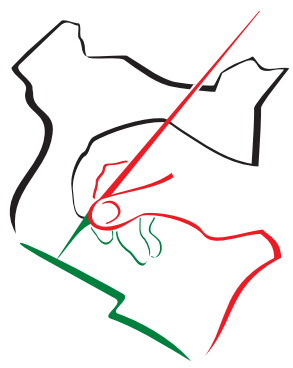


NOT FOR SALE



Committee of Experts
on Constitutional Review

Proposed Constitution of Kenya
CURRICULUM
for Civic Education

Read the New Constitution
and join the Future

NIMESOMA KATIBA **ELEWA**

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Katiba Mpya Your Voice

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SOMA **Kenya Moja**

One Law, One People, One Nation

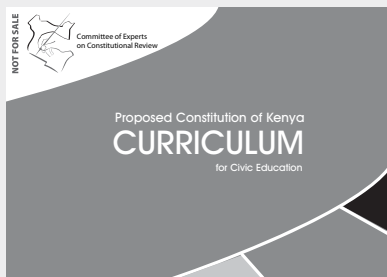
Think **Katiba** **A Better Kenya**

Katiba Poa **Kenya Poa** **READ**

Your Democratic Right

Proposed Constitution of Kenya
CURRICULUM
for Civic Education





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Foreword

When the Committee of Experts (CoE) was tasked to unlock the process that would ultimately pave way for a new constitution, its mandate by extension included bequeathing Kenyans a long-drawn dream. It is therefore incumbent upon every Kenyan to take note of the spirit and letter espoused in the Proposed Constitution.

To appreciate the shift from old to new and acknowledge the adjustments to the constitution Kenyans have hoped for over the years, it is necessary to make a quick comparison between the current and the proposed law. Whereas in the current Constitution sovereignty is placed on the Republic, thus limiting the rights of individuals, in the proposed law, sovereignty belongs to the people. The benefits of this shift guarantee that Kenyans will enjoy a wider range of rights once the new law becomes effective.

The structures of governance in the Proposed Constitution will take power closer to the people and involve them in determining the course of their destiny whilst providing for transparency as well as better checks and balances in the conduct of public affairs. In addition, ownership of property, and the right to prosper and benefit from one's efforts has been streamlined in the proposed law. This will mark the end of unfair distribution of wealth. Besides, both personal and communal property are protected in the proposed law.

As opposed to the current Constitution, the proposed law provides for stronger political parties with a national character and capacity to unite Kenyans. The new law also contains provisions made for greater dialogue and participation of *wananchi*.

Why this Curriculum

Under the Constitution of Kenya Review Act of 2008, the Committee of Experts (CoE) is mandated to facilitate civic education. While the Committee recognizes that it has this mandate, there are other stakeholders who will want to carry out civic education. It is in the light of this that the Committee has chosen to provide a common curriculum specifically for use by its educators and for use by other interested players.

The intent of the curriculum is to provide a framework outlining the scope for the conduct of civic education on the Proposed Constitution, while adhering to a strict code of conduct. A handbook and a manual are provided as part of the civic education materials.



Acknowledgement

The Curriculum, Handbook and Manual on Civic Education on the Proposed Constitution are the handiwork of team effort. It has definitely taken quite some burning of midnight oil, thought and skill. The current look and tone of this Handbook is indeed a fine mosaic of valuable expertise. I am therefore confident that the content herein, will speak to all Kenyans, and inform them on the Proposed Constitution ahead of the referendum.

For a great job done within record time, I wish to thank the Committee of Experts, specifically Members Bobby Mkangi, Dr. Chaloka Beyani, Abdirashid Abdullahi and Prof. Christina Murray, for both setting the tempo of this document, and finding time to moderate the content thereof. Without the leadership and dedication of CoE's Deputy Director in charge of Civic Education, Mobilization and Outreach department (CMO), Veronica Nduva; Programme Officer, Ida Rob; and all the CMO staff, this effort would not have borne such fruit. I applaud the technical support offered by the legal drafters, Gad Awuonda, Peter Musyimi and Gicheru Ndoria, who ensured the technical soundness and clarity of the document. Special gratitude goes to Maureen Mhando for her dedicated and meticulous editing of all the civic education reference materials.

My special gratitude goes to the team of consultants who domesticated terms and kneaded technical data to give the Handbook a wider value in the public arena. This team of men and women worked tirelessly and in harmony, to bring to life CoE's dream.

I am also indebted to the development partners and the Government Ministries who have walked with the CoE and ultimately made it possible for the production of this Handbook. In particular, I am thankful to the Coordination Liaison Office team, under the leadership of Amb. Nana Effah-Apenteng, through which the various development partners contributed to the UNDP-Kenya basket fund and the Ministry of Justice, for their invaluable contribution.

Thank you CoE members of staff, for without your dedicated efforts in your various designations, this Handbook would not have seen the light of day.

A constitution is only made once in a lifetime! I urge Kenyans to **participate** with **knowledge**, in the making of their Constitution.

Katiba Mpya, Kenya Moja!

Dr. Ekuru Aukot,
Director,
Committee of Experts on Constitutional Review.

Code of Conduct for Trainers and Facilitators

Professional training and facilitation operates on the understanding that:

- The undertaking is bound to a set of universal rules and regulations.
- Effective training and facilitation takes place within an atmosphere governed by a well defined code of ethics.
- Professional training and facilitation succeeds best when pursued in good taste and with noble intentions.

Below is a set of do's and don'ts for trainers/facilitators.

Do:

- uphold credibility and dignity that would enable you to command the respect of your audience.
- disseminate accurate information and correct any erroneous notions promptly.
- use simple and clear language ensuring you are audible to each of your trainees.
- be sensitive to cultural values and beliefs while engaging in fair and balanced communication activities that foster and encourage mutual understanding.
- observe ground rules e.g. keeping your phone away during training sessions.
- acknowledge effort and good work from your audience. This encourages participation.
- give every trainee equal attention and space; be impartial.
- engage trainees in an atmosphere where they will be comfortable.
- acknowledge sources and purposes of all information disseminated to the public.
- protect confidential information where disclosure of information may affect the welfare of others.
- keep time.
- end sessions with breaks and fun activities.

Don't:

- use confidential information gained as a result of professional activities for personal benefit and do not represent conflicting or competing interests.
- receive undisclosed gifts or payments for professional services from other than from your employer.
- guarantee results on issues beyond your capacity or authority.
- do guesswork; seek clarification whenever in doubt of the content of your references.
- dress provocatively or indecently.
- address trainees anonymously; memorize some of their names if not all.
- monopolize the show; make your sessions interactive.
- use indecent jokes and examples.
- personalize anything.



Session 1

Background Information

Session Period: **40 minutes**

1

Session Objectives

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

- identify the organs and describe the process of the Proposed Constitution.
- connect the need for change to the constitutional history.
- indicate the weaknesses in the current Constitution.
- outline what the process expects of them.

Resource Materials

CoE Documents
CoE Website
Handbook for Civic Education
Proposed Constitution of Kenya
Constitution Review Act 2008
Statutory Miscellaneous Amendment Act
Current Kenyan Constitution

Session Content

- The organs and their roles in the review process.
- Meaning and importance of Constitutions.
- Constitution making processes i.e. through
 - *Constituent Assemblies*
 - *Conferences*
 - *Commissions/committees*
 - *Parliament, etc.*
- Constitution making in Kenya – main elements/landmarks (pre- colonial and colonial).
- Independence Constitution
 - *Background*
 - *Main features/Provisions.*
 - *Amendments.*
- The current Constitution
 - *Main provisions*
 - *Challenges*
 - *Need for change.*
- Attempted reform processes.
- The current position
 - *The Proposed Constitution.*
- The purpose of this civic education.

Session 2

The Proposed Constitution

Session Period: **15 minutes**

2

Session Objectives

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

- explain the foundation and the overall framework of the Proposed Constitution.
- explain the extent to which the Proposed Constitution departs from the current Constitution.
- identify the potential benefits the Proposed Constitution has for the people.

Resource Materials

CoE Documents
 CoE Website
 Handbook for Civic Education
 Proposed Constitution of Kenya
 Constitution Review Act 2008
 Statutory Miscellaneous Amendment Act
 Current Kenyan Constitution

Session Content

- The foundation of the Proposed Constitution.
- The set principles and what it proposes to achieve.
The preamble, sovereignty,

supremacy of the Constitution, National Values.

- The Republic.





Session 3 Substantive Provisions

Session Period: 10 minutes

3

i. Citizenship

Session Objectives

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

- explain citizenship and ways of becoming a Kenyan citizen.
- explain how citizenship can be lost.
- state the rights and obligations of citizens.

Resource Materials

CoE Documents
CoE Website
Handbook for Civic Education
Proposed Constitution of Kenya
Constitution Review Act 2008
Statutory Miscellaneous Amendment Act
Current Kenyan Constitution

Session Content

Citizenship by way of:

- Prior citizenship status
- Birth
 - *Born of both or either of the parents who are citizens by birth.*
 - *8 year child of unknown parentage found in Kenya.*
- Registration and criteria.
- Dual citizenship.
- Rights of citizens.
- Obligations and responsibilities of citizens.



Session 4

ii. Bill of RightsSession Period: **15 minutes****4****Session Objectives**

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

- explain and describe what human rights are.
- state why human rights are important.
- explain how the bill of rights is applied, implemented and enforced.
- show the limitations to rights.
- list the rights and fundamental freedoms provided in the Proposed Constitution.

Resource Materials

CoE Documents
 CoE Website
 Handbook for Civic Education
 Proposed Constitution of Kenya
 Constitution Review Act 2008
 Statutory Miscellaneous Amendment Act
 Current Kenyan Constitution

Session Content

- Definition of human rights.
- Importance of recognition of human rights.
- Application.
- Implementation and enforcement.
- Limitations.
- Rights and fundamental freedoms citations.
- National Human Rights Commission.





Session 5

iii. Land

Session Period: **20 minutes**

5

Session Objectives

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

- appreciate land as property and subject to property rights.
- identify different land tenure/ownership arrangements.
- appreciate that additional legislation will be done to take care of land use questions.

Resource Materials

- CoE Documents
- CoE Website
- Handbook for Civic Education
- Proposed Constitution of Kenya
- Constitution Review Act 2008
- Statutory Miscellaneous Amendment Act
- Current Kenyan Constitution

Session Content

- Land belongs to the people collectively.
- Interest on land classified as :
 - Public land
 - Community land
 - Private land.
- Subsequent land legislations.
 - To be done by Parliament
 - To look at issues of land use.
- National Land Commission.



Session 6

iv. Elections

Session Period: **10 minutes**

Session Objectives

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

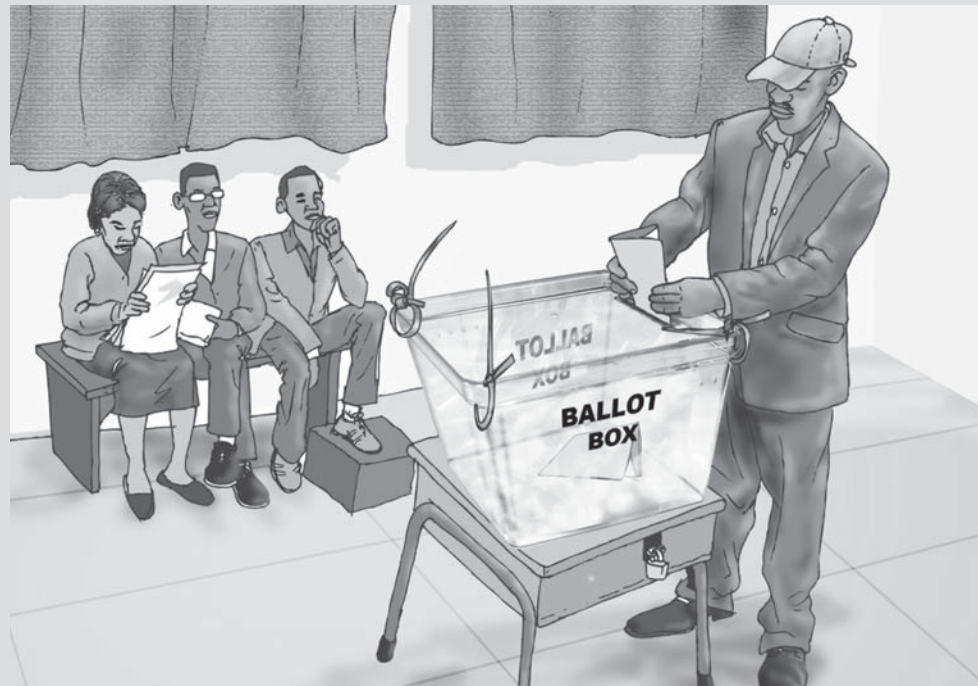
- **define need and purpose of elections.**
- **know election schedules.**
- **know voter requirements.**

Resource Materials

CoE Documents
 CoE Website
 Handbook for Civic Education
 Proposed Constitution of Kenya
 Constitution Review Act 2008
 Statutory Miscellaneous Amendment Act
 Current Kenyan Constitution

Session Content

- General elections and what they involve.
 - *Timing of general elections.*
 - *All offices to be filled through elections.*
- Voter registration.
- Voter eligibility.
- IEBC.





Session 7

v. Political Parties

Session Period: **10 minutes**

7

Session Objectives

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

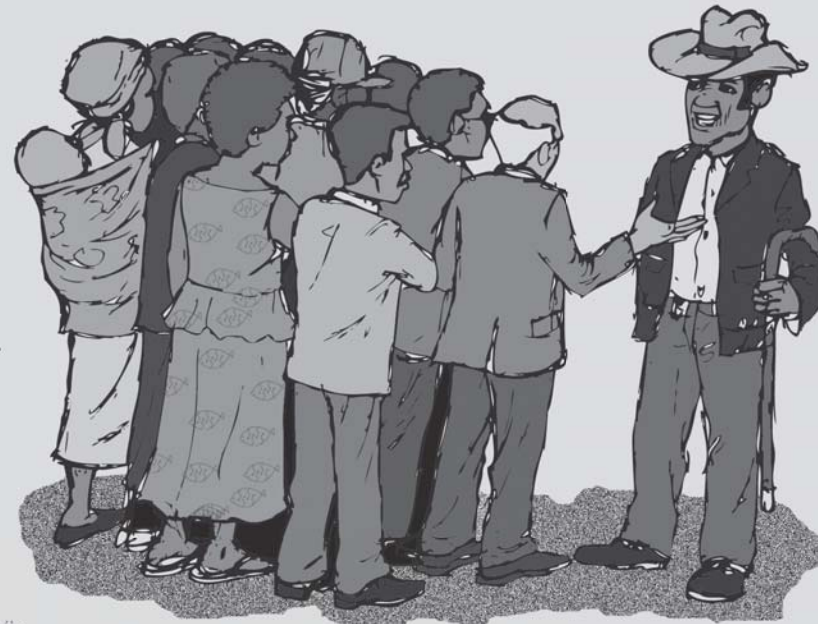
- explain what political parties are.
- outline the role of political parties.
- explain what is required of political parties.
- explain how political parties are funded.

Resource Materials

CoE Documents
CoE Website
Handbook for Civic Education
Proposed Constitution of Kenya
Constitution Review Act 2008
Statutory Miscellaneous Amendment Act
Current Kenyan Constitution

Session Content

- Definition of political parties.
- Formation and registration of political parties.
- Role of political parties.
- Funding of political parties.
- IEBC role with regards to political parties.



Session 8 **Governing Structures**

a) The National Government

Session Period: **10 minutes**

Session Objectives

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

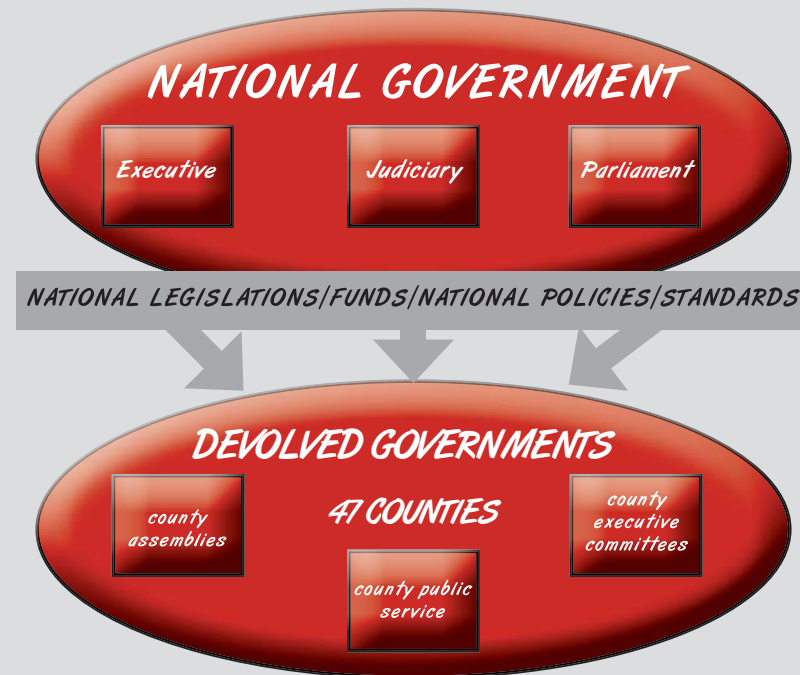
- describe and appreciate the overall system of government, functions and structure.
- describe the role of national government and its structures.
- explain the relationship between the structures and the people.
- discuss the relationship, checks and balances between the structures.

Resource Materials

CoE Documents
 CoE Website
 Handbook for Civic Education
 Proposed Constitution of Kenya
 Constitution Review Act 2008
 Statutory Miscellaneous Amendment Act
 Current Kenyan Constitution

Session Content

- Principles of governance.
- Role of Government.
- Overall structures of government.
- The national government structures.
- Role of the national government.





Session 9

b) Parliament

Session Period: **15 minutes**

9

Session Objectives

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

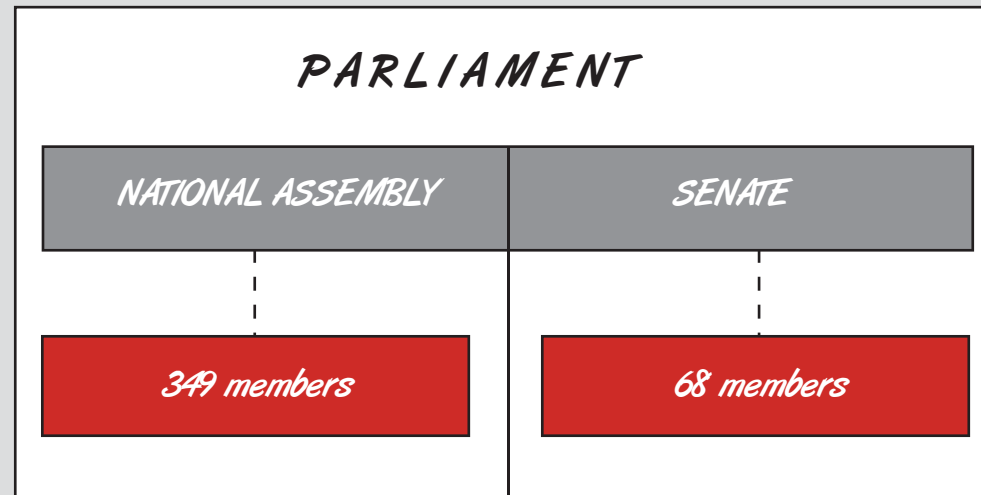
- explain the purpose and need for two chambers of Parliament.
- identify the number, the processes and the need for various categories and players in the two Houses.
- illustrate the processes used by the two chambers of Parliament.

Resource Materials

CoE Documents
CoE Website
Handbook for Civic Education
Proposed Constitution of Kenya
Constitution Review Act 2008
Statutory Miscellaneous Amendment Act
Current Kenyan Constitution

Session Content

- The two Houses.
- Composition.
- Eligibility.
- Electoral boundary/qualification criteria.
- Role of each House.
- Relationship between the two Houses.
- Conduct of business in each House.



Session 10

c) The Executive

Session Period: 15 minutes

10

Session Objectives

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

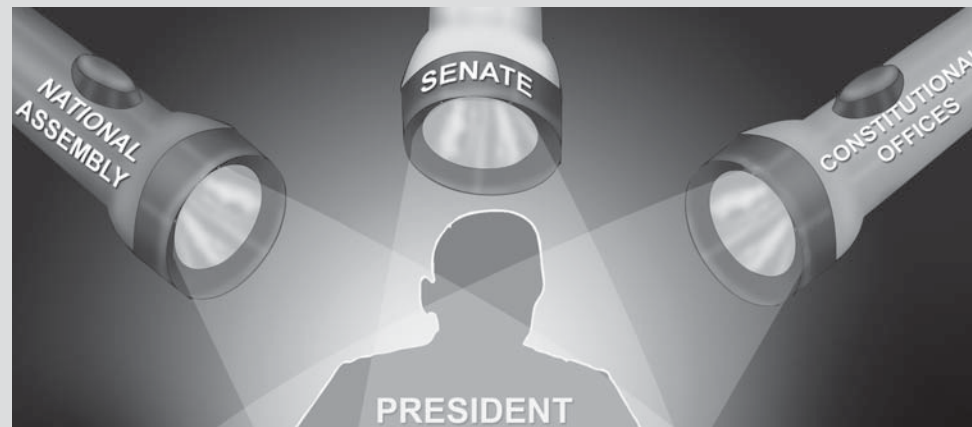
- explain and appreciate the composition and functions of the Executive.
- explain and discuss the roles and occupancy of individual offices under the Executive.

Resource Materials

CoE Documents
 CoE Website
 Handbook for Civic Education
 Proposed Constitution of Kenya
 Constitution Review Act 2008
 Statutory Miscellaneous Amendment Act
 Current Kenyan Constitution

Session Content

- Offices within the Executive.
- Roles, occupancy and exit.
- The President
 - *functions*
 - *election*
 - *eligibility*
 - *assumption of office*
 - *vacancy and/or removal.*
- The Deputy President.
- The Cabinet.
- The Cabinet Secretaries.
- Principal Secretaries.





Session 11

d) The Judiciary

Session Period: 15 minutes

11

Session Objectives

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

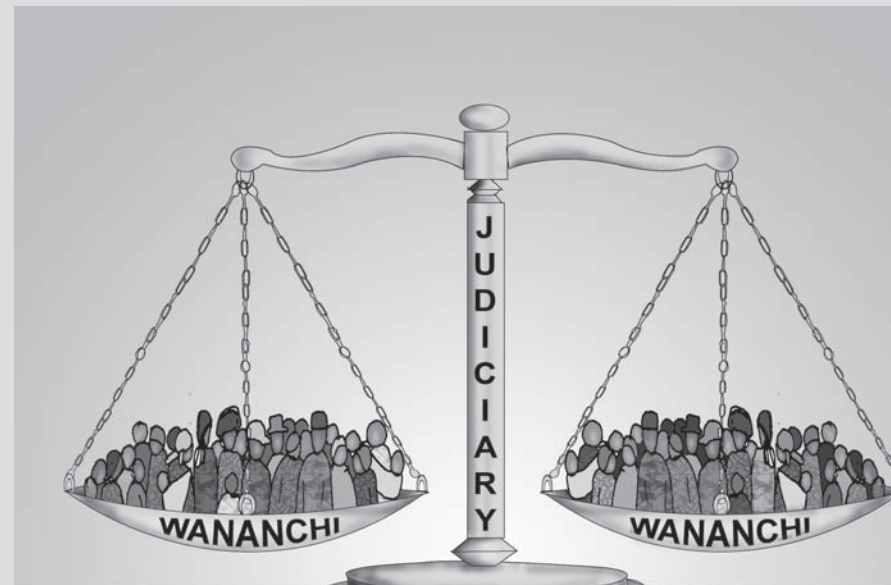
- explain and discuss the principles of the judicial system.
- describe the court system.
- identify court Levels.

Resource Materials

- CoE Documents
- CoE Website
- Handbook for Civic Education
- Proposed Constitution of Kenya
- Constitution Review Act 2008
- Statutory Miscellaneous Amendment Act
- Current Kenyan Constitution

Session Content

- Judicial functions/authority.
- Structure/levels of courts.
- Functions of each level.
- Relationship between the levels.
- The tribunals.
- The trial processes.
- Rights of the accused.
- Judicial staffing and recruitment of judges.
- Judicial Service Commission.



Session 12

e) National Public Service

Session Period: 10 minutes

12

Session Objectives

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

- discuss and explain the role of national public service.
- explain the values and principles of public service.

Resource Materials

CoE Documents
 CoE Website
 Handbook for Civic Education
 Proposed Constitution of Kenya
 Constitution Review Act 2008
 Statutory Miscellaneous Amendment Act
 Current Kenyan Constitution

Session Content

- Nature of public service.
- Application of values and principles.
- Leadership and integrity.
- Conduct of public officers.





Session 13

f) National Finance

Session Period: 10 minutes

13

Session Objectives

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

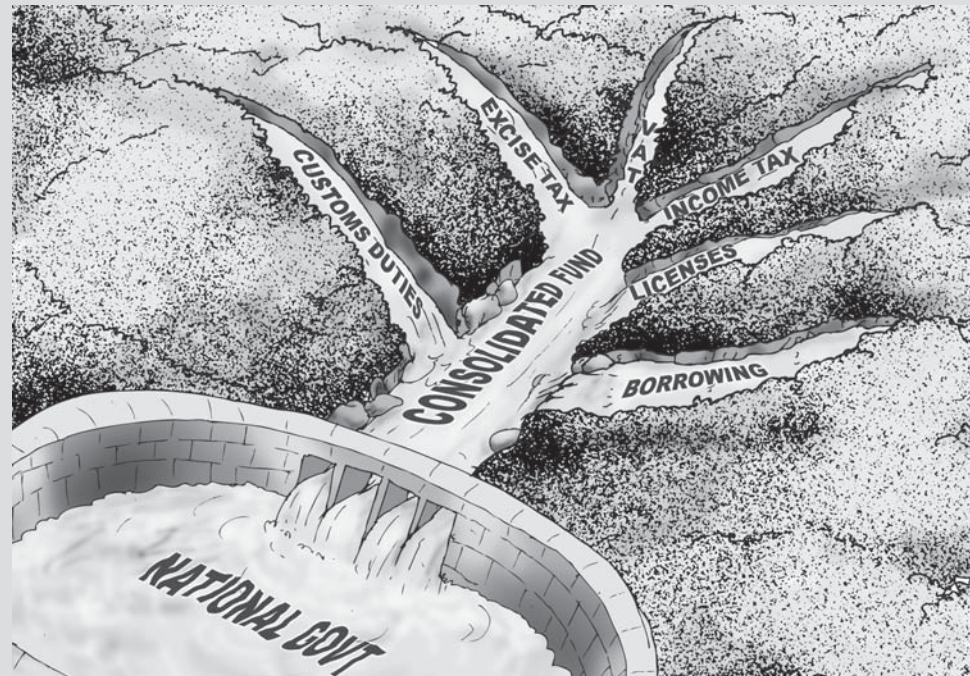
- identify the source of national government revenue.
- explain the principles of Public Finance.

Resource Materials

CoE Documents
CoE Website
Handbook for Civic Education
Proposed Constitution of Kenya
Constitution Review Act 2008
Statutory Miscellaneous Amendment Act
Current Kenyan Constitution

Session Content

- Sources of national government revenue.
- The Consolidated Fund.
- National annual estimates and budget approval processes.
- Expenditure controls and audit.



Session 14

g) Commissions and Independent offices

Session Period: 10 minutes

14

Session Objectives

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

- explain how constitutional and State offices are established and protected.
- describe the functions of the Commissions and Independent Offices.

Resource Materials

CoE Documents
 CoE Website
 Handbook for Civic Education
 Proposed Constitution of Kenya
 Constitution Review Act 2008
 Statutory Miscellaneous Amendment Act
 Current Kenyan Constitution

Session Content

- The Attorney-General.
- Director of Public Prosecutions.
- National Security Services
- Controller of Budget.
- Auditor-General.

- Commissions
 - *Kenya National Human Rights and Equality.*
 - *National Land.*
 - *Independent Electoral and Boundaries.*
 - *Parliamentary Service.*
 - *Judicial Service.*
 - *Revenue Allocation.*
 - *Public Service.*
 - *Salaries and Remuneration.*
 - *Teachers Service.*
 - *National Police Service.*





Session 15

Devolution (The county governments)

Session Period: 10 minutes

15

Session Objectives

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

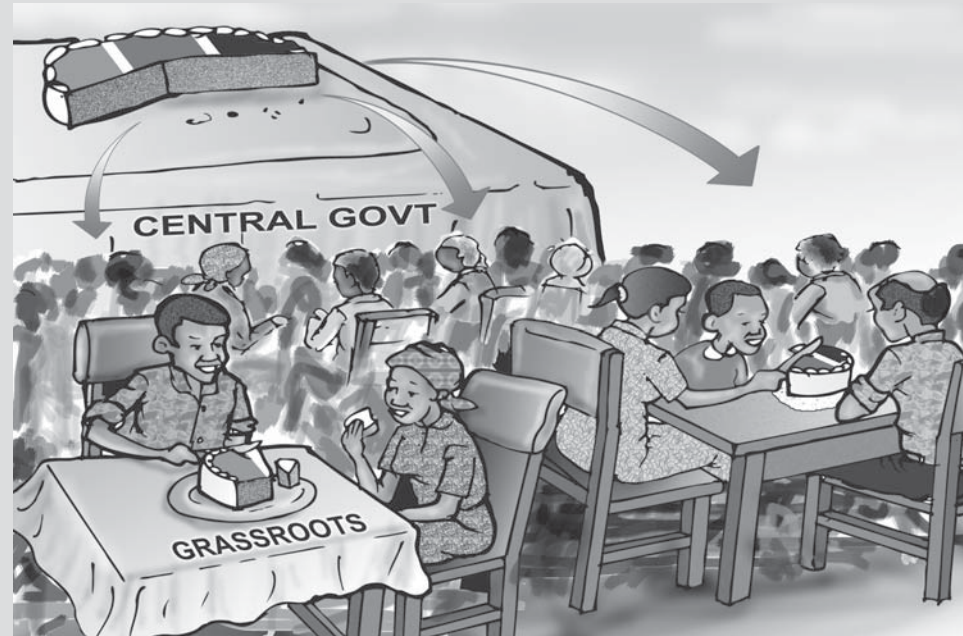
- explain the principles of devolution.
- explain the structures and functions of the counties.
- explain election processes and how county positions are filled.

Resource Materials

CoE Documents
CoE Website
Handbook for Civic Education
Proposed Constitution of Kenya
Constitution Review Act 2008
Statutory Miscellaneous Amendment Act
Current Kenyan Constitution

Session Content

- The purpose and justification/rationale of county governments.
- Structure of counties.
- Functions of counties.
- Overlapping functions between the national government and counties
- The counties.



Session 16

County Assembly

Session Period: **10 minutes**

16

Session Objectives

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

- **explain the establishment and nature of the county assembly.**

Resource Materials

CoE Documents
 CoE Website
 Handbook for Civic Education
 Proposed Constitution of Kenya
 Constitution Review Act 2008
 Statutory Miscellaneous Amendment Act
 Current Kenyan Constitution

Session Content

- Composition of the assembly.
- Qualifications for election.
- Role of the assembly.
- County legislation and national legislation.





Session 17

County Executive Committee

Session Period: 10 minutes

17

Session Objectives

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

- explain the establishment of the county executive committee.

Session Content

- Composition.
 - i) *role*
 - ii) *election*
 - iii) *vacancy/removal.*
- The county governor/ deputy governor.



Resource Materials

CoE Documents
CoE Website
Handbook for Civic Education
Proposed Constitution of Kenya
Constitution Review Act 2008
Statutory Miscellaneous Amendment Act
Current Kenyan Constitution

Session 18

County Finance and Public Service

Session Period: **10 minutes****18**

Session Objectives

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

- explain the role of county public service.
- identify the sources of finance for counties.

Resource Materials

CoE Documents
 CoE Website
 Handbook for Civic Education
 Proposed Constitution of Kenya
 Constitution Review Act 2008
 Statutory Miscellaneous Amendment Act
 Current Kenyan Constitution

Session Content

- County staffing.
- Sources of county revenue.
- Share of the national revenue.
- Management of county finance.
- Controls and audit.





Session 19

Transition

Session Period: **10 minutes**

19

Session Objectives

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

- **identify areas of transition.**
- **explain transition processes and activities.**

Resource Materials

CoE Documents
CoE Website
Handbook for Civic Education
Proposed Constitution of Kenya
Constitution Review Act 2008
Statutory Miscellaneous Amendment Act
Current Kenyan Constitution

Session Content

- Governance until 2012 elections.
- Legislation to be made.
- Judicial processes.
- Provincial Administration.
- Local Authorities.



Session 20

Amendments to the Constitution

Session Period: 10 minutes

20

Session Objectives

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

- explain how the Constitution can be amended in future.

Session Content

- Meaning of amendments.
- Sources for amending the Constitution.
 - *Parliament*
 - *Popular initiative*
 - *Referendum*



Resource Materials

CoE Documents
 CoE Website
 Handbook for Civic Education
 Proposed Constitution of Kenya
 Constitution Review Act 2008
 Statutory Miscellaneous Amendment Act
 Current Kenyan Constitution



Session 21

The Referendum

Session Period: **10 minutes**

21

Session Objectives

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

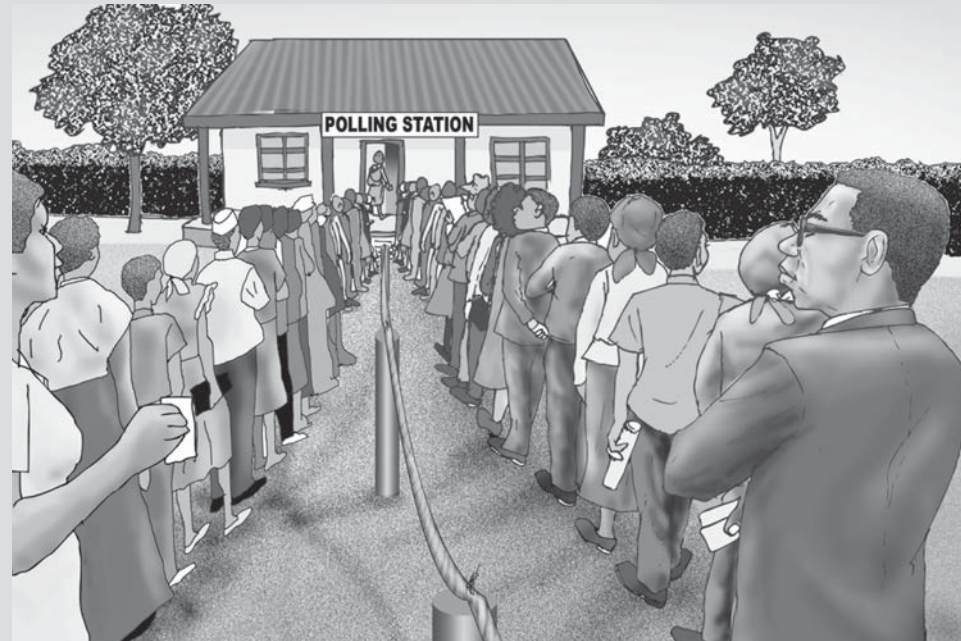
- explain the need for the people's participation in Constitution making.
- discuss the referendum question.
- discuss the referendum process.

Resource Materials

CoE Documents
CoE Website
Handbook for Civic Education
Proposed Constitution of Kenya
Constitution Review Act 2008
Statutory Miscellaneous Amendment Act
Current Kenyan Constitution

Session Content

- Definition of a referendum.
- Difference between a referendum and elections.
- Conduct of the referendum.
- Date of the referendum.
- The polling process.
- The promulgation of the Constitution if 'Yes'.



Read the New Constitution
and join the Future

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ELEWA

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Your Vote

Katiba Mpya

Your Voice

Tiba ya Kenya

NEW

SOMA Kenya Moja

One Law, One People, One Nation

Think Katiba

A Better Kenya

Katiba Poa Kenya Poa

READ

Your Democratic Right

COMMITTEE OF EXPERTS ON CONSTITUTIONAL REVIEW

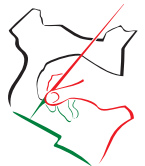
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**Committee of Experts
on Constitutional Review**

Katiba Mpya, Kenya Moja