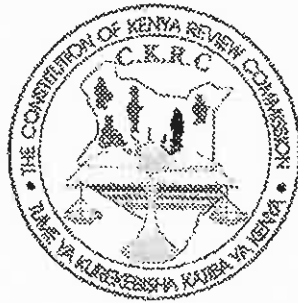


CONSTITUTION OF KENYA REVIEW COMMISSION



**MOBILIZATION AND OUTREACH DEPARTMENT WINDING UP REPORT TO THE
MINISTRY OF JUSTICE AND CONSTITUTIONAL AFFAIRS (MoJCA)**

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Deputy Secretary
MOBILIZATION & OUTREACH*

February 2, 2006

MOBILIZATION & OUTREACH DEPARTMENT WINDING UP REPORT TO THE MINISTRY OF JUSTICE AND CONSTITUTIONAL AFFAIRS

INTRODUCTION:

1. Mobilization & Outreach is one of the four departments of CKRC. The structure, establishment and role of the department during the review process is contained in a detailed document that has been handed over to MoJCA.
2. For the purpose of winding up, the department was restructured and down sized to 5 members of staff. The winding up entailed clearance of CKRC Commissioners, head office staff, 74 district coordinators, 75 district office assistants (Nandi North and South had 2 Office Assistants under one district coordinator), 2238 Constituency Constitutional Committee (CCC) members and over 1200 Civic Education Providers (CEPs). District Coordinators were reporting to the Mobilization and Outreach Department.

COMPOSITION OF M & O WINDING UP TEAM

3. The Mobilization winding up team is composed of the following: -

SER.	NAME	DESIGNATION	DUTIES
a.	Col. (Rtd) J.P. Gichuhi	Deputy Secretary	Overall in-charge of M & O Department.
b.	John Watibini	P/Officer	Responsible for coordinating 23 district coordinators from Western, Coast and Central Provinces.
c.	Collins Mukewa	P/Officer	Responsible for coordinating 29 district coordinators from Nyanza, Nairobi and Eastern Provinces.
d.	Fatuma Jama	P/Officer	Responsible for coordinating 22 district coordinators from Rift Valley and NEP.
e.	Lilian Udoto	Secretary	Departmental Secretary

ASSIGNED DUTIES

4. The M & O Winding up Team was assigned the following tasks:
 - a. Compiling the final Mobilization & Outreach report of the Commission.
 - b. Sorting out and listing of all M & O department's files.
 - c. Clearing of 74 district coordinators.
 - d. Clearing of 75 district office assistants.
 - e. Sorting, listing and repackaging of district files.
 - f. Compiling of all Districts Survey record of Government store transferred to other departments.
 - g. Attending to complaints submitted by CCC members regarding payment of their allowances.
 - h. Issuance of Certificates to all district coordinators, district office assistants and CCC members.
 - i. Coordinating Civic Education Providers complaints regarding their payments.
 - j. Pursuing district coordinators pending cases in Courts and carrying out field investigations of complaints received.
 - k. Coordinating winding up activities of the Commission with the relevant ministries.
 - l. Verification of district coordinators authorized expenses/ allowances.

EXECUTION OF TASKS

5. Following the decision to dissolve CKRC by December 31, 2005, Mobilization department was tasked to draw a work plan for the Commission to wind up by the proposed date. The proposed plan is attached (Annex 'A'). The plan, by and large, progressed as anticipated with majority of the Commissioners and staff, save for those retained for winding up, clearing by December 31, 2005. However, as later realized, the Commission could not wind up all its activities especially those of the district coordinators within the stipulated time. Subsequently the situation was re-appreciated, in consultations with the winding up team and new dates were set for the remaining uncompleted

tasks. The revised work plan whose anticipated end date was put as January 31, 2006 is attached (Annex 'B').

6. Based on the progress made and problems encountered, in the clearing process, it is now evident that some tasks will not be concluded by January 31, 2006 as anticipated due to emerging factors. These factors include: -
 - a. Accounting of funds disbursed to the districts not concluded.
 - b. Investigations of alleged embezzlement of CCC and CEPs funds by some coordinators. (See list later in this report)
 - c. Some coordinators not turning up for clearing due to sickness or trying to abscond. (See reasons later in the report)
 - d. Delay caused by the above factors in repackaging their district files and handing them over.

7. The unconcluded tasks as of January 31, 2006 are as under: -
 - a. Finalizing clearance of 4 remaining district coordinators who have cases under investigations or are in court.
 - b. Sorting out, listing and repackaging of district files and district office stationery items for handing over.
 - c. Attending to emerging complaints regarding irregular payment of allowances to CCC members and CEPs.
 - d. Documenting, investigating and launching with the relevant authorities complaints/cases alleging embezzlement of CCC and CEPs funds by some district coordinators.
 - e. Taking stock, accounting and taking over the responsibility of Government Stores and Records handed over by CKRC.
 - f. Official handover takeover CKRC responsibilities, liabilities and assets to MoJCA.

CHALLENGES

8. The Commission has been in existence for over 5 years during which time it has accumulated a lot of material, equipment and records. It was therefore

unrealistic to expect its winding up to be completed in an orderly manner within the time stipulated by the Constitution of Kenya Review (Amendment) Bill 2004 Section 33 (2)

9. The Commission had under its structure, 74 district coordinators, 75 district office assistants, over 2238 Constituency Constitutional Committee Members (CCC) and over 1200 Civic Education Providers (CEPs) who had to be administered and paid their dues at the conclusion of the exercise in November 2005. The expectation to wind up all these people in an orderly manner within the stipulated time was unrealistic.
10. The Review Process has been long, complex and a lot of public funds has been disbursed. The public funds spent must be accounted for. Managing financial records accumulated over the period of the Commission existence coupled with heavy expenses incurred in the last 5 months of preparations for Civic Education and the Referendum exercise has proven more complex and involving than envisaged.
11. Suffice to say however that overall most of the winding up tasks have been accomplished and what is now remaining is tidying up the records for an orderly handover takeover. This is expected to take another **two weeks** on the outside.

COMMENTS:

12. With the realization that the review process will continue and who ever will take over this task will need material, equipment, institutional memory etc, there is wisdom at this stage to organize and preserve CKRC assets professionally and in a manner where they can be accessed quickly. This will not be possible if the Commission just lists and packs the material in cartons as it is being done at the moment.

13. It would also be unwise for the Government to hurriedly dispose off/transfer Commission assets, including certain cadre of its human resource before a way forward is negotiated and determined. A lot of time and resources would be saved if this matter is handled wisely.
14. Defining "**Time and Space**" is always a prerequisite to proper planning. However, inflexibility in treating "Time and Space" as if it is "**cast on stone**" may not be a prudent thing to repeat. A good example of this is the stringent following of the **Constitution of Kenya Amendment (2004) road map** that has put this Nation in a precarious position by not having a new constitution by now. A number of strategists believe that if the review process road- map was re-appreciated and revised to allow a little more time for consultations before the Referendum, Kenya would be having a new constitution today. Perhaps past lessons learnt during the Review Process ought to have taught us that hurried and not well- thought ways of doing things are not good options to adopt. Winding up of the Commission hurriedly, without due consideration of the next cause of action to be adopted by the review process, may not be a prudent thing to do. MoJCA being now in the steering wheel to restarting the process may wish to consider this.

PENDING ISSUES FOR MOBILIZATION TEAM.

15. The following are the remaining tasks of Mobilization as of January 31, 2006.
- a. Clearing of the remaining four (4) district coordinators. These are:
 - I) Nyeri District
 - II) Koibatek District
 - III) Bungoma District
 - IV) Butere/Mumias District.
 - b. Investigating complaints regarding alleged embezzlement of CCC and CEPs funds by the following district coordinators:-
 - i) Koibatek District
 - ii) Bungoma District
 - iii) Butere/Mumias District

- c. Preparations of files to facilitate pursuit of Court cases involving the following district coordinators: -
- i) Nakuru District – Mr. David Langat
 - ii) Marakwet District – Solomon Kibet Cheserek
 - iii) Nyeri District – John Nyamu Mugo
 - iv) Migori District – Joseph Odongo Ogutu
 - v) Mwingi District – Daniel Mwangangi Kimanzi
- d. Repackaging, listing and handing over of district files at the conclusion of clearing the remaining district coordinators.
- e. Compiling the final report, surrender of winding-up equipment i.e. (computers, telephones, printers etc) and handing over of files and documents to Registry.
- f. Clearing members of the winding up team.

16. Files concerning the above cases are being compiled and will form part of hand over take over with MoJCA

RECOMMENDATIONS

17. Mobilization & Outreach Winding up Team recommends the following:

- a. That a little more time say **two weeks** be granted to facilitate smooth and orderly conclusion of the remaining few tasks.
- b. That a **smaller task force** of CKRC crucial staff be constituted at the closure of this phase to attend to issues that MoJCA may not be able to sort out. This task force in a nutshell is required to professionally and easily identify and manage records and conclude complaints made by CCC and CEPs.
- c. That MoJCA consider preserving Commission assets for a while awaiting the Government direction/indication as to when the review process is likely to resume.

- d. That MoJCA consider extending some CKRC Office space hire for an additional 1-2 months, as storage for Commission assets and to preserve the infrastructure already in place that will be needed in the next phase of the review process expected quite soon. (eg. IT connections, Telephone lines, and networking facilities).
- e. That a consultative meeting be organized between the Minister MoJCA, P S MoJCA and some remaining crucial CKRC staff to map out and strategize on the way forward.

CONCLUSION.

18. Mobilization and Outreach winding up team is prepared to handover immediately as directed. However, the team will not have cleared a number of district coordinators whose emerging issues of CCC and CEPs payment/allowances are not concluded. MoJCA staff taking over will have difficulties in resolving some issues they have little background about.
19. Re-packaging and listing of district files and documents has not been completed as of January 31, 2006, as some coordinators are yet to be cleared.
20. A final consultative meeting between MoJCA and CKRC winding up team on modalities and implications of handover take over should be organized on an agreed date.

CKRC WINDING UP ACTIVITIES

SER.	ACTIVITY	DATE	ACTION/REMARKS
a.	An inventory of GK vehicles held by CKRC be provided to the Ministry of Justice and Constitution Affairs	Dec. 21, 2005	- D S RDB - Motor Transport Officer
b.	List of the drivers allocated to vehicles be forwarded to the Reference Ministry	Dec. 21, 2005	- D S RDB - P/Officer Human Resource
c.	Letters to Commissioners still holding CKRC vehicles be released with instructions to return /surrender the vehicles for inspection by December 27, 2005	Dec. 21, 2005	Commission Secretary
d.	Clearing of District Coordinators	From Dec. 27, 2005	- D S RDB - D S M & O - D S CEPIC
e.	Closing and handing over of CKRC accounts, personnel records, liabilities, audit queries, pending court cases, disputes etc	Dec, 27, 2005 2 pm	- Commission Secretary - All D S
f.	Clearing of CKRC Commissioners and HQ Staff	From Dec. 27- 29, 2005	- Comm. Secretary - All D S
g.	Board of Survey comprising of CKRC Winding up Team and relevant Ministries Officials convene.	Dec 28, 2005	- Commission Secretary - All D S
h.	Handing over Library/Registry materials to the Mother Ministry	Dec. 28, 2005	- D S RDS - D S RDB
i.	Handing over of Archival material and Hansard	Dec 28, 2005	- D S RDS - Hansard
j.	Ministry of Public Works (Mech- and Transport)) be invited to inspect vehicles	Dec. 28 & 29, 2005	Commission Secretary
k.	Record of District Offices assets handed over to various Government to departments be availed the winding up team	Dec. 28, 2005	- D S M & O

Annex 'A'

l.	Settlement of final dues to Commissioners and Staff	By Dec. 30, 2005	- Commission Secretary - D S RDB
m.	All Commission pending reports be completed and handed in to the winding up team	By Dec. 30, 2005	All D S
n.	Closing and handing over of CKRC Store.	Dec 30, 2005 5 pm	- D S RDB
o.	Taking over of CKRC Bank Account by the relevant Ministry	Dec. 31, 2005	- Commission Secretary. - DS RDB
p.	Board of Survey on cash	Dec 31, 2005	- Commission Secretary - D S RDB

CONSTITUTION OF KENYA REVIEW COMMISSION

WINDING UP OF CKRC WORKPLAN AS OF: JANUARY 30, 2006

SER.	ACTIVITY	PROJECTED END DATE	% COMPLETED	ACTION BY / REMARKS
1.	Finalizing information on transfer of assets from District Coordinators' offices to the relevant Government department.	Jan26, 2006	100 %	M & O
2.	Documenting all CKRC field activities	Jan. 3, 2006	100 %	M & O
3.	Surrender Comm. vehicles	Jan. 30, 2006	97%	MoJCA (AG's Vehicle)
4.	Winding up all medical and insurance outstanding issues.	Jan 30, 2006	To handover the status	Human Resource
5.	Removal of furniture, shredding of wastepaper and clean up of offices not in use.	Jan 5, 2006	N/A	F & A
6.	Finalization of outstanding payments for District Office Assistants	Jan 6, 2006	100%	F & A
7.	Stock taking CKRC store and compiling and the report	Jan. 6, 2006	100%	Procurement Officer
8.	Assessment of CKRC Offices partitions to report	Jan 9, 2006	Not yet	MoJCA
9.	Issue of P9A Statements to all CKRC Personnel	Jan 9, 2006	90%	F & A
10.	IT Stock taking and Report Writing	Jan 13, 2006	100%	IT P/Officer

Annex 'B'

11.	Editing and completion of volume three of the Commission Method of Work Report.	Jan 20, 2006	100%	R & D
12.	<ul style="list-style-type: none"> a. Receiving, sorting, upraising and listing of Commission records in the registry. b. Sorting and Listing records from others sections c. Sorting Hansard materials d. Sorting, and Listing records in the library materials 	<ul style="list-style-type: none"> Jan 30, 2006 Jan 30, 2006 Jan 30, 2006 Jan 30, 2006 	<ul style="list-style-type: none"> 95% 80% 100% 96% 	R & D
13.	Editing and completion of Civic Education Constituency Reports.	Jan 30, 2006	70%	R & D
14.	Sorting out of received complaints from CCCs and CEPs	Jan 26, 2006	On going	M & O CEPIC
15.	Securing and preparation of backups of the Commission's database and documents in electronic format.	Jan 27, 2006	100%	IT
16.	Processing of District Coordinators' Returns.	Jan 27, 2006	95 %	F & A M & O
17.	Preparations of Certificate of Service for all staff members (Head Office and Districts).	Jan 27, 2006	On going	Human Resource
18.	Preparations of Recommendation Letters for staff.	Jan 27, 2006	90 %	Human Resource All D S
19.	Finalization of signing of clearance forms for staff winding up.	Jan 30, 2006	As they clear	All D S
20.	File all correspondence including last payment and clearance certificate of all staff.	Jan 30, 2006	90%	Human Resource

Annex 'B'

21.	Handover all personnel files to Record Management Team.	Jan 30, 2006	60%	Human Resource
22.	Clearance of District Coordinators	Jan 30, 2006	92%	M & O CEPIC
23.	Issuance of Certificates to CCC and CEPs	Jan 30, 2006	40%	M & O CEPIC
24.	Issues of NSSF Statements to all staff members.	Jan 30, 2006	100%	F & A
25.	Board of Survey cash	Jan 12, 2006	100%	F & A
26.	Processing of the district coordinators' claims/reimbursement incurred during the winding up activities	As they clear	As they clear	F & A M & O
27.	Completion of Volume Six of the Commission's report on the Voices of the People (incomplete).	* See attached status report with details on personnel and time required to complete the Report.	45%	R & D - No work ongoing
28.	Stocktaking of Consumables	Jan 17, 2006	100%	MoJCA
29.	Pending cases for D/Coordinators	Not known	0%	F & A M & O
30.	Handing over of CKRC Assets	Jan 31, 2006		F & A