
- The constitution should provide for free and compulsory formal education up to university level.
- The constitution should provide for the constitution to be translated into all languages for all Kenyans to understand
- The constitution should provide for the employment of all graduates
- The constitution should provide that Friday be declared a public holiday for Muslims to enhance their freedom of worship (2)
- The constitution should provide for free airtime for Islamic education
- The constitution should guarantee a removal of cost sharing in education, health and social sector
- The constitution should guarantee freedom of speech and association
- The constitution should guarantee security for all Kenyans irrespective of social status
- The constitution should provide for free basic health care, with adequate medical personnel and medicines (18)

5.3.14 RIGHTS OF VULNERABLE GROUPS

- Women rights should be protected.
- Interests of people with disabilities should be fully taken care off
- People with disabilities should be given a right to education
- People with disabilities should be considered for nominated seats
- There should be no child labour 92)
- The government should rehabilitate street children
- Rights of children should be protected and guaranteed
- There should be a penalty for parents who force their children into early marriages (2)

- Old people should be provided with free food and other basic needs
- Police should not torture suspects until the courts find them guilty
- The constitution should guarantee women equal opportunities with men
- The constitution should provide for the enactment of children's act to penalize abusers
- The constitution should guarantee that rapists are seriously punished and if possible castrated
- The constitution should prohibit marriage of minors
- The constitution should prohibit that the government assists orphans and widows
- The constitution should provide for the empowerment of women to compete economically with men
- The constitution should provide for affirmative action in favour of women
- The constitution should provide that all divorcees get certificates
- The constitution should provide that incase of divorce, the husband pays for the upkeep of the children

5.3.15 LAND AND PROPERTY RIGHTS

- The community should have ultimate ownership of land and not the state (5)
- Individuals should have ultimate ownership of land (4)
- Government should not have power to compulsorily acquire private land (4)
- Government should have power to compulsorily acquire private land
- State should have power to control use of land by owners
- State and local authorities should not have power to control use of land by owners
- Village boards should take part in the land management board
- There should be a ceiling on the total number of acres that an individual can possess (3)
- Non-citizens should not be allowed to own resources (2)
- Men and women should have equal access to land (4)
- Kenyans should have a right to own land anywhere in the country (3)
- Every Kenyans should have access to land (9)
- Trust land should be retained
- The constitution should provide that customary law regarding land reform be reviewed
- The constitution should provide that all government land be redistributed to the indigenous people
- The constitution should provide that land reform be enacted to conform with religious reforms
- The constitution should provide that all indigenous land be registered and title deeds issued
- The constitution should provide that local leaders should vet the rightful owners of the land
- The constitution should provide that land committees to supervise the allotment of land and acquisition

5.3.16 CULTURAL, ETHNIC AND REGIONAL DIVERSITY AND COMMUNAL RIGHTS

- The constitution should promote respect for ethnic and cultural diversity as they contribute to the national culture
- The constitution should preserve cultural and traditions (2)
- Every community should be allowed to follow it's cultural practices, but not at the expense

of other people
- Rape cases in marriage should not be listened to
- The constitution should provide for upholding of Kiswahili and English as the national languages (2)
- All ethnic languages should be recognized and promoted (2)
- The cultural and ethnic value derived from our shared experience is "harambee" and should be captured in the constitution
- The constitution should provide that the fundamental rights of the Bajuni tribe be recognized (2)
- The constitution should provide that Kiswahili be spoken as a national language
- The constitution should provide for the legalization of palm wine
- The constitution should provide for the enactment of laws to protect historical sites at the coastal strip
- The constitution should provide for the local language to be aired on the Kenya Broadcasting Corporation

5.3.17 MANAGEMENT AND USE OF NATIONAL RESOURCES

- The constitution should provide for equitable distribution of national resources. (6)
- There should be a national committee to ensure that development is spread in all districts and areas represented in parliament
- Parliament should have power to raise and distribute financial resources
- The executive should retain power to raise and distribute financial resources and management of human resources
- Management, control and use of natural resources should be under the people
- Parliament should retain power to authorize raising and appropriation of public finances
- Taxation should be the only way of raising public finance
- Tax revenue collected from an area should be utilized to develop the area
- The government should apportion benefits from resources between Central government and communities where such resources are found
- There should be regional ownership of resources
- Parliament should report to the controller and auditor general how public finances are spent (2)
- The auditor general should be appointed by parliament
- Parliament should appoint a committee responsible for the appointment of members of the public service commission
- There should be a code of ethics for holders of public office (3)
- Any public officer who misappropriates funds should be prosecuted
- All public officers should declare their wealth (3)

5.3.18 ENVIRONMENTAL AND NATURAL RESOURCES

- Needs of the people should be reflected when issuing environmental protection laws
- Citizens should have a right to manage and protect their resources
- The environment should be protected (3)
- A committee elected by the people should be in charge of enforcing environmental protection laws

- The government should be in charge of enforcing environmental protection laws
- Local people should be consulted in setting environmental protection laws
- Citizens should own all local natural resources (2)
- Local communities should have access to local natural resources
- Local communities should protect the environment (2)
- The constitution should provide that local communities be given first preference in benefiting from local natural resources (beaches)
- The constitution should provide that local communities be given up to 50% of the proceeds from local natural resources
- The constitution should provide that local communities be given the mandate to manage wildlife services and beaches
- The constitution should provide that citizens be compensated for damage from wild animals.
- The constitution should guarantee the local residents the freedom to use trees for building houses

5.3.19 POLITICAL GOVERNANCE

- The constitution should provide for the participation of NGOs in governance (2)
- The constitution should provide that NGOs are led by locals and that non-performing NGOs are rejected
- The constitution should regulate the conduct of civil society organizations including the media
- The constitution should provide for maximum participation of women in governance (3)
- The constitution should provide for the participation of the youth in governance
- The constitution should provide for the participation of minority groups in governance
- The constitution should provide for the participation of elders in governance to a ratio of 1:2
- The constitution should provide for equal participation of elders in governance

5.3.20 INTERNATIONAL RELATIONS

- Conduct of International affairs should be the responsibility of parliament (2)

5.3.21 CONSTITUTIONAL COMMISSIONS, INSTITUTIONS AND OFFICES

- The constitution should provide that constitutional commissions be set up by parliament or with the approval parliament.
- The constitution should provide for the establishment of a lands commission
- The constitution should provide for the establishment of a human rights commission
- The constitution should provide for the establishment of a gender commission
- The constitution should provide for the establishment of an anti-corruption commission
- All commissions should ensure that they give citizens the same service without favoursim
- The constitution should provide for the establishment of ministry for constitutional affairs
- The constitution should provide for an office of Ombudsman
- The constitution should provide for a commission to oversee the education sector, which should be de-linked from the executive and should be answerable to the National Assembly.

5.3.22 SUCCESSION AND TRANSFER OF POWER

- Chairman of the Constitutional commission should be in-charge of executive powers during presidential elections
- The AG should assume executive powers during presidential elections
- Results of the presidential elections should be announced through the media
- The incoming president should assume office immediately after election results are announced (2)
- The chief justice should swear in an incoming president. (2)
- The outgoing president should be provided with security
- The constitution should make welfare provisions for the out going president

5.3.23 WOMEN'S RIGHTS

- The constitution should protect the rights of women
- Islamic women should be given a 5 month mourning period after the death of their

husbands
- Maternity and annual leave should be extended for all working women
- Islamic women should be given a 4 months and 10 days annual leave
- Women should have a right to inherit property from their parents, relatives husbands (3)
- Fathers should ensure women of child support and maintenance (2)
- The constitution should abolish wife beating

5.3.24 NATIONAL ECONOMIC POLICY

- The constitution should provide for the development of infrastructure

5.3.25 NATIONAL OTHER POLICY

- The constitution should provide that government finances drugs, food and clothing for all AIDS patients
- Public security should be enhanced
- Citizens should be allowed to posses weapons to protect themselves from any form of attack by thugs
- Anti-corruption bodies such as KACA should be outlawed
- Public office bearers should not be corrupt (2)

5.3.26 SECTORAL POLICY

- All produce from agriculture and livestock should benefit the citizens
- Farmers should be allowed to form committees to manage their produce
- Civic education should be continuous and included in the education syllabus
- The issue of shortage of teachers should be addressed
- The government should bear the sole function of building schools and not parents
- A University should be constructed at the Coast province
- The 8-4-4 system of education should be reviewed
- All forms of taxation should be abolished
- Doctors in a hospital should not be allowed to go on leave at the same time
- Fishing with the big trawler should not be allowed along the Coast
- There should be no fishing restrictions along the Coast (2)
- The government should provide fishing equipment to fishermen
- The constitution should guarantee training to fishermen (2)
- The constitution should provide local residents with the freedom to fish in the ocean without license requirements
- The constitution should provide that loans are given to all eligible Kenyans irrespective of tribe
- The constitution should provide farmers in the coastal area with open markets and incentives to boost trade in the regions
- The constitution should provide that public finance and natural resources be harnessed to help the public
- The constitution should provide that the government legislates decent salaries for all

public employees
- The constitution should provide for automatic promotion of teachers and all civil servants every 5 years
- The constitution should provide that small scale traders be exempted from taxes
- The constitution should provide that the government revives school equipment schemes
- The constitution should provide for protection of agribusiness
- The constitution should provide that no business person is given more than two licenses

5.3.26 LEGAL SYTEM

- The constitution should provide for the compensation of locals whose houses were demolished by colonialists

5.3.27 STATUTORY LAW

- Petty offenders should not be taken to court for full hearing
- There should be a law that ensures that natural resources are protected

5.3.28 ISLAMIC LAW

- There should be Islamic law handling muslim disputes
- There should be Islamic law stating that all Islamic leaders shall be holders of O'level certificate and above
- The constitution should recognize Islamic law

5.3.29 GENDER EQUITY

- Girls and boys should be given education equally without gender discrimination
- There should be gender equity in the distribution of national income among the citizens irrespective of gender

5.3.30 ECONOMIC / SOCIAL JUSTICE

- There should be equality between all Kenyans, irrespective of tribe and origin

APPENDICES:

Appendix 1: Members of the Constituency Constitutional Committee

1. Hon Mohamed Hashim MP
2. Mohammed Abubakar DC
3. Ahmad Mudh'hir Adnan Chairman
4. Cllr. Famau Ahmed
5. Tahir Sheikh Said
6. Mwana Amina Ishebwana
7. Bibi Bakari Ali
8. Jamila Ali Haj
9. Mohamed Omar Abdalla
10. Ustadh Hamid Shakuwe

Appendix 2: Civic Education Providers (CEPs)

- Deleni Self Help Group
- Visiwani Women Group
- Muslim Sisters Network
- Kenya National Union of Teachers

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

1	0014OLECO	Aboud Hamid	CBO	Written	PATE Location
2	0016OLECO	Ahmed Hassan	CBO	Written	Youth Group Faza Location
3	0019OLECO	Amina Ali	CBO	Oral - Public he	Itifaki Women Group
4	0010OLECO	Athman Abud Mohamed	CBO	Written	Faza Location Leaders
5	0020OLECO	Batuli Mbwana	CBO	Oral - Public he	Siyu Women Group
6	0005OLECO	Bibi Bakar Ali	CBO	Written	Tchundwa WomenCommunity
7	0007OLECO	Bwana Ahmed Maka	CBO	Written	Siyo Community
8	0006OLECO	Halima Muhudhar Ahmed	CBO	Written	Deleni Self Help Group
9	0003OLECO	Hamid Mohamed Dini	CBO	Written	Moiyaboge Community
10	0018OLECO	Khadija Sharriff	CBO	Oral - Public he	Safina Women Group
11	0002OLECO	Mohamed Ali Mohamed	CBO	Written	Tchundwa Location
12	0008OLECO	Mohamed Ali Mohamed	CBO	Written	Rasini Fishermen Association
13	0004OLECO	Mohamed Husein Shee	CBO	Memorandum	Mbwajumwal Sub-location
14	0017OLECO	Mohamed Omar	CBO	Written	Siyu Division
15	0013OLECO	Shakue Bausi	CBO	Written	Shanga Community Siyu
16	0022OLECO	Yumbe Kassim	CBO	Oral - Public he	Faza Women Group
17	0009OLECO	Yumbe Kassim	CBO	Written	Faza Women Group
18	0025OLECO	Yusuf A. Morsa	CBO	Oral - Public he	Boni Community
19	0011OLECO	Zacharia Omar	CBO	Written	Maimam na Waalimu wa Dini ya
20	0016ILECO	Abdulaziz Kicheko	Individual	Oral - Public he	
21	0024ILECO	Abdurahman Sharrif	Individual	Oral - Public he	
22	0015ILECO	Ahmed Hassan	Individual	Oral - Public he	
23	0025ILECO	Ahmed Kuchi	Individual	Oral - Public he	
24	0005ILECO	Ahmed Lali Ahmed	Individual	Oral - Public he	
25	0018ILECO	Ali Abdalla	Individual	Oral - Public he	
26	0013ILECO	Ali Buno	Individual	Oral - Public he	
27	0017ILECO	Ali Kidadi Bunu	Individual	Oral - Public he	
28	0030ILECO	Athman Abbas	Individual	Oral - Public he	
29	0028ILECO	Athman Lali	Individual	Oral - Public he	
30	0002ILECO	Athman Suleiman	Individual	Written	
31	0026ILECO	Atik Mohamed Atik	Individual	Oral - Public he	
32	0012ILECO	Badi Amir	Individual	Oral - Public he	
33	0009ILECO	Bakari Buno	Individual	Oral - Public he	
34	0022ILECO	Bwana Heri Ali	Individual	Oral - Public he	
35	0019ILECO	Famau Ali Haji	Individual	Oral - Public he	
36	0021ILECO	Hamza Bwana	Individual	Oral - Public he	
37	0008ILECO	Kassim S. Mohamed	Individual	Oral - Public he	
38	0011ILECO	Kassim Swabir	Individual	Oral - Public he	
39	0007ILECO	Lali Kaimu Buno	Individual	Oral - Public he	
40	0031ILECO	Maalim Faki	Individual	Oral - Public he	
41	0029ILECO	Maalim Tajiri	Individual	Oral - Public he	
42	0020ILECO	Mohamed A. Ngoma	Individual	Oral - Public he	
43	0027ILECO	Mwanamina Sheebwana	Individual	Oral - Public he	
44	0003ILECO	Naji Shafi Mohamed	Individual	Oral - Public he	
45	0006ILECO	Nyabwana S. Mohamed	Individual	Oral - Public he	
46	0014ILECO	Omar Kassim	Individual	Oral - Public he	
47	0023ILECO	Omar Mujahidi Omar	Individual	Oral - Public he	
48	0001ILECO	Shariff Hashim	Individual	Written	
49	0004ILECO	Sharrif Sabir	Individual	Oral - Public he	

50	0010ILECO	Yusuf Omar Athman	Individual	Oral - Public he	
51	0030OLECO	Athman Abbas	Other Institutions	Oral - Public he	
52	0028OLECO	Athman Lali	Other Institutions	Oral - Public he	
53	0026OLECO	Atik Mohammed Atik	Other Institutions	Oral - Public he	
54	0001OLECO	Bwanashee Mwenye Kombo	Other Institutions	Memorandum	KNUT Faza
55	0029OLECO	Maalim Tajiri	Other Institutions	Oral - Public he	
56	0027OLECO	Mwanamina Shebwana	Other Institutions	Oral - Public he	
57	0015OLECO	Waladi Wamuhaji	Politcal Party	Written	SAFINA
58	0012OLECO	Haji Mchula	Private Sector Organisa	Memorandum	KNUT Faza
59	0023OLECO	Abdu Mwaka	Religious Organisation	Oral - Public he	Muslim Community Faza
60	0024OLECO	Ali Shebwana	Religious Organisation	Memorandum	Counsel of Imam Mkokoni
61	0021OLECO	Maalim Abudi	Religious Organisation	Oral - Public he	Muslims

Appendix 4: Persons Attending Constituency Hearings

S.N.	Name	Organization/Address	Form of Submission
1	Bwanashee Mwenye kombo	KNUT -Box 25 Faza	Memorandum
2	muhammed Ali moh'd	Tchundwa Location-Box 4 Faza	Written
3	Hamid Mohamed Dini	Myabugi Community-Box 4 Faza	Written
4	Mohamed husein Shee	Mbwajumwal Sub Location-Box 22 Faza	Memorandum
5	Bibi bakar Ali	Tchundwa Women-Box 4 Faza	Written
6	Halima Muhdhar Ahmed	Delani Self Help Group-Box 16 Tchundwa	Written
7	Bwana Ahmed Maka	Siyo Commuinty-Box 32 Faza	Written
8	Mohamed Ali Mohamed	rasini Fishermen Ass. -Box 36 Faza	Written
9	Yumbe Kassim	Faza Women Group-Box 21 Faza	Written
10	Athma Abud Mohamed	Faza Location Leaders-Box 4 Faza	Written
11	Zacharia Omar	Maimam na Waalimu wa Dini ys Kiislamu-Box 7 Faza	Written
12	Haji Mchula	KNUT -Box 36 Faza	Memorandum
13	Shakue Bausi	Shanga Community Siyu-Box 39 Faza	Written
14	Aboud Hamid	PATE Location-Box 39 Faza	Written
15	Waladi Wamuhaji	SAFINA -Box 4 faza	Written
16	Ahmed Hassan	Youth Group Faza Location-Box 7 Faza	Written
17	Mohamed Omar	Siyu Division-Box 203 Lamu	Written
18	Ali Shebwana	Council of Imams Mkokoni-Box 122 Lamu	Memorandum
19	Khadija sharriff	Safina Women Group-Box 25 Faza	ORAL
20	Amina Ali	Itifaki Wimen group-Box 25 Kizingiteni	ORAL
21	Batuli Mbwana	Siyu Women Group-Box 32 Faza	ORAL
22	Maalim Abudi	Muslims _Box 49 Faza	ORAL
23	Yumbe Kassim	Faza Women Group-Box 21 Faza	ORAL
24	Abdu Mwaka	Muslim Community-Box 21 Faza	ORAL
25	Yusuf A Morsa	Boni Community-Box Kiunga Basuba Location.	ORAL
27	Sharrif Hashim	Box 25 Faza	Written
28	Athman Sulieman	Box 25 Kizingitini	ORAL
29	Naji Shafi mohamed	Box 4 Faza	ORAL
30	Sharriff Sabir	Box 20 Faza	ORAL
31	Ahmed Lali Ahmed	Box 25 Faza	ORAL
32	Nyabwa S mohamed	Box 4 Faza	ORAL
33	Lali kaimu Buno	Box 25 Faza	ORAL
34	Kassim s Mohamed	Box 22 Kizingitini	ORAL
35	Bakari Buno	Box 50 Faza	ORAL
36	Yusuf Omar Athman	Box 48 faza	ORAL
37	kassim Swabir	Box 4 Faza	ORAL
38	Badi Amir	Box 7 Faza	ORAL
39	Ali Buno	N/A	ORAL
40	Omar kassim	Box 22 Lamu	ORAL
41	Ahmed hassan	Box 7 Faza	ORAL
42	Abdulaziz Kicheko	Box 75 Faza	ORAL
43	Ali Kidadi Bunu	Box 13 Faza	ORAL
44	Ali Abdalla	Boz 66 Lamu	ORAL
45	Famau Ali Haji	Box Kunga	ORAL

46	Mohamed A ngoma	Box Kunga	ORAL
47	Hamza Bwana	Box Kunga	ORAL
48	Bwana Heri Ali	Box Kunga	ORAL
49	Omar Mujahidi Omar	Box Kunga	ORAL
50	Abdurahaman Shariff	Box 75 Lamu	ORAL
51	Ahmed Kuchi	Box 140 Lamu	ORAL
52	Atik Mohamed Atik	Box 75 Lamu	ORAL
53	Mwanamina Sheebwana	Box Kiunga	ORAL
54	Athman Lali	Box Kunga	ORAL
55	Maalim Tajiri	Box Kunga	ORAL
56	Athman Abbas	Box Kunga	ORAL
57	Maalim Faki	Box Kunga	ORAL
58	Lali Kombo	Box Kiunga	ORAL