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## 1. DISTRICT CONTEXT

Ndaragua constituency falls within Nyandarua district in Central province of Kenya.

### 1.1. Demographic Profile

District Population	Male	Female	Total
	235,052	244,850	479,902
Total District Population of 18 years of Age & Below	135,013	130,647	265,660
Total District Population of 19 years of Age & Above	100,039	114,203	214,242
Population Density (persons/Km <sup>2</sup> )	145		

### 1.2. Socio-Economic Profile

Nyandarua district has:

- Agriculture as the main economic activity.
- The second lowest unemployment rate (1.61%) in the country.
- One of the lowest absolute poverty profiles at 27% ranking it second in the country.
- One of the lowest food poverty profiles at 27% ranking it fourth in the country.
- Average primary school enrolments rate at 83.7%, ranking it 13<sup>th</sup> nationally.
- High secondary school enrolments rate at 31% ranking it 13<sup>th</sup> in the country.
- Low levels of malnutrition.
- Low child mortality rates.
- Only 45% of the residents having access to safe sanitation
- 98% of the residents having access to safe drinking water
- Upper respiratory tract infections, malaria, skin diseases and infections, ulcers, diarrhea diseases, intestinal worms as the main diseases.

Nyandarua MPs have the largest average constituency size in Central Province: 826 Km<sup>2</sup>. The four MPs of the district represent an average of 119,976 people each.

## 2. CONSTITUENCY PROFILE

Ndaragua is the Northern-most constituency of Nyandarua district in Central province of Kenya. It is made up of Mathingira, Shamata, Leshau, Kiriita, Kahutha and Kanyagia locations.

### 2.1. Demographic Profile

Constituency Population	Male	Female	Total	Area Km <sup>2</sup>	Density (persons per Km <sup>2</sup> )
	41,405	43,840	85,245	683.6	125

### 2.2. Socio-Economic Profile

The main economic activity in the constituency is agriculture, with dairy as the leading activity.

### 2.3. Election and Political Information

The constituency has been an opposition (Democratic Party) stronghold since the 1992 multiparty elections. In 2002, the ruling National Rainbow Coalition took the seat.

### 2.4. 1992 General Election Results

1992 TOTAL REGISTERED VOTERS			37,476
CANDIDATE	PARTY	VOTES	% OF VALID VOTES
<b>Mwangi Gichuki</b>	<b>DP</b>	22,854	71.83
Manyara Mwangi	FORD-A	6,636	20.86
Waikwani Kiari	PICK	1,373	4.32
Gachara Muchiri	KANU	956	3.00
<i>Total valid votes</i>		<i>31,819</i>	<i>100.00</i>
Rejected votes		541	
Total votes cast		32,360	
% Turnout		86.35	
% Rejected/Cast		1.67	

### 2.5. 1997 General Election Results

1997 TOTAL REGISTERED VOTERS			27,444
CANDIDATE	PARTY	VOTES	% OF VALID VOTES
<b>Kamau Thirikwa</b>	<b>DP</b>	19,464	88.49
Gabriel Thumbi Ndungu	KANU	1,709	7.77
Geoffrey Gachara Muchiri	FORD-P	822	3.74
<i>Total valid votes</i>		<i>21,995</i>	<i>100.00</i>
Rejected votes		281	
Total votes cast		22,213	
% Turnout		80.94	
% Rejected/Cast		0.98	

### 2.6. Main Problems

- Inaccessibility due to poor roads.
- Lack of electricity supply.
- Lack of health facilities.

- Collapse of farmer dairy cooperative societies.
- Insufficient artificial insemination services and cattle deeps.
- Stalled water projects- Kirima water project initiated by the late J.M.Kariuki and Leshau water project.
- Conflicts between KCC and the farmers as most KCC leaders come from this constituency.

### 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**

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

Stage 1 - is the only phase that has adequately been covered. This is the stage preceding the collection of views. This stage dealt with information, knowledge, skills and virtues that enabled Kenyans make informed choices and present their views on constitutional review.

### 4.2. **Issues and areas covered:**

- Structures and systems of government
- Democracy, governance and constitution review
- Nationhood
- Nation building

## 5. CONSTITUENCY PUBLIC HEARINGS

### 5.1 Logistical Details

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

- a) Date(s): 17<sup>th</sup> and 18<sup>th</sup> April 2002
- a) Total Number of Days: 2

#### 1. Venue

- a) Number of Venues: 2
- a) Venue(s):
  - 1. Shamatta Catholic Church
  - 2. Ndaragua Town PCEA Church

#### 1. Panels

- a) Commissioners
  - 1. Com. Ibrahim Lethome
  - 2. Com. A. Isaak Hassan
- a) Secretariat
  - 1. Mr. Jeremiah Nyegenye - Programme Officer
  - 2. Mary Kanyiha - Asst Programme Officer
  - 3. Regina Obara - Verbatim Reporter
  - 4. Millicent Musyoka - Sign Language Interpreter

## 5.2 Attendance Details

<b>Category</b>	<b>Details</b>	<b>Number</b>
<b>Number of People Who Presented</b>		101
<b>Sex</b>	Male	83
	Female	18
	Not Stated	0
<b>Presenter Type</b>	Individual	88
	Institutions	13
	Not Stated	0
<b>Educational Background</b>	Primary Level	30
	Secondary/High School Level	43
	College	13
	University	9
	None	6
	Not Stated	0
	Other Education/Vernacular/Madrassa/Informal Education) (Adult	0
<b>Form of Presentation</b>	Memoranda	44
	Oral	56
	Written	0
	Oral + Memoranda	1
	Oral + Written	0
	Not Stated	0

### 5.3 Concerns and Recommendations

The following are the recommendations made by the presenters in Ndaragua 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 to the constitution. (2)
- There is no need for a preamble to the constitution.
- The preamble should include a statement on freedom struggle, aspirations and progress made so far.
- The constitution should stipulate whether the people or the government is sovereign in its preamble
- National vision should be set out in the preamble to match our National Anthem and Kenya Flag.

#### 5.3.2 PRINCIPLES OF STATE POLICY

- The constitution should provide for emergency policies such as disaster preparedness
- Our National philosophy should be to have a government that is accountable to the person which is visionary and that will always desire more political and economic growth.
- Our constitution should be people driven, legitimate, honest and capable of delivery, which creates a representative and accountable parliament, and judiciary that is independent and just and economy that is efficient and growing and that favors the poor.
- The constitution should state that Kenya is an independent country based on the sovereignty of the people.
- The constitution should be for all Kenyans and not only for the protection of a few Kenyans.
- Our struggle for independence should be a value reflected in the constitution.
- The constitution should enshrine values that promote patriotism

#### 5.3.3 CONSTITUTIONAL SUPREMACY

The constitution should:

- Look into supremacy of the state and itself.
- Debar parliament from amending any law.
- Retain the 65% majority votes for amendment of the constitution. (2)
- Provide that 75% majority vote should be required for constitutional amendments in order to avoid piecemeal amendments.
- Be amended by 75-80% vote of the members of parliament. (2)

- Be amended by 80% of all citizens.
- Only be amended by a 90% majority vote of the members of parliament.
- Ensure that parliament has unlimited power to amend it (2)
- The structure and system of government should be a part of the constitution that parliament cannot amend.
- Parliament should not amend the 3 arms of the government provisions.
- Provide that a constitutional amendment shall only be through a public referendum. (14)
- Parliament should elect commissioners to conduct referendums.

#### 5.3.4 **CITIZENSHIP**

The constitution should:

- Ensure that persons born by Kenyan parents are granted automatic citizenship. (5)
- Ensure that a child born of one Kenyan parent should be entitled to automatic citizenship. (5)
- Confer automatic citizenship for all children born of persons legally married to a Kenyan citizen irrespective of gender. (2)
- Confer automatic citizenship to all persons legally married to a Kenyan citizen irrespective of gender.
- Guarantee automatic citizenship to children born of Kenyan parents abroad. Such citizenship should be vetted first.
- Confer automatic citizenship to people who have been born in Kenya. A native Kenyan should be an automatic citizen of Kenya.
- Provide that other people can become citizens upon application and registration.
- Provide for equality and non-discrimination on citizenship for spouses of Kenyan women.
- Provide for dual citizenship. (4)
- Provide that nobody should have the authority to revoke or deprive a Kenyan of his/her citizenship.

In terms of rights and obligations:

- Every Kenyan should have the right to vote even if in abroad and the government should have an obligation to protect the lives and property of every Kenyan citizen. Every citizen should have equal rights and should be free to vie for any political post.
- All Kenyan citizens should have equal rights to food and housing and protection from the government.
- All citizens should be loyal, patriotic and obedient to the laws of the country.
- Citizens should carry national identity cards, passports, driving license, work cards and birth certificates as proof of citizenship (3).
- The national identity cards should not show tribal identities.
- National identity cards should be issued freely to Kenyans.

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

The constitution should:

- Establish disciplined forces, Kenya police, Military, Paramilitary and Prisons. (3)
- Provide that parliament controls armed forces and security mechanisms.

- Scrap Administration police.
- Provide that the president should be the Commander-in-Chief of the Armed Forces. (5)
- Provide that the president should not be the Commander-in Chief of the Armed Forces. (8)
- Provide that Parliament be in charge of the armed forces.
- Parliament should vet the appointment of the police commission.

Additionally:

- The police should be well trained to value human beings.
- The Armed Forces should not indulge into politics.
- Training of the Armed Forces should be extended to 2 years and their curriculum should include modern democratic affairs.
- A commission should be established to look into discipline of the armed forces.
- The Armed forces should have a commission to run the security system.
- The constitution should ensure that there is a joint of seven Major Generals to sit and have the power to declare war.
- The executive should not have exclusive power to declare war (3)
- Parliament should have the power to declare war.
- Parliament should declare or recommend steps to be taken when there are national disasters like famine, earthquake and endemic diseases.
- Parliament and the head of the state should have the power to declare a state of emergency.
- The constitution should permit the use of emergency powers during earthquakes, famine, floods, terrorists, Aids, e.t.c.
- Parliament should be granted power to scrutinize the security forces and intelligence services as a checking mechanism on the president's use of the country's security forces.
- Parliament should form an intelligence committee on the activities of the security forces and have power to decide where to send the security forces and army in case of insecurity.

### 5.3.6 **POLITICAL PARTIES**

- The constitution should provide broad guidelines for the formation, management and conduct of political parties (3).
- The constitution should provide for the establishment of the political parties' act for the registration of political parties. Parties should have a national outlook.

The number of political parties should be limited to:

- Only 3.
- Only 5 (4)
- Only 7 (2)
- Only 10 (2)
- There should be no limitation on the number of political parties. (2)

On registration and conduct of parties:

- The constitution should provide that any party attaining less than 15% of the votes cast be deregistered.

- If a party does not have more than 50,000 members, it should be deregistered. Parties should hold elections after every 5 years.
- The constitution should provide rules to govern political parties on registration and defections. Political parties failing to win over 7 parliamentary seats should be deregistered.
- The constitution should ensure that the political parties have representatives from women, the disabled and the youth so as to enhance national development.
- The constitution should provide that the government or the state funds all credible political parties (4)
- The constitution should ensure that Political parties finance themselves (3)
- The constitution should ensure that political parties are financed from public coffers (4)
- The constitution should ensure protection and funding of opposition politicians
- Register all political parties with grass roots support country-wide
- Political parties should promote values of the National Anthem.
- The opposition and the ruling party should be involved in budget preparation.
- Political parties should be involved in National Development.
- The constitution should ensure that political meetings are held freely after notifying the police.
- The constitution should ensure that all political parties submit audited accounts and if not, they should be prosecuted regardless of political leadership.
- A reputable accounting firm should scrutinize the political parties' accounts.
- All application for political party should be granted automatically unless on security grounds which should be disclosed within 14 days.
- The constitution should ensure that the registration of political parties is automatic.
- Once elected President, one should resign from his/her political party in order to serve all Kenyans impartially. He should remain party less (2)
- The constitution should provide that the President does not belong to any one party
- The state should give a level playing ground to other political parties with regard to the media. KBD should not favour the ruling party. A political party should have a genuine freedom to campaign anywhere (2)

### 5.3.7 STRUCTURES AND SYSTEMS OF GOVERNMENT

The constitution should:

- Provide for a unitary system of government headed by the president, not a federal system of government (7)
- Not provide for Federalism as it will encourage division along tribal lines and it may instigate tribal clashes (2)
- Provide in central province for a governor and a public president in form of a federal government.
- Provide that the Vice-president be elected by voters (4)
- Provide that the Vice-president be a running mate of the President.
- Provide that the appointment of the vice president should be vetted by parliament.
- Provide for a parliamentary system of government (6)
- Provide for a prime Minister to the head of government and should be elected by the public (2)
- Provide for a prime minister who should be the head of government and the president the ceremonial head of state (3).

- Provide for a hybrid system of government where the president and the prime minister share powers.
- Provide for an administrative Prime Minister.
- Retain district and local authorities and provinces as ways of devolving power.

On the Attorney general:

- Provide that the Attorney General be the only adviser to government
- The power of the Attorney General to take over private prosecutions and enter Nolle prosequi should be curtailed and consent from the AG filing related actions should be abolished.
- The appointment of the Attorney General should be appointed and vetted by parliament, and he should hasten all pending cases of political nature (3)
- The Attorney General should be appointed by a committee of the law society of Kenya.
- The president should appoint the Attorney General (2)

### 5.3.8 THE LEGISLATURE

Parliament:

- Should have power to impeach the President if he is in fault.
- Vet chairmen of parastatal bodies. (2)
- Vet all the presidential appointees. (4).
- Appoint/nominate Ministers and be given full powers to run their Ministries.
- Create or abolish ministries. (3)
- Vet any senior government appointments. (5)
- Vet all the Permanent Secretaries, parastatals, speaker, governor of the central bank and all Ministerial appointments. Ministers should be appointed from among the MPs or from elsewhere. (3)
- Make the legislative boundaries and the administration boundaries. Parliament should have power to give charters to Universities.
- Have the power to reject the president's prerogative of mercy.
- Ministers be answerable to Parliament and not to the President
- Have limited power to control its procedures through standing orders.
- Calendar of parliament should be strictly specified by the constitution.
- Nobody should have the power to dissolve parliament. Parliament should dissolve itself after every 5 years (2)
- Should have its own calendar, such that at the end of the 5 years, it should be dissolved automatically. Each MP should also have an individual calendar for constituency.
- Should check all bills that become acts that are essential to the president. Presidential tours out of the country should be approved by parliament.
- The parliamentary committee should be given more power to handle issues within their preview effectively. It should have its own timetable (6)
- The constitution should provide for a government of national unity (8)
- Multiparty should be in the legislature and party in the executive.
- The Kenyan parliament should be composed of 2 houses i.e. the senate and the House of Representatives.
- Parliament should have the power to remove the executive through a vote of no confidence (3)
- There should be no presidential assent to bills before they become law.

- The president should not have power to veto legislation passed by parliament.
- Parliament should have the power to override the president's veto.
- The speaker for the national assembly should have the power to summon, prologue and dissolve parliament and not the president.
- The president should dissolve parliament after 5 years.
- The president should not have the power to dissolve parliament (5)
- Provide that parliament be dismissed only by the Electoral Commission

#### Contesting Presidency or MP:

- The president should be between 35 and 80 years old (2)
- The president should be between 40 and 60 years old.
- The constitution should provide that the president must be between 45-80 years of age and at least a graduate.
- The president should be between 55 and 65 years old (2).
- The age of the president should be between 65 and 75 years old.
- The president should not be over 70 years old.
- The prime minister and the deputy prime minister should be between 40 and 60 years.
- An MP should be aged 24 years and above (2)
- An MP should be between 35 and 65 years.
- An MP should have minimum of 'o' level of education, division 2 or c minimum and a diploma.
- An MP should have a university degree or its equivalent (4)
- Language tests for the MPs should be available and should be able to cater for the deaf and the blind.
- Apart from English and Kiswahili tests, a candidate should also have an o level of education (2)
- An MP should have lived in Kenya, be over 21 years, be of sound mind and a member of a political party and a registered voter who has not been declared bankrupt.

#### Members of Parliament:

- Should consult voters on motions before presenting in Parliament.
- Have powers to contest rejected motions in a court of law.
- Should be graduates.
- Provide for a code of conduct for MPs
- Give people power to recall Members of Parliament who do not perform (12)
- The senate should receive and discuss all public bills and motions for onward transmission to the House of Representatives.
- Being a member of parliament should be a part time occupation (2)
- Should work for 4 days a week.
- Should have clean morals and corruption free records. Moral and ethical qualifications should be introduced for MPs (5)
- Should not conduct business geared towards the personal interests of the members.
- Should contact voters before moving any motion in parliament.
- Parliamentarians should not be allowed to determine their own salaries. An independent commission should make recommendations (2).
- The Public Service Commission and tribunals should determine the salaries of the MPs.
- The constituents should determine salaries of the MPs.

- 20% of MPs salaries should be deducted to cater for the area he/she is representing.
- The constitution should provide for a separate institution to address privileges and allowances for MPs.
- The MPs salary and allowances should be increased by a vote in parliament. However, they should only become applicable after the elections.
- A commission appointed by the Attorney General should determine the salaries and benefits of the MPs. The highest salaries for MPs plus all benefits should not be more than 200,000
- If an MP is appointed as a minister, he should lose his seat. Once appointed he should serve for 5 years.
- Should have their own constituency offices.

#### Nomination of MPs:

- Nomination of MPs should not exist (2).
- 30 seats should be retained for nominated MPs.
- Nominated MPs should not become ministers.
- The clergy and faith groups should also be nominated as well as professionals, trade unionists, the disabled, the youth and women groups.
- 20 seats should be reserved for the nomination of women.
- There should be no affirmative action for the nomination of women to parliament.
- Gender balance should be ensured in parliament.
- The newly appointed MPs should have a probation period in order to assess their performance.

#### 5.3.9 **THE EXECUTIVE**

On the Presidency, the constitution should:

- Provide that the President be of sound mind, wise and good leader
- Provide a code of conduct for the President and the Prime Minister.
- Provide that the President should not be an M.P. (8)
- Provide that the president should be an MP (2)
- Provide that the president can be dismissed by parliament through a vote of no confidence by the MPs. A sitting president should be capable of being impeached by parliament (6)
- Provide that the president shall be subject to the law (2)
- Not allow the president to be above the law (18)
- Limit the powers of the president (20).
- Not reduce powers of the president.
- Provide the president with powers to appoint ministers.
- Provide that the Presidential term be five years
- Provide that the president should have a 4-year office term.
- Presidential terms should be fixed to 2 four-year terms.
- The president should have a two five-year term (11)
- Provide that the President does not rule by decree but his decisions should be guided by the Constitution
- Debar the President from controlling the budget
- The president should have high integrity and be morally upright, wise, God fearing, be above tribal inclinations and party affiliation, corruption free and married with no criminal record

(4)

Additionally:

- The president should have at least a university degree (10)
- The president should have a degree in economics.
- The president should be a Kenyan citizen by birth (4)
- The president should be economically stable, should have served as an MP for at least one term.
- The president should be married.
- There should be a health check up for presidential candidates and for presidents.
- The president's function should be to appoint all ministers and the prime minister.
- The constitution should specify that the president shall serve the nation rather than serve his/her political parties.
- The president should be the head of the state, should approve parliamentary appointees like the civil service, judiciary, prostates and the Electoral Commission of Kenya.
- The president should have power to open parliament and to assent bills.

Size of Government:

- The constitution should allow for only 15-18 ministries
- There should be a maximum of 18 permanent ministries.
- There should be a total of 20 ministries, and there should be 2 assistant ministers per ministry.
- There should be 16 ministries, and each ministry should have 2 assistant ministers with relevant qualifications.
- There should be only one minister per ministry.
- Parliament should decide on the number of ministries.
- There should be a minister of defense, who should be appointed by parliament.

On Provincial Administration:

- Provide that the office of the chief be abolished
- Provide for an office of Governor instead of Provincial Commissioner
- The constitution should provide that DCs, DOs and Chiefs be elected by the people (12)
- The public service commission should appoint the chief.
- Provincial administrators should be parliamentary appointees.
- The provincial Administration should be strengthened and the districts retained. However, no departmental head should stay in the district for more than 5 years.
- Provincial administration should be abolished and replaced with elected officials (6)
- Provincial administration should be reviewed.
- The management and administration of government should not be done by the provincial administration who are not elected, but by the MPs and the councilors.
- Sub chiefs and chiefs should be replaced with village elders.
- A governor should be introduced in place of the PC and should be directly elected every 5 years.

### 5.3.10 **THE JUDICIARY**

- The present system of the judiciary is adequate.
- The present system of the judiciary is not adequate.
- The constitution should provide that the Judiciary be independent of the Executive (5)
- There should be a supreme court in Kenya (4)
- The chief justice should head the Supreme Court.
- The president should not appoint judges (2)
- The president should appoint the chief justice from among 3 people nominated by judicial officers.
- The constitution should provide that the Chief Justice and other officers be appointed by the Law society of Kenya
- The constitution should provide that the Chief Justice and other judges be appointed by members of parliament on merit and qualifications (5)
- Sitting judges in secret ballot should elect the chief justice.
- The constitution should provide for a special body to appoint Judiciary
- Judges should be appointed by a commission then forwarded to the president (2)
- The constitution should provide that the Judicial Commission be appointed by a few MPs, chief Justice, Attorney General, Judges and Law Society of Kenya.
- Judicial commission should appoint judicial officers.
- The chief justice and the puisne judges should be appointed by parliament on the recommendation of the judicial service commission from a list of 5 names.
- Appointment of the chief justice, high court and court of appeal judges should be vetted in parliament and approved by 65% majority.
- There should be family courts at the district level to cater for family issues like domestic violence, inheritance, marriage and divorce (3)
- A human rights court should be established under the constitution.
- Judicial officers should dispose off matters expediently.
- The court of Appeal should have the power to discipline erratic judges.
- There should be a division arbitrator who should have power of a junior magistrate and should be under the judicial service commission. He should possess a diploma in law from the Kenya school of law.
- There should a judge at least in every district.
- Any arrested person should be charged in court within 48 hours of arrest or be set free unconditionally and any interested party should be allowed to institute private prosecution.
- The constitution should ensure that court fees are lowered.
- The constitution should allow for legal aid for all Kenyans (3)

### 5.3.11 LOCAL GOVERNMENT

- The constitution should provide that the Local Government must present budgets to the people for approval
- The constitution should provide that two seats be reserved for women in every local committee
- The mayors and council chairmen should be elected directly by the people (6)
- Councils should run for 5 years (2)
- Two-year term is enough for local authority seats.
- There should be devolution of government functions to local government.
- Local authorities should have power to levy taxes as per the current trend.
- The councils should operate under the central government.

- The chiefs and the councilors should work together.
- Unlimited power in the local authorities should rest in the elected officials.
- A councilor should have a minimum of 'o' level of education with division 3 or D+
- A councilor should have a minimum of 'o' level of education (7)
- Mayors should be university graduates.
- A civic candidate should be at least 21 years old.
- Councilors should be morally upright and corrupt free (2)
- People should have the right to recall their councilors (4)
- The people should be given the authority to determine salaries of councilors.
- 20% of the salaries of councilors should be deducted to cater for the development in the area they represent.
- The concept of nominated councilors should not be retained (2)
- The council should have 4 nominated seats, 2 for women and 2 for the disabled.
- Minister for local government should dissolve the councils in case of misuse of funds.
- Councils should be dissolved by parliament.

### 5.3.12 THE ELECTORAL SYSTEM AND PROCESS

In Presidential election:

- The President should be elected directly (2)
- The presidential candidate should garner at least 45% majority votes.
- The winning candidate must get at least 50% of the votes cast (5)
- The president should obtain at least 51% of the total votes cast and a run off should be held if no candidate acquires 51% of the votes (4)
- Minimum percentage of votes should be 52% for a winner.
- The second winner in any general elections be made Prime Minister
- A president should attain 25% in five of the eight provinces (2)
- We should not retain the 25% representation in 5 provinces for the presidential elections.
- Presidential candidates should be provided with security and equal airtime in KBC. The president should not hold an office in any political party.

Conduct of elections and elections related activities:

- The constitution should provide that results of an election be released seven days after elections to allow proper counting
- The constitution should provide that every member of Parliament has a right to know the number of ballot boxes to be used in his/her area.
- The constitution should provide that Ballot boxes be transparent (4)
- The constitution should allow the use of computer system during elections to simplify the election process.
- Issuing of Identity cards and voter registration should be continuous and merged (3)
- An ID card should be used for voting in the absence of the voter card.
- There should be no delays in the issuance of identity cards especially when elections are close. Arrangements should be made for prisoners and people in foreign countries to vote.
- Kenyans who have attained 18 years should be allowed to vote notwithstanding that they don't have an identification card.
- The constitution should provide that Electoral commissioners to be appointed by parliament

(3)

- The constitution should provide that vote counting be done in the voting locations (5)
- The constitution should provide that the electoral system be independent of all political parties
- The constitution should allow for both party as well as independent candidates.
- The constitution should provide for the need to establish police units to monitor polling centers
- The constitution should allow women to contest, just like men.
- The electoral process should not be designed in any way as to increase the participation of women in parliament as all citizens have equal rights.
- Candidates should only seek nomination from one party.
- Any candidate who fails to be nominated in any party should be free to seek nomination from another party.
- Defections should not be allowed until the next general elections (2).
- Defections should automatically disqualify elective offices.
- If anyone defects, he should not be re-elected. Those who cross the floor should lose their seats.
- Seats should be reserved for specific interest groups like women, the disabled, the law society and the workers' union (3)
- We should retain the current geographical constituency system.
- Electoral boundaries and district boundaries should be restructured with a view to traversing different tribes and clans in order to wipe out tribalism.
- Electoral boundaries should be based on density of the population per constituency (9)
- The country should be divided into 41 permanent districts. Rift valley province should be divided into 2 so that there are 9 provinces.
- All provinces in Kenya should have an equal number of constituencies.
- Constituencies should be redesigned to ensure proportional representation in parliament. No constituency should have less than 25,000 voters, or more than 50,000 voters.
- The electoral commission should conduct presidential and council elections separately.
- Parliamentary and civic elections should be done simultaneously and presidential elections should be done separately. (3)
- All elections should be done concurrently.
- There should be a limit of election expenditure for each candidate, which should be determined by the electoral commission.
- There should be a limit of election expenditure reinforced by parliament.
- The constitution should ensure that the election date is specified (9)

Electoral Commission:

- The constitution should debar the President from appointing the Electoral Commission
- The constitution should provide for the endorsement of an independent Electoral Commission appointed by all political parties
- Parliament should have power to dissolve an electoral commission.
- The ECK commissioners should be appointed by parliament and approved by the president.
- The ECK commissioners should be appointed by parliament (5)
- All political parties and civil society should nominate the ECK commissioners. In addition, they should be verified by parliament.
- A committee composed of the chief justice, Attorney General and judges should appoint

members of the electoral commission.

- Each province should produce 3 commissioners. A third of the commissioners should be women (2)
- The constitution should provide that the electoral commission only be removable with two thirds of parliaments approval.
- A judge of a court of law can qualify for an ECK commissioner.
- The ECK commissioners should be University graduates.
- The electoral commissioners should be representatives of the political parties and other interest groups.
- The electoral commissioners should be people of high moral standards.
- The simple majority rule as a basis for winning elections should be retained (3)
- ECK commissioners should enjoy security of tenure. (4)
- ECK commissioners should serve for 5 years (4)
- The electoral commission should be independent.
- The constitution should ensure that parliament has veto power on the commissioners.
- The government should fund the ECK.
- The ECK should be funded from the consolidated fund as well as by the NGOs
- 30 commissioners should be appointed.
- The current number of commissioners should be retained.
- There should be 22 commissioners and one chairman.
- Electoral commissioners should be 25.

On 2002 Elections:

- An independent ECK should conduct the 2002 elections.
- The 2002 elections should be done under the current constitution, and the new constitution should govern the 2007 elections.

### 5.3.13 **BASIC RIGHTS**

The constitution should:

- Be interpreted into all languages and also made simpler. (6)
- Be provided to all Kenyans above 18 years. (3)
- Be written in simple language and the people educated on the same.
- Protect security, healthcare, water, education, shelter, food and unemployment as basic rights for all Kenyans. (2)
- Respect the political human rights as well as recognize other social rights like exercise custom and language.
- Provide security as basic rights for all. (4)
- Provide the right to liberty, outlaw summary executions and granting free bonds in less serious cases guaranteed.
- Guarantee social, economic and cultural rights. (3)
- Provide the right to property ownership. (3)
- Abolish death penalty. (5)
- Not abolish death penalty.
- Ensure protection and provision of the basic rights for all Kenyans.
- Ensure that the government takes responsibility of ensuring that all Kenyans enjoy their

basic rights.

- Provide for freedom of movement
- Ratify and offer amnesty period
- Provide that discrimination along tribal lines in employment be addressed
- Grant to every citizen or any group the right to enforce any constitutional provision.
- Provide for the right to security. (3)
- Provide that civic education be taught through the media.
- Empower newspaper vendors to sell Kenyan gazette.
- Ensure that all findings made by the commission be made public.
- Provide for roads and electricity in rural areas

In terms of education:

- Provide for free education. (14)
- There should be free education up to standard eight (primary level). (6)
- There should be free education up to the secondary level. (4)
- The constitution should ensure free education up to the university level. (2)
- The constitution should ensure that university graduates are employed immediately they complete their education (6)
- There should be no discrimination between science and art teachers in terms of salary benefits.

In terms of health and water:

- The constitution should provide that National Hospital Insurance Fund be transformed into a pension scheme.
- Government should give facilities to free health services in hospitals. (17)
- The salaries of doctors, nurses and hospital workers should be elevated.
- Right to free water should be guaranteed in the constitution.

In terms of employment:

- Employment should be strictly on merit regardless of gender.(4)
- Women should enjoy equality in job opportunities and should not be retrenched before the age of 55.
- Retirement age should be 85 years.
- Retirees should be paid their dues immediately without delay. They should be provided with medical and house allowances (2)
- The constitution should set the minimum wage that a casual laborer should own.
- In case of the death of a retired staff, the benefit should be given to his/her spouse.
- There should be a one-man one-job policy in the country.
- Salaries should be increased for all employed Kenyans.
- The National Social Security Fund should be structured such that pensioners are paid on a monthly basis.
- Workers should have a right to trade union representation (2)
- The constitution should provide employment for school leavers

In terms of religion:

- The mushrooming of religious sects in the country should be controlled as a limitation on the freedom of worship and the right to property should be safeguarded. (2)
- Freedom of worship should be included in the constitution. (3)
- Nations should not have more than 20 registered denominations.

#### 5.3.14 **RIGHTS OF VULNERABLE GROUPS**

Women and children and orphans:

- The constitution should provide for protection of women and children against all forms of abuse.
- The constitution should provide for a law prohibiting marriage of young girls
- The constitution should make provisions for the development of talents and skills of street children
- The constitution should address the oppression of women.
- Children's rights should be protected in the constitution.
- The constitution should ensure equal inheritance for boys and girls
- There should be affirmative action for women in leadership positions. (3)
- The orphans and street children should be sheltered and taken care of (7)
- Provide free education (3)

Disabled, the aged and freedom fighters:

- Provide that the government provides free education and medical facilities for the disabled
- Provide that the government minimizes discrimination of the disabled in the education system
- Provide that the disabled people run funds for the disabled
- Provide that the disabled be represented in local councils and in parliament
- Provide that the funds for the disabled benefit individuals and not groups
- Provide that basic utilities be sensitive to the needs of the disabled.
- The government should take care of persons with disabilities in terms of food, health, education and job opportunities.
- The constitution should make provisions for aged people's welfare including creating homes for them
- The constitution should recognize freedom fighters
- The freedom fighters should be honored as they have never been recognized. They should be given land (6)

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

The constitution should:

- Give women authority to inherit, own and sell land and property.
- Guarantee the right of every Kenyan to own land. Reinstate inheritance of title deeds and ensure uniform title deeds (10)
- Provide men and women equal access to land. (5)
- Debar foreigners from buying land in Kenya. Only citizens should be allowed to own land.
- Not put restrictions on foreigners owning land.
- Provide for abolishment of land rates

- Provide for naturalization of all rural land and compensate the present landowners.
- Abolish pre-independence land treaties.
- Provide that Kenyans can own land anywhere in the country (9)

Land ceiling:

- There should be a limit of land ownership i.e. 50 acres.
- Provide that no citizen should own more than 100 acres of land.
- There should be no ceiling on land ownership.
- A land ownership ceiling of 2000 acres should be imposed on unused land.
- The constitution should ensure that every citizen owns at least 1 acre of land

Additionally:

- The constitution should limit subdivision of land into very small parcels.
- Nobody should occupy land set aside for cemetery, schools, markets, hospitals, playgrounds, churches, roads, and airfields.
- The state, government and individual should own land but not the local community.
- The individual should have ultimate ownership of land.
- All land should be nationalized so that the government should grant leases.
- The government should compensate for acquiring private land at the face value of the land. (2)
- The government or local authority should not have the power to control the use of land by the owners. (2)
- Idle land should be taxed to generate revenue and encourage investment.
- Land transfer should be simplified. (3)
- Landowners should be issued with title deeds everywhere in the country.
- All victims of ethnic clashes and banditry should be resettled back to their original land.

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

- The constitution should provide that traditional values be restored to curb teenage pregnancies.
- Good traditions and cultures of the tribes should be preserved. (3)
- All outdated and discriminatory aspects of culture should be outlawed. (3)
- Wife inheritance should be abolished.
- The constitution should encourage brotherhood among all the people of Kenya, irrespective of their tribes, color or place of birth.
- English and Kiswahili should be made the national languages.
- Indigenous languages should be taught up to standard three.

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

The constitution should:

- Debar the government from taking over schools built with public funds
- ensure equitable distribution of national wealth. Allocation of national resources should be based on population and not political patronage (8)
- Ensure that benefits from areas with tourism and mineral production should be apportioned

between the central government and the local authority where such resources are found.

- Provide that Industries are evenly distributed to all parts of Kenya so as to distribute human resources.
- Provide for equitable distribution of national resources.
- Ensure equitable distribution of resources between the rich and the poor
- Give members of parliament power to draw budgets and determine usage of tax revenue. Parliament through an estimate committee should approve all financial estimates before the budget is prepared.
- Give local MPs more say in the use of funds in their constituencies.
- Empower Parliament to withhold funds to curtail over frequent foreign travels by the president (2)
- Provide that Members of parliament declare their wealth and its source.
- Ensure that Parliament retains the power to authorize the raising and appropriation of public finances.
- Ensure that public property is not treated like personal properties.

Recruitment into the Government:

- Competent Kenyans should be attracted into the public service with good salaries, benefits and working conditions (2).
- The permanent secretary posts in ministries should be done on merit basis and should serve until retirement time.
- Ministers should be appointed on the basis of their qualifications (5)
- Ministers should not necessarily be MPs.
- Ministers should be degree holders.
- Qualified and patriotic personnel should head public institutions.
- Parliament should vet the appointment of the public service commission members.
- Civil servant salaries should be reviewed (2)
- Civil servants should not operate other businesses while in employment (3)
- There should be a National Public Employment body to regulate employment with due regard to talents, education, moral standards and past records.
- Members of the PSC should be appointed by parliament and approved by the president.
- Members of the PSC should be appointed by parliament, not by the president.
- There should be a code of ethics for public office holders (2)
- All PSC holders should declare their assets (4)

Auditor General:

- The constitution should provide that the Auditor General be appointed by parliament and approved by the president.
- The president should appoint the Controller and Auditor General from the Auditing and Accounting bodies in Kenya.
- The controller and Auditor General should be appointed by parliament (2)
- The Auditor General should audit all government expenditure including that of the office of the president.
- Public Service Commission and the Auditor General should be left to operate independently without any influence from the executive.
- Mechanism for enforcement of the Controller and Auditor General's recommendations should

be entrenched in the constitution.

- More personnel should be recruited in the Auditor General's office to enhance his effectiveness (2)
- Give public power to prosecute officers who misuse public funds

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

- The constitution should guarantee tapping of all natural resources.
- The constitution should provide that farmers be compensated for damage on crops by wildlife.
- The constitution should provide for protection of forests. (10)
- The constitution should provide that unutilized land is made available for the landless.
- The use of chemicals that pollute the environment through green house effect should be scrapped.
- All water catchment areas should be gazetted (3)
- Forestland should not be allocated to individuals.
- The government should own natural resources.
- The natural resources should be managed and distributed by the parliament.
- The responsibility and management of natural forest should be entrusted to serious, honest, well-trained personnel with good behaviour, and they should be paid good salaries.

### 5.3.19 **PARTICIPATORY GOVERNANCE**

- The constitution should have a clear code of conduct for NGOs.
- NGOs should support development activities in the country.
- NGOs should be in charge of civic education.
- Religious sects, which do not conform to the norms of the country, should be scrapped.
- The state should control the media.
- Freedom of the media should be guaranteed in the constitution (2)
- The government should support women groups, youth groups, the disabled and minority groups and incorporate them in governance.
- Women should participate in land governance. Women should have equality in economic governance.
- The constitution should have it that women are also appointed as ministers.
- Well-learned elders should advise the President during times of serious crisis or problems.
- Churches should be able to condemn the government on poor governance, insecurity, corruption and oppression.

### 5.3.20 **INTERNATIONAL RELATIONS**

- The president should not sign any international agreement before the house of parliament approves it.
- Parliament should be given the mandate of making foreign policies and ratifying international treaties and protocols before they bind the country.
- Government should adopt all the world human rights into our constitution/domestic law and proper enforcement of those laws should be laid down and penalties enforced.
- Foreign legislation should be enacted as primary laws in Kenya be statutes of general application.

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

- The constitution should provide for an office of Ombudsman. (4)
- The constitution should provide for a Commission of truth and reconciliation
- A truth and reconciliation commission should be established to assess the past situation of bad governance and tribal animosity and thereafter appropriate remedies and the time given for culprits to report and return what they have stolen.
- A Human Rights Commission should be established in the constitution.
- A Gender Rights commission should be established.
- An anti-corruption authority should be established constitutionally with authority to prosecute even the president (2)
- KACA should be revived and nobody should discontinue its prosecutions. Parliament and committee members appointed by church leaders should appoint the KACA chairman.
- A land commission should be established in the constitution (3)
- A constitutional commission should be established to enforce the constitutional rights of the people.
- The constitution should provide for the creation of Justice Minister. The Attorney General should be a legal government advisor and his office should be distinct from the ministry of justice, which should also be distinct from the office of the public prosecutor.

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

The constitution should:

- Provide that the President vacate office and not use government facilities during campaign
- Stipulate the process of succession
- Provide that the President only enjoy retirement benefits if not involved in any political party.

During presidential elections and transition:

- The chief justice should be in charge of executive powers.
- The Attorney General should be in charge of executive.
- The speaker and the AG should be in charge of executive powers (2).
- The vice president should be in charge of executive powers 90 days before the elections.
- The chairman of the electoral commission should be in charge of the state during elections.

Additionally:

- Election results should be declared through the media.
- The presidential election should be declared after 14 days when all candidates are convinced in the results.
- The incoming president should assume office in 30 days.
- 21 days after the general elections the new president should assume office.
- The Chief Justice should swear in the incoming president at Uhuru Gardens but not the state house.
- The Chief Justice and the AG should conduct the swearing in ceremony for the new president.

- A retired president should lose all benefits if he opts to be associated with a political party.
- A former president should be given security (2)
- A former president should be given welfare benefits. (2)
- A former president should not be given immunity from legal process.
- The constitution should make provision for a former president to have immunity from legal process.

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

- The constitution should protect all Kenyans against domestic violence.
- The constitution should provide for women bill of rights and marriage bill
- Equal rights should be given for both men and women without discrimination.
- There should be a bill of women rights.
- Women should have a right to own property (2)
- Women should have a right to inheritance and succession (6)
- A man should be allowed to have more than one wife and up to a maximum of 5 wives.
- Marriage laws should be harmonized in the constitution.
- The constitution should provide that ladies below the age of 18 years shall not be married.
- Men who father children even outside marriage should take care of them (4)
- Domestic violence should be prohibited in the constitution.

### 5.3.24 **INTERNATIONAL AND REGIONAL POLICY**

- The government should phase out donor funding reliance.
- Economic integration e.g. the EAC should be carefully examined as it may end up promoting Uganda and be disadvantaged to Kenyans especially with regard to Agriculture.

### 5.3.25 NATIONAL ECONOMIC POLICY

- The constitution should ban importation of locally produced goods
- The constitution should provide that funds for the poverty eradication programme be utilized to establish a factory
- Women should be allowed to sell their wares anywhere to improve their status.
- The minister of agriculture should not issue licenses for importation of goods.
- The constitution should provide for a board to address trade issues in Kenya and should as well provide for price control mechanisms (2)
- Government should not allow infiltration of farm produce from outside the country which the country can adequately produce (7).
- Economic liberalization should not be allowed in Kenya (3)
- The government should subsidise exports.
- Kenya should have a free market economy.
- The government should introduce price controls in Trade as it treats all subjects equally irrespective of whether they are rich or poor.
- Grants and loan interests should be advanced to farmers and workers to alleviate poverty and raise the living standards of Kenyans.
- The constitution should address the issue of poverty in Kenya (3)
- Schools should have sufficient playing ground, water, communication and health care facilities nationwide.
- Roads leading to productive areas should be well repaired and maintained so that the farmers sell their products fresh (2)
- More dams should be constructed and National irrigation schemes carried out by the government from Tana River and Lake Victoria.
- Electricity should be made available in every part of the country. (2)

### 5.3.26 OTHER NATIONAL POLICIES.

- The constitution should debar police from using excessive force, which leads to dehumanization.
- In accidents one should not be required to prove that the accident occurred. If indeed it occurred, compensation should be given to the victim in less than 6 months.
- Bribery is common in this country and people should be educated on the evil of this habit.
- The police force should be increased and granted proper remuneration and their employment done free from tribal consideration based on merit, education and morals to defeat the problem of insecurity.
- Policemen should not kill a person, as he should have the right to defend himself. Illegal guns and drugs should not be allowed into the country without control.
- Daily traffic policemen should be done away with and replaced by Ad-Hoc and Abrupt place check units to reduce corruption and increase public safety.
- All public land, which had been grabbed, should be repossessed.
- The constitution should have serious implications to those who indulge in corruption cases. (16).

### 5.3.27 SECTORAL POLICIES

Agriculture:

- K.F.C should be revived.
- Provide that fertilizers and other farm inputs are subsidized (2)
- Provide for government role in the marketing of agricultural produce (6)
- Restore the department of marketing in the ministry of agriculture to market produce from the Kenyan farmers.
- The government should provide low interest loans to farmers to boost agriculture (2)
- The government should introduce controlled prices to cater for the needs of the small scale producers in agriculture.
- Instead of food aid, people should be supplied with farm implements as its better alternative.
- Exploitation of farmers should be avoided (2)
- The government should not import items that are locally produced by farmers (3).
- The constitution should make provision for the welfare of farmers (9)
- The government should address land fragmentation that is a threat to agriculture.
- The government should provide storage facilities for agricultural products.
- KCC, KTDA Boards and pyrethrum boards should be revived and women should sit on those boards (2)
- Kenya Cereals and Produce Board should be revived.
- Agricultural extension officers should be done away with and replaced with District Agricultural Officers.
- Industries producing harmful alcoholic brews should be closed.
- The farm-based industries should be revived and modern farming technology should be made mandatory at local level.

#### Education:

- The constitution should disallow too frequent changes of school books. (2)
- The constitution should provide that the Education Minister holds office for 10 years
- The constitution should be taught in schools.
- The merits and demerits of the 8-4-4 versus 7-2-3 should be investigated to establish the best for Kenya, considering tools, materials and human, play time for children and industrial demand.
- The county councils should run primary schools, but teachers should be paid by the central government.
- The 8-4-4- system should be replaced by the 7-4-2-3 system (5)
- Parliament should give charters to public universities.
- Cost sharing in the university should be implemented (2).
- The constitution should establish a new subject in the school curriculum called co-existence to be taught up to secondary level, and should be examinable.
- School fees should be standardized for all schools.
- The textbooks provided by the syllabus should be used for a long time instead of altering them often.
- University chancellors and their deputies should be delinked from party politics and should be nominated by the senate and approved by parliament.
- Children should be taught law from form 1 to form 4.
- There should be no quota system in the entry requirement to the university and secondary schools (4)
- Corporal punishment should be completely banned in schools.

Health:

- There should be cost sharing in maternity services as it is a national issue.
- People who can afford to pay NHIF eg farmers and businessmen should be allowed to contribute on a monthly basis so that they can also benefit from the scheme. Trained personnel should carry out hospital service provision.

Fiscal and monetary policy:

- The constitution should provide that the national currency/legal tender has a permanent face.
- Instead of overtaxing Kenyans, we should improve revenue collection and agricultural output and stop corruption and exercise prudent use of taxes.
- Tax evasion should be highly punished and accountably enhanced.
- Government servants should not be exempted from custom duties. Custom duties on imported goods should not exceed 15% of the manufacturer's selling price.
- Taxes for the common Kenyans should be lowered (3)
- The constitution should abolish taxes levied on land.
- All monies acquired outside Kenya should be re-invested in Kenya with an aim of developing the country.
- The president's portrait should not appear in our currency (3)

In addition:

- Government should not own a radio or TV station. These stations should be independent. The press should have its freedom without interruption or intimidation. (2)
- The media should be licensed to broadcast all over the country. (2)
- Government should not destroy kiosks and stalls. The informal sector should be protected. (2)
- Self help groups should be constitutionally addressed.

### 5.3.28 **INTERNATIONAL PLANNING**

- The constitution should address international relations issues.

### 5.3.29 **NATIONAL PLANNING.**

- The constitution should provide that Lake Victoria water be distributed to arid areas to allow irrigation.
- The constitution should formulate policies to respond to emergencies.

### 5.3.30 **CUSTOMARY LAW**

- The customary law should be honored and in case of any change, the public should be consulted.
- Customary law should be supreme over other foreign laws.

### 5.3.31 **STATUTORY LAW**

The constitution should:

- Make punitive laws to prevent defilement of girls.
- Provide for a law prohibiting divorce.
- Prohibit bribery in public offices as this results in poor services.
- Provide for enactment of laws to reinstate price control.
- Prohibit local brewing.
- Ban abortion.
- Reinstate the affiliation law.
- Criminalize and make liable for punishment acts of nepotism, tribalism and other maltreatments toward another citizen.
- Provide that rapists be imprisoned for life.
- Prohibit illicit brews, drugs and contraceptives (6)

### 5.3.32 **BILLS**

- The marriage bill of 1976 should be reinstated.

### 5.3.33 **GENDER EQUITY**

- Women should have equal rights with men in leadership, education and all human rights.
- There should be gender equality enshrined in the constitution (2)

### 5.3.34 **ECONOMIC/SOCIAL JUSTICE**

- Compensation should be guaranteed for wrong imprisonment and torture of victims.
- The government should compensate all the survivors of the 1991-1992 clashes, as they are vulnerable groups.
- Freedom fighters should be compensated.

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

- The principle of justice delayed is justice denied should be looked into so that every citizen will not be denied justice.
- Suspected criminals should be taken to court to be declared guilty or innocent.
- The Akiwumi Commission on land clashes should be reviewed and all perpetrators prosecuted in court.
- Robbers should be given stiff sentences and orders to retribute the owners of the property and if he cannot do so, his parents should do the restitution.

### 5.3.36 **NATIONAL INTEGRITY/IDENTITY.**

- Our country should have a National dress or uniform like the Nigerians as our women are indecent.
- Saba Saba day should be made a public holiday and Kenyatta day should be called independence heroes day in recognition of the many who lost their lives and Dedan Kimathi remains should be exhumed and given state burial.
- 7th day (Saba Saba) should be made a national holiday to commemorate the entry of multy-party into Kenya.
- There should be policies to promote nationalism and patriotism to guard the public versus private interests.
- Women should dress decently.

## **APPENDICES:**

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

1. Hon Thirikwa Kamau - MP
2. John Njuguna Gikonyo - DC
3. George Mathenge - Chairman
4. David Mbogo Kingori
5. Ann W. Turu
6. James M. Makara
7. Grace M. Njogu
8. Agnes M. Mungai
9. Patrick G. Kanyingi
10. G. M. Gikanga

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

- Kenya Association of Retired Officers.
- Nyandarua Retiree Self Help Group (NYAKIPIA).
- St. Martin (CSA).

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

1	0001ONNCE	David W Njari	CBO	Written	Kanyagia Youth Group
2	0007ONNCE	John B Wathuu	CBO	Memorandum	Wirore Self Help Group
3	0009ONNCE	Lucy Waithira Ngugi	CBO	Memorandum	Ndaragwa Women
4	0003ONNCE	Maurice Chege Mwaniki	CBO	Written	Ndaragwa Disabled Self Hef
5	0005ONNCE	Veronica Wanjiku	CBO	Written	Gender Mobiliser-Ndaragwa
6	0033INNCE	Agnes Muruga Mungai	Individual	Written	
7	0004INNCE	Aurelia Wanjiru	Individual	Written	
8	0017INNCE	Babain Gichuki Wachira	Individual	Written	
9	0023INNCE	Charles J K Kanyi	Individual	Memorandum	
10	0036INNCE	Daniel Gichuki Wambugu	Individual	Written	
11	0091INNCE	Daniel Mwangi Waititu	Individual	Oral - Public he	
12	0097INNCE	Daniel Wanyoike Karanja	Individual	Oral - Public he	
13	0094INNCE	David G Wambugu	Individual	Oral - Public he	
14	0054INNCE	David Iregi Wainaina	Individual	Oral - Public he	
15	0025INNCE	David Karige Wandau	Individual	Written	
16	0031INNCE	David Mutahi Ndung'u	Individual	Written	
17	0026INNCE	David N Mwai	Individual	Written	
18	0062INNCE	David Nyutu	Individual	Oral - Public he	
19	0092INNCE	Elijah Kinyua	Individual	Oral - Public he	
20	0089INNCE	Elisha Kinyua	Individual	Oral - Public he	
21	0072INNCE	Eliud Ndung'u Ndegwa	Individual	Oral - Public he	
22	0093INNCE	Felister Wacera	Individual	Oral - Public he	
23	0018INNCE	Francis Kimani Kariuki	Individual	Memorandum	
24	0001INNCE	Francis Mwangi Kibuika	Individual	Memorandum	
25	0076INNCE	Francis Ndung'u	Individual	Oral - Public he	
26	0041INNCE	Fredrick Mbaria	Individual	Written	
27	0016INNCE	Gakui Chege Adv.	Individual	Memorandum	
28	0030INNCE	Geofrey G Muriuki	Individual	Written	
29	0019INNCE	George Muguro Gikang'a	Individual	Written	
30	0081INNCE	Gerald Thumbi	Individual	Oral - Public he	
31	0045INNCE	Haderd Njeru Gathirimu	Individual	Oral - Public he	
32	0087INNCE	Harun Muturi	Individual	Oral - Public he	
33	0049INNCE	Hon Thirikwa Kamau	Individual	Oral - Public he	
34	0051INNCE	James Kagiri	Individual	Oral - Public he	
35	0070INNCE	James Mugo	Individual	Oral - Public he	
36	0063INNCE	James Mwaura	Individual	Oral - Public he	
37	0098INNCE	Jeremiah Ndung'u	Individual	Oral - Public he	
38	0074INNCE	John Gitau	Individual	Oral - Public he	
39	0077INNCE	John Thiong'o Kinuthia	Individual	Oral - Public he	
40	0039INNCE	John W Njeru	Individual	Written	
41	0015INNCE	John Wanjoki Ndung'u	Individual	Written	
42	0014INNCE	Joseph K Chege	Individual	Written	
43	0002INNCE	Joseph Kimani Gikebe	Individual	Written	
44	0053INNCE	Joseph Kimondo	Individual	Oral - Public he	
45	0020INNCE	Joseph M Dunatoh	Individual	Written	
46	0069INNCE	Joseph Macharia	Individual	Oral - Public he	
47	0084INNCE	Joseph Migwi	Individual	Oral - Public he	
48	0060INNCE	Joseph Muchiri Kamau	Individual	Oral - Public he	
49	0055INNCE	Joseph Nderitu Mwangi	Individual	Oral - Public he	

50	0003INNCE	Joseph Ndumia Murage	Individual	Memorandum	
51	0058INNCE	Joseph Njenga	Individual	Oral - Public he	
52	0064INNCE	Josphat Maina	Individual	Oral - Public he	
53	0012INNCE	Justus N. Wambugu	Individual	Written	
54	0013INNCE	Lucy Mukami Mwangi	Individual	Written	
55	0079INNCE	Madeleine Wanjiku	Individual	Oral - Public he	
56	0043INNCE	Margaret Wambui	Individual	Oral - Public he	
57	0040INNCE	Mary Catherene	Individual	Written	
58	0065INNCE	Mary Wanjiku Ndung'u	Individual	Oral - Public he	
59	0096INNCE	Mary Wanjiku Ndung'u	Individual	Oral - Public he	
60	0029INNCE	Mary Wanjiru	Individual	Written	
61	0027INNCE	Moffat Mwai	Individual	Written	
62	0071INNCE	Moses Ithugura Kimotho	Individual	Oral - Public he	
63	0086INNCE	Nderitu Muchemi	Individual	Oral - Public he	
64	0052INNCE	Ndung'u Njogu Kung'u	Individual	Oral - Public he	
65	0047INNCE	Ndung'u wa Mwangi	Individual	Oral - Public he	
66	0042INNCE	Ngatia Kamunge	Individual	Oral - Public he	
67	0061INNCE	Njenga Njoroge	Individual	Oral - Public he	
68	0034INNCE	Patrick G Kanyingi	Individual	Written	
69	0095INNCE	Paul Thiga	Individual	Oral - Public he	
70	0057INNCE	Paul Wachira Muchiri	Individual	Oral - Public he	
71	0083INNCE	Peter Githaiga	Individual	Oral - Public he	
72	0066INNCE	Peter Kimani Kairu	Individual	Oral - Public he	
73	0067INNCE	Peter Kimani Mureithi	Individual	Oral - Public he	
74	0059INNCE	Peter Thogo	Individual	Oral - Public he	
75	0056INNCE	Peter Wachiuri	Individual	Oral - Public he	
76	0021INNCE	Peter Wanjuki	Individual	Written	
77	0022INNCE	Peter Warugongo	Individual	Written	
78	0090INNCE	Philip Kamau	Individual	Oral - Public he	
79	0024INNCE	Raphael M Muriuki	Individual	Written	
80	0037INNCE	Reuben N Njuguna	Individual	Written	
81	0073INNCE	Rose Muthoni	Individual	Oral - Public he	
82	0075INNCE	Samuel Kariuki Gitau	Individual	Oral - Public he	
83	0046INNCE	Samuel Thiari	Individual	Oral - Public he	
84	0085INNCE	Simon Ndung'u	Individual	Oral - Public he	
85	0044INNCE	Stephen Migwi Thuo	Individual	Oral - Public he	
86	0078INNCE	Stephen Ndung'u Mungai	Individual	Oral - Public he	
87	0038INNCE	Timothy Githae	Individual	Written	
88	0080INNCE	Trasilla Wangari	Individual	Oral - Public he	
89	0048INNCE	Veronica W Kimondo	Individual	Written	
90	0082INNCE	Veronicah Karanja	Individual	Oral - Public he	
91	0068INNCE	Waititu Kiragu	Individual	Oral - Public he	
92	0050INNCE	Wilson Kanuha	Individual	Oral - Public he	
93	0088INNCE	Wilson Mburu Waiharo	Individual	Oral - Public he	
94	0032INNCE	Zachariah N Gichuki	Individual	Written	
95	0008ONNCE	Lucy Waithira	NGO	Memorandum	Central Province Women
96	0011ONNCE	Mary N Mwangi	Other Institutions	Written	Shamata Girl's Secondary Sch
97	0004ONNCE	Grace Muringi Njogu	Religious Organisation	Memorandum	WEMA Catholic Women Ass.
98	0010ONNCE	Maina D Wanjohi	Religious Organisation	Memorandum	CJPC-Shamata Catholic
99	0006ONNCE	Paul Maina Macharia	Religious Organisation	Memorandum	Kanyagia Catholic Parish (CJ
100	0002ONNCE	Pr.Francis Karanja	Religious Organisation	Memorandum	Raichiri PEFA Church

#### Appendix 4: Persons Attending Constituency Hearings

NO.	NAME:	ADDRESS:	NO.	NAME:	ADDRESS:
1	PHILIP KAMAU		77	DAVID GICHENGA	
2	DANIEL WAITITU		78	JOSEPH MACHARIA	
3	ELISHA KINYUA		79	JOHN NDUNGU	
4	ELIJAH KINYUA		80	MAINA WANJOHI	
5	PHILISTA WACERA		81	JAMES MUGO	
6	DAVID WAMBUGU G.		82	MOSES THUGURA	
7	PAUL THIGA		83	PETER GITHAGA	
8	PETER THOGO		84	MARY WANJIKU	
9	GEOFREY GACHAGO		85	PETER KIMANI	
10	NJENGA NJOROGE		86	MARY WANJIRU	
11	MARTIN MUTHOGA		87	DANIEL WANYOIKE	
12	MOFFAT MWAI		88	JEREMIAH NDUNGU	
13	FRANCIS NG'ANG'A		89	JOSEPH NJEGA	
14	PATRICK KANYINGI G		90	DANSON GACHECHE	
15	PATRICK NJOROGE		91	STEPHEN MUNGAI	
16	DAVID NYOTO		92	ELIUD NDEGWA N.	
17	JAMES MWAURA		93	JOHN WAWERU	
18	JOSEPHAT MAINA		94	JOHN GITAU	
19	WAMBUGU KIBE		95	SAMUEL KARIUKI	
20	PETER MWAURA		96	FRANCIS NDUNGU	
21	JOSEPH MUCHIRI		97	AGNES MUNGAI M.	
22	PETER KIMANI		98	ROSE WANYOIKE M.	
23	PETER KARIUKI		99	JOHN THIONGO	
24	JOSHUA MUTWIRI		100	STEPHEN PORONJE	
25	MWANGI MAINA		101	MINJIRE MWANGI	
26	FRANCIS MBAABU		102	SAMUEL NGUGI	
27	JOHN WACHIRA N		103	JAMES NGUGI	
28	WAITITU KIRAGU		104	ELIUD NDIANE	
29	JAMES MWANGI		105	BABIAN GICHUKI	
30	WILSON MBURU		106	PAUL MUCHIRI	
31	ALFRED MUNGAI		107	PETER MUITA	
32	MWANGI KARIRA		108	MARY WANJIKU	
33	SAMUEL KARANJA		109	PATRICK GICHUHI	
34	ISAAC NJOROGE		110	JOHN KARIUKI	
35	TIMOTHY GITHAE		111	JUDAH KAHIGA	
36	JOSEPH KARANJA		112	JOSEPH KIMENJU	
37	JOSEPH NDUNGU		113	PETER NJOROGE	
38	JOSEPH MUTAI		114	JORAM KABURU	
39	DANIEL WAMBUGU		115	JUSTUS NDERITU	
40	JAMES KIMITA		116	JOHN NJEHIA	
41	JAMES NG'ANG'A		117	KAGUAMBA M M	
42	PATRICK WANJOHI		118	JOSEPH THUO	
43	GERALD THUMBI		119	G M GIKANG'A	
44	STEPHEN MUNGAI		120	THIRIKWA KAMAU	
45	JOSEPH MIGWI		121	CLLR. KINYUA	
46	SIMON NDUNGU		122	DAVID MWAI	
47	REUBEN NDUNGU		123	DONATOH JOSEPH	
48	NDERITU MUCHEMI		124	GRACE NJOGU	
49	TRASILLA WANGARI		125	SAMUEL WAINAINA	
50	MAGDALINE WANJIRU		126	VERONICA KIMONDO	
51	HAROON MUTURI		127	NGATIA KAMUNGE	
52	PETER KIHARA		128	STEPHEN MIGITHWO	
53	VERONICA KARANJA		129	HADERD NJERU	

54	DAVID MAINA		130	JOSEPH NDUMIA	
55	DAVID WAINAINA		131	SAMUEL THIARI	
56	JOSEPH MWANGI		132	FRANCIS KIBWIKA	
57	CHARLES KANYI		133	JOSEPH MBOTE	
58	GEORGE GITHOGORA		134	NDUNGU MWANGI	
59	PETER WACHIURI		135	DAVID WACHIRA	
60	WACHIRA KARIUKI		136	STEPHEN NDUMIA	
61	SAMUEL WAITITU		137	F P R NDERITU	
62	AMOS WANYIRI		138	WILSON KANUHA	
63	PETER WARUGUNGU		139	JUSTUS NDUNGU	
64	PETER WAWERU		140	JAMES KAGIRI	
65	JOHN NDUNGU		141	JANE MITHAMO	
66	LUCY NGUGI		142	NDUNGU NJOGU	
67	AURELLIA KIRAGURI		143	JOSEPH MBUTHIA	
68	RAPHAEL MURIUKI		144	DORCAS WACHIRA	
69	FRANCIS KIMANI		145	PAUL MACHARIA	
70	LUCY MWANGI		146	NICHOLAS KARIUKI	
71	SAMUEL KINGORI		147	JOHN B	
72	EMILIO MU YA		148	JOSEPH KIMONDO	
73	FLORENCE WAMBUI		149	MICHAEL MWANGI	
74	PETER GIKONYO		150	JOSEPH GICHERU	
75	MAURICE CHEGE		151	MARGARET MUTURI	
76	GAKUHI CHEGE				