

CONSTITUTION OF KENYA REVIEW COMMISSION

CIVIC EDUCATION FOR THE REFERENDUM

MANUAL FOR EDUCATORS

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PREFACE

The Constitution of Kenya Review Commission (CKRC) is pleased to publish this Source Book for the purpose of facilitating civic education for the forthcoming referendum. The Source Book is part of the publications that the CKRC has prepared in fulfilment of its mandate under the Constitution of Kenya Review Act (CAP 3A), to conduct, co-ordinate and facilitate civic education during the Constitutional Review Process generally, and for the Referendum in particular.

This *Manual for Educators* provides guidance to the Educator on how to ensure that would-be voters in the Referendum understand the content of the Curriculum for Civic Education for the Referendum. The *Manual for Educators* is intended for use by the CKRC and partner Civic Education Providers (CEPs), in the provision of civic education for the referendum. It is the desire of the CKRC that Kenyans throughout the country receive the same standard of civic education to enable Kenyans to understand the provisions and salient ideas, and impact of each chapter of the Proposed New Constitution on ordinary lives. However, we re-commend it for use by other CEPs that will be engaged in the process independently of the Commission to use this *Manual for Educators*.

The, *Manual for Educators*, suggests methods that could be used in bringing to the fore issues underlying each Chapter of the Proposed New Constitution. The suggests how information contained in the *Source Book* such as the concerns of the people of Kenya in respect to each issue vis-à-vis the provisions of the Proposed New Constitution and the current Constitution, and comparable provisions from constitutions of other countries. The variety of methods should equip the Educator help Kenyans in making informed choices.

The *Manual for Educators* contains two sections. Section I is a general introductory background to the review process in three parts. Part I is an overview of the context of the civic education for the referendum. Part II defines the methods and explains to the Educator the choices of methods available. Part III deals with participatory approaches meant to equip the Educator with skills for actual delivery of the sessions of civic education.

Section II is the instructive section that deals with each chapter, allowing the Educator to know what they should do. After the part dealing with the objectives civic education for the referendum, the other four are a step-by-step advisory to the Educator.

Mrs. Abida Ali-Aroni
Chairperson, Constitution of Kenya Review Commission
5th September 2005

ACKNOWLEDGEMENT

Producing materials for civic education for the Referendum has been a taxing undertaking. The Constitution of Kenya Review Commission (CKRC) worked long hours to prepare materials based on the Draft Constitution of Kenya 2004 (The Bomas Draft). However, the sharp shift in the legislative framework and the consequent amendments to the Draft Constitution of Kenya 2004 made by Parliament culminated in the Proposed New Constitution 2005. This meant that the CKRC has had to rework its civic education materials.

A team of persons within and outside the CKRC, worked at various stages to produce the *Manual for Educator* for Civic Education for the Referendum. The Civic Education, Publicity, Information and Communication (CEPIC) Committee, under whose mandate civic education falls, led in conceptualising this *Manual for Educators*. The Committee members are:

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The Plenary of the Commission appointed a Technical Task Force on the Development of Materials headed by Comm. Ms. Kavetsa Adagala and Comm. Dr. Charles Maranga as Co-convenors. The Task Force then constituted the following Thematic Groups were involved in the development of the *Manual for Educator* for Civic Education for the Referendum.

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Special thanks go to the following:

Comm. Dr. Mohammed Swazuri, who was co-opted as a Co-convenor of the Technical Task Force. He greatly assisted in the finalisation of the manual.

Mr. Kibisu-Kabatesi, Programme Officer (Civic Education) is commended for his input. He served as team leader of the project and effectively led the Secretariat Staff working under the general direction of Ms. Irene Masit, Deputy Secretary (CEPIC).

Thanks are also due to Comm. Dr. Mosonik arap Korir and Mr. Jeremiah Nyegenye for proofreading the manuscript.

Finally, thanks are similarly extended to Mr. Kukubo Barasa for pre-testing the material, Mr. Kimaita Kirimania, the copy-editor and to the team of artists from Communicating Artists for the illustrations.

Comm. Prof Ahmed Idha Salim
1st Vice Chairperson CKRC & Chairperson, CEPIC

Thursday September 8, 2005.

SECTION I

INTRODUCTION AND PARTICIPATORY METHODOLOGIES

PART I

INTRODUCTION

1.0 Background

The Constitution of Kenya Review Commission (CKRC) has developed this Manual for use in the civic education for the Referendum. The Manual is part of other materials that include the Popular Version of the Proposed New Constitution, the Curriculum for Civic Education for the Referendum, the Source Book, Manual for Educators, and other materials such as pamphlets, fliers and handouts.

In the Manual, as indeed in other materials by CKRC, the terms ‘facilitator’, ‘trainer’ and ‘educator’ are used interchangeably. This is meant to avoid a radical deviation from their current and popular application by civic education practitioners in Kenya. However, for purposes of branding, the term Educator will have general application and connote the meaning of the other two terms. Hence, the individual conducting sessions of civic education will be referred to as the *Educator*.

CKRC envisages that Educators will use the Manual as a directive booklet in imparting information about the Referendum and the Proposed New Constitution. The end-user for this *Manual for Educators*, therefore, is that individual, group or organisation involved in providing civic education for the Referendum.

1.1 The Referendum

A referendum is a mechanism for deadlock breaking and dispute-resolution.

The constitutional review process is an experience in conflicts that have had to be resolved using various mechanisms. Indeed, the referendum is envisaged in CAP 3A as a dispute and conflict resolution mechanism. This is amplified in the Constitution of Kenya (Amendment) Act 2004, which acknowledges a referendum as a sovereign right of Kenyans in changing their Constitution.

The purpose of the Referendum is to fulfil the requirement of section 26 of the Act, which recognises “*that the people of Kenya collectively have the sovereign right and power to replace the Constitution with a new Constitution...*”¹

In the envisaged referendum, Kenyans will vote yes or no to decide on whether to adopt or reject the Proposed New Constitution. Under the Constitution of Kenya Review (Amendment) Act 2004, the Electoral Commission of Kenya (ECK) will conduct the Referendum.

1.2 The Mandate of CKRC in Civic Education for the Referendum

The Constitution of Kenya Review (Amendment) Act 2004 (Cap 3A) sets out the mandate of the Constitution of Kenya Review Commission (CKRC) for the remaining part of the Constitution Review Process. Thus, the principal Act provides that “*the Commission shall conduct and facilitate civic-education in order to stimulate public discussion and awareness of constitutional issues*”, while section 28 of the amended Act further mandates the Commission to “*facilitate civic education on the referendum*” and “*monitor and evaluate the conduct of the referendum*”.

¹ The Constitution of Kenya Review (Amendment) Act 2004.

1.3 The Objective and Purpose of Civic Education for the Referendum

The objective of civic education for the Referendum is:

- To provide Kenyans with sufficient information, knowledge and skills on the contents of the Proposed New Constitution to enable them participate meaningfully in its ratification by making informed decisions whether to accept or reject it through the Referendum.

1.4 The Purpose of the Manual for Educators

This *Manual for Educators* is a booklet containing instructions and information on methodology to the *Educator*. The methodology offers *guidance to the Educator on the delivery of content* in the proposed new Constitution. The manual *does not explain* the content of the Proposed New Constitution (this is done in the Source Book) *but directs the Educator on what to do with the content* of the Proposed New Constitution in the learning process.

Within the content of this manual will be found instructions on objectives, which the facilitator ought to meet to ensure that the purpose of civic education for the Referendum is achieved. The instructions or directions relate what the Educator needs to do to impart the content of the curriculum.

This *Manual for Educators* is, therefore, a set of methodological information and guidelines, instructions and directives on how the educator ought to handle and deliver the contents of the curriculum. Information and guidelines are contained in the parts dealing with Voter Civic Education and the Win-Win Approach. Instructions and directives are contained in the segments dealing with Participatory Methodology and Approaches, and within the text itself. It is hoped that the manual will lead to a greater, dynamic and intimate *engagement* between the *Educator* and *Learners* and that it will help achieve the purpose of civic education for the Referendum: and skills to make informed decisions whether to accept or reject the Proposed New Constitution.

PART II

PARTICIPATORY METHODOLOGIES

2.0 Participatory Methodologies for Training

This part on participatory methodologies for training and facilitation covers the framework of approaches that may be used in conducting civic education. These methodologies are not exhaustive or directive. Civic education providers are expected to form a reality check of the environment under which civic education is being provided so as to adapt and improvise accordingly. Sensitivity and responsiveness to the immediate environment and context will open up for both the Educator and participants other methodologies, which can be utilised.

2.1 What are Participatory Methods?

Participatory methods are techniques in education and training that invite direct participation by participants, while creating an atmosphere for sharing experiences. It involves participants sharing experiences amongst themselves, practising new skills and, at the same time, applying this new knowledge and attitudes during training activities.

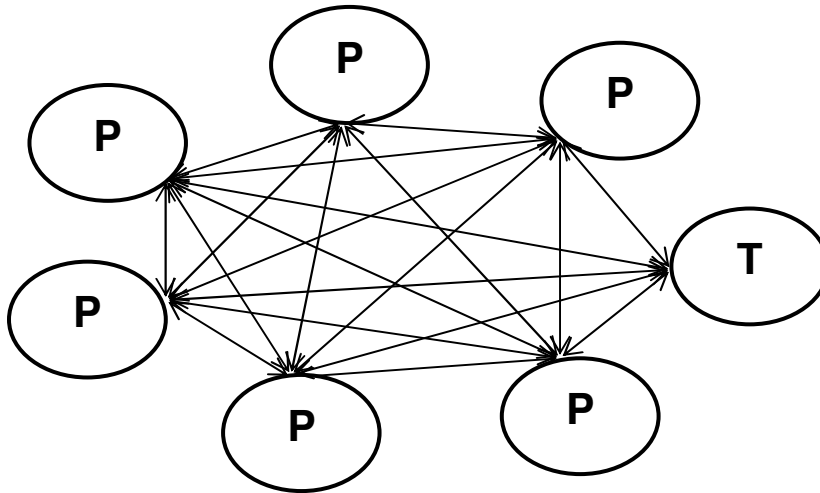
Participatory methodologies depart from traditional ways of training that assume that the trainer is full of knowledge, and hence ignore participants' experience in the learning process. The Educator should be aware that the learner has no residual knowledge and experience about the constitution-making process, including participating in civic education fora.

The participatory approach to civic education also recognises that learning is best achieved through visual demonstrations in discussing information, and ideas. This is achieved through practice techniques. Figure 1 is an illustration of the participatory training approach:

In the illustration, the arrows signify the interactions taking place between the participants and the trainer. The illustration further indicates that the trainer merely facilitates the training session as opposed to him/her being the sole speaker. Participants are free to contribute to the topic of discussion and share their experiences amongst themselves.

The participatory approach informs the Educator that their role is to facilitate the learning process while possessing good communication skills. The Educator supports the learning process and organises the learning experiences for participants. They ought to assume the same level of experience and knowledge base as the participants. It hence requires that Educators respect the views, ideas and experiences shared by the participants. In this way, learners use Educators as a resource, guide and mentor into the training at hand.

Figure1: Illustration of participatory methodology



Key: P stands for participants and T stands for trainer

2.2 Why Participatory Methods

It is in furtherance of the mandate of the Commission to promote and facilitate debate and discussion on the constitutional review process that the Commission continues to use participatory methods of work. The participatory training approach takes into account adult education principles and applies them to training methods. Adults learn better when they perceive learning as relevant to their needs as is the issue of the Constitution.

It is, therefore, the responsibility of the Educator to endeavour to identify the needs (issues) of the learner with regard to the Constitution and attempt to address them. The Educator is further expected to provide real life examples in dealing with real issues. Another principle proposes that adults learn better by doing. In this regard, the Educator is expected to provide for activities that actively involve the participants.

Participatory methods of training also recognise that adults learn at different rates, and from different experiences. The Educator should, therefore, vary the training experiences to allow for youth, age and gender.

The participatory approach thrives on the knowledge that adults bring relevant and important knowledge and experiences to the training. It would, therefore, be of great value to involve participants in an exchange of ideas in as far as the review process is concerned. It is for this reason that opportunities have to be created to allow participants to share their information freely without fear of being looked down upon. The role of the Civic Education Provider in this case shall be to create an avenue through which participants can analyse each others experience on constitution making and to create room for understanding amongst participants. Participants should be used as a resource during training by encouraging them to participate in the discussions. By using adult education principles and practices, the Educator can expect active participation by persons attending the training. Participants trained using these methods learn quickly and retain new knowledge and skills.

2.3 Different Types of Participatory Methods

Participatory methods are the techniques and resources that the Educator shall use to implement the training and transfer new knowledge, skills, and attitudes to participants. Different participatory methods

are used while training to cater for individual uniqueness in the learning process. When choosing participatory methods for a particular session, the Educator should consider the following:

- Is the method suitable for the objective?
- Does the method require more background knowledge or skills than the participants possess?
- How much time does it take to prepare? To use? Is that time available?
- How much space does it take? Is the space available?
- Is the method appropriate for the size of the learning group?
- What kind of teaching materials does it require? Are they available?
- Does the method require special skills to use? Does the Civic Education Provider possess these skills?

Case Studies

Case studies are typically written as dilemmas that give personal history of a scenario that poses a problem and must be solved. Though case studies are mainly fictitious, they are often drawn from real life situations. They usually include a description of facts, a statement of issue or problem posed, a reference to arguments for various positions that have been taken on the issue, a decision or result on the issue presented and an explanation of the reasoning behind the decisions. For full benefit to be realized from case studies, participants should be encouraged to listen, consider and evaluate all points of view.

The role of the Educator in this case should be to help the participants work through the facts and analyse the problem and further consider possible solutions and consequences of the actions it is likely to take. It is important too that participants be assured that their view of the case is not wrong. Case studies are useful when teaching problem-solving and decision-making skills. Case studies describe a situation in words and participants write down, or say, what they would do.

Group Work

Group work as a participatory method occurs when the plenary group breaks into sub-groups to discuss one or two specific questions or issues. Participants are provided with a problem to solve or a task that needs to be accomplished. The Civic Education Provider shall introduce group work when there is need to see the efficiency of participants. This technique is important as it gives all participants an opportunity to be heard. The appropriate group size is between 5-9 persons. Group work is important as it:

- Encourage participants to reflect on what they have learnt and how they may apply it into real life situations;
- Help the trainer gauge the mood of the participants by listening to some of the discussions; and
- Facilitate the change of pace of the session.

Role Plays

Role-play is an activity in which participants assume the role of another person and act it out as they would in a play. They are often used when training communication skills, and analysing a variety of topical issues. Role-plays are useful to start a discussion on a topic and are also used to deepen the participants understanding of a topic. The following is a procedure that may be adopted when introducing role plays into a training session:

- The Civic Education Provider shall provide an outline of a situation, which participants must act out;
- Other participants observe the role play and note the things that the other participants do well and any mistakes they may make;

- When the role-play is over the Civic Education Provider shall facilitate a discussion with all of the participants;
- It is important that a safe and supportive atmosphere is created during the discussion. Focus is given on what the participant did right. The trainer should facilitate concrete suggestions to improve what could have been done better; and
- Be sure that participants understand that the purpose of feedback is to use other people's observations to improve techniques and skills. The atmosphere during the feedback discussion should be constructive rather than critical.

Lectures

Lectures can be an effective method for communicating theories, ideas, and facts to participants. Typically a structured presentation, a lecture should be designed to include certain procedures in order to be effective. A lecture basically is used to disseminate information. In a number of cases, the Civic Education Provider may use lectures to clear misconceptions or to explain technical details. They should, however, remain short and used as few times as possible. The use of visual aids will also help to make the lecture method beneficial to the training.

Merits of using the lecture method during civic education are:

- It provides an economical and efficient method for delivering substantial amounts of information to large numbers of participants;
- It offers current information (more up to date than most texts) from many sources;
- It provides a summary or synthesis of information from different sources; and
- It creates interest in a subject as lecturers transmit enthusiasm about their discipline.

Disadvantages of the Lecture method

- It does not afford the trainer with ways to provide students with individual feedback;
- It is difficult to adapt to individual learning differences;
- It may fail to promote active learning unless other training strategies, such as questioning and problem-solving activities, are incorporated into the lecture; and
- It does not promote independent learning.

To improve the effectiveness of the lecture method, Civic Education Providers shall be expected to make the lecture more interactive through asking of questions to participants. This reduces the monotony of the lecture being just a one-way communication. Further, the Civic Education Provider may also introduce visual aids such as flip charts, videos to make the lecture livelier as well as capture the attention of the participants.

Icebreakers

Icebreakers are those activities that are used to facilitate introductions and warm-ups to introduce the topic of a meeting or training. When participants are meeting for the first time, the trainer should begin the training with an icebreaker to get the group members acquainted with one another. Icebreakers help everyone to learn names and personal/professional information of the others. They assist participants relax and get to know each other. Further, these activities are also used to introduce topics, generate interest in the topic and activate participants' prior knowledge with these topic lead-ins.

Energizers

Energizers are activities that can be used by trainers to build enthusiasm for a workshop, or presentation. These are also applied when beginning a new unit.

Games

The role of games is primarily to reinforce the understanding of presented material and to add variety in training. In addition to being able to support a variety of learning styles, games reinforce learning through their ability to offer immediate feedback to learners and a mechanism for instructional coaching and mentoring. Similarly, the use of games generally breaks up a training session, to initiate a learning event, or to conclude a learning event. Games are used in training sessions to;

- help instructors maintain participant interest;
- relay concepts; and
- make the training more enjoyable and fun.

Audio Visual Media (Videos)

Videos are a more interactive method of training. Training materials can be recorded into videotapes and then shown to a much larger audience with the training impact being attained within a short period. The use of audiovisual approaches to training is important as:

- It provides multi-sensory approach to learning;
- It increases participants' attention;
- It presents an efficient way of presenting material;
- It allows the illiterate persons in the society to participate in the training process; and
- It dramatically increases learning/retention of material.

2.4 What is Facilitation?

Facilitation is helping a group to accomplish its goals. The simplest form of facilitation entails ensuring that all involved have a chance to speak and that the meeting starts and ends on time. Someone who has deep knowledge and skills regarding group dynamics and processes best carries out facilitation -- these are often referred to as process skills. Effective facilitation might also involve strong knowledge and skills about the particular topic or content that the group is addressing in order to reach its goals, often referred to as content skills. The argument about how much "process versus content" skills are required by facilitators in certain applications is a very constructive argument that has gone on for years.

2.4.1 Qualities of a Good Facilitator

- Trust in their participants and their capacities.
- Should be patient and have good listening skills.
- Self-awareness and openness to learn new skills.
- Extensive experience and a good grasp of common sense.
- Respect for opinions of others, not imposing his or her own.
- Ability to create an atmosphere of confidence among the participants.
- Flexibility in changing methods and sequence, not always sticking on what one knows.
- Knowledge of group development, including the ability to sense group moods and change methods or adjust the programme on the spot.
- A good sense of arrangement of space and materials.
- Communication skills (tones, mood, gestures, etc)
- Leadership skills

- Remaining neutral on issues.
- Being an active listener.
- Knowing how to ask questions.
- Encouraging open communication.
- Maintaining focus on the issue(s).

2.5 Effective Training

2.5.1 Preparing for Training Sessions

There are three phases of training sessions namely; pre-training, during training and post training. In preparing for training, Civic Education Provider (CEP) should know the participants. He/she should know why they are attending the training, their hopes and expectations, their fears and concerns and their range of knowledge and experience. These questions will help to determine the type of preparations necessary for the training.

Pre-training.

- The Educator should be a training designer. This involves developing and translating learning needs into objectives, contents and designing the program. He/she should collect and identify learning needs, list the objectives and work out the related content, materials, methods and exercises.
- He/she should sequence the content/activities.
- Identify the resource person, prepare and select the learning materials.

During training

- The CEP should be a facilitator. In doing this, he/she should guide the training process so that participants can learn from each other and ensure effective learning.
- Call for opinion, enhance participation, summarize and synthesizes information.
- Organize groups so that needs and issues are addressed.
- Intervene in the process as a facilitator and act as an instructor.
- Present information and concepts and clarify objectives.
- Act as a recorder; this involves maintaining records of the process and content to enable analysis, monitoring and documentation. This would also involve observing keenly on both content and process and maintaining detailed notes on daily basis.
- Act as an evaluator; this involves assessing the impact of the training program on the trainees. It involves planning evaluation mechanisms. The Educator can use either written or verbal results to assess results/events. Body language may also be assessed.

Post training

The Educator should be a report writer. He/she should organize the relevant information for report writing and dissemination of the report to all participants and other stakeholders.

Follow up

The Educator should:

- Ensure continuous contact with individuals and organization to assess the impact of training to the individuals and organization;
- Provide necessary follow-up if needed;
- Invite feedback from both the individuals and the organization;
- Collate learning needs for the next event if so desired; and

- Provide support in the field.

Choice of venue

The Educator has to choose a good venue or adapt the venue for the purpose of obtaining maximum learning. He/she should look for a place with minimum interference, where learning can take place without disruption. The venue should also be secure and safe. In choosing the venue for a seminar /workshop, the following factors should be taken into consideration:

- Availability of the proposed venue for the workshop period;
- Accessibility of the proposed venue by the participants;
- Finding out whether the facilities available are appropriate for the workshop;
- Ensuring there is enough space for the participants and checking on the seating arrangements; and
- Availability of the needed support system at the training venue.

2.5.2 Choice of Training Materials

When planning which training materials to use, the Educator should consider the following questions:

- What materials are available?
- Will the material facilitate active learning?
- What can the training facility accommodate?
- Can the participants learn how to use the materials?

The Educator should ensure that participants have access to all information relevant to the review process. The materials would include the Proposed New Constitution, the Commission’s Final Report and the popular version of the Proposed New Constitution that would be of great importance since its written in simple language that can be understood by the common person.

Written materials

These materials are useful when teaching knowledge. They may be available at the appropriate learning level or the facilitator may have to develop new materials. Examples of written materials are the Proposed New Constitution and the various reports of the commission. Things to consider when developing and using written materials:

- They should contain only the knowledge that participants need to know;
- Clarity of content;
- Layout is very important. Keep pages looking “clean and uncluttered”; and
- Use language and diagrams appropriate to the participants’ levels of knowledge. For example, use graphs only if the participants can read a graph.

Audio-visual materials

These are useful for teaching knowledge and skills. Examples of audio-visual materials include: -

- Blackboard;
- Flip charts;
- Charts and diagrams;
- Models;
- Photographs;
- Overheads.

Things to consider when choosing audio-visual materials: -

- How does the material enhance active learning?

- Is the material appropriate to the knowledge level of the participants?
- How will the facilitator use the material?
- Is the material available for training?
- Does the method require any supplementary materials? Are the supplementary materials available? (To show a film you need a screen or blank white wall. To use a flip chart, you may want to use different colour markers)
- Are the facilities appropriate for use of the material?

The Educator will implement the workshop by choosing training methods and materials which are suited to the objectives of the lesson and which require active participation of the persons attending the workshop.

2.6. Identification of Participants

The decision about who is to attend training depends on what you want to accomplish. The main purpose of civic education is to create public awareness, to confirm that the Proposed New Constitution captured the views articulated by the public and to provide an understanding of the Proposed New Constitution. In view of this, all Kenyans should be educated on the Proposed New Constitution though under section 28(4) of the Amendment Act 2004, as adapted for the purpose of the Referendum, persons who may vote in the referendum are persons who are registered to vote in elections to the National Assembly.

PART III

PARTICIPATORY APPROACHES

3.0 Effective Communication

Those who use this curriculum are called upon to impart knowledge on the Proposed New Constitution and not engage in propaganda for or against it. They are not even called to market the document. Civic Education Providers will be expected to strike a balance between education and some training on the use of the document. The following is a simple theoretical guide on effective communication on the Proposed New Constitution. It is common knowledge that Kenyans:

- a) Have considerable knowledge about constitution-making, acquired through past civic education programmes;
- b) Have high expectations concerning the impact the Proposed New Constitution will have on their lives; and
- c) Have considerable scepticism about whether the Proposed New Constitution will be enacted as they expect, or it will be re-fashioned (mutilated) against their wishes.

3.1 Principles for Educators

Based on the above, Civic Education Providers can expect considerable engagement from their audiences. The participants will want to know who the CEPs are, how they were appointed, their standpoints on aspects of the Proposed New Constitution and their motivation for engaging in Civic Education on the Constitution. For these reasons, all CEPs are advised to pay special attention to the principles below.

- Educators must be more knowledgeable on the Proposed New Constitution than all their audiences.
- Educators must have a thorough knowledge of their audiences including their wishes, fears and expectations.
- Educators must visit the venues before delivery to ensure their audiences will be comfortable during the learning experience.
- Educators should prepare thoroughly including in the manner of speech and dress for the occasion.
- Educators must ensure all their notes, books, and visual aids are readily available and serviceable before they embark on the teaching/learning exercise.

3.2 Skills for Educators

Educators need to develop the following skills if they are going to be effective in their communication with their audiences:

- a) Writing skills, which they may need to use in institutions of learning, in academia or in the preparation of, write ups for the mass media.
- b) Interpersonal skills, particularly honest empathy and ability to listen.
- c) Small groups communication skills.
- d) Clear, measured delivery skills if they are to use the electronic media particularly radio.
- e) Public speaking abilities for use in large groups like *Barazas*.

The following are key to effective communication:

- Physical proximity. The closer people are to one another the greater the understanding and impact of the civic education being undertaken.
- Temporal proximity. It is generally agreed that where an audience are like-minded, civic education is likely to have greater impact.

- Amicability. This refers to a situation where individuals are willing to listen to the divergent views of others; where people speak their minds without malice and with goodwill.

3.2.1 Audience Sampling

Educators need to know the following of their audiences before they undertake civic education provision.

- How easily recipients receive and process information and understand it.
- Social and other dynamics of the audience the provider is about to address.
- How that audience relates with other groups in society.

Amicability promotes quality education/communication, engenders trust and community relations. It is the duty of the Educator to promote these qualities. Open up discussions by removing fear of retribution or offending other people in the vicinity or in the audience.

It is recommended that, civic education be undertaken when many people are gathered together. This promotes better understanding and increases indirect transfer of knowledge among individuals. Throughout the civic education programme, CEPS are advised to promote open and honest dialogue/communication. But this can only be achieved if the knowledge being shared is useful, trustworthy and given and received freely. Without trust, communication is lost. The Educator should ensure that, all are equal in that forum and all can learn from one another.

3.2.2 Preparing for Sessions

The Educator needs to be well prepared before arriving at the learning venue. She/he needs to have prepared themselves intellectually. The following are some of the items one needs to think about before embarking on civic education:

- Boards.
- Chalk.
- Projectors.
- Diagrams.
- Documents.
- Paper.
- Video recordings.

3.3 Effective Communication for the Educator

To establish the right mode of communication;

- It pays to have a positive world-view.
- Talk and listen.
- Acquire thorough background knowledge about your participants.
- What are their major concerns as relates to such education, children, health, income etc. Touch their soft spots.

Establish rapport

Right from the beginning the audience must know why you need to get your message across. They need to know how they will benefit by the end of the encounter. To communicate effectively you have to: -

- a) Believe and understand the message you are giving.
- b) Understand your audience.
- c) Blend with the circumstances e.g. cultural, civic, situation.

The Message and delivery methods

The message needs to be:

- Concise.
- Clear and accurate.
- Credible.

The communication will be affected by the senders language, tone of delivery, preparation for and understanding of the subject matter, manner of dress and body language, organization and development of the lesson, validity of argument and the general management of the meeting place.

Whatever delivery method is chosen, the sender must involve the listener's emotions. Allowing for reason, motivational appeals and changes of mind and behaviour as the lesson progresses. The provider needs to continually seek feedback as the learning progresses. The following have been identified as barriers to effective communication:

- Length of message. A long message creates barriers of fatigue and boredom.
- Organisation of message. Poor or jumbled organization of the message creates confusion and illogical thinking.
- Errors of fact and presentation. This negates the whole learning enterprise and introduces doubt and cynicism in the listener's mind.
- Poor verbal and body languages causes misunderstanding.

Stage presence

Before stepping onto the dais, the CEP must pay attention to the following:-

- Does your introduction grab the participants' attention?
- Do the main points of presentation follow one another logically?
- Do they flow easily from one point to the next?
- Does your closing summarize the presentation clearly and concisely?
- Is the conclusion strong?
- Have you tied the conclusion to the introduction?

Educator's checklist

On delivery, the Educator needs to have the following checklist: -

- a) Are you knowledgeable about the subject participants want to cover?
- b) Are your notes in order?
- c) Where and how will you present? (Indoors, outdoors, standing, sitting)
- d) Will the audience be comfortable?
- e) How much time can be devoted to delivery and how much can be spared for feedback through interaction?
- f) Has the CEP visited the presentation site prior to the day of meeting his/her audience?
- g) Are visual/teaching aids serviceable and ready for use?

On the appointed day:

- Make sure you are dressed and groomed appropriately in keeping with the audience expectations.
- Practice your speech, paying close attention to your body language and posture.

Animation

Animations are skills or teaching aids for making learning activities lively and more like real life activities. These include the use of cartoons, puppets, toys, which portray the desired characteristics being discussed. This method is mostly used in children events and shows.

3.4 Evaluation of Training Sessions

While carrying out training sessions, evaluations are done to establish the extent to which the training objectives have been achieved. Evaluations can be carried out at several stages of the training. It may be carried out during training sessions to determine how an activity is proceeding and to make any needed midstream modifications, if necessary. Evaluations can also be carried out at the end of an activity to determine quality of the activity and participants' satisfaction. In addition, an evaluation may be implemented to find out what difference the training has made in behaviour, programs or practices.

At the end of the training session one needs to get the participants opinion as to whether the workshop has achieved its objectives and whether it was conducted to the satisfaction of everyone who attended the training. The participants indicate their reactions to logical or administrative aspects of the workshop, which could include:

- Venue and facilities;
- Accommodation;
- Facilitation;
- Activities carried out;
- Gender and age balance;
- Length of the training sessions; and
- Preparation for the future.

Evaluation can be done in a number of ways:

3.4.1 Questionnaires

In this case the participants are provided with forms that contain questions and issues relating to their views with respect to or relating to the different aspects covered in the training. These questionnaires could be:

- Open ended, whereby the participants are given questions but are not provided with answers to choose from. The participants record these answers on the forms and they are put together to form an overview.
- Closed ended questionnaire is a type of questionnaire that provides the respondent with specific responses from which he/she should choose.

3.4.2. *Ad hoc* Methods of Evaluation

Evaluation can also be done through holding a collective discussion on each aspect of the workshop. In this case, the participants openly discuss each aspect and express their opinion on the same. The consensus of the majority position is recorded with due recognition given to any strong dissenting views.

Success of the civic education exercise can also be evaluated by providing the participants with pieces of paper and asking them to list down the “good” and “bad” aspects of the training event. Lifting up cards could do this or flip charts on the wall or a stand and asking the participants to openly list the “good” or “bad” aspects. These aspects are shared and discussed by all participants.

3.5 Time management

Time management in a workshop is the responsibility of both the facilitator and the participants, while time allocation is the sole responsibility of the facilitator. The time allocated has to be appropriate to hold the interest of the participants. The time frame is the function of time allocated per centre, resources available, nature of participants and the set objectives and content. Time for each activity within the workshop is a matter to be negotiated, depending on its importance to the participants and on their

abilities. However, time should be allocated in such a way that all the issues are addressed as exhaustively as possible.

SECTION II

THE PROPOSED NEW CONSTITUTION

PART I

OBJECTIVES

1.0 Introduction

This introductory part outlines the objectives and purpose of the curriculum for Civic Education for the Referendum. The Educator should at this stage seek to inform and prepare the focus of the participants on the *aim* to be achieved while also informing them about the *context* within which the Referendum is being held.

1.1 Objectives

At the beginning of the session, the Educator should take participants through the following objectives:

- The need and objectives for the civic education for the Referendum;
- The rationale for the Referendum; and
- The definitions of operating concepts.

PART II

THE CONSTITUTIVE PROCESS

1.0 Introduction

This thematic area consists of Unit I comprising of the *Preamble*; Chapters on *Sovereignty of the People and Supremacy of the Constitution*; the *Republic*; *National Values, Principles and Goals*; *Citizenship*; *Culture*; and Unit II comprising of the *Bill of Rights*; which provide for:

- Significance of the Preamble;
- The establishment of fundamental principles of state formation; and affirmation of the sovereignty of the people and supremacy of the Constitution;
- The establishment of principles of national values and goals;
- The acquisition of citizenship, rights, privileges and responsibilities under the Constitution; and
- Recognition, protection, promotion and development of culture;
- Human rights, limitations, guarantees, protection and promotion.

The constitutive process has seventy-six articles, with the chapter on the Bill of Rights being the longest with 48 Articles.

2.0 Objective

The Educator should be able to explain that

- The rationale for the grouping is that the six chapters form the basis for the making of the Constitution.
- This thematic area provides a reference point for all the other Chapters in the Constitution.
- This thematic area captures the spirit and philosophy of the Constitution.

UNIT I

PREAMBLE

1.0 Introduction

The Preamble provides participants with more understanding of the ownership of the Constitution.² More importantly, it is to enable them to appreciate ownership of the Constitution. They will also understand the function of the Preamble in the Constitution. The Preamble is hence an introduction to the shared values, principles and ideals in which Kenyans believe in and subscribe to.

2.0 Objectives

At the end of the unit, participants should be able to understand and appreciate the;

- Significance of the Preamble; and
- Reason for the inclusion of the Preamble in the constitution.

3.0 Content

3.1 Concepts

The Educator should define the following concepts so that participants know what they mean:

- **Democracy:** This refers to government of the people, by the people and for the people. It is a form of government in which the supreme power is vested in the people collectively.
- **Cultural diversity:** This refers to the coexistence of different cultural practices, identities and beliefs, amongst various communities.
- **Religious diversity:** This refers to the various religions that Kenyans subscribe to.
- **Rule of law:** This refers to a situation whereby the law applies equally to all, strict adherence to the law.

3.2 Key issues³

The following are the key issues that the Educator should ensure are understood by the participants:

- Acknowledgement of God;
- Concept, content and historical context of the Preamble; and
- Relationship between the Preamble and other Chapters.

The Educator ought to explain the reasons for the inclusion of the Preamble in the Proposed New Constitution as:

- The consideration of the views of the people.
- Absence of a Preamble in the current Constitution;
- Existence of Preamble in other constitutions; and

4.0 Methodology⁴

Any of the following methods could be used:

Method 1: Animation

The Educator writes the word “Preamble” on a flip chart and circles it. Educator then asks all participants to write a paragraph answering this question: what do you think of when you see the word “Preamble”?

² Note that the language of the Preamble is poetic and could elicit more discussion than the Educator intends.

³ The key issues are mostly summaries and designed as a guide. The Educator is advised to make reference to the Curriculum in the articulation of the Key issues.

⁴ The methods outlined here are only examples. The Educator should make reference to Part II and III of this manual to choose the most applicable method. The Educator should also be careful to choose the method that would be the most effective while consuming less time. Additionally, methods can be applied in sequence depending on the issue being discussed.

Educator picks the key words and writes them on the flip chart and helps to organize them into categories. The following may come up:

- *Supremacy of God;*
- *Vision;*
- *Identity;*
- *National goals; and*
- *Aspiration of the people.*

To develop critical thinking / choice/ debate/ objectivity, the Educator could:

- Ask the participants to read the words brainstormed earlier and pick the important ones that would define Preamble;
- Sum up by explaining the basic concepts used in the Preamble; and
- Wind up the discussion by explaining the importance of a preamble.

Method 2: Group Discussions

Participants break into groups. They discuss the content of the Preamble and the reasons for having the Preamble in the Proposed New Constitution. They note the response on flip charts and discuss in plenary. The Educator should then sum up the discussion and encourage participants to re-state that the Preamble also spells out the aspiration of Kenyans for a government based on essential values of:

- Acknowledgement of God
- Freedom;
- Democracy;
- Sovereignty;
- Participation;
- Social justice;
- Ethnic, cultural and religious diversity; and
- The rule of law.

The Educator should sum up the discussion by clearing any misconceptions.

Resources: Flip chart or chalkboard, felt pen or chalk.

CHAPTER ONE

SOVEREIGNTY OF THE PEOPLE AND SUPREMACY OF THE CONSTITUTION

1.0 Introduction

This Chapter deals with the principles, composition and provisions underlying the sovereignty of the people and supremacy of the Constitution. It is important that the participants have an understanding the significance of sovereignty of the people and supremacy of the Constitution.

2.0 Objectives

At the end of this session, participants should be able to define, understand and appreciate:

- Principle, composition and provisions of the sovereignty of the people; and
- The meaning of supremacy of the Constitution.

3.0 Content

3.1 Concepts

The Educator should define the following concepts to enable participants understand their meaning:

- **Sovereignty of the people:** This refers to the right of the people to govern themselves. It implies that the people are not under a foreign authority or power as it was in the colonial period. It is the power of the people – in a delimited territorial boundary – to conduct the affairs of governance freely.
- **Supremacy of the Constitution:** This refers to the law that emanates from the people in their sovereignty. The Constitution is the supreme law, to which all other laws are subordinate and must be consistent with.
- **The Laws of Kenya:** This refers to the various categories of laws by which the people of Kenya abide.

3.2 Key issues

The following are the some issues that the Educator should ensure are understood and appreciated by the participants:

- Principles of sovereignty of the people and supremacy of the Constitution;
- Sovereign authority of the people and how it is exercised;
- The Constitution as the supreme law of the land;
- State organs and two levels of government; and
- The categories of the laws of Kenya.

4.0 Methodology

Any of the following methods could be used:

Method 1: Buzz Groups

The Educator divides participants into buzz groups (preferably into groups of ten), and asks them to brainstorm on the following questions:

- *What is supremacy of Constitution?*
- *What is sovereignty of the people?*
- *What are the laws of Kenya?*

The Educator notes response on a flip chart. The Educator may then sum up the issues as follows:

- *Sovereignty of the people is the power by which the state is governed.*
- *Refers to the supreme political authority.*

- *It is the source of all political power, from which the State derives political power. When the people surrender to the State the right to govern, in exchange for protection, the government becomes an agent of the people.*
- *Supremacy of the Constitution is a concept used when referring to a law, which emanates from the will of a superior body - the people. The rationale behind supremacy of the constitution is that government is a creation of the people.*
- *The categories of the laws of Kenya.*

Method 2: Question-and-Answer

The Educator can deliver a short lecture (brief talk) outlining the content of the Chapter. While noting the Articles on the flip chart and explaining the rationale for the Chapter, the Educator should also explain what every Article means. For example;

- *This Chapter comprises of three (3) Articles.*
- *Article 1 deals with the sovereignty of the people and states who is the final authority in the country. An acknowledgement of people's sovereignty makes the people identify with the Constitution and regard it as one of their own.*
- *Article 2 deals with supremacy of the Constitution. The Article states that the Constitution is the supreme law of the Republic.*
- *Article 3 deals with the Laws of Kenya, which explains the laws by which Kenyans are governed.*

Method 3: Lecture

The Educator could give a short lecture on the reasons for supremacy of the Constitution and sovereignty of the people, and compare them with the views that the people gave. The Educator should allow for questions and discussion from the participants on the *reasons* for sovereignty of the people and supremacy of the Constitution, and then sum up by explaining:

- *The views given by Kenyans.*
- *The need to protect the Constitution against indiscriminate amendments;*
- *The need to recognize the people as sovereign; and*
- *The constitutional experience in other countries.*

The Educator should then answer questions from the participants and wrap up the presentation with a summary of the key issues.

Method 4: Case study

Should time allow, the Educator could help participants identify key Articles that affect them and analyse them in terms of their implication and possible consequences. The Educator then responds to and or clarifies the issues and concerns raised by the participants.

Resources: Flip chart or chalkboard, felt pen or chalk.

CHAPTER TWO

THE REPUBLIC

1.0 Introduction

This Chapter deals with the principles envisioned the creation of a republic, the territory and symbols of a nation. Participants are expected to understand formation and composition of the Republic of Kenya.

2.0 Objective

At the end of this session, participants should be able to understand the principles of formation, symbols and territorial boundaries of the Republic of Kenya.

3.0 Content

3.1 Concepts

The Educator should define the following concepts:

- **Republic:** This is a form of government in which the supreme power is vested in the people and their elected representatives;
- **Multiparty democracy:** This refers to the right of the people to form, join or ascribe to a political party of their choice; and
- **Participatory governance:** This refers to the right of the people to participate in the formation and running of their government, among others, through fair and free elections and consultation by Government on public policy.

3.2 Key issues

The following are some key issues that the Educator should ensure are understood by participants:

- Principles of declaring the Republic;
- Constituting the State and levels of government;
- The exercise of sovereign authority;
- Equitable access to government services;
- The distinction of religion and State, and equality of all religions; and
- The National symbols and Days.

4.0 Methodology

Any of the following methods could be used:

Method 1: Recap

The Educator should begin by making a recap of the reasons for inclusion of the Chapter in a Constitution and the principles underlying this chapter. These include good governance, multiparty democracy, participatory governance, transparency and accountability, separation and devolution of power, respect for human rights and fundamental freedoms, and the rule of law. The Educator may also indicate the;

- Views given by Kenyans;
- Provisions in the current Constitution, if any;
- Examples from other constitutions; and

- Articles in this Chapter including the declaration of the Republic, the territory, devolution, capital, languages, State and religion, national symbols and national days.

Method 2: Group discussions

The Educator may ask the question; what is a Republic? Participants could then be divided into manageable groups to discuss the question. For each group, a team leader should act as the facilitator.

After the participants reassemble they should go through their varied responses and offer the correct positions. The Educator should address any misconceptions and misinterpretations that may arise.

Method 3: Open discussion

In this approach the Educator need not divide the participants into groups. The Educator simply poses a question and invites responses from the participants. The Educator takes notes noting the varied responses given, and then offers correct position.

Method 4: Question-and-answer

In this approach, the Educator offers brief explanations of the concepts. The Educator may then invite comments and questions from the participants. This approach is appropriate where time is limited and the participants are many. The Educator then corrects any misconceptions or errors that may exist in the explanations offered by participants.

The Educator could give a brief talk on the provisions of the current constitution and those in the Proposed New Constitution. Some of the reasons for inclusion of Articles on the Republic in a constitution include:

- Response to the views of Kenyans;
- Need for a clear definition of the Republic in the Constitution; and
- Experiences from other countries.

Resources: Flip chart or chalkboard, felt pen or chalk.

CHAPTER THREE

NATIONAL VALUES, PRINCIPLES AND GOALS

1.0 Introduction

This Chapter deals with fundamental principles which underpin the existence of a constitution, and which should guide the implementation and application of the Constitution. These values, principles and goals have several objectives; to define the character of the State and to create obligations on the State and citizens in the promotion of public policy.

2.0 Objectives

At the end of this session, participants should be able to understand:

- The fundamental principles, values, and goals of the Constitution.

3.0 Content

3.1 Concepts

The Educator should define the following concepts:

- **Constitutionalism:** implies to respect and values for the constitution. It relates to treating the constitution as an important document, which establishes the contract between people and the leaders and forms the fundamental charter of government.
- **Others are;**
 - National unity,
 - Brotherhood,
 - Patriotism,
 - Participatory governance,
 - Human rights,
 - Affirmative action, and
 - Social justice.

3.2 Key issues

The following are some key issues that the Educator should ensure are understood by participants:

- The principles; and
- National values and goals.

4.0 Methodology

Any of the following methods could be used:

Method 1: Energizer

As an introduction, the Educator asks the participant to stand. While still standing, Educator asks participants: what comes to mind when the words “NATIONAL VALUES, PRINCIPLES AND GOALS” are mentioned? The Educator notes responses on flip chart and sums them up with a suitable explanation, for example, *these are fundamental principles which have guided the preparation of the constitution and which should guide the government and the people in the application of the Constitution.*

Method 2: Question-and-answer

The Educator could give a brief lecture (talk) outlining the rationale of national values, principles and goals in a constitution. The following should be explained:

- Views given by Kenyans;
- Absence of national values principle and goals in the current Constitution; and

- The experience in other countries.

Method 3: Group Discussions

The Educator could divide participants into manageable groups to discuss specific questions related Articles on key issues. Some of them are:

- *Unity of the country;*
- *Transparency and accountability;*
- *Full participation of women, persons with disabilities, marginalized communities and other citizens;*
- *Management of the national resources fairly;*
- *Promotion of human rights;*
- *Eradication of all forms of corruption; and*
- *Commitment to social justice and the rule of law.*

After the group discussions and presentations, the Educator can then clear misconception and fill knowledge gaps.

Method 4: Case study

Should time allow, the Educator could help participants identify key Articles that affect them and analyse them in terms of their implication and possible consequences. The Educator then responds to and or clarifies the issues and concerns raised by the participants.

Resources: Flip chart or chalkboard, felt pen or chalk.

CHAPTER FOUR

CITIZENSHIP

1.0 Introduction

This Chapter reinforces the knowledge on citizenship. The Chapter provides for the acquisition and deprivation of citizenship.

2.0 Objectives

At the end of this session, participants should be able to define, understand and appreciate the:

- Principles, rights and duties of a citizen;
- Methods of acquiring citizenship; and
- Deprivation of citizenship.

3.0 Content

3.1 Concepts

The Educator should define the following concepts:

- **Dual citizenship:** This refers to the right of a person to be a citizen of more than one country at the same time.
- **Naturalization:** This refers to the process of conferring citizenship to a person who is not a Kenyan by birth.
- **Registration:** This refers to the conferring citizenship to a person (upon application) who was not a citizen.
- **Marriage:** This refers to conferment of citizenship by marriage to a Kenyan.
- **Birth:** This refers to conferring citizenship to a person born in Kenya.

3.2 Key issues

The following are some key issues that the Educator should ensure are understood by participants:

- The principles of citizenship;
- Citizens' rights in the Constitution;
- Acquisition, retention of citizenship and dual citizenship; and
- Citizenship responsibility.

4.0 Methodology

Any of the following methods could be used:

Method 1: Question-and-answer

The Educator asks participants to respond to the questions:

- What is citizenship?
- How can citizenship be acquired in Kenya?

The Educator meanwhile writes the responses on flip chart. The Educator does a quick wrap up filling in gaps and clearing misconceptions. The response should be noted down randomly without regard to sequence as this is a brainstorming session. The wrap up should include outlining the provisions on

- Naturalization;
- Registration;
- Marriage; and
- Birth.

Method 2: Buzz Groups

The Educator could explain the principle found in this Chapter. The Educator then divides the participants in groups. The Educator then asks the participants to depict situations of acquiring or losing citizenship in an imaginary country using the Articles in this chapter. The participants 'live' the situation and are asked to state the advantages and disadvantages of their experience.

The Educator can then sum up the session by providing insight into the Articles on citizenship in the Constitution by referring to the following:

- *Views given by Kenyans;*
- *Citizenship provisions in the current Constitution; and*
- *Experience in other countries.*

Method 3: Case study

Should time allow, the Educator could help participants identify key Articles that affect them and analyse them in terms of their implication and possible consequences. The Educator then responds to and or clarifies the issues and concerns raised by the participants.

Resources: Flip chart or chalkboard, felt pen or chalk.

CHAPTER FIVE

CULTURE

1.0 Introduction

This is a unique Chapter in the Proposed New Constitution. It is the first time culture is provided for in the Constitution of Kenya. It provides for the principles, promotion and development of cultures of the people of Kenya.

2.0 Objective

At the end of this session, participants should be able to understand:

- Principles and meaning of culture; and
- The relationship between culture and the Constitution.

3.0 Contents

3.1 Concepts

The Educator should define the following concept:

- **Unwritten constitution:** This refers to the traditional African way of life and practices passed down from generation to generation. It may also refer to some religious practices.

3.2 Key issues

The following are some key issues that the Educator should ensure are understood by participants:

- The principles of culture;
- Culture as a crosscutting issue (to be cross-referenced with other Chapters in the Constitution e.g. Bill of Rights;
- The relationship between culture and language; and
- National Commission on Culture

4.0 Methodology

Since the concept of culture is a wide one and encompasses varied interpretations, and is also emotive, particularly in areas where there are communities with divergent views, it is necessary that the Educator make effort to remain sensitive, objective and avoid taking sides.

Method 1: Lecture

The Educator should give a brief introductory talk explaining that culture is not tradition and therefore not static, and that while culture is an important aspect of life, some aspects of it may not be of value in the modern times. Having laid this foundation, and created an atmosphere that will allow equal and free participation, the Educator may then employ the following other methods to ensure participants understand the provisions related to culture:

Method 2: Group discussions

In this approach, the Educator could divide the participants into groups to discuss the following questions:

- What is culture?
- What are some of the various practices do you want to revive?
- Which aspects should we discard?

For each group, a team leader will act as the facilitator. The Educator goes round the groups guiding the discussions and taking notes.

The Educator can then use a question-and-answer approach to address the participants on the Articles related to various issues raised. At the end of the session, the Educator should be able to state why the Chapter is included in the constitution. Some of the reasons are:

- Views given by Kenyans;
- Absence of provisions on culture in the current Constitution;
- Experience from other countries.

Method 3: Case study

Should time allow, the Educator could help participants identify key Articles that affect them and analyse them in terms of their implication and possible consequences. The Educator then responds to and or clarifies the issues and concerns raised by the participants.

Resources: Flip chart or chalkboard, felt pen or chalk.

UNIT II

CHAPTER SIX

BILL OF RIGHTS

1.0 Introduction

This Chapter creates a clear obligation on the government to protect and promote fundamental rights and freedoms, and at the same time, spells out the obligations of the individual in the enjoyment of those rights. It is the most expansive Chapter providing for first, second and third generation rights and freedoms.

2.0 Objectives

At the end of this unit, participants should be able to understand and appreciate:

- The general provisions of the Bill of Rights;
- Fundamental rights and freedoms, and their application;
- The difference between the various categories of rights; and
- Significance of the clause on limitations.

3.0 Content

3.1 Concepts

The Educator should define the following concepts:

- **Bill of rights;** This is the principle founded on values of human dignity and equality, which provide the framework for a country's social, cultural and economic policies.
- **Right to life:** This implies that the right to life is inalienable. It means this right belongs to a person by the mere fact of their nature as a human being. It is not given by anyone but is inherent.
- **Equality:** This concept holds that all people are equal before the law and that all will receive equal protection and treatment. This concept, therefore, outlaws any form of discrimination.

3.2 Key issues

The following are some key issues that the Educator should ensure are understood by the participants:

- General provisions relating to the Bill of Rights;
- The theory and purpose of a Bill of Rights;
- Principles of the Bill of Rights and their application in law;
- The sanctity and protection of every life;
- Equality before the law;
- Enjoyment and protection of rights and freedoms;
- State's obligations on rights and freedoms of various members and groups in the society;
- The place of the family unit in the society;
- Privacy;
- The various freedoms and their application;
- The various categories of rights;
- State obligation in providing education;
- Protection of the consumer on goods purchased;
- Declaration of state of emergency;
- Limitation of rights; and
- Human Rights Commission.

4.0 Methodology

Any of the following methods could be applied:

Method 1: Animation

The Educator writes down the words “RIGHT”, “FREEDOM” and “EQUALITY” on a flip chart and asks participants to express their opinion on what they think the words mean, as the Educator writes down the responses on flip charts. A brief discussion is necessary to arrive at mutual understanding of the words. The Educator may use the following methods throughout the session:

Method 2: Question-and-Answer

The Educator could outline the provisions of in the Bill of Rights and open discussion on the key Articles. The educator should then point out the following:

- The Bill of Rights is founded on values of human dignity and equality;
- It provides the framework for a country’s social, cultural and economic policies; and
- It also seeks to promote social justice and the realization of the potential of all human beings

The Educator can then sum up on the rationale of the Chapter by highlighting:

- Views presented by Kenyans;
- The Bill of Rights in the current Constitution; and
- The Bill of Rights in other constitutions.

Method 3: Case study

Should time allow, the Educator could help participants identify key Articles that affect them and analyse them in terms of their implication and possible consequences. The Educator then responds to and or clarifies the issues and concerns raised by the participants.

Resources: Flip chart or chalkboard, felt pen or chalk.

PART III

MANAGEMENT OF NATIONAL RESOURCES

1.0 Introduction

This thematic area consists of five Chapters *on Land and Property, Environment and Natural Resources, Public Finance, Public Service, and National Security*. These chapters outline the values and principles that guide the management and utilization of national resources. An important aspect is that guidelines and principles to govern the sustainable use of the environment and natural resources, are embedded into the Constitution for the first time.

1.1 Objectives

The Educator should discuss the following objectives with the participants so that at the end of the session, they should understand provisions related to:

- The protection and management of Kenya's natural resources;
- Promotion of efficient and sustainable utilization, distribution and regulation of natural resources;
- The roles and functions of organs charged with oversight responsibility of these resources; and
- The professional ethics and integrity in the provision of public services.

UNIT 1

CHAPTER SEVEN

LAND AND PROPERTY

1.0 Introduction

This unit provides for the principles governing of land policy and the recognition of land as Kenya's primary resource, which should be held, used and managed in a manner that is equitable, efficient, productive and sustainable. The chapter also explains the different classification of land, regulation of land use and legislation on land.

2.0 Objectives

At the end of this unit, participants should be able to understand:

- The principles governing lands as a national resource;
- How land and property will be held, used and transferred;
- The need and functions of a National Land Commission;
- The scope of the power of the State to regulate land use.

3.0 Content

3.1 Concepts

The Educator should be able to define the following concepts:

- “Land” which includes
 - (a) the surface of the earth and the sub-surface rock;
 - (b) any body of water wholly contained upon or beneath the surface;
 - (c) marine waters in the territorial sea and exclusive economic zone;
 - (d) natural resources wholly contained upon or beneath the surface; and
 - (e) the air space above the surface.

- “Property” which includes any vested or contingent right or interest in, or arising from, any
 - (a) land, or permanent fixtures on, or improvements to, land;
 - (b) goods or personal property; and
 - (c) intellectual property.

3.2 Key issues

The following are some key issues that the Educator should ensure are understood by participants:

- Principles of land policy;
- Classification of land;
- Landholding by non-citizens;
- Regulation of land use;
- National land commission; and
- Legislation on land.

4.0 Methodology

Any of the following methods could be used:-

Method 1: Combination of lecture method, Question-and-Answer and Group Discussions

The Educator could give short lecture (talk) on land and property, then divide the participants into groups to discuss the key issues in the Chapter. At the end of the group discussions, the Educator should guide the discussions by highlighting the following:

- Principles of land policy and the system of holding, using and managing land in a manner that is equitable, efficient, productive and sustainable;
- Vesting of land to the people of Kenya collectively as a nation and classification of land as public, community or private;
- Land holding by non-citizens where non-citizens may hold or use land on leasehold tenure only and such lease shall not exceed ninety-nine years;
- Regulation of land use that deals with the power of the State to regulate use of land in the interest of defence, public safety, morality, health, land use planning or development or utilization of property;
- Establishment of the National Land Commission and its functions; and
- Legislation on land.

After inviting questions and responding to them using the provisions in the constitution, the Educator should summarize the session by highlighting:

- The views given by Kenyans;
- The provisions in the current Constitution; and
- The experiences of other constitutions.

Method 3: Case study

Should time allow, the Educator could help participants identify key Articles that affect them and analyse them in terms of their implication and possible consequences. The Educator then responds to and or clarifies the issues and concerns raised by the participants.

Resources: Flip chart or chalkboard, felt pen or chalk.

UNIT II

CHAPTER EIGHT

ENVIRONMENT AND NATURAL RESOURCES

1.0 Introduction

This Chapter provides for the principles, obligations and duties of the State, individuals and communities in the protection, conservation, sustainable utilization, and enforcement of legislation on the environment and natural resources.

2.0 Objectives

At the end of this unit, participants should be able to understand provisions on:

- The provisions on conserving, protecting and managing the environment;
- The duties and enforcement of environmental protection;
- The use and development of natural resources and their benefit to communities; and
- The role and functions of the National Environment Commission.

3.0 Content

3.1 Concepts

The Educator should define the following concepts:

- **Environment:** This is both the physical and space conditions in which all existence subsist.
- **Protection:** This referees to the measures taken against destruction or misuse of the environment.
- **Conservation:** This refers to management programmes instituted to preserve the environment.
- **Sustainability:** This refers to better utilisation of the environment for it to remain viable in the future.

3.1 Key issues

The following are key issues that the Educator should ensure are understood by participants:

- Obligations to the environment;
- Protection of the environment;
- Conservation of the environment;
- Environmental rights;
- Natural resources development; and
- National Environment Commission.

4.0 Methodology

Any of the following methods could be used:

Method 1: Animation

The Educator could write the word “ENVIRONMENT” on a flip chart and circle it. The Educator may ask participants to brainstorm on the term and come up with definitions. The Educator notes the definition on a flip chart and sums up by giving the appropriate definition using the concepts provided above. The following methods can then be applied in sequence:

Method 2: Lecture

The Educator gives a short lecture (talk) on the provisions on environment in the current Constitution, the views of the people on environment and environment in other constitutions.

Method 3: Group Discussion

Participants break into groups. They discuss the content of the environment as proposed in the Proposed New Constitution. They note comments on flip charts and later discuss them in plenary. The Educator then sums up the discussion by clearing all misconception while allowing for clarification.

Method 4: Case study

Should time allow, the Educator could help participants identify key Articles that affect them and analyse them in terms of their implication and possible consequences. The Educator then responds to and or clarifies the issues and concerns raised by the participants.

Resources: Flip chart or chalkboard, felt pen or chalk.

UNIT III

CHAPTER FIFTEEN

PUBLIC FINANCE

1.0 Introduction

This Chapter deals with public finance management at the national and district levels of Government, the sources of revenue for the Government and the method of collecting this revenue. It also deals with the management of public funds, both at the national and district levels. The Chapter further provides for the establishment of institutions and offices for the management of public finance.

2.0 Objective

At the end of this unit, participants should be able to understand:

- The principles of public finance management, taxation, borrowing by the national and district governments and budgetary processes;
- How revenue is raised by both the national and the district governments; and
- The institutions and constitutional offices authorized to deal with financial matters.

3.0 Content

3.1 Concepts

The Educator should define the following of basic concepts:

- **Financial year:** When used with respect to the state, it means the period of twelve months ending on the thirtieth day of June or on such other day as Parliament may prescribe.
- **Any person:** Means the period of twelve months ending on a date determined by that person.
- **Loan:** Includes any money lent or given to the Government on condition of return or repayment and any other form of borrowing or lending in respect of which money from the Consolidated Fund or any other public fund may be used, or is required to be used, for payment or repayment.
- **Public officer:** Means any person holding or acting in an office in the Government or public service, the emoluments for which are payable directly from the Consolidated Fund or directly out of money provided by Parliament.

3.2 Key issues

The following are some key issues that the Educator should ensure are understood by participants:

- Principles of public finance and revenue management;
- Equitable distribution of national resources;
- Obligation by Government to develop economically disadvantaged areas;
- Audit processes;
- Budgetary process;
- Revenue by district governments; and
- The taxation powers of the national and the district governments.

4.0 Methodology

Any of the following method could be used:

Method 1: Combination of Lecture, Question-and-Answer and Group Discussions

The Educator could give a short lecture (talk) on Public Finance and Revenue Management, highlighting on the provisions, after which participants would go into group discussions on the key issues of the Chapter.

Back in the plenary, the Educator highlights on the issues while allowing for questions from participants. The Educator guides the discussion on the following:

- The principles and objects of public finance and revenue management;
- Taxation powers and revenue sharing, both at the national and district levels of Government;
- Public coffers; Consolidated Fund for the national Government and that of the district Government, withdrawals to be made from these funds and also the Contingency Fund;
- Borrowing by both the national and district governments;
- Principles of budgeting of both the national and district Governments, the annual estimates of a national government and that of the district Governments and how the sharing and appropriation of revenue to both levels of Government will be done;
- Procurement of public goods and the establishment of the Offices of the Controller of Budget and that of the Auditor-General as separate and distinct offices;
- Establishment of the four institutions in the management of public finances:
 - (a) Revenue Authority;
 - (b) Commission on Revenue;
 - (c) The Central Bank of Kenya; and
 - (d) Economic and Social Commission.

At this point, the Educator involves the participants in a discussion, writes major points concerning the Chapter on the blackboard/flip chart and explains them.

Method 2: Case study

Should time allow, the Educator could help participants identify key Articles that affect them and analyse them in terms of their implication and possible consequences. The Educator then responds to and or clarifies the issues and concerns raised by the participants.

Resources: Flip chart or chalkboard, felt pen or chalk.

UNIT IV

CHAPTER SIXTEEN PUBLIC SERVICE

1.0 Introduction

This Chapter provides for the principles of public service in terms of provisions on efficiency and professionalism, accountability, fairness and transparency. The Chapter also provides for public service in the two levels of government.

2.0 Objectives:

At the end of this unit, participants should understand:

- a) Values and principles that guide the conduct of the public service;
- b) Powers and functions of the Public Service Commission;
- c) Mechanisms of decentralizing public services; and
- d) Delivery of all essential public sector services.

3.0 Content:

3.1 Concepts

The Educator should define the following basic concepts:

- **Professional ethics:** Means a system of moral values and rules of conduct recognized in respect of a particular group about the rightness or wrongness of certain actions.
- **Accountability:** Means transparent management of transactions of public goods.

3.2 Key issues

The following are some key issues that the Educator should ensure are understood by the participants:-

- Values and principles of public services;
- The Public Service Commission, its powers and functions;
- Staffing of District governments; and
- Protection of public officers.

4.0 Methodology:

Any of the following methods could be used:

Method 1: Experience sharing

This method is used to tap into the participants' past experience in their dealings with the Public Service and their expectations. It can also motivate participants to take part in discussions.

The Educator should facilitate a free flow of discussion on the subject. This should be done in such a way that, there is no malice or injury to anyone including those members of the public service who may be among participants.

After outlining the Articles, the Educator should also pick ideas from his audience on the key issues and discuss them.

Method 2: Case study

Should time allow, the Educator could help participants identify key Articles that affect them and analyse them in terms of their implication and possible consequences. The Educator then responds to and or clarifies the issues and concerns raised by the participants.

Resources: Flip chart or chalkboard, felt pen or chalk.

UNIT V

CHAPTER SEVETEEN

NATIONAL SECURITY

1.0 Introduction

This Chapter provides for the various national security organs and their overall responsibility of protecting the territory of Kenya and its people. It explains the establishment, functions, command, tenure of security heads, and the general regulation of the national security organs.

2.0 Objectives

At the end of this unit, participants should understand:

- The principles of national security; and
- The structures, functions and roles of all national security organs.

3.0 The Content

3.1. Concepts

The Educator should define the following of basic concepts:

- National security;
- National security organs;
- Defence forces; and
- National Intelligence.

3.2. Key issues

The following are some key issues that the Educator should ensure are understood by the participants:

- The role of the National Security as a national resource in protection of the Kenyan territory, people and property;
- National Security organs compliance with human rights and fundamental freedoms, and the rule of law; and
- The oversight authority of the Constitution and Parliament over security organs.
- Recruitment to the national security organs and reflection of the diversity of the Kenyan people in equitable proportions.

4.0 Methodology

Any of the following methods could be used:

Method 1: Brainstorming

The Educator could invite the participants to brainstorm on the meaning and importance of National Security as a national resource.

Method 2: Combination of Lecture method and Question-and-Answer

The Educator gives a short lecture on role and organs of national security while outlining the key issues. The Educator can then use a question-and-answer approach in discussions with the participants. While

noting key points raised by participants on the blackboard or flip chart, the Educator should guide the discussion highlighting on the following points:

- *Principle of national security;*
- *Command of Kenya Defence Forces;*
- *National Security Council;*
- *The National Intelligence Service;*
- *The Kenya Police Service;*
- *The Administration Police Service; and*
- *Director General of the Kenya Correctional Services.*

In concluding the session, the Educator highlights the following:

- *Views given by Kenyans;*
- *Provisions in the current Constitution; and*
- *Constitutional experiences from other countries.*

Method 2: Case study

Should time allow, the Educator could help participants identify key Articles that affect them and analyse them in terms of their implication and possible consequences. The Educator then responds to and or clarifies the issues and concerns raised by the participants.

Resources: Flip chart or chalkboard, felt pen or chalk.

PART IV

SYSTEMS AND STRUCTURES OF GOVERNMENT

1.0 Introduction

This thematic area consists of chapters on *Representation of the People*, the *Legislature*, the *Executive*, the *Judiciary*, and *District Government*. The Chapters address governance and participation including composition and functions of the organs of State such as the Executive, the Legislature and the Judiciary, and their mutual checks and balances; the electoral system of Kenya; and the jurisdiction of the courts, their accountability, efficiency and discipline.

1.3 Objectives

The objectives are to enable participants understand the provisions that:

- Lay the basis for the establishment of a democratic system of government based on the fundamental principles of separation of powers, accountability, good governance, public participation, effective representation, checks and balances and constitutionalism. Safeguards must also be in place to ensure institutional independence and effectiveness;
- Underscore that any election, appointment, removal of any democratic system of government must be based on free and fair elections, an effective and fair electoral, constitutionalism, the rule of law, human rights and gender equity; and
- Explain the rationale and mechanisms through which the people of Kenya will be involved in the governance and development processes of the country.

UNIT 1

CHAPTER TEN REPRESENTATION OF THE PEOPLE

1.0 Introduction

This chapter deals with representation through elections as the anchor for democracy. It is through representatives that the citizenry gets the opportunity to influence their governance by holding their elected representatives accountable. The method and rules for participation in elections are provided for, as are the structures and institutions for representation.

2.0 Objectives

At the end of this unit, participants should be able to understand:

- The mechanisms of the Electoral systems and process;
- The Conduct and participation in free, fair and regular elections;
- The right to representation of all Kenyans including gender, youth, people with disabilities and marginalized groups;
- Establishment and functions of the Electoral and Boundaries Commission; and
- The establishment, functions and discipline of political parties.

3.0 Content

3.1 Concepts

The Educator should be able to define the following key concepts:

- Representation: Standing or acting on behalf of others with their consent.
- Elections: This is the exercise of choice. It is the process of selecting a person to occupy an office on behalf of others who elect him or her.
- Electoral Process: This is a method by which a person is elected to public office
- Political party: This is an organisation formed for the express purpose of running government. It does this by influencing the conduct of government and policies by nominating and electing candidates to public office.

3.2 Key Issues

The following are some key issues that the Educator should ensure are understood by participants:

- The right to vote and stand for elections;
- Conduct of free, fair and regular election through secret ballot;
- Fair representation of all Kenyans inclusive of gender, youth, people with disabilities and marginalized groups;
- Establishment of an Independent Electoral and Boundaries Commission;
- Establishment roles and functions of political parties; and
- Parliamentary legislation on the conduct of elections and nomination of candidates.

4.0 Methodology

Any of the following methods could be used in sequence:

Method 1: Combination of dialogue or in-depth discussion, and brainstorming

The Educator should outline the key issues, then invite participants to brainstorm over them. As many participant as possible should be given an opportunity make contributions for general understanding to develop, after which the Educator summarises the contributions on a flipchart or blackboard.

Method 2: Experience – sharing:

The Educator should identifying common issues and then invite the participants to share their experiences with respect to the issues.

Method 3: Focussed group discussion:

Participants form small groups of manageable size so that each group discusses particular issue. After they report to the whole group, the Educator should facilitate discussion on the report of each group before summing up.

Method 3: Case study

Should time allow, the Educator could help participants identify key Articles that affect them and analyse them in terms of their implication and possible consequences. The Educator then responds to and or clarifies the issues and concerns raised by the participants.

Resources: Flip chart or chalkboard, felt pen or chalk.

UNIT II

CHAPTER ELEVEN

THE LEGISLATURE

1.0 Introduction

The Chapter on the Legislature establishes the law-making organ of government, Parliament. The Chapter explains the two chambers of Parliament as the repository of law making power. Underlying the Chapter are the principles of sovereignty of the people, representative democracy, checks and balances, horizontal devolution, rule of law and accountability, oversight and public participation in governance.

2.0 Objectives

At the end of this unit, participants are expected to understand:

- The general principles on representation of the people;
- The establishment of Parliament and its two chambers;
- The oversight role of Parliament as one of the three arms of Government;
- The role of Parliament in making laws, policies, distribution of national resources and amending the Constitution;
- The composition and membership of Parliament;
- The conditions and tenure of members of Parliament;
- The election, appointment, role and tenure of officers of Parliament;
- Procedure of Parliament;
- Provisions relating to seat of Parliament, life and prorogation; and
- The establishment and role of Parliamentary Service Commission.

3.0 Content

3.1 Concepts

The Educator should define the following concepts:

Representation: This refers to the representation function of the legislature derived from the fact that, in most jurisdictions, the legislature has the mandate to propagate the peoples concerns. The legislature, therefore, represents popular sovereignty. An effective legislature ought to have ways of bridging the gap between the people and their government, and must represent the peoples.

Lawmaking: The law making function of the legislature is derived from the fact that laws should express the people's sovereignty. By making laws, the legislature ensures that the people's vision and aspirations are promoted and safeguarded. The legislature should have the capacity and expertise to appropriately and accurately transform those people's ideals into enforceable norms.

Oversight: The legislature acts as a watchdog over the Executive. Oversight involves monitoring policy and allocation and use of resources to ensure equity. Monitoring ensures that policies relating the people's priority needs are met; and that revenue and expenditure procedures and process are appropriately designated to achieve the priorities.

3.2 Key Issues

The following are some key issues that the Educator should ensure participants understand:

- The establishment of Parliament as the repository of legislative authority;
- The role of Parliament:

- Lawmaking,
- Passing policy,
- Approval of sharing of national revenue between the districts,
- Oversight over distribution of national resources,
- Representation.
- Qualifications and election of Members of Parliament.
- Presiding officers and other officers in Parliament;
- The legislative process; stages of lawmaking and public participation in law making.
- Powers, Privileges and Immunities of Members of Parliament;
- The membership, role and tenure of the Parliamentary Service Commission; and
- Impeachment of the President.

4.0 Methodology

The following methodologies could be used:

Method 1: Lecture

The Educator could give a short lecture (talk) on the Legislature. The Educator would then provide for questions and discussion by participants on:

- On the sovereignty of the people;
- On the need for independence of the Legislature;
- On the vesting of legislative power in Parliament;
- Experiences in other countries; and
- The views of Kenyans.

Method 2: Group Discussions

The participants form small groups for discussion of specific issues. They report to the rest of the group while the Educator notes major points on the blackboard or flip chart. The Educator then answers questions from participants and concludes the presentation.

Method 3: Case study

Should time allow, the Educator could help participants identify key Articles that affect them and analyse them in terms of their implication and possible consequences. The Educator then responds to and or clarifies the issues and concerns raised by the participants.

Resources: Flip chart or chalkboard, felt pen or chalk.

UNIT III
CHAPTER TWELVE
THE EXECUTIVE

1.0 Introduction

This Chapter deals with the principles, structures and offices of the Executive Arm of Government. The Executive is the branch of Government that carries out the work of governing by implementing laws and policies. The Executive is responsible for managing State revenues, internal and external security, and foreign relations. Further, the offices of the Attorney General, Director of Public Prosecutions and the Public Defender as independent constitutional offices are also established.

2.0 Objectives

At the end of this unit, participants should be able to understand:

- Principles and structures of the Executive;
- The election, powers, functions and removal of the President and the Deputy President, Prime Minister and the Cabinet; and
- The appointment, powers, functions and removal from office of Principal Secretaries, Attorney General, Director of Public Prosecutions and Public Defender.

3.0 Content

3.1 Concepts

The Educator should define the following concepts:

Executive: This is the branch of government responsible for effecting and enforcing laws, and implementation of policies.

Members of the Cabinet: This means the President, Deputy President, the Prime Minister, two Deputy Prime Ministers, Attorney General and the Government Chief Whip.

Power: This means the privilege, authority or discretion to take and effect decisions.

3.2 Key Issues

The following are some key issues that the Educator should ensure are understood by the participants:

- Structure of the national Executive;
- Composition of the national executive;
- Requirements for office bearers;
- Functions of the President;
- Limitation of presidential powers;
- Decisions of the President;
- Qualifications and disqualifications of the President;
- Assumption of Office of the President;
- Terms of the Office of the President;
- Sharing of presidential powers versus Parliament;
- Impeachment and removal of the President;

- Vacancy in the office of the President;
- Deputy President, powers, functions and removal;
- Presidential power of mercy;
- Prime Minister, Deputy Prime Minister, Cabinet and their functions;
- Dismissal and resigning of the Prime Minister;
- Appointment and functions of the ministers and their deputies;
- Decisions, responsibilities and accountability of the Cabinet;
- Secretary to the Cabinet and his/her functions;
- Principal Secretaries, appointment, functions and dismissal; and
- Attorney General, Director of Public Prosecutions and Public Defender, appointment, responsibilities and removal.

4.0 Methodology

The following methodologies could be used:-

Method 1: Lecture

The Educator could give a short lecture (talk) on the Legislature. The Educator would then provide for questions and discussion by participants on:

- On the sovereignty of the people;
- On the need for independence of the Legislature;
- On the vesting of legislative power in Parliament;
- Experiences in other countries; and
- The views of Kenyans.

Method 2: Group Discussions

The participants form small groups for discussion of specific issues. They report to the rest of the group while the Educator notes major points on the blackboard or flip chart. The Educator then answers questions from participants and concludes the presentation.

Method 3: Case study

Should time allow, the Educator could help participants identify key Articles that affect them and analyse them in terms of their implication and possible consequences. The Educator then responds to and or clarifies the issues and concerns raised by the participants.

Resources: Flip chart or chalkboard, felt pen or chalk.

UNIT IV
CHAPTER THIRTEEN
JUDICIARY

1.0 Introduction

The Chapter deals with the structure of the judiciary and the principles, which should guide the courts of law, tribunal and any other body exercising judicial power. In this Chapter, judicial offices and the hierarchy of the court system are established.

2.0 Objectives

At the end of this unit, participants should be able to understand:

- The principles and structure of the Judiciary;
- The judiciary as a repository of judicial power;
- The role of the judiciary in the interpretation of the Constitution;
- Structure, hierarchy and jurisdiction of the courts;
- Composition and appointments of judges;
- Tenure and removal from office of judges; and
- Composition and functions of the Judicial Service Commission.

3.0 Content

3.1 Concepts

The Educator should define the following concepts:

- **Decisional independence:** Means the Judiciary should be independent of other influences to render impartial and objective decisions.
- **Institutional independence:** Means the Judiciary is an independent organ and equal to other Arms of Government, and cannot be controlled by the others.

3.2 Key Issues

The Educator should ensure that the following key issues are understood and appreciated by the participants:

- The principles of judicial power;
 - The Judiciary as the holder of judicial power,
 - Judicial power and separation of powers,
 - Judicial power distinguished from executive power and legislative power,
- The Judiciary and the interpretation and enforcements of the Constitution;
 - Constitutional foundation of judicial power,
 - Role of the Judiciary in upholding the rule of law and constitutionalism,
 - Judicial interpretation of the Constitution.
- Principles guiding the exercise of judicial power;
 - Justice,
 - Rule of law and legality,
 - Accessibility,

- Impartiality, and
- Integrity.
- Judicial independence;
 - Institutional and decisional independence,
 - Independence from other organs of Government, and
 - Constitutional safeguards to ensure and protect judicial independence.
- The structure and hierarchy of the Judiciary;
 - The superior courts of record,
 - Subordinate courts,
 - Judicial offices as substantive constitutional offices and other categories of judicial officers,
 - Qualifications for appointment of judicial officers,
 - Appointment of judicial officers and the grounds and procedure for their removal,
 - The Judicial Service Commission.

4.0 Methodology

Any of the following methods could be used:

Method 1: Lecture and question-and -answer

The Educator invites the participants to brainstorm on the purpose of the Chapter. The Educator could give a short lecture (talk) on the articles related to the Judiciary, and then invites for questions and discussions from participants. The Educator notes major points concerning the Judiciary on the blackboard or flip chart and response to the issues raised by participants. The Educator should then sum up by highlighting:

- Views given by Kenyans.
- The provisions of the current Constitution of Kenya; and
- Constitutional experiences in other countries.

Method 3: Case study

Should time allow, the Educator could help participants identify key Articles that affect them and analyse them in terms of their implication and possible consequences. The Educator then responds to and or clarifies the issues and concerns raised by the participants.

Resources: Flip chart or chalkboard, felt pen or chalk.

UNIT V

CHAPTER FOURTEEN DEVOLVED GOVERNMENT

1.0 Introduction

This chapter provides for the objects, principles, structure and organization of the proposed decentralised system of Government.

2.0 Objectives

At the end of this unit, participants are expected to understand:

- Principles and objects of devolved government;
- Types of decentralized government;
- The meaning of devolved power;
- The nature of the proposed devolved Government.
- To understand the distribution of functions between the national government and the district governments;
- Rationale behind division of responsibilities, criteria/guidelines applied in allocation of responsibilities, and exclusive and shared/concurrent responsibilities.

3.0 Content

3.1 Concepts

The Educator should define the following concepts:

Decentralization: Is the general shifting of fiscal, and administrative responsibilities from higher to lower levels of government. There are many variants of decentralization. Devolution is just one of them. It is important to note the term decentralization is not easily defined because this label encompasses a wide variety of institutional rearrangements. Indeed it has been noted that: “*Decentralization seems often to mean whatever the person using the term wants it to mean*” (Bird; 1993: 208).

Devolution: Is an extensive form of decentralization whereby the central government transfers authority for decision-making, finance and management to local governments that have clear and legally recognized jurisdictions over which they exercise authority, within which they perform public functions, and to whose constituents they are accountable.

Subsidiary: This is the principle that responsibilities should be assigned to the lowest level of government at which they can be exercised appropriately; that the default position should always be local control, and that the burden of proof always lies on the person who proposes centralization.

Intergovernmental Relations: The mechanism through which two or more governments interact and associate in the discharge of their functions and sharing of national resources, information, and decision-making in areas of common interest. This encompasses fiscal, political and administrative relations.

3.2 Key issues

The Educator should ensure that the following key issues are understood and appreciated by the participants:

- Levels of devolved Government;
- District Governments.
 - Territorial units of devolved Government;
- Districts;
- And other units as may be determined by Parliament.
 - Structures of District Government:

- Institutions of governance at the district level⁵;
 - District Level
- District Assembly,
- District Council.

4.0 Methodology

Any of the following methods could be used:

Method 1: Brainstorming

The Educator could invite the participants to brainstorm on the purpose of each item in a session and then randomly asks any participant(s) to explain to fellow participants their understanding of devolution. The Educator then clarifies any misconceptions.

Method 2: Combined Lecture and Question-and Answer

The Educator could give a short lecture on the subject matter, and allow for questions and discussions from participants. The Educator guides the discussion, giving highlights on the key issues including:

(a) Intergovernmental relations:

- Cooperation between the national and district governments;
- Intergovernmental arenas (National Forum for Districts, and Commission on Revenue Allocation); and
- Conflicts of laws:

(b) Public Service and staffing of district governments;

- Its importance in the independence of district governments and accountability of staff of devolved governments to their respective governments.

© Fiscal arrangements:

- Who sets and collects what taxes;
- Who undertakes which expenditures (link to functions);
- How fiscal gaps (vertical and horizontal imbalances) are rectified;
- How deficits, borrowing and debts are managed.

(b) National Revenue Authority:

- Why it collects the taxes it collects and its importance in redistribution of national wealth and equitable development.

© Commission on Revenue Allocation:

- Its role in equitable sharing of nationally raised revenue and its equitable distribution for the development of all regions;
- Membership.

The Educator then notes on a blackboard/flip chart the major points raised concerning each item. The Educator then responds to questions from participants. In concluding each session, the Educator enlightens the participants on the rationale of each matter under discussion in this session.

Method 3: Group discussions

The participants form groups, which then discuss and note their ideas on flip charts and thereafter discuss the same in a plenary session. The discussion may be on:

- Method of distribution of national resources;
- Lines of accountability of local administrators and Government officers;
- How the people make their choices on governance issues known and how effective it is; and
- Their level of say on what affects them and its efficacy.

⁵ Including the head of each organ and the manner of their recruitment to office, tenure and dismissal from office.

Method 3: Case study

Should time allow, the Educator could help participants identify key Articles that affect them and analyse them in terms of their implication and possible consequences. The Educator then responds to and or clarifies the issues and concerns raised by the participants.

Resources: Flip chart or chalkboard, felt pen or chalk.

PART V

MANAGEMENT OF CONSTITUTIONALITY AND TRANSITIONAL ARRANGEMENTS

1.0 Introduction

This thematic area consists of the Chapters on *Leadership and Integrity*, *Constitutional Commissions*, *Amendment of the Constitution*, *General Provisions* and, *Transitional and Consequential Arrangements*.

The purpose of Part V is to provide participants with an understanding as to the need for internalisation and supervision of constitutionality. Specifically, the chapter is aimed at ensuring that participants:

- appreciate the existence of Constitutional Commissions, seen as the ‘Fourth Arm of government’;
- understand Transitional and Consequential Arrangements that provide for the transition from the current Constitution and the implementation of the new Constitution as set out in the schedules;
- distinguish between the three approaches to which Amendments of the Constitution can be initiated; ratification by the people of the proposed amendment in a referendum, by the Parliament and by the people through a ‘popular initiative’;
- appreciate the General Principles in the Proposed New Constitution that provide for guidelines for the interpretation of the Constitution; and
- value the inclusion of Leadership and Integrity in the Proposed New Constitution which provides for the ethical conduct of public affairs.

1.1 Objective of the thematic area

To enable Kenyans understand constitutional mechanisms and institutions put in place to ensure entrenchment and adherence to the new constitutional dispensation.

UNIT I
CHAPTER NINE
LEADERSHIP AND INTEGRITY

1.0 Introduction

This Chapter deals with the appointment of public officers into positions of leadership based on competence and integrity. Further, the Chapter also explains the establishment of a public leadership and integrity system that is guided by a defined code of conduct.

2.0 Objective

At the end of this unit, participants are expected to understand:

- The ethical requirements that would govern responsibilities of leadership in public office.

3.0 Content

3.1 Concepts

The Educator should define the following concepts:

- **Leadership:** the ability to positively influence and lead a people with similar interests with the aim of achieving common goals and objectives.
- **State officer:** means a person holding State office established by this Constitution, or established and designated as such by legislation.
- **Code of Conduct:** a set of rules and regulations established to guide the conduct of public officers.

3.2 Key Issues

The Educator should ensure that the following key issues are understood and appreciated by the participants:

- Leadership ethics;
- Responsive leadership;
- Integrity of leaders; and
- Good governance

4.0 Methodology

The following methods could be used:

Method 1: Brainstorming

The educator invites the participants to brainstorm on the purpose of leadership and integrity in governance.

Method 2: Lecture and Question-and-Answer

The Educator gives a short lecture (talk) on leadership and integrity, and then allows for questions and discussions from participants. The Educator guides the discussion highlighting on the following points:

- Responsible leadership;
- Conduct of State officers;
- Finances of State officers;
- Restriction of activities; and
- The Ethics and Integrity Commission.

The Educator then notes major points raised concerning leadership and integrity on the blackboard or flip chart. The Educator now responds to questions from participants.

In concluding the session, the Educator informs the participants on the reasons for Leadership and Integrity in the Constitution as:

- Lack of leadership integrity;
- Lack of Leadership Integrity Code in the current Constitution;
- The Existence of Effective Leadership Integrity Codes in other Constitutions; and
- The views of Kenyans.

Method 3: Case study

Should time allow, the Educator could help participants identify key Articles that affect them and analyse them in terms of their implication and possible consequences. The Educator then responds to and or clarifies the issues and concerns raised by the participants.

Resources: Flip chart or chalkboard, felt pen or chalk.

UNIT II
CHAPTER 18
CONSTITUTIONAL COMMISSIONS

1.0. Introduction

The purpose of this chapter is to provide participants with a better understanding of the Constitutional Commissions; their role, composition, principles guiding them and their roles in managing and supervising constitutionality. More importantly, it is to enable participants to appreciate the role played by the Commissions towards helping the citizens enforce and maintain constitutional values and principles.

2.0. Objectives

At the end of the unit, participants are expected to understand:

- The functions and number of commissions established
- The role of commissions in governance; and
- How commissions will operate.

3.0. Content

3.1 Concepts

The Educator should define the following concepts:

- **Sovereignty of the people:** Refers to the right of the people to determine their course.
- **State organs:** Means a commission, office, agency or other body established under the constitution and having a function within the Republic.
- **Democratic principles and values:** Means mechanisms and policies that promote a state of society in which supreme power is vested in the people collectively and is administered by them or officers appointed by them.
- **Constitutionality:** Means adherence to the principles of the Constitution.
- **Perpetual succession:** Means never ceasing or everlasting. It means commissions will not end by mere fact that its members cease to exist for whatever reason.
- **Corporate name:** This refers to a legally constituted body that can sue or be sued just like an individual.
- **Affirmative Action:** This means any measure designed to overcome or to ameliorate an inequity, or the systematic denial or infringement of a right or freedom.

3.2 Key issues

The following are some key issues that the Educator should ensure are understood and appreciated by participants:

- The overall impact of the Chapter on governance;
- The meaning and relevance of the Constitutional Commissions;
- Functions of Constitutional Commission;
- How Commissions relate to governance; and
- How Commissions will be funded.

The Educator ought to explain the reasons for;

- Views given by Kenyans;
- The need for an alternative avenue (“the Fourth Arm”) to facilitate the internalisation and supervision of constitutionality;
- Lack of Independent and Effective Constitutional Commissions in the current Constitution; and

- Existence of Constitutional Commissions in other constitutions.

4.0. Methodology

The following methods could be used:

Method 1: Animation

The Educator could write the word “COMMISSIONS” on a flip chart and circles it. The Educator can then ask all participants to write a paragraph answering this question; what do you think of when you see the word “COMMISSIONS”. The Educator will pick the key words, write them on the flip chart, and help to organize them into categories. The following should be impacted:

- Powers and functions of commissions;
- Independence of commissions;
- Accessibility to the commissions;
- Accountability of commissions.

To develop debate, the Educator could;

- Ask the participants to read the words brainstormed earlier and pick the important ones that would define constitutional governance;
- Sum up by explaining the basic concepts used in the Chapter;
- Educator should wind up the discussion by explaining the importance of Constitutional Commissions.

Method 2: Group Discussions

Participants break into groups. They discuss the Articles of this chapter and the reasons for having Constitutional Commissions. They note the reasons on flip charts and discuss in plenary. The Educator then sums up the discussion. It should be possible for participants to re-state that the Constitutional Commissions also spells out mechanisms to institutionalise and manage constitutionality based on essential values of:

- Independence;
- Accessibility; and
- Accountability.

Method 3: Case study

Should time allow, the Educator could help participants identify key Articles that affect them and analyse them in terms of their implication and possible consequences. The Educator then responds to and or clarifies the issues and concerns raised by the participants. The Educator should sum up the discussion by clearing all misconceptions.

Resources: Flip chart or chalkboard, felt pen or chalk.

UNIT III
CHAPTER NINETEEN
AMENDMENTS OF THE CONSTITUTION

1.0 Introduction

This Chapter provides for procedures to be followed in the amendment of the Constitution. Further, the Chapter also specifies organs involved in the amendments procedure on parts or sections of the Constitution.

2.0 Objectives

By the end of this unit, participants should be able to understand:

- The rationale and organs in amending the Constitution; and
- Distinguish the various procedures in amending the Constitution.

3.0 Content

The Educator should define the following concepts:

3.1 Concepts

- **Simple majority:** is majority of members eligible to vote, present and voting.
- **Referendum:** is a form of democracy where citizens of a country are involved in a vote to determine matters that directly concern them.

3.2 Key Issues

The Educator should ensure the following key issues are understood:

- The rationale and organs in amending the Constitution.
- The procedures in amending the Constitution.

4.0 Methodology

Method 1: Group Discussion

Under supervision of the Educator, participants form groups to brainstorm on the following questions:

- Why amend the Constitution?
- Who should be involved in the amendment process?
- What should be the procedure for amendment?

Once the groups have completed the exercise, they share their views and the Educator makes notes and sums up the discussion with a lecture along the following lines: -

- Views given by Kenyans;
- The rationale for amending the Constitution;
- Organs involved in the amendment process;
- The procedure for amending the Constitution.
- The need for amendment provisions entrenched in the Constitution,
- Amendments provisions in the current Constitution; and

Method 2: Case study

Should time allow, the Educator could help participants identify key Articles that affect them and analyse them in terms of their implication and possible consequences. The Educator then responds to and or clarifies the issues and concerns raised by the participants. The educator should sum up the discussion by clearing all misconceptions.

Resources: Flip chart or chalkboard, felt pen or chalk.

UNIT III
CHAPTER TWENTY
GENERAL PROVISIONS

1.0 Introduction

The Chapter provides for the manner in which the Constitution shall be interpreted. The Chapter also gives definitions of various terms as they have been used in the Proposed New Constitution.

2.0 Objectives

By the end of the unit, participants should understand:

- The meaning of guiding principles;
- How the Constitution should be interpreted and implemented; and
- The application of definitions.

3.0 Content

3.1 Key Issues

The following are key issues that the Educator should ensure are understood by participants:

- Definition of principles, values and purpose of the provisions;
- Purpose of general provisions;
- Meaning of 'spirit and the letter of the Constitution.

4.0 Methodology

The following methods could be used:

Method 1: Lecture

The Educator delivers a short lecture on the interpretation of the Constitution.

Method 2: Animation

The Educator could write the following words on the blackboard inviting participants to give an explanation about their meaning.

Adult	Affirmative action
Amend	Child
Citizen	Civil society
Consolidated Fund	Constitutional commission
Disability	District
Effective date	Enactment
Financial year	Gazette
Government	Judicial officer
Kenya	Land
Legislation	Marginalized community/group
Members of Cabinet	Older member of society
Political party	Power
Property	Public officer
Public service	Republic
State	State office and state officer
State organ	Subsidiary legislation
Treasury	Writing
Youth	

As the participants respond, the Educator should clarify the meaning of each word as used in the Constitution.

Resources: Flip chart or chalkboard, felt pen or chalk.

UNIT V

CHAPTER TWENTY ONE

SAVINGS, TRANSITIONAL AND CONSEQUENTIAL PROVISIONS

1.0. Introduction

This Chapter provides the “devices” for the constitutional overhaul and legislation to be enacted, including the time lines.

2.0. Objectives

By the end of this unit, participants should understand:

- The rationale and operation of the transitional and consequential provisions.

3.0. Content

3.1 Concepts

The Educator should define the following concepts:

- **Consequential legislation:** Laws to be enacted as a result of the Proposed New Constitution coming into force.
- **Effective date:** The date the Proposed New Constitution shall come into force, upon promulgation by the President.
- **Repeal:** Replace i.e. on promulgation of the Proposed New Constitution, the current Constitution shall be replaced.

3.2 Key issues

The following are some key issues that the Educator should ensure are understood and appreciated by participants:

- The Transitional roles of Parliament, Judiciary and Executive;
- The provisions of the transitional arrangements;
- Contents and application of 3rd, 5th and 6th Schedules and the implications thereof in other chapters; and
- Effect of the Proposed New Constitution on existing institutions.

4.0. Methodology

The following methodologies could be used

Method 1: Animation

The Educator writes the word “TRANSITION” on a flip chart and circles it. The Educator asks all participants to write a paragraph answering this question: ‘what do you think of when the you see the word “TRANSITION’?’’. Facilitator picks the key words, writes them on the flip chart, and helps to organize them into categories. The following may come up:

- The date the Proposed New Constitution will be assented to;
- The date the Proposed New Constitution will come into effect;
- Legislations to be enacted to give effect to the Proposed New Constitution;
- The overall consequences of the new constitutional dispensation.

To develop critical debate, the Educator could:

- Ask the participants to read the words brainstormed earlier and pick the important ones that would define transition.

- Sum up by explaining the basic concepts used in the chapter.
- Educator should wind up the discussion by explaining the importance of transition and consequential provisions in the Proposed New Constitution.

Method 2: Lecture

The Educator could give a brief talk explaining the reasons for Savings, Transitional and Consequential Provisions in the Proposed New Constitution as:

- To preserve or save, laws, rights or privileges which would otherwise cease to have effect on account of the expiry of the law under which they were enacted;
- To make special provision for the application (or non application) of the legislation to the circumstances in existence at the time when the new Constitution is to commence operation; and

Method 3: Case study

Should time allow, the Educator could help participants identify key Articles that affect them and analyse them in terms of their implication and possible consequences. The Educator then responds to and or clarifies the issues and concerns raised by the participants.

The educator should sum up the discussion by clearing all misconceptions.

Resources: Flip chart or chalkboard, felt pen or chalk.