

THE CONSTITUTION OF KENYA REVIEW
COMMISSION

PROPOSALS FOR CIVIC EDUCATION
POLICY AND PROGRAMME OF THE
CONSTITUTION OF KENYA REVIEW
COMMISSION

24TH AUGUST, 2001

Approved
by Planning

Proposals for civic education policy and programme of the Constitution of Kenya Review Commission

What is civic education

1. Civic education aims to impart knowledge about the governance of a state. It deals with the structure and organs of government and the relationship between them. It also concerns the relationship of individuals and groups to each other and to the state. It emphasises the rights and obligations of citizens and other residents. The aim of civic education is to produce a responsible and moral citizens and to enable the people to participate in public affairs and to protect democracy and their own rights. It is also to give them a sense of the history of the nation of which they are a part so as to increase national unity and integration. Knowledge of civics comes from a number of sources—such as parents and elders, schools, religious organisations, professional associations, especially on the ethics of the profession, and political parties. Some of civic education is formal, while some is acquired as part of growing up and participating in institutions. Civic education is a life long experience.

Civic Education for the review of the Constitution

2. Civic education for the purposes of the review of the constitution is more specific and time limited. It focuses on issues relevant to the review process. The purpose, scope and modalities of civic education are to be drawn from the Constitution of Kenya Review Act, which sets the legislative framework for the review. The purpose of civic education is described in the Act as stimulating public discussion and awareness of constitutional issues (sec. 19(a)). The aim of civic education is to enable the people to participate in and contribute to the review process, principally by making proposals for change. This objective requires that people should understand the strengths and weaknesses of the present constitution. It also requires that their understanding of the objectives of and the process of review is enhanced. Civic education during the review process will enable the people and the government to understand and implement the new constitution.

Principles Underlying the Commission's Programme of Civic Education

3. The Review Act gives the Commission responsibility both to conduct, facilitate and promote civil education (secs. 19(a) and 24). The Commission may discharge part of this responsibility itself or may ensure that most of civic education is conducted by other groups. The Commission has held extensive discussions with professional, educational, religious, social and women's groups, and the general public in Nairobi as well as all provincial capitals on how it can best discharge its obligations for the provision of civic education. We have fully taken into account the views expressed to us by the people. Based on our discussions with them and its own internal deliberations, the Commission has decided on the following principles and methods for civic education.

4. Civic education will be provided through a combination of its own efforts and partnerships with civic education providers. This approach is necessary both for reasons of the constraints on the financial and human resources of the Commission and its manifold tasks, and because the review process has to be inclusive and participatory. The organs of review, which include the Commission, have to accommodate the diversity of the Kenyan people, provide them with an opportunity to actively, freely and meaningfully

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participate in generating and debating proposals to alter the Constitution, and conduct the review process in an open manner (sec. 5(b) and (c)). This obligation requires the Commission to provide for wide participation of individuals and groups in the conduct of and participation in civic education. The Act envisages that persons and groups providing civic education will play an important role in the process (as in sec. 27(1) (a) (ii)). There are many organisations which have considerable expertise in and experience of civic education. Many groups have prepared materials which would be useful for civic education for the review. The Commission wishes to use this resource, provided that the criteria which the Commission has established are met. Our policy has also been influenced by our intention to use the review process itself to strengthen national unity by healing political and other divisions in our society. Consequently we have emphasised the importance of dialogue, co-operation, and consensus—and the need to accommodate a wide variety of organisations in the conduct of civic education.

5. The Commission will enter into agreements with individual organisations or consortia of organisations (to be designated associated civic education providers) for the provision of civic education. These agreements will bind the organisations to follow the national curriculum for civic education and to observe the Code of Conduct that the Commission has adopted. The Commission shall not exclude other groups from providing civic education, nor, in view of constitutional guarantees of the freedom of expression, association and meetings, does it have the power to do so. The Review Act reinforces these constitutional rights and all groups and individuals, including the government and political parties, have undertaken to respect them (Appendix 1).

The legislative framework for civic education: the stages of the review process

6. Civic education has to be conducted throughout the review process. However, it has to be related to the needs of different stages of the process and the requirements of different organs of review, in terms of content, methodology, and providers. The different stages of the process, broadly speaking, are: (a) public knowledge of the present constitution (sec. 17(c)) and the objectives and mechanisms of the review process; (b) public understanding of some basic constitutional concepts, including the role of a constitution; (c) public awareness and discussion of constitutional issues; (d) consultation with the people by the Commission on proposals for constitutional reform; (e) publication by the Commission of its recommendations and draft constitution, and public understanding of them (for which purpose a period of sixty days must be assigned); (f) public discussion and debate on these recommendations and the draft constitution; (g) meetings of the National Constitutional Conference to debate and adopt or modify the recommendations of the Commission and the draft constitution; (h) public understanding of the decisions of the National Constitutional Conference; and (i) either the submission of the draft constitution as modified directly to the National Assembly for enactment or if there is no consensus or complete consensus at the Conference, reference to the people through a referendum for their decision before submission to the National Assembly for enactment. Once the constitution is adopted, it is desirable that there should be a period of public education on its values and contents.

7. It is clear that there are different implications for civic education at the different stages of the review process. As this paper describes later, some of these functions have to be

performed directly by the Commission while others may be performed by other civic education providers. For example, at stages (a) and (b) above, which are concerned with general education on the role and basic concepts of a constitution, civic education can be provided by these other educators, while the Commission will have to play a key role at stages (c) and (d) where the constitutional issues are specific to the objectives of the review. Similarly, discussions and debates on the recommendations of the Commission and its draft report at stage (e) are best conducted through the assistance of other providers to prevent the Commission from biasing public opinion, while at stage (f), which is to secure feedback from the public on its recommendations, the Commission will have to take the initiative in organising meetings and inviting memorandum. Moreover, implicit in these stages is a distinction between civic education and consultation, the responsibility for the latter resting principally with the Commission.

Content of civic education

8. The scope and content of civic education can be drawn from the terms of the Review Act. For example, the Act establishes the objects and purpose of the review of the Constitution 'to secure provisions therein' to achieve a number of goals (sec. 3). The principal goal is to guarantee peace, national unity and integration, and the integrity of the Republic of Kenya, in order to safeguard the well-being of the people of Kenya. Constitutional reform should create conditions conducive to a free exchange of ideas and enable Kenyans to resolve national issues on the basis of consensus. At the same time as the constitution promotes national unity and integration, it should respect ethnic and regional diversity and communal rights including the right of communities to organise and participate in cultural activities and the expression of their identities (subsection (d)). Another major goal is the establishment of democracy and accountability of the government. The Act says that the constitution should establish a free and democratic system of Government that enshrines good governance, constitutionalism, the rule of law, human rights and gender equity (subsection (b) and (c)). In order to ensure both democracy and accountability, there should be checks and balances between the different organs of the state (subsection (c)). People's participation in the governance of the country is another goal. The constitution must ensure the full participation of the people in the management of public affairs (subsection (j)). This participation is to be secured in part through democratic, free and fair elections and the devolution of the exercise of power (subsection (d)). An important goal, especially given the prevalence of poverty in Kenya, is to ensure the provision of basic needs of all Kenyans through the establishment of an equitable framework for economic growth and equitable access to national resources (subsection (f)). Finally, the constitution must promote and facilitate regional and international co-operation to ensure economic development, peace and stability and to support ~~democracy~~ and human rights (subsection (g)).

9. It follows that civic education must introduce the people to these values and goals, for they bind all organs of review and constitute the parameters for the detailed provisions of the constitution. Also, since they represent the national consensus on constitutional values, which was reached in a series of broadly representative conferences in the 1990s, civic education must present them in a positive light, even as advocacy. However, the method and institutions by which these goals are to be achieved will be resolved during the review process, and here the purpose of civic education will be, not to advocate any

particular method or institutions, but to familiarise the people with the alternative ways in which the goals may be achieved.

10. The Commission is explicitly required to assist people in exploring alternatives and options for the institutionalisation and achievement of the goals of the review. As a starting point, the Commission has to carry out or cause to be carried out such studies, researches and evaluations concerning the Constitution and other constitutional systems as may inform the Commission and the people of Kenya on the state of the Constitution of Kenya (sec. 17(c)). The Commission has to ensure that the people examine and recommend on the following constitutional issues:

- (a) The composition, functions and operations of the organs of state, 'aiming to maximise their mutual checks and balances and secure their independence' (sec. 17(d) (i)).
- (b) Various structures and systems of government, including federal and unitary systems, with a view to recommending 'an appropriate system for Kenya' (sec. 17(d) (ii)).
- (c) Existing constitutional commissions, institutions and offices and the establishment of additional ones to 'facilitate constitutional governance and the respect for human rights and gender equity in Kenya as an indispensable and integral part of the enabling environment for economic, social, religious, political and cultural development' (sec. 17(d) (iii)).
- (d) The electoral system (sec. 17(d) (iv)).
- (e) The judiciary and the jurisdiction of courts, with a view to recommendations 'to ensure the competence, efficiency, discipline and independence of the judiciary' (sec. 17(d) (v)).
- (f) Local government and the degree of devolution of powers to local authorities (sec. 17(d) (vi)).
- (g) Property and land rights with a view to securing 'the fullest enjoyment of land and other property rights' (sec. 17(d) (vii)).
- (h) The management and use of public finances (sec. 17(d) (viii)).
- (i) The right to citizenship, with a view particularly to 'ensure gender parity in the conferment of the right' (sec. 17(d) (ix)).
- (j) Socio-cultural obstacles that promote various forms of discrimination, with a view to 'secure equal rights for all' (sec. 17(d) (x)).
- (k) The rights of the child (sec. 17(d) (xi)).

(l) Succession to office, with a view to recommendations on 'a suitable system for the smooth and dignified transfer of power after an election or otherwise' (sec. 17(d) (xii)).

(m) Treaty-making and treaty-implementation powers of the Republic 'and any other relevant matter to strengthen good governance and the observance of Kenya's obligations under international law' (sec. 17(d) (xiii)).

(n) Directive principles of state policy (sec. 17(d) (xiv)).

(o) Establishment and upholding of the 'principle of public accountability of holders of public or political offices' (sec. 17(d) (xv)).

(p) Any other matter 'which is connected with or incidental to the foregoing and achieves the overall objective of the constitutional review process' (sec. 17(d) (xvi)).

The regulatory scheme

11. The Commission's statutory obligations require as a minimum that it shall ensure that certain conditions for the provision of civic education are satisfied. It therefore intends to establish a regulatory scheme in order that these conditions are met. The essential components of the regulatory scheme are as follows:

(a) The Commission will ensure that all key constitutional issues are covered, regardless of who provides civic education, and for this purpose it has adopted a national civil education curriculum for constitutional review, which all associated education providers will have to follow. The topics to be covered in the national curriculum are attached to this report as Appendix 2.

(b) The Commission will certify for use in civic education materials that are comprehensive, relevant, objective and effective; and will facilitate their availability to those groups who want to use them.

(c) The Commission will ensure that people in all parts of the country have access to civic education.

(d) The Commission will ensure that all associated civic education providers are competent to provide civic education.

(e) The Commission ensure that civic education is conducted fairly and impartially, that it is not geared towards the advocacy of particular political positions, but that its aim is to enable people to make their own judgments on changes to the Constitution. For this purpose the Commission has established a Code of Conduct, which will be binding on all associated civic education providers, and whose implementation will be supervised by the Commission. The Code of Conduct is attached to this report as Appendix 3.

Division of Responsibilities: the role of the Commission

12. The Commission will undertake the following responsibilities and obligations for the provision of civic education.

(a) The Commission will ensure that the people are adequately informed on the process of review—the objects and terms of review, the organs of review, the procedure for review, and the timetable for review. The Commission has published and widely distributed its strategic plan which outlines the stages of the review process, the organs responsible for different tasks of review, and a time schedule for the completion of specific tasks. The Commission has also visited all provincial capitals where, at well attended meetings, it has explained the review process, particularly the importance of and mechanisms for the participation of the people. The Chairpersons and other Commissioners have participated in radio and television programmes and addressed public meetings and meetings of religious, professional and social groups where they have elaborated upon the objectives and methods of constitutional reviews.

(b) The Commission will prepare materials for use in civic education and for the general information of the public. These materials will explore the terms of the constitutional issues that will enable the people to understand the issues and form a reasoned judgment about how and to what extent the constitution should be changed to deal with them. The materials will take the form of Discussion and Consultation Papers. The former will constitute general descriptions and discussions of the issues, such as, for example, the different systems of government and how they have operated in different countries, our national as well as foreign experience with particular policies and institutions, the historical or philosophical background to constitutional concepts, and the specific circumstances of African political systems. The purpose of Consultation Papers on the other hand will be to elicit public responses to the issues that the Act requires to be examined and debated by the people. They will therefore be focussed on these issues, will to some extent be evaluative, and raise questions for the consideration of the readers. These questions will, in large part, provide the framework within which the Commission will hold its public consultations.

The topics which will be explored in these Papers include the constitutional history of Kenya; the independence and present constitutions; systems of government; devolution (including local government); citizenship; regulation and funding of political parties; electoral systems, especially in multi-ethnic states; recognition of ethnic, cultural and linguistic diversities; the international regime of human rights and the national protection of rights, including rights of specific groups—disabled persons, women, children, minorities; basic needs and the eradication of poverty; directive principles of state policy; public finance management; land and property; accountability and mechanisms for the elimination of corruption such as leadership and ethical codes, independent investigative and prosecutorial agencies, freedom of information, independent institutions/commission, and police complaints boards; and succession and transfer of power.

- (c) The Commission will organise a series of public lectures by distinguished Kenyans and non-Kenyans on topics relevant to the review process. The purpose of the lectures is to stimulate thinking on constitutional problems and solutions, and to provide opportunities for people to engage with specialists and with each other. The lectures will be held in major towns throughout Kenya and videos and transcripts of the lectures will be made available to the public. Already four well attended lectures have been held in this series. The lectures and reports of the discussions following the lecture will be distributed to the documentation centres and to other recipients., in both English and Swahili versions.
- (d) The Commission will organise a series of national conferences on specific topics both to disseminate knowledge and provide a forum for proposing recommendations. Conferences will be organised in conjunction with relevant representative bodies. Topics which will be covered in this way include the situation and rights of the disabled, the young, and women, and the implications of poverty and corruption.
- (e) The Commission intends to provide special civic education for the staff of provincial administration, police and armed forces. Discussions have already commenced with Provincial Administration and their colleagues towards this end.
- (f) The Commission will assist those organisations which wish to engage in civic education but did not presently have the capacity to do by providing for their leaders and educators to be trained for the task.
- (g) The Commission will seek to encourage students and young people to participate in the review process. It is sponsoring essay and poster competitions among them to stimulate their reflections on the Kenya in which they wish to grow up.
- (h) The Commission will facilitate the participation of groups who might otherwise be unable to participate by providing special facilities for the disabled and for the deaf by arranging sign language or subtitles where appropriate and feasible.
- (i) Members and staff of the Commission will also be exposed to civic education and sensitised to the needs of specific groups, with the aim of enhancing their capacity and effectiveness in their outreach activities and particularly their ability to interpret and translate into constitutional design the recommendations of the people.

The infrastructure for the conduct of civic education and dissemination of information

The mass media

13. The Commission will ensure that all civic education providers and the public generally will be provided with the necessary information and materials. It will conduct civic education directly through the mass media. It is authorised to negotiate for air space with media houses, particularly the Kenya Broadcasting Corporation, for the

dissemination of report and recommendations of the Commission (sec. 22(2)). The Commission is negotiating with electronic media houses for the transmission of programmes throughout the review process.

The Commission website

14. The Commission will soon be launching its website. The website will provide information on the review process and the composition and responsibilities of the organs of review. Some of the material will comprise short texts written specially for the website, while other material will be similar in content to paper publications of the Commission, and other documents will not be otherwise publicly available, such as Commission minutes. Web 'surfers' will be able to read short texts outlining the process of review, the structure and working of the Commission, the history and nature of the current constitution and the substantive issues which arise in the review. They will find the full text of the current Constitution of Kenya, and of a small number of other constitutions of particular interest, with links to sites elsewhere on the Internet which have constitutional texts, and documents on constitution making, review and critique. All the Commission's own discussion and consultation papers, public lectures and reports, will be on the site in full text. And special groups of users, including the disabled, young people, and women, will find sections of the site pointing to documents and links of particular interest to them. The civic education programme of the Commission itself and of accredited providers will be available on the site, along with the curriculum and the Code of Conduct for providers, as well as the current civic education providers so users will be able to find out what is going on and where. Finally, members of the public will be able to see from the site how to make their own submissions to the Commission and may if they wish to do electronically (though they will be advised to send in paper copies also).

Documentation Centre

15. A basic component of the infrastructure of the resources for civic education is documentation centres which must be established by the Commission in every district (sec. 23(1)). The purpose of the centres, as stipulated in the Review Act, is to preserve and disseminate to the public 'records of the deliberations and proceedings of the Commission and such other information as the Commission may prescribe'. We have received valuable guidance from the public on how the centres should be organised and what information should be lodged in them. On the basis of this guidance, the Commission has decided that wherever possible, documentation centres will be located, in addition to those at the district headquarters, in other places which are more accessible to the people. Since constituencies will be the sites of constitutional forums and the principal points of the Commission's consultations with the people, documentation centres will also be located in all constituencies. The Commission will also distribute documents to public libraries, and religious, professional, educational and social organisations so that their members will have easy access to them. The Commission's policy on the location of centres will take into account local circumstances—such as levels of literacy, distances, sparseness or density of population, etc

16. In addition to the reports and records of proceedings of the Commission, the independence and present constitutions, a summary and commentary on the present constitution, Discussion and Consultation papers, reviews of relevant foreign experiences, and analysis of the constitutions and proposals for change prepared by individuals or groups will be included, in print, and where relevant and feasible, in electronic and audio form. The Commission will aim to provide the documentation in both English and Kiswahili, and where feasible, also in local languages.

17. It is the responsibility of the county councils to facilitate the establishment of centres (sec. 23 (a)). We have received valuable guidance from the public on how the centres might be established, including the use of facilities available in churches, mosques and temples, and schools and universities. The Commission has also considered how provincial administration, with its extensive network of officers and buildings, can play a positive facilitative role, although many people expressed reservations on, and some indeed outright opposition to, any role for provincial administration in the provision or management of civic education. The Commission has had useful discussions with provincial administrations on the ways in which it can assist the Commission and other groups. It is hopeful that civic education that it intends to conduct for the staff of provincial administration would help. The provincial administration is bound, in common with the rest of the government, political parties, NGOs and other groups to respect the right of all Kenyans to engage in civic education and to participate in other aspects of the review process without hindrance or disruption—as provided for in the Principles for fair review, ??? Third Schedule of the Review Act (reproduced as Appendix 3). The Commission will set up machinery whereby members of the public can register incidents of obstruction by the provincial administration were these to occur.

Constituency Constitutional Forums

18. Constituency constitutional forums are not strictly organs of civic education, as their primary function is the collection and collation of the views of the members of the public on the proposals to alter the Constitution (sec. 20). Undoubtedly a fair amount of civic education, even if not in a formal sense, will take place in the forums, as the forums will have to facilitate (a) local deliberations and discussions on constitutional reforms among the people of the constituency; and (b) the consultation of the Commission with the people at the constituency level. The role of the Commission is to 'facilitate the establishment' of the forums (sec. 20), so that the primary decisions on how to set them up lie with the people themselves. In its meetings with the public, the Commission was urged to ensure that the forums are inclusive and sensitive to the needs of special groups, such as the disabled. It was also suggested that the forums facilitate discussions at sub-constituency levels, and that groups wishing to make direct representations to the Commission, instead of through the forums, should be allowed to do so.

District Co-coordinators

19. The Commission is in the process of appointing co-coordinators for all districts. Co-coordinators would come from and be resident in the district to which they are assigned. Their primary responsibility would be to establish documentation centres, assist with the formation of constituency constitutional forums, and facilitate the visits of the

Commission to constituencies for consultations. They will also be the contact between the districts and the Commission.

The Division of Responsibilities: The role of civic education providers

20. Apart from the civic education provided by the Commission itself, as outlined above, civic education would be provided by civic education providers accredited to the Commission. The Commission would facilitate the participation of all groups and organisations who are interested and able to provide civic education—in keeping with the legislative mandate to establish an inclusive and participatory process. Civic education providers will be encouraged to make use of local persons and organisations. The Commission sees the review process itself as a means to reconcile opposing groups and strengthen national unity—in such an approach there is no justification for excluding any group so long it accepts the Code of Conduct which the Commission has established. The accredited groups may provide their own materials, so long as they satisfy the criteria in the Code of Conduct, or use those certified by the Commission.

The relationship of Commission with associated civic education providers

21. The relationship of the Commission with the providers, whether consortia of civic education providers or individual groups, will be defined through memoranda of understanding or contracts, which will include the components of the Code of Conduct. Arrangements for the oversight of the conduct of civic education will also be included.

Methodologies

22. In the work both of the Commission and other civic education providers, different methodologies would be used. Each civic education provider would be encouraged to use imaginative and effective methodologies, and to discourage excessive use of the printed materials or the lecture format. In particular the use of drama, poetry and music would be encouraged. Emphasis throughout would be on participatory methods.

23. Methodologies would also be sensitive to local circumstances and cultures, for example in some communities women may feel more comfortable in engaging in civic education separately from men. Special arrangements may need to be made for the disabled, especially as regards transport to and from places where civic education is provided, and the provision of sign language. Likewise the times for the conduct of civic education should be convenient to those who have other responsibilities during the day time. Civic education for students would be provided in schools and tertiary institutions, in accordance with arrangements to be made with their administrators.

Funding

24. The programme of civic education, as stipulated in the Review Act and as elaborated by the Commission, is massive. It will require a great deal of money. The Commission's own funds which are allocated by Parliament will be spent largely on its own infrastructure and programme of civic education as outlined in this report. The limited funds that would be available for direct assistance to civic education providers would in principle be restricted to local or community based institutions and for support for translation into and the use of local languages.

25. The Commission would also seek to raise funds from local and foreign donors. The Commission has had useful and encouraging discussions with the Donor Steering Committee which has been sponsored by a number of overseas states for the funding of civic education, both under and outside the auspices of the Commission. The Commission will also aim to co-ordinate other civic education funds and programmes in order to prevent wasteful duplication.

Role of non-associated civic education providers

26. As the report has indicated, the Commission is not a licensing body and has no power to prohibit any group from conducting education or advocacy. The freedom of expression and the rights to association and meetings are guaranteed in the National Constitution and are reiterated in the Review Act. The Commission would not wish to restrict groups, including political parties, not associated with or accredited to us, from carrying on their own civic education or advocacy. Nor would provincial administration be able to exclude groups from outside a province providing civic education in that province. The Commission's own funds would be granted to civic education providers who operate outside the Commission's scheme of associated civic education providers.

Civic Education and Consultation

27. It is important to draw a distinction between civic education and consultation. The purpose of civic education is to familiarise the public with the objects and procedure for the review, and to acquaint them with constitutional values, concepts and institutions. This will enable them to participate more intensely and meaningfully in the deliberations on Kenya's constitutional experience and on desirable reforms. The purpose of consultations is to receive the views of the public on these desirable reforms. While civic education may be conducted by other civic education providers, consultation for the purposes of eliciting people's views will be held directly by the Commission itself.

28. While there is a necessary connection between civic education and review, it would be wrong to underestimate the understanding of the public of constitutional issues or the present system of governance. Equally it is necessary to avoid the arrogance that without civic education the people cannot formulate their proposals for change. In its visits to provincial capitals, the Commission was impressed by the desire of the people to tell the Commission as to the changes they want to see in the Constitution. A very large number of memoranda on constitutional changes were presented to the Commission, although it was not the purpose of the visits to consult the people on these changes. It is the responsibility of the Commission to listen to the people as they relate their every day experiences and their aspirations for the future, and then to translate them into the language of the Constitution.

PRINCIPLES FOR A DEMOCRATIC AND SECURE PROCESS FOR THE REVIEW OF THE CONSTITUTION:

The Government of the Republic of Kenya, the organs of review of the constitution, political parties, non-governmental organizations, and all Kenyans shall –

- (i) recognize the importance of confidence building, engendering trust and developing a national consensus for the review process;
- (ii) agree to avoid violence or threats of violence or other acts of provocation during the review process;
- (iii) undertake not to deny or interfere with any one's right to hold or attend public meetings or assemblies, the right to personal liberty, and the freedoms of expression and conscience during the review process, save in accordance with the law;
- (iv) ensure that the police shall protect the safety of all persons who attend meetings or exercise their other rights from violence from whatever source;
- (v) ensure that the meetings of all organs of review are held in peace;
- (vi) respect the independence of the Commission and its members; and
- (vii) desist from any political or administrative action that will adversely affect the operation or success of the review process.

THE CONSTITUTION OF KENYA REVIEW COMMISSION

**GUIDE TO CIVIC EDUCATION CURRICULUM FOR THE
REVIEW OF THE CONSTITUTION**

The principal objective of the curriculum is to stimulate public discussion and awareness of constitutional issues relevant to the review process with a view to the participation of the people in the review. More specifically, it is:

1. To provide a conceptual framework for civic education for the review.
2. To enable the people to understand the objects of and procedures for the review.
3. To provide the people with an understanding and appreciation of Kenya's constitutional history.
4. To facilitate the understanding of the Constitution by the people.
5. To provide information on the meaning and models of constitutions, the procedures and processes of constitution making, and popular participation in these processes.
6. To provide a practical understanding of the primary ideals of constitutionalism, including rule of law, separation of powers and respect for fundamental rights and freedoms.
7. To provide the people with information that will enable them to establish a foundation for appreciating, nurturing and operationalizing the ideals and practices of democracy and good governance and
8. To enable the people of Kenya to appreciate the impact of the Constitution on their day to day lives and hence the importance of their participation in the constitutional Review process.
9. To empower the people of Kenya to contribute to the progressive evolution, development and reform of the principal structures and institutions of government.

Outline of topics

GENERAL INTRODUCTION:

- (i) Meaning of Civic Education
- (ii) Short History of Civic Education in Kenya
- (iii) Civic Education for Constitution Review

Global and Regional Context of the Constitutional Review – democratization, good governance, globalization etc.

UNIT ONE:

MEANING, FUNCTIONS AND TYPES OF CONSTITUTIONS:

- Introduction
- Definition of a Constitution
- Functions of a Constitution
- Types of Constitutions

UNIT TWO:

STRUCTURE AND FEATURES OF THE CONSTITUTION OF KENYA:

- Introduction

ISSUES/THEMES OF THE CONSTITUTION

- Supremacy of Constitution
- Sovereignty of the People
- Executive Powers
- Presidential Speech
- National Resources/Land
- Human Rights
- Public Service
- Citizenship
- Parliament
- Judiciary

UNIT THREE:

THE CONSTITUTIONAL REVIEW PROCESS IN KENYA:

- Introduction
- The Constitutional Process Under Colonial Rule
- The Independence Constitution
- Constitutional Amendments Since Independence
- The Constitutional of Kenya Review Act Chapter 3A 2001: an Overview
- Objects and Purposes of the Constitutional Review (Section 3)
- Organs of the Review (Section 4)
- Guiding Principles of the Review (Section 5)

- Establishment and Functions of the Constitution of Kenya Review Commission
- Introduction – History 1997-2001
- Section 17a – d(I) to (xvi); Section 24

UNIT FOUR:

STRUCTURES AND SYSTEMS OF GOVERNMENT:

- Introduction
- Federalism
- Unitary Systems
- Parliamentary System
- Presidential System
- Power Sharing
- Direct Democracy
- Others

UNIT FIVE:

GOVERNANCE:

- Introduction
- Definitions; governance, good governance, bad governance
- Ways of enforcing good governance
- Roles of Parliament, the judicial organ, the citizenry and the Constitution.

UNIT SIX:

HUMAN RIGHTS

- Introduction
- Gender
- Disabilities
- Marginalised Communities
- children's Rights
- Minorities
- Cultural and Civilisational Rights

APPENDIX:

OPERATIONAL DEFINITIONS OF TERMS:

- Constitutionalism
- Nation-making, statehood, etc.
- Democracy
- Democratization
- Governance
- Good Governance
- National Resources
- Human Rights and Values
- Citizenship
- Ethnicity

CODE OF CONDUCT FOR CECR PROVIDERS:

Preamble:

The Constitution of Kenya Review Commission (the Commission) is mandated under the Constitution of Kenya Review Act Cap 3A to conduct, facilitate and promote civic education for constitutional review throughout the entire review process in order to stimulate public discussion and awareness of constitutional issues.

The Commission will engage 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 civic education providers for Constitutional Review (CERC) shall abide by the Third Schedule of the Act.
2. The Constitution of Kenya Review Commission expects any CECR provider to conduct civic education in accordance with the curriculum prepared or approved by the CKRC.
3. The CKRC requires that civic education be conducted without partiality, advocacy or influence from any person or group.
4. Every CECR provider shall refrain from engaging in or supporting any activity that would discredit the work or image of the Commission.
5. Every CECR provider shall not in any way actively or passively subvert the attainment of the Commission's statutory mandate and the entire review process.
6. Every CECR provider shall refuse any gift, favour, hospitality or any inducement that would influence or appear to influence the discharge of their duties.

7. No provider shall act in a manner that prejudices or in any way puts the process of Constitutional Review into disrepute in the provision of civic education.
8. Every CECR provider shall ensure that all Kenyans are accorded the opportunity to participate freely and effectively in civic education without intimidation, coercion, threat, duress or undue influence.
9. Every CECR provider shall be sensitive to the needs of the people with disabilities, women, youth and marginalized groups in the provision of civic education.
10. Every CECR provider shall give due consideration to the special, relevant and appropriate circumstances in respect of accessibility, language and methodology in the provision of civic education.
11. Every CECR provider is expected to employ and make relevant use of human and material resources found within the local area in which he/she is engaged to provide civic education, provided such use does not breach any of the provisions of the Code, contractual or any other arrangement under which they are engaged by the Commission.
12. Every CECR provider shall avoid actual or apparent conflicts of interests in the provision of CECR and shall in the event of any such conflict forthwith notify the CKRC.
13. Every CERC provider shall refrain from disclosing any confidential information acquired in the course of their work unless otherwise authorized by CKRC; or use any such information for personal gain or the gain of a third party.
14. Every CECR provider shall perform their duties in accordance with such other rules, regulations, and standards set from time to time by the Commission.
15. Any CECR provider who violates or contravenes any of the above rules shall be liable to such penalty or action as the Commission may deem fit including and not limited to revocation of the right to conduct CECR.