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DISTRICT CONTEXT.

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

Demographic Characteristics

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

Socio-Economic Profile

Makueni District:

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

Makueni district has 5 constituencies: Mbooni, Kilome, Kaiti, Makueni, and Kibwezi. Each of the 5 district's MPs covers on average an area of 1,593 Km² to reach an average 154,309 constituents. Currently, KANU has 4 of the five parliamentary seats.

CONSTITUENCY PROFILE

Demographic Characteristics

Constituency Population	Total	Area Km ²	Density (persons per Km ²)
	165,533	898	184.2

Electioneering and Political Information

Famine is widespread in the constituency especially during droughts. The use of food or money during campaigns easily sways the voters. In the 1992 and 1997 general elections, KANU won with 44.23% and 46.43% valid votes respectively. In 2002, the National Rainbow Coalition took the seat.

1992 General Election Results

1992 TOTAL REGISTERED VOTERS			42,791
CANDIDATE	PARTY	VOTES	% VALID VOTES
Johnstone Makau	KANU	10,390	44.23
Frederick Kalulu	DP	7,739	32.94
Stephen Musila	FORD-A	3,170	13.49
Michael Ilumbi	FORD-K	2,193	9.34
<i>Total Valid Votes</i>		<i>23,492</i>	<i>100.00</i>
Rejected Votes		-	
Total Votes Cast		23,492	
% Turnout		54.90	
% Rejected Votes		0.00	

1997 General Election Results

1997 TOTAL REGISTERED VOTERS			49,490
CANDIDATE	PARTY	VOTES	% VALID VOTES
1. Frederick Mulinge Kalulu	KANU	16,133	46.43
Michael B. Mulli Ilumbi	SDP	9,614	27.67
Joseph Konzollo Munyao	DP	9,001	25.90
<i>Total Valid Votes</i>		<i>34,748</i>	<i>100.00</i>
Rejected Votes		569	
Total Votes Cast		35,317	
% Turnout		71.36	
% Rejected/Cast		1.61	

Main Problems

- Drought;
- Poor Infrastructure: the road network has not been rehabilitated in the recent times. What

remains on the ground is a neglected network of battered road stretches; and

- Famine.

CONSTITUTION MAKING/REVIEW PROCESS

Constituency Constitutional Forums (CCFs)

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.

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.

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)).

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.

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.

District Coordinators

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

