

CONSTITUTION OF KENYA REVIEW COMMISSION

CIVIC EDUCATION FOR THE REFERENDUM

CKRC CURRICULUM

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Preface

The Constitution of Kenya Review Commission 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 Commission has prepared in fulfillment of its mandate under the Constitution of Kenya Review Act (CAP 3A), to conduct, co-ordinate and facilitate civic education in the constitutional review process generally and for the referendum in particular.

The Source Book is to be used in conjunction with the Civic Education Curriculum, the Trainers Manual and the text of the Proposed New Constitution. It is intended for use by the Commission and the Civic Education Providers (CEPs) that the Commission will partner with, in the provision of civic education for the referendum. However, we would commend it for use by other civic education providers that will be engaged in the process independently of the Commission. In preparing the Source Book, the Commission's desire was to ensure that Kenyans throughout the country receive the same standard of civic education and are able to understand the key ideas behind each chapter of the Proposed New Constitution.

The Source Book, as the name suggests, explains the key concepts and provisions of each chapter of the Proposed New Constitution, and presents additional information and materials on other themes related to the review process generally. In expounding each chapter of the Proposed New Constitution, the Source Book summarizes the concerns of the people of Kenya in respect to each issue and explains how the provisions of the Proposed New Constitution have addressed the concerns. The position in the current Constitution as well as the comparable provisions of constitutions of other countries is also given, so that Kenyans can get a clearer and better understanding of the proposals of the New Constitution.

The Source Book contains two sections. Section I is divided into three parts: Part I gives a general introductory background to the review process while Part II defines key concepts employed in the text. Part III explains the Win-Win approach to civic education.

Section II has four parts dealing with specific contents of the proposed new Constitution that ought to be covered in the conduct of civic education. Part I is titled the "Constitutive Process" and consists of the preambular chapters of the Proposed New Constitution, namely; Sovereignty of the People and Supremacy of the Constitution; the Republic; National Values, Principles and Goals; Citizenship; the Bill of Rights; and Culture.

Part II is titled the "Management of National Resources" and explains the provisions of the four chapters dealing with the theme, namely; land and Property; Environment and Natural Resources; National Security; Public Finance and Revenue Management; and the Public Service.

Part III is titled "Systems and Structures of Government" and is made up of chapters dealing with the system of government, namely; Representation of the People; the Legislature; the Executive; the Judiciary and the Legal System; and Devolved Government structures.

Part IV comprises of the chapters dealing with the "Management of Constitutional and Transitional Arrangements" and describes the provisions relating to Leadership and Integrity; Constitutional Commissions; Amendments to the Constitution; General Provisions; and Transitional and Consequential Arrangements.

The review process has been a journey of many stages and an experience of great re-awakening for Kenyans as a people. This is because civic education has formed an integral part of each stage of the process. The forthcoming referendum will be the climax of this long and most engrossing experience and it is the Commission believes that civic education is an integral and fundamental part of that process too. The decision that is to be made by the people of Kenya at the referendum will define their future for many years to come and it is the hope of the Commission that the decision they take will be made on the basis of information. We hope that this Source Book, amongst other documents prepared by the Commission, has succeed in consolidating critical information that will inform the choices that the people make at the referendum.

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

Acknowledgement

SECTION I: INTRODUCTION

1.0 Establishment of the Constitution of Kenya Review Commission

Throughout the decade of the 1990s, there was intense debate on whether or not Kenya's current Constitution should be reviewed or overhauled. With the dawn of the new Millennium and after protracted negotiations among political parties, organisations of the civil society, religious groups and other stakeholders, a legislative framework for reviewing the Constitution was finally agreed on in November 2000. The Constitution of Kenya Review Commission (CKRC) was established under the Constitution of Kenya Review Act (CAP 3A) and, subsequently, gazetted on November 10, 2000.

Prior to the establishment of the CKRC, a parallel initiative to review the current Constitution had already been started by religious groups, civil society organizations and other stakeholders. The *Ufungamano Initiative*, as it was known, was founded on the premise that the structure and mandate of the CKRC as established by legislation was not inclusive, comprehensive and people-driven.

The then proposed establishment of the CKRC and the existence of a parallel People's Commission of Kenya (PCK) was evidence of a serious division in the political environment. The CKRC was perceived as an instrument of the ruling political party KANU, and *Ufungamano's* PCK as that of those opposed to KANU. Consequently, negotiations among various stakeholders resulted in a merger of the two Commissions in June 2001 to form the current CKRC.

1.1 The Mandate of the Constitution of Kenya Review Commission

The Constitution of Kenya Review Act (Cap. 3A) sets out the mandate of the Commission and of the other organs of review in specific terms. The primary mandate is to ensure a comprehensive review of the current Constitution "by the people of Kenya". Specifically, the Act provides that the object and purpose of the review is to secure provisions therein:

- (a) *guaranteeing peace, national unity and integrity of the Republic of Kenya in order to safeguard the people's well being;*
- (b) *establishing a free and democratic system of government that enshrines good governance, constitutionalism, the rule of law, human rights and gender equity;*
- (c) *recognising and demarcating divisions of responsibility among the various State organs including the Executive, the Legislature and the Judiciary so as to create checks and balances between them; and, to ensure accountability of the Government and its officers to the people of Kenya;*
- (d) *promoting the people's participation in governance through democratic, free and fair elections and devolution and exercise of power;*
- (e) *respecting ethnic and regional diversity and communal rights, including the right of communities to organize and participate in cultural activities and the expressions of their identities;*

- (f) *ensuring provision of basic needs of all Kenyans by establishing an equitable framework for economic growth and equitable access to national resources;*
- (g) *promoting and facilitating regional and international co-operation to ensure economic development, peace and stability and to support democracy and human rights;*
- (h) *strengthening national integration and unity;*
- (i) *creating conditions conducive to a free exchange of ideas;*
- (j) *ensuring full participation by people in managing their affairs; and*
- (k) *enabling Kenyans to resolve national issues based on consensus.*

In performing their functions under the Act, the CKRC and all other organs of review must, among others, ensure that the outcome of the review process faithfully reflects the guiding principles of the review and the wishes of the people of Kenya.

1.2 Method of Work of the Constitution of Kenya Review Commission

The broad principles governing the Commission's method of work are stated in section 17 of the Act, which requires the Commission to:

- (a) *conduct and facilitate civic education in order to stimulate public discussion and awareness of constitutional issues;*
- (b) *collect and collate the people's views on proposals to alter the Constitution and, on that basis, to draft a Bill to alter the Constitution for presentation to the National Assembly; and*
- (c) *carry out or cause to be carried out such studies, researches and evaluations on Kenya's and other constitutions and constitutional systems as, may, in the Commission's opinion, inform the Commission and the people of Kenya on the state of Kenya's Constitution.*

Section 18 further requires the Commission to:

- (a) *visit every constituency to receive the people's views on the Constitution;*
- (b) *without let or hindrance, receive memoranda, hold public or private hearings throughout Kenya and in any other manner collect and collate people's views and opinions, whether resident in or outside Kenya and, for that purpose, the Commission may summon public meetings of the inhabitants of any area to discuss any matter relevant to the functions of the Commission; and*
- (c) *summon any public officer to appear in person before it or before a committee or to produce any document, thing, or information that may be considered relevant to the functions of the Commission.*

Pursuant to these principles and to ensure that its full mandate was discharged, the CKRC spent considerable time and resources in establishing a national infrastructure for stimulating public debate and collection of views. This involved the establishment of Constituency Constitutional Forums (CCFs) and Constitution Constituency Committees (CCCs) in all electoral constituencies, and Documentation Centres in all the districts and hiring of District Co-ordinators. In addition, a national civic education and outreach programme was carried out for the purpose of preparing Kenyans to debate and present their views.

1.3 Review Process and Debates

The Kenyan reform movement has its roots in early 1990s and was influenced by a global pro-reform wind of change after the fall of the Soviet Union in 1989. Demands for a systematic review of the Constitution were made as early as 1990 to the KANU Review Committee, headed by the then Vice-President Prof. George Saitoti. After this, the movement for a review of the Constitution gained momentum with the people demanding for the restoration of multi-party politics and intensified pressure from religious and secular, civil society and political groups. This clamour by the people of Kenya for the review of the current Constitution was based on:

- The limitation of the Independence Constitution, negotiated by the political class without the input of Kenyans as a whole.
- The various deficiencies of the current Constitution resulting from the changes and amendments which blurred the principle of separation of powers resulting in people’s dissatisfaction with the existing governance.
- The fact that the political and social problems facing the country were attributed to these perceived deficiencies in the current Constitution.
- The post-independence repressive politics that exacerbated the erosion and violation of human rights, such as arbitrary detention without trial.
- Excessive powers vested in the presidency, the lack of independence of the Legislature and the Judiciary.

Some groups unsuccessfully demanded comprehensive reform of the Constitution before the General Elections of 1992. This demand gained momentum after the 1992 elections as it became clear that the provision to repeal the one-party rule before the Elections was, by itself, insufficient to democratise politics, usher in accountability and ensure responsive public policies. This was followed by a draft document, titled *Proposal for a Model Constitution*, prepared and circulated by the civil society and professional organizations¹. This proposed Constitution formed the basis of extensive consultations and workshops from 1994 onwards.

In August 1997, parliamentary political parties formed their own forum, the Inter-Parties Parliamentary Group (IPPG). The IPPG agreed to a number of reforms to be implemented before the General Elections of 1997.² It was understood that these were interim reforms to ensure fair elections, after which a comprehensive review of the Constitution would be undertaken. Only some of the IPPG proposed reforms were enacted and, as a result, the Constitution of Kenya Review Act (1997) came into force as the machinery required to meet the goals of post-election constitutional review.³

¹ *Proposal for a Model Constitution* was prepared and circulated by the Kenya Human Rights Commission, the Law Society of Kenya and the International Commission of Jurists, Kenya Chapter.

² These included the independence of the Electoral Commission, repeal of a number of laws restricting civil and political rights, such as freedoms of association and expression by political parties and annulment of the offence of sedition hitherto used to clamp down the agitation for rights.

³ The salient features of these amendments were provisions for:

- (i) A Review Commission made up of twenty-five members nominated proportionately, by stakeholders, not the President;
- (ii) A time-bound procedure for nominations;
- (iii) Appointment of Commissioners by the President;
- (iv) Implementation of the one third policy for women representation; and
- (v) Structures of the review process to reflect the “bottom-up” approach, a people-driven, constitution-making process.

The 1997 Act did not satisfy all the interested parties. Consequently, negotiations with a large number of other stakeholders commenced.⁴ The aim was to identify an inclusive framework for the process and this resulted in the amendment of the Act in 1998 to reflect the consensus of the negotiations. The pact was, however, not implemented since the major parties to the negotiations (particularly Parliamentary political parties) disagreed on the mode of nomination of Commissioners. The ensuing stalemate resulted in the protagonists resolving to proceed singly.

The parliamentary process, backed essentially by KANU and allied political parties, established a Parliamentary Select Committee to determine the instruments that would be necessary for a comprehensive review. This led to further amendments to the Review Act in 2000. The amendments introduced substantial changes in the legislative framework as agreed in 1998.⁵

Meanwhile, the other group - the *Ufungamano Initiative* backed by national religious organizations and organs of the civil society - appointed a People's Commission of Kenya (PCK) structured on the provisions of the amended review Act. The group proceeded to collect the views of the public on constitutional issues.

As explained earlier, the existence of two separate processes was unsatisfactory and efforts to bring about a merger of the two processes were undertaken by various stakeholders. The negotiating parties took several courageous decisions that led to the merger of the two processes.

1.4 The Organs of Review

The Review Act establishes five organs of review with specific functions and responsibilities. These are:

i. The CKRC

The Commission, which is the primary organ of review, consisting of 29 Commissioners, two of whom, the Attorney General and the CKRC Secretary, are *ex officio*. The Commission is independent and cannot be instructed by anyone in carrying out its functions. Its tenure lasts until the conclusion of the review process.

ii. Constituency Constitutional Forum

A Constituency Constitutional Forum was activated in every constituency by the CKRC to facilitate debate and the collection of views from members of the public within the Constituency.

⁴ At Nairobi's Bomas of Kenya and the Safari Park Hotel between June and October 1998.

⁵ Among these were that:

- the size of the Commission was reduced from twenty-five to fifteen Commissioners plus two *ex officio* members;
- these Commissioners would be appointed on merit, after the Parliamentary Select Committee had considered applications and conducted interviews;
- ethnic, geographical and social diversity would be considered during the selection process; and
- the President would appoint the Commissioners following their nomination by the Parliamentary Select Committee.

iii. The National Constitutional Conference (NCC)

The NCC constituted of 629 members and convened for a total of 139 days during 2003-2004:

- 223 members of the National Assembly;
- 210 representatives of districts elected by the county councils;
- 29 members of the Commission (as non-voting members);
- 41 persons each representing a political party registered by the time the Review Act came into operation; and
- 126 representatives of religious, professional and women's groups, trade unions and NGOs (section 27(2)), and other interests chosen in accordance with regulations made by the Commission.

iv. The National Assembly

Section 27 of the Review (Amendment) Act 2004 provides that the National Assembly shall debate the draft Bill as adopted by the National Constitutional Conference, identify contentious issues and make recommendations within 90 days for onward transmission to the Attorney General who shall then undertake to prepare the new draft Constitution.

v. The Referendum

The Review (Amendment) Act 2004 provides for a referendum that shall involve the people of Kenya in the ratification of the Constitution. The referendum will be held to decide on whether to adopt or reject the proposed new Constitution.

1.5 Stages of Review

The review process was conducted in the following stages:⁶

Stage I: Civic Education: Preparing the People for Participation

The first stage was to prepare the CKRC as well as the people for the review. The CKRC conducted and facilitated civic education for purposes of creating public awareness on constitutional issues.

Stage II: Research, Studies and Seminars to Define the Issues

The Commission conducted studies on constitutional and socio-political issues with a view to defining and discharging its mandate. CKRC also consulted widely, making visits to a number of foreign countries including Uganda, Rwanda, Germany, South Africa, Tanzania, Ghana and Ethiopia.⁷

⁶ These are described in detail in Volume III of Commission Report.

⁷ See the proceedings in Volume V of the Commission's Report.

Stage III: Public Consultations: Listening to the People

The Commission carried out consultations with individuals, groups and organizations. While embarking on this action, the Commission visited every constituency, received memoranda and recorded oral presentations.

Stage IV: Writing The Report and Preparing the Draft Bill

The Commission analysed and collated the views of the public and, on this basis, wrote the Main Report and prepared a draft Bill to alter the Constitution.

Stage V: Debating the Commission's Report and Recommendations

The Commission disseminated the Main Report and the Draft Bill for debate and comments by the public while incorporating peer reviews. The Commission then prepared an annotated compendium of peoples comments, which was disseminated to delegates at the National Constitutional Conference.

Stage VI: Conducting the National Constitutional Conference

Pursuant to its mandate the CKRC organized and held the NCC between 2003-2004 at which delegates debated, amended the Draft Bill, and adopted the Draft Constitution of Kenya 2004 (the Bomas Draft).

Stage VII: National Assembly

Under the Constitution of Kenya Review (Amendment) Act 2004, the National Assembly considered the contentious issues as recommended by the Parliamentary Select Committee on Constitutional Review and further initiated, facilitated and promoted national consensus. Parliament debated and gave their recommendations to the Attorney General to draft and publish a Draft Constitution for the referendum.

Stage VIII: Referendum

Section 28 (1) of the Constitution of Kenya Review (Amendment) Act 2004 provides that within 90 days after the publication by the Attorney General of the Proposed New Constitution, the Electoral Commission of Kenya shall hold a Referendum whereby the people of Kenya shall be given an opportunity to vote on the Proposed New Constitution.

2.0 The Mandate of CKRC in Civic Education for the Referendum

The Constitution of Kenya Review (Amendment) Act 2004 sets out the mandate of the CKRC for the referendum process. Thus, in addition to Section 17 (a) of the principal Act, which provides that: -

“the Commission shall conduct and facilitate civic-education in order to stimulate public discussion and awareness of constitutional issues”

Section 28 of the amended Act further mandates the Commission to “*facilitate and coordinate civic education on the referendum*” and section 17 to “*monitor the conduct of the referendum*”.

2.1 Use of the Curriculum

This Curriculum sets the framework of the content to be covered. In order to meaningfully cover the Curriculum, providers will be expected to:

- Give a broad overview of the key issues of the Units and Sessions content;
- Ensure that the principles underpinning each Unit and their significance are articulated as provided for in the *Source Book*.
- Concentrate on details resulting from session interactions after the overview.

The content of the Proposed New Constitution is explained in detail in the *Source Book*, and Educators are urged to make use of specific content references in it as indicated in the Curriculum.

In order to effectively impart the content of this Curriculum, Educators are advised to liberally choose from methods and resources suggested in the *Manual for Educators*. These methodologies and resources are by no means exhaustive. In choosing a method or a resource, Educators are expected to adapt them to the environment under which civic education is being provided. Importantly, an Educator should be able to improvise with methodology to address the specific needs and limitations of the audience. This could mean, for example, responding to the disposition, education level, age and sex of an audience group.

3.0 CODE OF CONDUCT FOR ASSOCIATE CIVIC EDUCATION PROVIDERS

The Constitution of Kenya Review Commission (the Commission) is mandated under the Constitution of Kenya Review (Amendment) Act 2004 (Cap 3A) to conduct, facilitate and monitor civic education for the Referendum.

The Commission will contact or co-operate with agencies or organizations with the capacity and commitment to provide civic education in all constituencies in Kenya. The agencies and organizations providing civic education will be expected to provide such service strictly in accordance with guidelines set by the Commission. They shall not be motivated by profit or gain beyond legitimate expenses they may incur or other justifiable claims they make to the Commission in respect of duties undertaken on behalf of or in collaboration with the Commission. They are expected to facilitate the execution of the Commission's mandate in accordance with the principles stated in the Code of Conduct set out below:

- 1) All associated civic education providers (CEPs) for the Referendum shall abide by the Third Schedule of the Act.
- 2) The Commission expects all CEP to conduct civic education in accordance with the curriculum prepared or approved by the CKRC.
- 3) The Commission requires that civic education be conducted without partiality, advocacy or influence from any person or group.
- 4) CEPs shall refrain from engaging in or supporting any activity that would discredit the work or image of the Commission.
- 5) CEPs shall not in any way actively subvert the attainment of the Commission's statutory mandate and the conduct of the entire review process;
- 6) CEPs shall refuse any gift, favour, hospitality or any inducement that would influence or appear to influence the discharge of his or her duties.
- 7) No CEP shall act in a manner that prejudices or puts the process of the civic education for the referendum in disrepute.
- 8) CEPs shall ensure that all Kenyans are accorded the opportunity to participate freely and effectively in civic education.
- 9) CEPs shall carry out civic education without intimidation, coercion, threat, duress or undue influence.
- 10) CEPs shall be sensitive, when providing civic education, to the needs of the people with disabilities, women, youth and marginalized groups.
- 11) CEPs shall give due consideration to special and appropriate circumstances as regards accessibility, language and methodology in the provision of civic education.
- 12) CEPs are expected to employ and make relevant use of human and material resources found within the local area in which it is engaged subject to the provisions of the Code, contractual or any other arrangement under which the Commission engages them.
- 13) CEPs shall avoid actual or apparent conflicts of interest in the provision of civic education for the Referendum.
- 14) CEPs shall refrain from disclosing any confidential information acquired in the course of their work unless otherwise authorized by the Commission, or use any such information for personal gain or the gain of a third party.
- 15) CEPs shall perform its duty in accordance with such other rules, regulations, standards as the Commission may set from time to time.
- 16) Any CEP that violates or contravenes any of the above rules shall be liable to such penalty or action as the Commission may deem fit, including revocation of the right to conduct civic education for the Referendum and refund any monies advanced.

SECTION II: THE PROPOSED NEW CONSTITUTION

PART I: OBJECTIVES

This introductory part outlines the objectives for the Curriculum for Civic Education for the Referendum, and defines the contextual background to the review, and the referendum processes.

UNIT	OBJECTIVES	CONTENT	KEY ISSUES
Unit I Objectives and Purpose of the Civic Education Curriculum for the Referendum	<i>At the end of this unit, participants should be able to:</i> <ul style="list-style-type: none"> • Understand the rationale, need for and objectives of the civic education for the referendum. 	<ul style="list-style-type: none"> • Extracts of the Strategic Plan relevant to Civic Education. • CKRC Reports. • CAP 3A. • ‘Consensus Act 	<ul style="list-style-type: none"> • What civic education is. • Objectives and purpose of the civic education for the referendum. • The role of CKRC. • The role of ECK.
Unit II The Review Process and Context of the Referendum	<i>At the end of this unit participants should be able to:</i> <ul style="list-style-type: none"> • Understand the rationale for a referendum. 	<ul style="list-style-type: none"> • The Proposed New Constitution. • CKRC Verified Draft Constitution. • The CKRC Draft Bill. • Cap 3A. • Referendum Regulations. 	<ul style="list-style-type: none"> • What a referendum is. • Why a referendum. • Referendum regulations. • Experience of other countries.

PART II: THE CONSTITUTIVE PROCESS

The Constitutive Process consists of the Preamble; chapters on Sovereignty of the People and Supremacy of the Constitution; the Republic; National Values, Principles and Goals; Citizenship; the Bill of Rights; and Culture. These chapters provide for:

- The establishment of the fundamental principles of nation-building;
- Affirmation of the sovereignty of the people and supremacy of the Constitution;
- The statement of national values, principles and goals;
- The acquisition of citizenship, and the rights, privileges and responsibilities of citizenship;
- Human rights, their limitations, guarantees, protection and promotion; and
- Recognition, protection, promotion and development of Culture.

UNIT	OBJECTIVES	CONTENT	KEY ISSUES
Unit I Session 1 Preamble	<i>At the end of this unit, participants should be able to:</i> <ul style="list-style-type: none"> • Understand and appreciate the meaning of the Preamble 	Articles <ul style="list-style-type: none"> • Preamble. • Source Book (concept, content and significance of the Preamble). 	<ul style="list-style-type: none"> • Concept, history and content of the Preamble. • Relationship between the Preamble and other chapters.
Sovereignty of the people and Supremacy of the Constitution	<i>At the end of this unit, participants should be able to:</i> <p>Define, understand and appreciate the principles, composition and provision of the Sovereignty of the People and Supremacy of the Constitution.</p>	Articles <ol style="list-style-type: none"> 1 Sovereignty of the People. 2 Supremacy of the Constitution. 3 Laws of Kenya. 	<ul style="list-style-type: none"> • 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. • Laws of Kenya.

UNIT	OBJECTIVES	CONTENT	KEY ISSUES
Session 2 The Republic	<i>At the end of this session, participants should be able to understand the provisions related to:</i> <ul style="list-style-type: none"> • The principles of formation and territorial boundaries of the Republic of Kenya . 	Articles 4 Declaration of the Republic. 5 Territory. 6 Devolution. 7 Capital. 8 Decentralisation of the State organs. 9 Language. 10 State and religion. 11 National symbols. 12 National days.	<ul style="list-style-type: none"> • Principles of declaring the Republic. • Constituting the state and district levels to exercise sovereign authority. • Equitable access to government services. • Separation of religion and state, and equality of all religions. • National symbols and days.
Session 3 National Values, Principles and Goals	<i>At the end of this session, participants should be able to understand provisions related to:</i> <ul style="list-style-type: none"> • The fundamental principles that guide the nation.; and • National values and aspirations of the people of the Kenya. 	Articles 13 National Values, Principles and Goals.	<ul style="list-style-type: none"> • Principles, national values and goals. • Emphasize issues that run through the whole Constitution and must be cross-referenced to the Preamble. Some issues to be highlighted: <ul style="list-style-type: none"> ○ National unity; ○ History; ○ Patriotism; ○ Participatory governance; ○ Human rights; ○ Affirmative Action; and ○ Social justice.
Session 4 Citizenship	<i>At the end of this session, participants should be able to understand and appreciate provisions related to:</i> <ul style="list-style-type: none"> • The principles, rights and duties of a citizen. • Methods of acquiring and deprivation of 	Articles 14 General principles of citizenship. 15 Retention of existing citizenship. 16 Acquisition of citizenship. 17 Citizenship by birth. 18 Citizenship and marriage. 19 Citizenship by naturalisation. 20 Children found in Kenya and	<ul style="list-style-type: none"> • The principles of citizenship. • Citizens’ rights in the Constitution. • Acquisition and retention of citizenship and dual citizenship.

UNIT	OBJECTIVES	CONTENT	KEY ISSUES
	citizenship.	adopted children. 21 Dual citizenship. 22 Deprivation of citizenship. Articles 23 Residence. 24 Responsibilities of a citizen. 25 Legislation on citizenship.	<ul style="list-style-type: none"> • Citizenship responsibility.
Session 5 Culture	<i>At the end of this session participants should be able to understand the provisions related to:</i> <ul style="list-style-type: none"> • Meaning and Principles of culture; and • The relationship between culture and the Constitution. 	Articles 26 Principles concerning culture. 27 National Commission on Culture. 28 Cultural Day.	<ul style="list-style-type: none"> • The principles of culture. • Culture as crosscutting (to be cross-referenced with other chapters in the Constitution, e.g. Bill of Rights, and Language and Culture (Art. 68).

UNIT	OBJECTIVES	CONTENT	KEY ISSUES
		<p>Articles</p> <p>55 Freedom of movement and residence</p> <p>56 Refugees and asylum</p> <p>57 Freedom of trade, occupation and profession</p> <p>58 Protection of right to property</p> <p>59 Labour relations</p> <p>60 Social security</p> <p>61 Health</p> <p>62 Education</p> <p>63 Housing</p> <p>64 Food</p> <p>65 Water</p> <p>66 Sanitation</p> <p>67 Environment</p> <p>68 Language and culture</p> <p>69 Consumer rights</p> <p>70 Fair administration</p> <p>71 Access to courts</p> <p>72 Rights of arrested persons</p> <p>73 Fair trial</p> <p>74 Rights of persons held in custody</p> <p>75 State of emergency</p> <p>76 Gender Commission</p> <p>77 Commission of Human Rights and Administrative Justice</p>	<ul style="list-style-type: none"> • Freedom of assembly, movement and residence demonstration, picketing and petition. • Freedom of trade, occupation and profession. • Protection of right of property. • The right to social security. • Right to healthcare. • State obligation in providing education. • Every citizen 's right to a habitat. • Right to food. • Right to clean water and proper sanitation. • Right to culture and respect of other people's cultures. • Consumer rights • Right not to obey unlawful instructions • Access to courts and rights of arrested and accused persons. • Declaration of a state of emergency. • Gender Commission and Commission of Human Rights and Administrative Justice.

PART III: MANAGEMENT OF NATIONAL RESOURCES

The Management of National Resources consists of five chapters on Land and Property, Environment and Natural Resources, Public Finance and Revenue Management, Public Service, and National Security which:

- Enable participants to have a holistic view of the natural, human and material resources available;
- Provide principles of holding, accessing and utilizing of land and property;
- Provide for protection of the environment and the management of natural resources;
- Provide for the transparent collection, management and the equitable sharing of public finance and; constitutional recognition for the participation of the public in the management of public finance;
- Provide for public service as a national resource; and
- Provide a constitutional obligation to agencies in the protection of the country's territory, its peoples, their property, and freedoms.

UNIT	OBJECTIVES	CONTENT	KEY ISSUES
Unit I Land and Property	<p><i>At the end of this Unit, participants are expected to understand the provisions related to:</i></p> <ul style="list-style-type: none"> • Principles of land policy; • How land and property will be held, used, and transferred under the Proposed New Constitution; • The need and functions of a National Land Commission; and • The scope of the power of the state to regulate land use. 	Articles 78 Principles of land policy. 79 Vesting and classification of land. 80 Public land. 81 Community land. 82 Private land. 83 Landholding by non-citizens. 84 Regulation of land use. 85 National Land Commission. 86 Legislation on land.	<ul style="list-style-type: none"> • Principles of land policy, • Classification of land. • Landholding by non-citizens. • Regulation of land use. • National Land Commission.

UNIT	OBJECTIVES	CONTENT	KEY ISSUES
<p>Unit II</p> <p>Environment and Natural Resources</p>	<p><i>At the end of the unit, participants should be able to:</i></p> <ul style="list-style-type: none"> • Understand the provisions on conserving, protecting and managing the environment; • Be informed about the provisions on the environment, duties and enforcement of environmental protection; • Appreciate the use and development of natural resources and their benefit to communities; and • Understand the role and functions of the National Environment Commission. 	<p>Articles</p> <p>87 Principles and obligations on the environment.</p> <p>88 Protection of the environment.</p> <p>89 Conservation of the environment.</p> <p>90 Utilization and development of natural resources.</p> <p>91 Agreements relating to natural resources.</p> <p>92 National Environment Commission.</p> <p>93 Environmental legislation.</p>	<ul style="list-style-type: none"> • Obligations to the environment. • Protection of the environment. • Conservation of the environment. • Environmental rights. • Natural resources development. • National Environment Commission.

UNIT	OBJECTIVES	CONTENT	KEY ISSUES
<p>Unit III</p> <p>Public Finance and Revenue Management</p>	<p><i>At the end of the unit, participants are expected to:</i></p> <ul style="list-style-type: none"> • Understand provisions on principles and public finance management; • Appreciate how public funds will be raised and utilised; • Understand the functions of the public finance institutions; and • Understand provisions on procurement of public goods and services, and their audit. 	<p>Articles</p> <p>218 Principles and objects of public finance and revenue.</p> <p>219 Imposition of tax.</p> <p>220 Taxation powers.</p> <p>221 Sharing of national funds.</p> <p>222 Consolidated Fund.</p> <p>223 Withdrawals from Consolidated Fund</p> <p>224 Revenue funds for district governments.</p> <p>225 Contingency Fund.</p> <p>226 Borrowing by government.</p> <p>227 Borrowing by district governments.</p> <p>228 Public debt.</p> <p>229 Loan guarantees by governments.</p> <p>230 Principles of financial management.</p> <p>231 National annual estimates.</p> <p>232 Division and appropriation of revenue Bills.</p> <p>233 Annual budget of district governments.</p> <p>234 Procurement of public goods and services.</p> <p>235 Accounts and audit of public institutions.</p> <p>236 Treasury control.</p> <p>237 Controller of Budget.</p> <p>238 Auditor-General.</p> <p>239 National Revenue Authority.</p> <p>240 Commission on Revenue Allocation.</p> <p>241 Central Bank of Kenya.</p> <p>242 Functions of Central Bank.</p> <p>243 Economic and Social Council.</p> <p>244 Taxation legislation.</p>	<ul style="list-style-type: none"> • Principles and objects of public finance and revenue management. • Imposition of tax. • Legislation on sharing of national funds to the district governments. • Consolidated Fund and withdrawals from it. • Contingency Fund. • Borrowing by national and district governments. • Public debt. • Loan guarantees by governments. • Budgets preparation. • National and district annual estimates. • Division and appropriation of revenue Bills. • Procurement of public goods and services. • Accounts and audit of public institutions. • Treasury control. • Controller of Budget and Auditor-General. • National Revenue Authority. • Commission on Revenue Allocation. • Central Bank of Kenya. • Economic and Social Council. • Taxation Legislation.

UNIT	OBJECTIVES	CONTENT	KEY ISSUES
<p>Unit IV</p> <p>Public Service</p>	<p><i>At the end of this unit, participants are expected to understand and appreciate provisions on:-</i></p> <ul style="list-style-type: none"> • The values and principles that guide the conduct of the public service; • The powers and functions of the Public Service Commission; • Mechanisms of decentralized public services; and • Essential public sector services especially healthcare, correctional and educational services. 	<p>Articles</p> <p>245 Values and principles of public service.</p> <p>246 Public Service Commission.</p> <p>247 Powers and functions.</p> <p>248 Staffing of district governments.</p> <p>249 Protection of public officers.</p> <p>250 Teachers Service Commission.</p> <p>251 Health Services Commission.</p> <p>252 Salaries and Remuneration Commission.</p> <p>253 Establishment of (Kenya Correctional Service).</p> <p>254 Director-General.</p>	<ul style="list-style-type: none"> • Values and principles of public service. • Effective, fair and equitable provision of public services. • Professionalism and accountability for public office holders. • Staffing of devolved governments. • Powers and functions of public institution.

UNIT	OBJECTIVES	CONTENT	KEY ISSUES
<p>Unit V</p> <p>National Security</p>	<p><i>At the end of the unit, participants are expected to understand provisions on:</i></p> <ul style="list-style-type: none"> • The principles of national security; and • The functions and roles of all national security organs. 	<p>Articles</p> <p>255 Principles and objects. 256 National security organs. 257 Establishment of National Security Council. 258 Functions of the National Security Council. 259 Establishment of Kenya Defence Forces. 260 Command of Kenya Defence Force. 261 Establishment of the National Intelligence Service. 262 National Intelligence Council. 263 Establishment of Kenya Police Service. 264 Objects and functions. 265 Inspector-General of Kenya Police Service 266 Police Service Commission. 267 Establishment of Administration Police Service. 268 Functions of Administration Police Service. 269 Commandant-General of Administration Police Service.</p>	<ul style="list-style-type: none"> • Definition of National Security. • Composition, powers and functions of national security organs. • President as Commander-in-Chief of Defence Forces. • Protection of the territory, people and property. • Compliance of national security organs with human rights and fundamental freedoms and the rule of law. • The oversight authority of the Constitution and Parliament over security organs.

PART IV: SYSTEMS AND STRUCTURES OF GOVERNMENT

Systems and structures of government are covered in the chapters on Representation of the People, the Legislature, the Executive, the Judiciary and Devolved Government which provide for:

- Powers and functions of the three arms of government and a system of checks-and-balances;
- A system of devolved government; and structures of distribution of power, roles and resources allocation between the National Government and devolved levels of government; and
- Democratic participation in representative institutions, the conduct of free, fair and regular elections by an Electoral and Boundaries Commission and the regulation of the conduct of political parties.

UNIT	OBJECTIVES	CONTENT	KEY ISSUES
Unit I Representation of the People	<p><i>At the end of this unit, participants are expected to understand provisions related to: -</i></p> <ul style="list-style-type: none"> • The mechanisms, conduct and participation in the electoral system and process. • The right to representation of all Kenyans including women, youth, people with disabilities and marginalized groups. • Establishment and functions of political parties. 	Articles 101 General Principles. 102 Elections. 103 Registration as a Voter. 104 Disqualification from registration as a voter. 105 Voting. 106 Independent candidates. 107 Unopposed candidates. 108 Representation on international bodies. 109 Establishment and Function of Electoral and Boundaries Commission. 110 Delimitation of constituencies. 111 Fixing of administrative boundaries. 112 Basic principles of political parties. 113 Legislation of political parties.	<ul style="list-style-type: none"> • The right to vote and stand for elections. • Conduct of fair and free elections through secret ballot. • Affirmative action for all sectors of the community previously underrepresented . • Conduct of elections by an independent electoral body. • Establishment and functions of Electoral and Boundaries Commission. • Establishment, roles and functions of political parties. • Independent candidates.

UNIT	OBJECTIVES	CONTENT	KEY ISSUES
UNIT II Session 1 The Legislature	<p><i>At the end of this unit, participants are expected to understand provisions on:</i></p> <ul style="list-style-type: none"> • 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; and • The role of Parliament in making laws, policies, distribution of national resources and amending the Constitution. 	<p>Articles</p> <p>114 Establishment of Parliament. 115 Role of Parliament.</p>	<ul style="list-style-type: none"> • Establishment composition and function of Parliament. • The role of Parliament in approving the equitable allocation, sharing and distribution of national resources among the different levels of government. • The oversight role of Parliament over other arms of Government.
Session 2 The Legislature	<p><i>At the end of the unit, participants are expected to understand provisions on:</i></p> <ul style="list-style-type: none"> • The composition and membership of Parliament; • The conditions and tenure of members of Parliament; and • The election, appointment, role and tenure of officers of Parliament. 	<p>Articles</p> <p>116 Membership of Parliament. 117 Qualifications and disqualifications of members. 118 Election of Members of Parliament. 119 Vacation of offices of members of Parliament. 120 Determination of questions of membership. 121 Speaker and Deputy Speaker of Parliament. 122 Presiding in Parliament. 123 Leader of the Opposition. 124 Clerk and staff of Parliament.</p>	<ul style="list-style-type: none"> • Representation in Parliament. • Terms, conditions and tenure of member of Parliament. • The qualification and election process for the Speaker and Deputy Speaker. • The role and tenure of the officers of Parliament. • The role and office of the Leader of the Official Opposition.

UNIT	OBJECTIVES	CONTENT	KEY ISSUES
<p>Session 3 The Legislation and Procedure in Parliament</p>	<p><i>At the end of this session, participants are expected to understand provisions on:</i></p> <ul style="list-style-type: none"> • Procedure of Parliament; • Provisions relating to seat of Parliament, life and prorogation; and • The establishment and role of Parliamentary Service Commission. 	<p>Articles 125 Exercise of legislative powers. 126 Money Bills. 127 Presidential assent and referral. 128 Coming into force of laws. 129 Right to petition Parliament. 130 Quorum. 131 Official language in Parliament. 132 Voting in Parliament. 133 Regulation procedure. 134 Power to call for evidence. 135 Public access and participation. 136 Powers, privileges and immunities. 137 Registry of Enactments. 138 Seat of Parliament. 139 Life and prorogation of Parliament. 140 Parliamentary Service Commission.</p>	<ul style="list-style-type: none"> • The legislative process (how laws are made). • Decision making in parliament. • The right of citizens to petition parliament. • Public access and participation. • Powers, privileges and immunities of Parliament and Parliamentarians. • Registry of enactments. • The seat of Parliament. • Life and prorogation of parliament. • The role, membership and tenure of the Parliamentary Service Commission.
<p>Unit III Session 1 The Executive</p>	<p><i>At the end of the session, participants are expected to understand provisions on:</i></p> <ul style="list-style-type: none"> • Principles of the Executive. 	<p>Articles 141 Principles of the executive. 142 Executive authority of the President.</p>	<p>Articles</p> <ul style="list-style-type: none"> • Structure and composition of the National Executive. • Requirements for office bearers.

UNIT	OBJECTIVES	CONTENT	KEY ISSUES
<p>Session 2 The Executive</p>	<p><i>At the end of this session, participants are expected to understand provisions on:</i></p> <ul style="list-style-type: none"> • Elections and functions of the President and Deputy President; and • Powers, functions and removal of the President and Deputy President. 	<p>Articles</p> <p>143. Authority of President. 144. State functions of President. 145. Curtailment of Presidential powers. 146. Decisions by the President. 147. Presidential elections. 148. Qualifications and disqualifications for elections as President. 149. Procedure at presidential election. 150. Question as to validity of presidential election. 151. Assumption of office of President. 152. Term of office of President. 153. Protection from legal proceedings. 154. Removal of President on grounds of incapacity. 155. Impeachment and removal of President.</p> <p>156. Vacancy in the office of President.</p> <p>157. Presidential powers of clemency. 158. Office of Deputy President. 159. Vacancy in the Office of Deputy President. 160. Functions of Deputy President. 161. Death before assuming office. 162. Remuneration and benefits of President and Deputy President.</p>	<ul style="list-style-type: none"> • Elections, functions, powers and limitations of presidential powers. • Assumption and term of office of President. • Impeachment and removal of the President. • Vacancy in office of the President. • Functions of Deputy President. ▪ Remuneration and benefits of President and Deputy President

UNIT	OBJECTIVES	CONTENT	KEY ISSUES
<p>Session 3 The Executive</p>	<p><i>At the end of this session, participants are expected to understand provisions on:</i></p> <p>The appointment, functions and removal of the Prime Minister, members of Cabinet, deputy ministers, principal secretaries, Attorney General, Director of Public Prosecutions and Public Defender.</p>	<p>Article</p> <p>163. Appointment and functions of Prime Minister.</p> <p>164. Procedure for appointment of Prime Minister.</p> <p>165. Term of office of Prime Minister.</p> <p>166. Resignation of Prime Minister.</p> <p>167. Vacancy in the office of Prime Minister and Ministers.</p> <p>168. The Cabinet.</p> <p>169. Secretary to the Cabinet.</p> <p>170. Decisions, responsibility and accountability of the Cabinet.</p> <p>171. Assignment of functions.</p> <p>172. Principal Secretary.</p> <p>173. Appointment and dismissal of Principal Secretaries.</p> <p>174. Attorney- General.</p> <p>175. Director of Public Prosecutions.</p> <p>176. Public Defender.</p> <p>177. Removal from office of Attorney-General, Director of Public Prosecutions and Public Defender.</p>	<ul style="list-style-type: none"> • Appointment, functions and removal of Prime minister, Deputy Prime Minister and Cabinet. • Dismissal or resignation of the Prime Minister • Decisions, responsibilities and accountability of the Cabinet. • Appointment, functions and dismissal of the Principal Secretary. • Appointment, functions and removal from office of Attorney-General, Director of Public Prosecutions and Public Defender.

UNIT	OBJECTIVES	CONTENT	KEY ISSUES
<p>Unit IV</p> <p>Session 1</p> <p>Judiciary</p>	<p><i>At the end of this session, participants are expected to understand provisions on:</i></p> <ul style="list-style-type: none"> • 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. 	<p>Articles</p> <p>178. Principles of judicial power. 179. Hierarchy and administration of courts. 180. Independence of the Judiciary. 181. Chief Justice. 182. Deputy Chief Justice. 183. Supreme Court. 184. Jurisdiction of the Supreme Court. 185. Court of Appeal. 186. Jurisdiction of the Court of Appeal. 187. High Court. 188. Jurisdiction of High Court. 189. Supervisory jurisdiction of the High Court.</p> <p>190. Appointment of judges. 191. Qualification for appointment of judges.</p> <p>192. Tenure of office of Judges. 193. Removal from office. 194. Subordinate courts. 195. Religious courts. 196. Judicial Service Commission. 197. Functions of the Judicial Service Commission.</p>	<ul style="list-style-type: none"> ▪ The Judiciary as the repository of judicial power. • Judicial power and separation of powers. ▪ Principles guiding the exercise of judicial power . ▪ Independence of the Judiciary: institutional and decisional aspects. ▪ The role of the Judiciary in the interpretation and enforcement of the Constitution. ▪ The structure and hierarchy of the Judiciary. ▪ Composition of the superior and subordinate courts. ▪ Substantive constitutional offices and other categories of judicial officers. ▪ Qualifications, appointment and removal of judges. ▪ Tenure of judges. ▪ Composition and functions of the Judicial Service Commission.

UNIT	OBJECTIVES	CONTENT	KEY ISSUES
<p>Unit V</p> <p>Session 1</p> <p>Devolved Government</p>	<p><i>At the end of this session, participants are expected to understand provisions on:</i></p> <ul style="list-style-type: none"> • Principles of devolved government; and • Design and structures of devolved government. 	<p>Articles</p> <p>198. Objects and principles of devolution of government.</p> <p>199. Unit of devolution.</p> <p>200. Co-operation and linkage between Government and the district governments.</p> <p>201. Assignment of functions.</p> <p>202. Conflict of laws.</p> <p>203. Management of urban areas within districts.</p> <p>204. Suspension of a district government.</p> <p>205. Prohibition against holding elective office in Government and district government.</p> <p>Article 6(2) Devolution</p>	<ul style="list-style-type: none"> • The meaning of devolution of power. • Principles guiding devolution of power. • Nature of the proposed devolved government. • Levels of Government. • Territorial units of devolved governments (the districts). • Nature and functions of institutions of Government at each level.

UNIT	OBJECTIVES	CONTENT	KEY ISSUES
Session 2 Devolved Government	<p><i>At the end of this session, participants are expected to understand provisions on:</i></p> <ul style="list-style-type: none"> National Forum for District Governments and other fora. 	<p>Articles</p> <p>206. Establishment and functions of National Forum for District Governments and other fora.</p>	<ul style="list-style-type: none"> Levels of Government Territorial units of devolved governments (the Districts) Nature and functions of institutions of government at each level
Session 3 Devolved Government	<p><i>At the end of this session, participants are expected to understand provisions on:</i></p> <p>The design and structure of Districts Government.</p>	<p>Articles</p> <p>207. District governments.</p> <p>208. Legislative authority of district assembly.</p> <p>209. Election of members of district assembly.</p> <p>210. District councils.</p> <p>211. Functions of district councils.</p>	
Session 4 Devolved Government	<p><i>At the end of this session, participants are expected to understand provisions on:</i></p> <ul style="list-style-type: none"> The distribution of functions at each level of the devolved units of government. 	<p>Fourth Schedule</p> <p>Distribution of functions between the National Government and the devolved levels of Government.</p> <p>Articles</p> <p>212. Terms of office.</p> <p>213. Community and cultural diversity.</p> <p>214. District government during transition.</p> <p>215. Leadership and integrity.</p> <p>216. Publication of laws.</p> <p>217. Provision to be made by Act of Parliament.</p>	<ul style="list-style-type: none"> Division of power, functions and responsibilities.

PART V: THE MANAGEMENT OF CONSTITUTIONALITY AND TRANSITIONAL ARRANGEMENTS

The Management of Constitutionality and Transitional Arrangements has four chapters on Leadership and Integrity, Constitutional Commissions, Amendments to the Constitution, General Provisions, and Transitional and Consequential Arrangements which provide for:

- The ethical conduct of public affairs and promotion of meritocracy, integrity and competence in accession to office and objectivity, impartiality, self-less commitment and accountability in public service;
- Constitutional Commissions are a people-based mechanism under the principle of checks-and-balances;
- The amendment of the Constitution by Parliament and the people through a referendum, or popular initiative;
- Guidelines for the interpretation of the Constitution and definitions of words, terms and phrases used in the Constitution;
- Transition from the current Constitution and the implementation of the transitional arrangements and the new Constitution; and
- The mandatory enactment and legislation by Parliament for the implementation of the new Constitution and for the High Court to serve as the avenue through which citizens may compel Parliament to act on transitional arrangements.

UNIT	OBJECTIVES	CONTENT	KEY ISSUES
UNIT I Leadership and Integrity	<i>At the end of this unit, participants should be able to understand provisions on:</i> <ul style="list-style-type: none"> • The objects and functions of ethics and integrity; and • Ethics and responsibilities of leadership. 	Articles 94 Responsibilities of leadership. 95 Oath of affirmation of office. 96 Conduct of State officers. 97 Finances of State officers. 98 Restriction on activities. 99 Ethics and Integrity Commission. 100 Legislation on leadership.	<ul style="list-style-type: none"> • Declaration of wealth. • The role of the Ethics and Integrity Commission. • The importance of the chapter for good governance.

UNIT	OBJECTIVES	CONTENT	KEY ISSUES
UNIT II Constitutional Commissions	<p><i>At the end of this unit, participants should be able to understand provisions related to:</i></p> <ul style="list-style-type: none"> • Why commissions are necessary for the protection of the sovereignty of the people; the observance of democratic values and constitutionality in governance; • Independence, composition and tenure of the commissions; and • Functions and funding of commissions. 	Articles 270. Application of Chapter. 271. Objects and independence of Commissions. 272. Incorporation of Commissions. 273. Composition of Commissions. 274. Staff of Commissions. 275. General functions of Commissions. 276. Proceedings of Commissions. 277. Removal from office. 278. Funds of Commissions. 279. Annual and other reports. 280. Other Commissions.	<ul style="list-style-type: none"> • The meaning and relevance of Constitutional Commissions. • Independence of Commissions • Reports of Commissions. • How Commissions relate to governance. • The funding of Commissions.
UNIT III Amendment of the Constitution	<p><i>At the end of this unit, participants should be able to understand provisions on:</i></p> <ul style="list-style-type: none"> • The organs and their rationale in amending the Constitution; • Procedures for amending the Constitution. 	Articles 281. Amendment of the Constitution. 282. Amendment by Parliament. 283. Amendment through referendum.	<ul style="list-style-type: none"> • The rationale for and organs in amending the Constitution. • The procedures for amending the Constitution.
UNIT IV General Provisions	<p><i>At the end of this unit, participants should be able to know and understand provisions on:</i></p> <ul style="list-style-type: none"> • The meaning of guiding principles; • How the Constitution shall be interpreted and implemented; and • The terms as defined in the Constitution. 	Articles 284. Enforcement of the Constitution. 285. Construing the Constitution. 286. Definitions.	<ul style="list-style-type: none"> • Principles and purpose of the provisions. • The meaning of terms as used in the Constitution.

UNIT	OBJECTIVES	CONTENT	KEY ISSUES
<p>UNIT V</p> <p>Transitional and Consequential Arrangements</p>	<p><i>At the end of this unit, participants should be able to understand provisions on:</i></p> <ul style="list-style-type: none"> • The roles of Parliament, Judiciary and Executive during transition; • How the new Constitution will replace the old one; and • The schedules on implementation and know how the Proposed New Constitution will be effected. 	<p>Articles</p> <p>287. Consequential Legislation.</p> <p><i>Third Schedule</i> Distribution of functions between the government and the district governments.</p> <p><i>Fifth-Schedule</i> Legislation to be enacted in Parliament.</p> <p>288. Transitional.</p> <p><i>Sixth Schedule</i> Transitional and Consequential Provisions.</p> <p>289. Effective Date.</p> <p>290. Repeal.</p>	<ul style="list-style-type: none"> • The roles of Parliament, Judiciary and Executive during transition. • The provisions of the transitional arrangements. • Contents and application of 3rd, 5th and 6th Schedules and the implications thereof in other chapters. • Effect of new Constitution on existing institutions. • The significance of the Chapter.