

# TABLE OF CONTENTS

<b>Preface</b> .....	i
<b>1. District Context</b> .....	1
1.1. Demographic characteristics.....	1
1.2. Socio-economic Profile.....	1
<b>2. Constituency Profile</b> .....	1
2.1. Demographic characteristics.....	1
2.2. Socio-economic Profile.....	2
2.3. Electioneering and Political Information.....	2
2.4. 1992 Election Results.....	2
2.5. 1997 Election Results.....	2
2.6. Main problems.....	2
<b>3. Constitution Making/Review Process</b> .....	3
3.1. Constituency Constitutional Forums (CCFs).....	3
3.2. District Coordinators.....	5
<b>4. Civic Education</b> .....	6
4.1. Phases covered in Civic Education.....	6
4.2. Issues and Areas Covered.....	6
<b>5. Constituency Public Hearings</b> .....	7
5.1. Logistical Details.....	7
5.2. Attendants Details.....	7
5.3. Concerns and Recommendations.....	8
<b>Appendices</b>	31

## 1. DISTRICT PROFILE

Samburu District is one of 18 districts of the Rift Valley Province of Kenya.

### 1.1 Demographic Characteristics

District Population by Sex	Male	Female	Total
	69,378	74,169	143,547
Total District Population Aged 18 years & Below	43,407	42,262	85,669
Total District Population Aged Above 18 years	25,971	31,907	57,878
Population Density (persons/Km <sup>2</sup> )	7		

### 1.2 Socio-Economic Profile

Samburu District:

- Is one of the least densely populated districts in the province. It ranks 16<sup>th</sup> in the province;
- Has a primary school enrolment rate of 40.9%, being ranked 17<sup>th</sup> in the province and 61 nationally;
- Has one of the lowest secondary school enrolment rates in the province, at 9.9% and being ranked 17<sup>th</sup> in the province and 62 nationally;
- Experiences the following main diseases: Malaria, upper respiratory tract infections, diarrhea diseases, skin diseases and infections, and intestinal worms;
- Has 34 of 1000 of its live babies dying before the 1<sup>st</sup> birthday, being ranked 5<sup>th</sup> of 44 of the nationally ranked districts; and
- Has a life expectancy of 54.7 years, being ranked 28<sup>th</sup> of 45 nationally ranked districts.
- Samburu district has 2 constituencies: Samburu West and Samburu East Constituencies. The district's 2 MPs, each cover on average an area of 10,564 Km<sup>2</sup> to reach 71,774 constituents. This is a ruling party, KANU, stronghold. In the 1997 general elections, KANU representatives for Samburu West and Samburu East won with 61.09% and 63.76% valid votes respectively.

## 2. CONSTITUENCY PROFILE

### 2.1. Socio-Economic Profile

The constituents are pastoralists.

### 2.3 Electioneering and Political Information

This is a stronghold for the ruling party, KANU. In the 1992 general election, KANU won unopposed, while in the 1997 general elections, it won with 63.76% valid votes. KANU retained the seat in 2002.

### 2.4 1992 General Election Results

<b>1992 total registered voters</b>		<b>11,308</b>
<b>CANDIDATE</b>		
<b>PARTY</b>		
<b>VOTES</b>		
Sammy Leshore	KANU	Unopposed

### 2.5 1997 General Election Results

<b>1997 total registered voters</b>			<b>10,827</b>
<b>CANDIDATE</b>	<b>PARTY</b>	<b>VOTES</b>	<b>% VALID VOTES</b>
Sammy Prisa Leshore	KANU	4,602	63.76%
Job Moika Lalampaa	DP	2,587	35.84
Peter Lasaari Kupanai	NDP	29	0.40
<b>Total Valid Votes</b>		7,218	100.00
<b>Rejected Votes</b>		37	
<b>Total Votes Cast</b>		7,255	
<b>% Turnout</b>		67.01	
<b>% Rejected/Cast</b>		0.51	

### 2.6 Main Problems

- Underdevelopment; and

- Water for the livestock.

### **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 constitution was carried out between 17<sup>th</sup> January 2002 and 30<sup>th</sup> July 2002

### 4.1. **Phases in civic education**

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

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

- Constitution review process
- Organs and functions of the review process
- Issues and questions for public hearings
- Legislature
- Citizenship

- Local government
- Land rights
- Electoral systems and processes
- Defense and national security
- Succession
- Basic rights
- Cultural ethical and regional diversity
- Defense and national security
- Political parties
- Systems of government
- Environment
- National resources



## 5. CONSTITUENCY PUBLIC HEARINGS.

### 5.1. Logistical details

#### 5.1.1 Date and Number of Days for Public Hearings

- a) Date(s) 3<sup>rd</sup> and 4<sup>th</sup> July 2002
- b) Total Number of Days: 2

#### 5.1.2 Venue

- c) Number of Venues: 2
- d) Venue(s): a) Wamba Stadium  
b) Archers Post Town

#### 5.1.3 Panels

- e) Wamba Stadium - Commissioners

Com. Isaac Lenaola - Chairing

Com. Prof. W. H. O. Okoth-Ogendo

Com. Mrs. Alice Yano

- f) Wamba Stadium - Secretariat

Triza Apondi - Programme Officer

Jomo Nyaribo - Asst. Programme Officer

Martina Odhiambo - Verbatim Recorder

- g) Archers Post Town - Commisioners

Com. Dr. Githu Muigai

Com Bishop Njoroge Kariuki

- h) Archers Post Town - Secretariat

George Nakholi - Programme Officer

Wambua Kigamwa - Asst. Programme Officer

Mary Babu - V/Recorder

## 5.2. Attendance Details

Category	Details	Number
<b>Number of People Who Presented</b>		79
<b>Sex</b>	Male	71
	Female	8
	Not Stated	0
<b>Presenter Type</b>	Individual	64
	Institutions	15
	Not Stated	0
<b>Educational Background</b>	Primary Level	20
	Secondary/High School Level	34
	College	1
	University	6
	None	0
	Not Stated	15
	Other (Adult Education/Vernacular/Madrassa/Informal Education)	3
<b>Form of Presentation</b>	Memoranda	0
	Oral	66
	Written	5
	Oral + Memoranda	1
	Oral + Written	7
	Not Stated	0

## 5.3. SUMMARY OF EMERGING ISSUES

The following are the recommendations made by the presenters in Samburu 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. **DIRECTIVE PRINCIPLES OF STATE POLICY.**

- The constitution should provide that the law shall apply in a non-discriminatory manner to all Kenyans.
- The constitution should provide for the strict observation of the doctrine of separation of power by the government of the day.

#### 5.3.2. **CONSTITUTIONAL SUPREMACY.**

- The constitution should provide for its supremacy over all other laws in the country.
  - The constitution should provide that a constitutional amendment shall only be through a public referendum.
    - The constitution should emphasize that parliament shall not have the power to amend the constitution.

#### 5.3.3. **CITIZENSHIP.**

- The constitution should confer to all persons born of Kenyan parents automatic citizenship.
- The constitution should provide for dual citizenship.
- The constitution should abolish the use of ethnic/tribal references in government records especially during registration of persons.

#### 5.3.4. **DEFENCE AND NATIONAL SECURITY.**

- The constitution should provide for a joint staff commission to advise the president on military issues.
- The constitution should provide that military personnel should strictly be confined to military duties.
- The constitution should provide that no decisions affecting national policy on defense shall be made without the approval of parliament.
- The constitution should provide that the president shall be the Commander in Chief of the armed forces.
- The constitution should provide that One third of National Assembly members shall have the power to veto a declaration of war or a state of emergency by the chief executive.
- The constitution should provide for regular police deployment to guard the Samburu borders.
- The constitution should provide that Military be used in road constructions.

#### 5.3.5. **POLITICAL PARTIES.**

- The constitution should limit the number of political parties in the country to between 3 and 5.
- The constitution should provide for public funding of political parties as long as such parties have representation in parliament and have a demonstratable substantial following.
  - The constitution should make provision for equal access to the state media for

campaign purposes, by all registered political parties.

### 5.3.6. **STRUCTURES AND SYSTEMS OF GOVERNMENT.**

- The constitution should provide for a parliamentary system of government with a prime minister as the head of government.
- The constitution should provide for a parliamentary system of government in which the National Assembly chooses the Prime Minister.
- The constitution should provide for a government of National Unity composed of all parliamentary political parties.
- The constitution should provide for a Unitary system of government.
- The constitution should provide for a Unitary system of government with a ceremonial President and an executive Prime Minister.
- The constitution should provide for a unitary system of government.
- The constitutions should provide for a Majimbo system of government.
- The constitution should provide that the Vice President be directly elected by popular vote.

### 5.3.7. **THE LEGISLATURE**

- The constitution should provide for a bicameral parliamentary system with an upper house of elected MPs and a lower house composed of representatives of special interest groups and regions.
  - The constitution should provide for a two-chamber parliament. The Upper House should comprise five members from each, of the country's eight provinces and should be charged with the duty of supervising the president.
  - The constitution should provide for a two-chamber parliament. The upper house should have a veto power over the lower house.
  - The constitution should give Parliament power to impeach the president.
  - The constitution should give Parliament power to vet all constitutional appointments.
    - The constitution should give Parliament power to supervise the Judicial Service Commission and the Public Service Commission.
  - The constitution should give Parliament sole power of approval of public expenditure as well as the salaries of MPs.
  - The constitution should debar MPs from legislating their own remuneration.
  - The constitution should give voters the right to recall non-performing MPs by way of petition, referendum or collection of a required number of signatures from the MPs constituency.
  - The constitution should provide for a code of conduct for MPs.
    - The constitution should provide that all presidential appointments be vetted by parliament.
  - The constitution should provide that a parliamentary candidate be a Kenyan by birth.
- The constitution should abolish nomination of MPs.

### 5.3.8. **THE EXECUTIVE.**

- The constitution should provide for a ceremonial president who should not belong to any political party and should be elected by popular vote.

- The constitution should provide a code of conduct for the President and the Prime Minister.
- The constitution should provide that the president shall be subject to the law.
- The constitution should limit the powers of the president.
- The constitution should provide for the impeachment of the president.
- The constitution should provide that the president shall serve a maximum two five year terms.
- The constitution should provide that the president must be a Kenyan by birth.
- The constitution should provide for appointment to the cabinet through merit.
  - The constitution should abolish the provincial administration structure of government.
    - The constitution should provide for the election by popular vote of provincial administration officials.
- The constitution should provide that the provincial administration be abolished and its role should be taken over by the local government.
- The constitution should provide that the Chief and the Assistant Chief be elected by popular vote by members of the respective administrative location.

#### 5.3.9. **THE JUDICIARY.**

- The constitution should provide for the independence of the judiciary.
- The constitution should provide for a permanent constitutional court.
- The constitution should provide for the independence of private prosecutors.
- The constitution should provide that appointment of judges should be approved by two thirds of the Members of Parliament.
- The constitution should provide for Mobile courts.
- The constitution should provide that judges be appointed by a commission composed of senior and more experienced judges.
- The constitution should provide for a levy- free access to judicial service.
- The constitution should provide for a Judicial Commission elected by the people to oversee the functioning of the Judiciary.
- The constitution should provide for security of tenure for judges.
- The constitution should stipulate that application and filing fees should as much as possible be pegged at a rate affordable to the common person.
- The constitution should provide for extension of Kadhi jurisdiction.

#### 5.3.10. **LOCAL GOVERNMENT.**

- The constitution should provide that all elective positions in the local government, including the position of the mayor and the chair of the County Council, be filled by direct popular elections.
- The constitution should provide that all local authority by-laws be adopted by way of a referendum.
  - The constitution should provide that Mayors and Chair of County Council serve a maximum two five-year term.
  - The constitution should provide that Mayors and Chair of County Council serve a maximum of a single one-year term.

- The constitution should give mayors and councilors limited executive power.
- The constitution should provide for the funding of Local authorities by the central government.
- The constitution should limit the power of the Ministry of local government to dissolve local councils.
- The constitution should abolish nomination of councilors.

### 5.3.11. **THE ELECTORAL SYSTEM AND PROCESS**

- The constitution should provide that in a presidential election, the winning candidate must get at least 50% of the votes cast.
  - The constitution should provide that the political party with the second largest number of seats in parliament shall nominate the national Vice President.
  - The constitution should provide for clear rules for the creation of parliamentary constituencies.
- The constitution should provide for Independent candidates for local government, parliamentary and presidential elections.
- The constitution should provide that votes be counted at the polling station.
- The constitution should provide that Presidential and Parliamentary elections be held on separate dates. In all cases, presidential elections should be held first.
- The constitution should provide that voting be done by secret ballot.
- The constitution should clearly stipulate the election date of general elections.
- The constitution should provide for the autonomy of the Electoral Commission.
- The constitution should provide a clear criteria for the appointment of commissioners to the Electoral Commission.
  - The constitution should provide that a percentage of Electoral Commissioners be chosen from the religious community.
  - The constitution should provide that a percentage of the members of the Electoral Commission be drawn from specific professions and gender.
    - The constitution should provide that Commissioners appointed to the Electoral Commission be nominated by, and be representative of all political parties.
    - The constitution should provide that election of commissioners to the Electoral Commission be subject to vetting and approval by parliament.
- The constitution should provide that ballot boxes be transparent.
- The constitution should provide that in a presidential election, the winning candidate must get 50% of the total votes cast. In the event that this is not achieved in the first contest, a run-off of the first two candidates with highest number of votes shall be immediately held.
- The constitution should provide that constituencies must be created by parliamentary approval. Those constituencies, which might have been created through other processes, must be abolished.
- The constitution should provide that the election date for the next general election be announced when parliament reconvenes for its last sitting before the term is over.
- The constitution should provide that nomination of MPs and Councilors be done in proportion to the number of seats the political parties hold in parliament
  - The constitution should abolish the rule that requires that the winner in a presidential election get a mandatory 25% of votes cast in at least five provinces.
- The constitution should provide the electorate with a right to petition any election at

all levels.

- . The constitution should provide that Samburu district be split into two (east and west).

### 5.3.12. **BASIC RIGHTS**

- The constitution should guarantee the protection of the human rights of all Kenyans.
- The constitution should protect all Kenyans against domestic violence.
- The constitution should guarantee the freedom of worship to all Kenyans.
- The constitution should provide freedom and protection of all religious groups.
- The constitution should provide that there shall be no special day of worship.
- The constitution should provide for the freedom of expression and association.
- The constitution should provide for the freedom of movement.
- Civic education should be entrenched in the constitution and should be a continuous process
  - 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 provide for free and compulsory formal education up to university level.
  - The constitution should provide for free basic health care for all in both rural and urban areas
- The constitution should guarantee every Kenyan, basic food, clothing and shelter.
  - The constitution should guarantee every Kenyan, equal and non-discriminative treatment by the law irrespective of gender, ethnic or racial background.
- The constitution should guarantee all Kenyans the right to information.
- The constitution should guarantee the protection of Workers from intimidation from employers.
- The constitution should provide workers with the right to industrial action.
- The constitution should provide workers with the right to a fair hearing in courts.
- The constitution should guarantee a right to employment.
  - The constitution should provide for a one person-one job policy.
  - The constitution should provide for the employment of all university graduates.
- The constitution should provide for free medical schemes to the unemployed.

### 5.3.13. **THE RIGHTS OF VULNERABLE GROUPS**

- The constitution should provide for government rehabilitation of street children.
- The constitution should make provision for sign language services for the deaf in all public places including parliament.
- The constitution should provide affirmative action in favor of the disabled in all public facilities.
- The constitution should provide for government buildings structurally sensitive to the needs of the disabled.
- The constitution should provide that deaf people be allowed to drive.
- The constitution should provide for special identification cards for the deaf.
  - The constitution should provide for affirmative action in favour of the needy, aged, HIV positive and mentally sick persons.

- The constitution should protect Child rights especially the right not to be forced into an early marriage.
- The constitution should provide for a Children’s cabinet, which should be composed of representatives of children from all parts of the country.
- The constitution should protect the education of the Girl child.
- The constitution should provide for establishment of children's rehabilitation centers.
- The constitution should protect the right of prisoners.
- The constitution should provide for the improvement of prisons.

#### 5.3.14. **LAND AND PROPERTY RIGHTS**

- The constitution should guarantee the right of any Kenyan to own land in any part of the country.
- The constitution should provide that all government/trust land lying idle should be distributed to the landless.
- The constitution should guarantee that no Kenyan shall be landless.
  - The constitution should put a ceiling on the fees charged for sub-division and registration of boundaries.
- The constitution should provide equal access to land for both men and women.
  - The constitution should provide for a proper drafting of title deeds to reflect matrimonial/spousal joint ownership.
- The constitution should scrap trust land and replace it with communal ownership of land.

#### 5.3.15. **CULTURAL, ETHNIC AND REGIONAL DIVERSITY AND COMMUNAL RIGHTS**

- The constitution should provide for the freedom of ethnic practices as long as they are not repugnant to morality and natural justice.
- The constitution should out-law tribal naming such as Samburu district.
- The constitution should provide that initiation of boys be set at 18 years.
  - The constitution should abolish the practice of Female Genital Mutilation.



### 5.3.16. MANAGEMENT AND USE OF NATIONAL RESOURCES

- The constitution should provide for equitable distribution of national resources.
  - The constitution should provide that all government services and facilities be accessible to all Kenyans without discrimination.
- The constitution should provide for the full participation of MPs in the preparation of the national budget at all stages.
  - The constitution should provide that the national currency/legal tender has a permanent face.
- The constitution should give the offices of the Auditor General and Controller General power to prosecute.
  - The constitution should provide that public officers convicted of corruption be also made to repay the full amount of monies embezzled.
- The constitution should provide that all appointments to civil service must be based on merit.
  - The constitution should provide for government role in price control to protect local produce
- The constitution should provide for government protection of the local market against the infiltration of fake and contraband products.
  - The constitution should provide farmers with the freedom to market coffee through their own channels.
  - The constitution should provide for government role in the marketing of Kenyan products.
  - The constitution should provide that farmers be paid directly for their agricultural produce.
- The constitution should provide for prompt payment of farmers for their agricultural produce.
- The constitution should provide for government control over interest rates charged on bank loans.
  - The constitution should abolish the role of middlemen and brokers in marketing transactions.
    - The constitution should provide for government financing of the teaching and development of sign language in all schools and institutions.
- The constitution should provide for the full liberalization of the agricultural sector.
  - The constitution should provide that admissions to government schools be strictly based on merit.
  - The constitution should provide for the review of the education system in order to enhance the quality of the education provided.
- The constitution should give supervisory power to Parents Teachers Association over Board of Governors in the running of primary and secondary schools.
- The constitution should provide for strict enforcement of employment on merit in all public institutions.
  - The constitution should provide that emergency relief food be distributed by a parliamentary committee.
- The constitution should provide that public doctors be banned from private practice.
- The constitution should provide for reasonable and affordable government taxation of consumer goods.
  - The constitution should guarantee automatic insurance of all passengers in public

service vehicles.

- The constitution should provide for a minimum salary for government jobs.
- The constitution should provide for the establishment of a meat processing plant in Samburu.
- The constitution should provide that job recruitment be done at divisional level.
- The constitution should provide that bursaries be given to people in arid areas.
- The constitution should provide for fair distribution of resources to schools in the country.
- The constitution should provide for a youth development fund.
- The constitution should provide for pastoralists to graze in the game reserves.
- The constitution should provide for allowances for the unemployed.
- The constitution should provide that 80% of the education curriculum be focused on indigenous life style.
- The constitution should provide for quota system of education.
- The constitution should provide that deaths caused by wild animals should be compensated by KWS to the tune of 1 million.
- The constitution should recognise traditional doctors.
- The constitution should protect group ranching.

#### 5.3.17. **ENVIRONMENTAL AND NATURAL RESOURCES**

- The constitution should provide that communities be given first preference in benefiting from local natural resources.
- The constitution should provide that citizens be protected from wild animals.
- The constitution should provide for the protection of forests.
  - The constitution should provide for a commission to oversee the management of natural resources.
- The constitution should provide for grazing in the forests.

#### 5.3.18. **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 a standing salary review commission, represented at all levels of government, with a mandate to review the salary of all public servants.
- The constitution should provide for the formation of the Anti-corruption commission to check the police.

#### 5.3.19. **SUCCESSION AND TRANSFER OF POWER.**

- The constitution should provide that during the transition period presidential powers rest with the Attorney General.

#### 5.3.20. **WOMEN RIGHTS**

- The constitution should provide that womens' rights are constitutionalized (3)
- The constitution should provide for laws meting out heavy penalty to those perpetrators

who molest women and girls (2)

- The constitution should provide that women should have the right to own property jointly with their spouses (5)
- The constitution should provide that in case of death of a male spouse women should have the right to own matrimonial property

#### 5.3.21. **INTERNATIONAL POLICY**

- The constitution should provide that victims of bomb maiming by the British army should be compensated
- The constitution should provide that

#### 5.3.22. **NATIONAL ECONOMIC**

- The constitution should provide that the government shall promote local industry other than common market
- The constitution should provide that all citizens shall be provisioned with energy (2)
- The constitution should provide that government shall eradicate poverty with due consideration to the lifestyle of pastoralists
- The constitution should provide that the government shall provide social and physical infrastructure to citizens (18)

#### 5.3.23. **NATIONAL OTHER**

- The constitution should provide that health policy insurance is affordable to all citizens
- The constitution should provide for victims of disasters in pastoral communities
- The constitution should provide that the government ensures safety to all citizens (3)
- The constitution should provide that the police will be prohibited from detaining or torturing suspects unless proven guilty (5)
- The constitution should provide that the government put measures to reduce corruption (6)
- The constitution should provide that corrupt and intimidating police officers are prosecuted.

#### 5.3.24. **SECT ORAL**

- The constitution should provide that livestock marketing agencies, managed by elected directors are formed and decentralized (3)
- The constitution should provide that a meat processing industry shall be established (4)
- The constitution should provide that the government shall provide hardship allowances to agriculturalists (3)
- The constitution should provide that the government shall provide protection against cattle rustling (4)
- The constitution should provide that the government should use the quota system in admitting students to institutions of higher learning (3)
- The constitution should provide that each province shall have a university

- The constitution should provide that corporal punishment in schools is abolished
- The constitution should provide that the government shall formulate education policies that are relevant to pastoral communities
- The constitution should provide that cultural laws are taught in schools both primary and secondary
- The constitution should provide that adult education is taught in schools
- The constitution should provide that education bursary schemes are established for the unprivileged
- The constitution should provide that there shall be loan facilities for all students pursuing higher education
- The constitution should provide that all civil servants shall be provided with traveling allowance
- The constitution should provide that areas inhabited by pastoralists are provided with mobile clinics
- The constitution should provide that veterinary services and personnel are availed in pastoral communities
- The constitution should provide that medics working in the civil service shall not operate privately
- The constitution should provide that shall promote tourism
- The constitution should provide that small enterprises shall be protected against unfair competition
- The constitution should provide that compensation shall be provided to persons whose land has been acquired by the government
- The constitution should provide that the wildlife-human conflict is resolved (2)
- The constitution should provide that the government should compensate all destruction and harm caused by the government (5)
- The constitution should provide that there shall be equal distribution of wildlife resources to communities bordering game reserves

#### 5.3.25. **STATUTORY LAW**

- The constitution should provide that thorough investigation procedures should be followed before committing a person to remand (2)
- The constitution should provide that citizens shall be protected from police brutality
- The constitution should provide that police shall be well trained (2)

#### 5.3.26. **GENDER EQUITY**

- The constitutional should provide that there is equity between men and women.
- The constitution should provide that gender equality shall not be recognized

#### 5.3.27. **COMMON GOOD**

- The constitutional should provide that politicians shall not utter injurious utterances

#### 5.3.28. **ECONOMIC/SOCIAL JUSTICE**

- The constitutional should provide that all those were forced to work and suffer under the colonial regimes should be compensated
- The constitutional should provide that the British army shall utilize training grounds only with owners' consent
- The constitution should provide for the promotion of sports through sports bodies

## **APPENDICES:**

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

1. Hon. S.P. Leshore MP (Chairman)
2. Bernard Saidimu Lenaronkoito DC
3. Job Lalampaa V/Chairman
4. Rose Lelelit Secretary
5. David Lentaaya
6. Rebecca Lengupae
7. Michelina Leparmorijo
8. George Manuel Leparkiras
9. Cllr. Julius Lekerpees
10. Cllr. Fabiano Lolosoli
11. Aloise Leriwala

### **Appendix 2: Civic education providers (CEPs)**

1. ECEP Samburu
2. Maendeleo ya wanawake
3. Comm. D Ratenya
4. District coordinator
5. J. Lemariasha
6. Rebecca Lenkupae
7. Samburu Integrated Programme
8. Constituency constitutional committee

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

1	0002	OSERV	Jonathan Leborá	CBO
2	0004	OSERV	Julius Lemalasia	CBO
3	0001	OSERV	Paul Lonogwesi	CBO
4	0039	ISERV	Abdi Kabare Ismael	Individual
5	0073	ISERV	Alberto Lasangurukuri	Individual
6	0066	ISERV	Albhashir Lekudere	Individual
7	0044	ISERV	Alex Letawn	Individual
8	0023	ISERV	Alfred Omondi	Individual
9	0008	ISERV	Alois L Leariwak	Individual
10	0026	ISERV	Ambrose Lepartingat	Individual
11	0006	ISERV	Anonymous	Individual
12	0054	ISERV	Aptele Lolokuru	Individual
13	0005	ISERV	Christine Namunyal	Individual
14	0030	ISERV	Christopher Lkiteri	Individual
15	0034	ISERV	Daniel Lenarum	Individual
16	0018	ISERV	David L Lolparasoroi	Individual
17	0011	ISERV	David Lekoomet	Individual
18	0014	ISERV	Emmanuel Eparo	Individual
19	0001	ISERV	F D Lolosoli	Individual
20	0049	ISERV	Felister Lemeriwasi	Individual
21	0056	ISERV	Francis Lenyakopiro	Individual
22	0022	ISERV	Gideon Lotwal	Individual
23	0038	ISERV	Hon David Lentaia	Individual
24	0032	ISERV	Hon Job Lalampaa	Individual
25	0036	ISERV	Hon Sammy Leshore	Individual
26	0035	ISERV	Issa Inoti Rindari	Individual
27	0058	ISERV	Jackson Lengalen	Individual
28	0045	ISERV	Jacob Letarawet	Individual
29	0062	ISERV	James Nyaga	Individual
30	0003	ISERV	Jimale Golicha	Individual
31	0067	ISERV	Job Lalkalepi	Individual
32	0052	ISERV	John Leampule	Individual
33	0037	ISERV	John Longojine	Individual
34	0071	ISERV	Joseph Kamau	Individual
35	0061	ISERV	Joyce Lampate	Individual
36	0072	ISERV	Julius F Ramanyaro	Individual
37	0043	ISERV	Julius Lekerpes	Individual
38	0020	ISERV	Julius Lelusit	Individual
39	0051	ISERV	Julius Lesankuli	Individual
40	0025	ISERV	Kadoni Loteiroi Lodepe	Individual
41	0075	ISERV	Kapuna Loloju	Individual
42	0064	ISERV	Karani J Mbogori	Individual
43	0010	ISERV	Kiara Soli	Individual
44	0065	ISERV	L P Kanoi Lenkalen	Individual
45	0024	ISERV	Laibon Lingila	Individual
46	0017	ISERV	Lasomein Lerech	Individual
47	0033	ISERV	Lawrence Leitore	Individual
48	0028	ISERV	Lawrence Mwangi Lenglon	Individual
49	0013	ISERV	Lekoitip Lekorate	Individual
50	0012	ISERV	Lentananga Lenene	Individual
51	0074	ISERV	Lesepeli Lengokuai	Individual
52	0041	ISERV	Lesurum Lekirau	Individual
53	0040	ISERV	Lesurum Lenareu	Individual

54	0021	ISERV	Lino E Paul	Individual
55	0029	ISERV	Lolosoli M Raphael	Individual
56	0027	ISERV	Mario Leariwala	Individual
57	0069	ISERV	Mbale Lekurana	Individual
58	0007	ISERV	Moses Panya	Individual
59	0070	ISERV	Ngarami Lasarimei	Individual
60	0076	ISERV	Ngerole Lerosion	Individual
61	0009	ISERV	Patrick A Arik	Individual
62	0050	ISERV	Paul Leparachau	Individual
63	0002	ISERV	Peter Leshekwet	Individual
64	0053	ISERV	Peter Loroki	Individual
65	0042	ISERV	Rebecca Lenkupae	Individual
66	0055	ISERV	Reuben Lasaneurukuri	Individual
67	0059	ISERV	Rinet Lemengeroi	Individual
68	0060	ISERV	Roda Lenangarima	Individual
69	0019	ISERV	Ronald Lekanta	Individual
70	0031	ISERV	Samuel Nama	Individual
71	0016	ISERV	Sebastian Lesinik	Individual
72	0057	ISERV	Simon Lepora	Individual
73	0048	ISERV	Simon P Lekeale	Individual
74	0068	ISERV	Simon P Lemalasia	Individual
75	0015	ISERV	Stephen Karani	Individual
76	0004	ISERV	Stephen Martin	Individual
77	0063	ISERV	Tamare Lemojong	Individual
78	0046	ISERV	Wilfred Esheli	Individual
79	0047	ISERV	William Lekadaa	Individual
80	0003	OSERV	Janis Ntemunye	Other Institutions



**Appendix 4: Persons Attending Constituency Hearings**

<b>S.N.</b>	<b>Name</b>	<b>Organization/Address</b>
1	Paul Lonogwesi	Samburu Pastral Community-Box 30 Wamba
2	Jonathan Lobora	Samburu East Community_box 38 Wamba
3	Janis Ntemunye	Wamba CCM Pr. School-Box 32 Wamba
4	Julius Lemalasia	Sere-Olipi-Box 20 Wamba
5	Job Lalampaa Hon.	Box 2 Wamba
6	Lwarence L Leitore	Box 4 Wamba
7	Daniel Lenarum	Box 43 Wamba
8	Issa Inoti Bindari	Box 80 Wamba
9	Hon. Sammy Leshore	Box 97 Wamba
10	John Longojine	Box 93 Wamba
11	Hon. David Lentaia	Box 88 Wamba
12	Abdi kabare Ismael	Box 2 Wamba
13	Lesurum Lenareu	Box 25 Wamba
14	Lesurum Lekirau	Box 3 Wamba
15	rebecca Lenkupae	Box 20 Wamba
16	Julius Lekerpes	Box 61 Wamba
17	Alex Letawn	Box 4 Wamba
18	Jacob Leta rawet	Box 34 Wamba
19	Wilfred Esheli	Box 32 Wamba
20	William Lekadaa	Box 7 Wamba
21	Simon P Lekeale	Box 32 Wamba
22	Frister Iemeriwasi	Box 40 wamba
23	Paul Leparachau	Box 43 wamba
24	Julius Lesankuli	Box 40 wamba
25	John Leampule	Box 7 Wamba
26	Peter Loroki	Box 32 Wamba
27	Aptele Lolokuru	Box 68 wamba
28	Reuben Lasaneu	Box 40 wamba
29	Francis Lenyakopiro	Box 43 Wamba
30	Simon Lepora	Box 43 Wamba
31	Jackson Lengalen	Box 43 Wamba
32	Rinet Lemengeroi	Box 43 Wamba
33	Roda Lenangarima	Box Wamba
34	Joyce Lampate	Box 30 Wamba
35	James Nyaga	Box 61 Wamba
36	Tamare Lemojong	Box 5 wamba
37	Karani J Mbogori	Box 32 Wamba
38	Lpkanoi Lenkale	Box 61 Wamba
39	Albhashir Lekudere	Box 12 Wamba
40	Job Lalkalepi	Box 4 Wamba
41	Simon P Lemalasia	Box Wamba
42	Mbale Lekurana	Box 61 Wamba
43	Ngarami Lasarimei	Box Wamba
44	Joseph Kamau	Box 8 Wamba
45	Julius F Ramanyaro	Box 38 Wamba
46	Alberto Lasangurukuri	Box 32 Wamba
47	Lesepeli Lengokuai	Box 4 Wamba

48	Kapuna Loloju	Box 41 Wamba
49	Ngerole Lemalasia	Box 15
50	F.D. Lolosol	Box 548 Isiolo
51	Peter Leshekwet	Box 464 Isiolo
52	Jimale Golicha	Box 259 Isiolo
53	Stephen Martin	Box 41 Baragoi
54	Christine Namunyal	Box 518 Isiolo
55	Anonymous	N/A
56	Moses Panya	A/Post
57	Nois L. Leanwak	Box 900-13 A/Post
58	Patrick A	Box 43 Isiolo
59	Kiara Soli	A/Post
60	David Lekoomet	Box 359 Isiolo
61	Lentananga Lenene	Box 359 Isiolo
62	Lekoitip Lekorate	A/Post
63	Emmanuel Eparo	Isiolo
64	Stephen Karani	Box 492 Isiolo
65	Sebastian Lesinik	Box 43 Isiolo
66	Lasomein Lerech	Isiolo
67	David L. Lolparasoroi	Box 43 Isiolo
68	Ronald Lekanta	Box 43 Isiolo
69	Julius Lelusit	Box 100 Isiolo
70	Lino E Paul	Box 264 Isiolo
71	Gideon Lotwal	Box 43 Isiolo
72	Alfred Omondi	Box 264 Isiolo
73	Laibon Lingila	Box 555 Isiolo
74	Kadonl Loteiroi Lodepe	Box 43 Isiolo
75	Ambrose Lepartingat	Box 359 Isiolo
76	Mario Leariwala	Box 43 Isiolo
77	Lawrence Mwangi Lengloni	Box 43 Isiolo
78	Lolosolu M Raphael	Box 359 Isiolo
79	Christopher Lkiteri	Box 264 Isiolo
80	Samuel Nama	Box 449 Isiolo