

**REPORT OF THE CONSTITUTION OF  
KENYA REVIEW COMMISSION**

**VOLUME THREE**

**THE COMMISSION'S  
METHOD OF WORK**

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## FOREWORD

We, the Commissioners of the Constitution of Kenya Review Commission are pleased to present Volume 3 – the Constitution of Kenya Review Commission’s Method of Work, on the work we were mandated to do as part of the constitution making process.

Under the direction of the Research, Drafting and Technical Support Committee, chaired by Commissioner. Prof. H.W.O. Okoth-Ogendo, the Method of Work Task Force was mandated to accurately document the historical, practical and procedural dimensions of the Constitution of Kenya Review Commission’s method of work throughout the review process.

The corpus of the foregoing information, though vast, is contained in this report in an effort to make the work of the Commission conveniently available to members of the public.

Part One of the Volume documents the inception of the review process through the period immediately preceding the National Constitutional Conference.

Part Two of the Volume documents the method of work employed during the National Constitutional Conference.

Part Three of the Volume is the post script, and contains a record of all interim and antecedent events during and after the National Constitutional Conference.

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**Chairperson, CKRC**

## **CHAPTER ONE:**

### **BACKGROUND TO THE REVIEW PROCESS**

#### **1.1 Introduction**

Broadly, the Constitution is a covenant, symbol and aspiration by – which a group of people, agree to transform themselves into a nation. A constitution may also function as a uniting force, the only principle of order in the absence of no other shared moral or social vision that might bind together a nation. It may serve as a binding statement of a people’s aspirations for themselves as a nation, thus a constitutional document may guide as well as express a peoples’ hopes for themselves as a society. The ideals and the words enshrine the processes they decide, and the actions they legitimize, must either help to change the society or at least reflect their values.

The constitution is also considered as a charter of government as it sketches the fundamental modes of legitimate governmental operations - who its officials are, how they are chosen, what their terms of office are, how authority is divided among them, what processes they must follow, and what rights are reserved for citizens. It is the guardian of human rights and fundamental freedoms. In so far as it is authoritative and embodies the legitimacy of the government, it must protect substantive rights by limiting the power of those fairly and freely chosen as representatives.

When Kenya became independent, the constitution was not made directly by the people. It was negotiated in London at Lancaster House between the British government and representatives of Kenya’s political parties who were members of the Legislative Council. The people of Kenya were therefore not consulted in the making of the Constitution, and the British Parliament, not the Kenya legislature, adopted the constitution. Since independence several amendments to the constitution have been done and just like at independence, the people had neither direct say in these constitutional changes, nor given time to debate and discuss the changes.

Based on the lessons learnt from the past, the Constitution of Kenya Review Act sought to place people at the centre of the review process and aimed at making the process comprehensive, participatory and inclusive. It is for this reason that it was popularly described as ‘people-driven’. Recognizing that a constitution is a compact among the people for the good governance of their society and affairs, the process, procedure and outcome of making the new constitution was intensely negotiated and its *contents* largely reflected the views of the majority involved in the process.

Indeed, in an opinion poll conducted by the International Republican Institute (IRI) appearing on the Daily Nation of Tuesday 10<sup>th</sup> December 2002, it was reported that a large majority of Kenyans (82.8%) believed that the Constitution of Kenya Review Commission in its work was accountable to Kenyans and 74.2% thought the draft Constitution represented the views of Kenyans.

Volume Three of the National Report on the Commission's Method of Work, presents how the review organs carried out their mandate as prescribed by the Constitution of Kenya Review Act. The act prescribes in great detail the organs of review and procedure they have to follow. On the content, the Act sets out objects and goals of review reflecting the prior consensus among the key stakeholders. The object and goals of review, which are fairly comprehensive, are binding on all organs of review. But the rules and institutions to achieve the goals are to be decided by the people.

## **1.2 Background to the Constitutional Review Process in Kenya**

For many years Kenyans have yearned for a constitution that could ensure the welfare of the people and stability of the nation, and a democratic constitutional order that is responsive to the needs and aspiration of the people. The Kenyan people demanded and fought for the review of the constitution to restore the valuable aspects of the constitution that had been removed the self driven amendments, to rationalize and refocus the judicial, legislative and executive power of the state to ensure the welfare of the people, and to effectively tackle the many political, social, cultural and economic problems that the country faced due to the failings of the constitution. The constitutional reconstruction was thus motivated by a desire to secure protection against past mistakes and excesses that led to political instability and poor social and economic performance, and to establish conditions of stability and security in the Republic.

The global movement towards constitutional and democratic reforms also prompted claims for reform. In the late 1980s and the 1990s, with the collapse of communism in Europe, liberal ideas of the organization of the state gained acceptance worldwide. The new world order, dominated by the global capitalist market, increasingly allowed states and societies to participate fully in the international system only if they accepted and practiced the market economy. Many states had undergone revolutionary changes, either with the overthrow of communism or the end of one-party or military regimes, and there was a need for totally new constitutional instruments. These changes were often the result of the struggles and efforts of civil society, which placed high values on public participation in governance. Thus due to both international and domestic circumstances, concepts of a liberal constitution were adopted in numerous countries. Particular emphasis was placed on 'democratizing' constitutions in order to facilitate the full establishment of democracy.

In the African context, four main phases of constitutional review have been identified. The first phase, characterized as idealist in nature, lasted for a relatively short period of time coinciding with the transition to independence by African states, it can also be said to apply to the colonial period prior to independence. It was mainly characterized by constitutional documents and developments meant to provide African countries with constitutions that reflected the principles and norms prevalent in the colonial capital, with the culmination of this process being the enactment of the independence constitutions. In this phase, the constitutional documents enacted had little to do with African realities and what the colonial powers were doing was to bestow the Africans with structures that

represented their own ideas of what should prevail. The constitutional documents were either imposed or negotiated, and no form of popular participation by the Africans was involved in their enactment.

The second phase commenced soon after independence, with measures aimed at abrogating the independence constitutions. Between the periods 1963 to 1989, many African constitutions were rewritten, reconfigured, suspended, abrogated and in other cases simply discarded, with the primary objective of using the constitutions to consolidate political power, and as such the constitutions inevitably became devalued instruments. During this period many African states had, what Prof. Okoth-Ogendo refers to as, “constitutions without constitutionalism”<sup>1</sup>. It was also a period chiefly characterized by either single-party or military dictatorship in many countries in Africa.

The third phase is what has been referred to as Africa’s “second liberation”. Starting from the 1990’s there has been considerable political transition in the continent characterized by a tendency to accept the necessity of political reform in order to placate domestic or international opinion. This phase coincided with the imposition of International Monetary Fund and World Bank designed structural adjustment programs, which were accompanied with political and economic conditionalities. The political conditionalities related to human rights, multiparty polity democracy, accountability and transparency in governance while economic conditionalities required African states to execute stringent fiscal and economic policies, particularly those of deregulation and privatization, which opened the African states to the forces of globalization. Unfortunately for most African states, the failure of structural adjustment programs culminated in a rising debt profile, unemployment, inflation, infrastructural decay, economic collapse and social dislocation. One other major consequence was increasing pressures for economic and political reform from within the states by the increasingly marginalized groups, individuals and civil society movements. By the end of the 20<sup>th</sup> century, majority of the African states were either undertaking or had undertaken constitutional reforms.

The fourth phase is characterized by the need to build a people based democratic constitutional order emphasizing sovereignty of the people, the rule of law, good governance and respect of human rights and fundamental freedoms. The major characteristic of this phase is the attention paid to the importance of constitutionalism founded on the true understanding and appreciation of the local, national, regional and global realities of human life.

### **1.2.1 The Period Preceding the Constitution Review in Kenya**

#### ***Before 1990***

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<sup>1</sup> H.W.O. Okoth Ogendo, “Constitutions without Constitutionalism: Reflections on an African Political Paradox” in Greenberg D. et al. (Eds), *Constitutionalism and Democracy: Transitions in the Contemporary World*, pp 65-81(New York: Oxford University Press, 1993)

Since the Kenya constitution came into force on 12<sup>th</sup> December 1993, it has been amended 38 times. The period between 1963 when Kenya attained independence and 1990 witnessed twenty- four (24) amendments made to the Kenya Constitution. The process mirrored the constitutional developments that were taking place elsewhere in the continent as explained in the foregoing. Within the Kenyan context, three discernable trends can be drawn from the constitutional changes during the period:

- ♦ It was an *ad hoc* and reactive process, largely aimed at dealing with political exigencies of the moment.
- ♦ The major proponent for constitutional review was the ruling political party, and the organ for review was the single party parliament.
- ♦ The main purpose and effect of the constitutional changes was to strengthen the executive arm of government at the expense of other institutions and checks and balances provided for in the independence constitution.

*Between 1963 and 1965*, constitutional changes were mainly concerned with power transfer and was reacting to firstly, the inherited colonial constitutional legacy, and secondly, to the need by the ruling party KANU to strengthen and consolidate its power base. The constitutional changes resulted in the creation of a centralized system of government, the abolition of regionalism and establishment of *de facto* one-party state. It also laid the foundation in terms of content and process, of the constitutional changes that were to follow.

*Between 1966 and 1990* the major proponent for constitutional review during this period was the ruling party KANU, and the organ of review was a considerably weakened one party parliament. The constitutional developments during the period were to ensure the political survival and succession of power by the ruling party, culminating in Kenya being constitutionally declared a *de jure* one- party state in 1982. This resulted into further centralization of state powers in the hands of the President, and further erosion of powers of other constitutional organs and institutions of the state. The net effect of this period's constitutional changes was the creation of an almost entirely unaccountable government greatly compromised in terms of the sanctity and integrity of the constitution.

### ***After 1990***

The period after 1990 saw the galvanization of the national constitutional, political and economic reform movement influenced by national political dictatorship, deteriorating social and economic situation, and globalization. The disenchanted political groups and the civil society movements coalesced into one powerful force to form a common national agenda for reform. Against the background of relative political stability, the demands for a new constitution were motivated by the need to update and improve the current constitution, not for an entirely new socio-political order like in Uganda, South Africa or Eastern Europe which were emerging from a chaotic political past.

Demands for a systematic review of the constitution were made as early as 1990 to the KANU Constitution Review Committee headed by the then Vice-President Professor George Saitoti. Doubts were raised about the desirability of various constitutional issues, which had been introduced by constitutional amendments. These included one party rule, detention without trial, the removal of security of tenure of judges, the Attorney General and the auditor-general, and the weakening of the principle of the separation of powers. However, no action was taken as the Committee considered that these matters were outside its mandate.

The pressures for constitution review built up as the movement for the restoration of multi-party system started in earnest in 1990 with many civil society organizations such as Citizens' Coalition for Constitutional Change emerging with focus on constitutional change. Other civil society organizations such as National Council of Churches of Kenya (NCCCK), Episcopal Conference of Catholic Bishops, the Law Society of Kenya, the International Commission of Jurists (ICJ) Kenya Chapter, Kenya Human Rights Commission and the National Council of NGOs of Kenya joined political groups to press for political and constitutional change.

In December 1991 the constitution was changed to allow multi-partyism. Some groups demanded, unsuccessfully, a comprehensive reform of the constitution before the general elections of 1992. The momentum for a comprehensive review picked up after the elections as it was realized that the repeal of one party provision was by itself insufficient to ensure an effective constitutional democracy, increase public accountability, and ensure more responsive policies.

In 1994 Catholic Bishops issued a pastoral letter that called for a new constitution to truly reflect multi-partyism. In the same year the Kenya Human Rights Commission, the Law Society and the ICJ developed and widely circulated new prototype constitution, dubbed *Proposal for a Model Constitution*, that formed the basis for extensive consultations and workshops from 1994 onwards by civic, religious and political organisations. In view of the wide support for constitutional review, the government announced plans in January 1995 to invite foreign experts to draft a new constitution for consideration by the National Assembly. This proposal however, came to nothing, and civil society pressures for review through a people's convention gathered momentum. This led to mass action, which resulted in violence and some deaths.

As part of broader movement for comprehensive constitutional reform before the 1997 general elections, Parliamentary political parties, including those, which had supported the initiatives of the National Convention for Constitutional Change, formed their own forum, the Inter-Parties Parliamentary Group (IPPG) in August 1997. The IPPG agreed to a number of reforms to be implemented before the general elections, including the independence of the Electoral Commission, repeal of a number of laws restricting civil and political rights, and abolition of the offence of sedition, and other measures were agreed to facilitate the holding of political meetings, and the fairer access of all political groups to the state media. These were seen as interim reforms, to ensure fair elections,

after which a comprehensive review would be undertaken after the general elections. Not all the IPPG's proposed reforms were enacted due to the early dissolution of Parliament.

### ***Post IPPG Period***

As part of the IPPG package, the Constitution of Kenya Review Act was introduced and passed in 1997 to provide the legislative framework, structure and vision of the review process after the 1997 elections. The 1997 Review Act was not however made to every one's satisfaction and this brought about a series of multi-stakeholder negotiations held most intensely between June and October 1998 at the Bomas of Kenya and the Safari Park Hotel in Nairobi. The aim of the negotiations was to find and reach consensus on acceptable and inclusive framework for the review. The Act was consequently amended in 1998 to reflect the consensus achieved in these negotiations.

Despite the amendments to the Review Act, the review process did not take off as expected because the major parties disagreed on the nomination of members to, and composition of the Constitution of Kenya Review Commission. The result was a stalemate in the review process leading to the establishment of two parallel review processes. The Constitution of Kenya Review Commission established and appointed by Parliament and the President under the Review Act led one process. The other was set up and appointed by the National Assembly and the President under the Review Act. Parliament established the Parliamentary Select Committee on Constitution Review under the Chairmanship of Honorable Raila Odinga. The opposition parties boycotted the Select Committee and the Review Commission.

The second process was led by a coalition of religious organizations and civil society organizations with the support of opposition parties in and outside parliament. It was based at Ufungamano House hence the name Ufungamano Initiative. The "Ufungamano Initiative" was founded on the premise that the structure and mandate of the Constitution of Kenya Review Commission as established by legislation was not inclusive, comprehensive and people-driven. The Ufungamano group established and appointed the People's Commission of Kenya (PCK) under the Chairmanship of the late Dr. Oki-Ooko Ombaka. Although in its procedures, the PCK followed largely the provisions of the amended Review Act, it had no legislative backing and limited financial resources.

Despite the amendments to make the review process more democratic and inclusive, it proved difficult to establish a common and inclusive review process. Nevertheless, there was a danger that having two separate and parallel review commissions would lead to the intensification of political conflict, violence, and that the outcome of either processes would not be accepted and adopted by the polarized Kenyan people as the new constitution. Furthermore neither party had sufficient votes in the National Assembly to enact whichever constitution to be presented before parliament. As a result of this realization, the major stakeholders held a series of negotiations between November 2000 and May 2001 resulting in the decision to merge the two parallel review process and the



amendment of the Review Act in May 2001. The enlarged commission benefited greatly from the synergy of the merger.

## **CHAPTER TWO:**

### **THE LEGISLATIVE FRAMEWORK AND PREPARATORY ACTIVITIES OF THE REVIEW PROCESS**

#### **2.1 Negotiating the Legislative Framework of the Review Process**

As part of the IPPG package, the Constitution of Kenya Review Act (1997) came into force to provide the machinery required to meet the goals of post-election constitutional review. The 1997 Act did not however, satisfy all of the interested parties as the government through the Attorney General initiated it, without consulting both the official opposition and civil society stakeholders on substantive issues legislated in the Act. These stakeholders rejected the review process and the legislation itself and demanded an opportunity to participate in the constitutional review process.

Consequently, a series of negotiations with a large number of stakeholders was held at the Bomas of Kenya and the Safari Park Hotel between June and October 1998 to identify an acceptable framework for the review. As a result the Act was amended in 1998 to reflect the consensus achieved during these consultative negotiations. The salient features of these amendments were provisions for:

- a review Commission comprised of twenty-five members nominated proportionately by stakeholders, not by the President,
- a time-bound procedure for nominations
- appointment of Commission members once nominated, by the president.

In the event, these principles were never implemented since the major parties (particularly Parliamentary political parties) were unable to agree on the process of nomination of the Commissioners. The ensuing stalemate resulted in each of the major protagonists resolving to proceed individually, guided by two divergent approaches.

The Ufungamano Initiative, which was backed by national religious organizations and organs of civil society, appointed a People's Commission of Kenya (PCK) structured on the basis of the provisions of the amended review Act. On the other hand, the parliamentary process which was backed essentially by KANU and allied political parties went ahead and established a Parliamentary Select Committee to further determine what instruments would be necessary for comprehensive review of the Constitution. This led to further amendments to the review Act in 2000. The 2000 amendment Act introduced substantial changes in the legislative framework of review as agreed to in 1998. Among these were that:

- the size of the Commission was reduced from twenty-five Commissioners to 15 Commissioners plus two ex-officio members,

- these Commissioners would be appointed based on merit, after the Parliamentary Select Committee considered applications and conducted interviews,
- ethnic, geographical and social diversity would be considered during the selection process.
- the president would appoint the Commissioners following their nomination by Parliamentary Select Committee.

Following this amendment, the Constitution of Kenya Review Commission was finally established and fifteen Commissioners appointed in November 2000.

The existence of two separate processes for the review of the constitution was obviously unsatisfactory. Thus taking into account the deep and widespread wish of Kenyans for a common constitution review process to promote national unity and peace, and to produce a constitution enjoying broader national support, the negotiating parties from CKRC, Parliamentary Select Committee, PCK and its Ufungamano Steering Committee took several courageous decisions, which led to the merger of the two processes. None of the parties involved in the negotiations was unwilling to give and take during the negotiations. Efforts to bring about the merger of the two processes were spearheaded by the Chairperson of the Parliament backed CKRC, Professor Yash Pal Ghai.

Major negotiations were conducted with all relevant stakeholders between November 2000 and May 2001 resulting in the decision to merge the Commission as originally established, and the Ufungamano Initiative. The Review Act was thus amended again in May 2001 to incorporate the terms of the merger agreement, and to bring on board 10 members from the PCK and 2 additional members appointed by the Parliamentary Select Committee to form a united CKRC of 29 Commissioners.

By the time of the merger, the PCK had held hearings in all but one province and had collected a large number of views and recommendations from organized groups and individuals. The CKRC had set up an elaborate structure and committee system to support the review process. Most of the committees established had met several times to discuss programs for civic education, publicity, research and drafting. The Finance Committee had negotiated for emoluments and procurement of equipment including vehicles. The enlarged commission benefited greatly from the synergy of the merger.

The key elements of the common review process agreed upon required that the commitment of all parties including the Government of the Republic of Kenya, the organs of review of the constitution, political parties, non-governmental organizations, and all Kenyans to:

- 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 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.

While one advantage of the long drawn out negotiations for a common process was that during this period, there were numerous meetings and workshops to scrutinize and reflect on the current constitution and to debate the goals of reform, the existence of two parallel review process was in itself evidence of serious fracture in Kenya's political landscape. The fact that the Commission was perceived as an instrument of the ruling political party and the Ufungamano Initiative as that of the opposition, was clear indication of lack of consensus in respect of and commitment to what was perhaps the most fundamental political project in Kenya's forty year history as an independent state. One of key tasks of the review process was therefore to use the process as an instrument of peace building and resolution of national conflicts.

## **2.2 Establishment of the Organs of the Review Process**

The Review Act established several organs of the review process and gave them specific functions, and responsibilities. These were: -

- ❑ the Constitution of Kenya Review Commission ('Commission or CKRC');
- ❑ the Constituency Constitutional Forum (CCF);
- ❑ the National Constitutional Conference (NCC);
- ❑ the referendum; and
- ❑ the National Assembly.

### **2.2.1 The Constitution of Kenya Review Commission**

The Commission, which was the primary organ of review, consisted of 29 Commissioners (of which two, the Attorney-General and its Secretary are ex-officio). The President acting on the nomination of the National Assembly appointed commissioners. The President appointed the Chairperson from among the Commissioners. The Commission reflected Kenya's ethnic, geographical, cultural,

political, social and economic diversity, and the principle of gender equity (sec. 6(5)). Commissioners were appointed for their legal qualifications or experience in public affairs (sec. 8(i)(a) and (b)). The Commission was intended to be independent and could not therefore be instructed by anyone other than the great body of the people of Kenya in carrying out its functions. The tenure of Commissioners lasted until the conclusion of the review process (sec. 33) and the Commission as established could only be dissolved subject to the provisions of section 33 of the Act. The Commission for good cause under Section 15 could dismiss a Commissioner. They were bound by a code of conduct to prevent conflicts of interests and other improprieties. These characteristics were necessary for the discharge of its functions, the principal function being the preparation of the Bill to alter the Constitution.

### **2.2.2 Constituency Constitutional Forum**

Constituency Constitutional Forums were established for every constituency for the purposes of debate, discussion, collection and collation of the views of the members of the public (sec. 20). The Forums also provided the basis for consultations with the Commission. The Commission facilitated the setting up of the Forums, but the people of the constituencies and their political and other leaders determined their composition and form.

In general the Constituency Constitutional Forum (CCF) played a very significant role in the review of the constitution. The CCF was described as one of the organs ‘ through which the review process shall be conducted’ (sec.4 (1) of CKRC Act. The CCF was thus one of the principal ways in which the views of the public were to be obtained.

The Select Committee of the National Assembly, which reviewed the Review Act in early 2000, decided to replace the District Forums with Constituency Forums to get views ‘ directly from the people in the constituency. The Select Committee envisaged the constituency forum as ‘open forums with no specific structures’ and which were to be ‘ flexible and easy to manage’. The Committee’s opinion was that the ‘existing leadership comprising Members of Parliament, councilors, community based organizations, religious groups and individuals should be able to present views and opinions directly from the grassroots.’ (*The Report of the Parliamentary Select Committee Reviewing the Constitution of Kenya Review Act, 1997, April 2000*).

To operationalize the Forums the Commission prepared and gazetted Guidelines for their establishment and operations. The Guidelines stipulated that all the residents of a constituency would constitute the CCF.

In order to coordinate and facilitate the activities of the CCFs, Constituency Constitutional Committees (CCCs) were established. The Guidelines proposed their membership to consist of 10 persons, of which three would be ex-officio: the local MP, the chair of the County Council in which the constituency is located, and the District Coordinator. The Guidelines stated that the membership would be as broad and representative of the people of the constituency as possible and recommended that at least a third of the committee should be women.

### **2.2.3 The National Constitutional Conference**

The National Constitutional Conference (‘Constitutional Conference’) was established by the Act as the most representative body assembled in Kenya for the function of debating, amending and adopting the draft constitution. It consisted of 629 members;

- 222 members of the National Assembly,
- 210 representatives of districts elected by the county councils,
- 29 members of the Commission (as non-voting members),
- 42 persons each representing a political party and
- 125 representatives of religious, professional, women’s groups, trade unions and NGOs (sec. 27(2)), and 15 other interests chosen in accordance with regulations made by the Commission.

### **2.2.4 The Referendum**

The Act established the referendum, which would be held within one month following the absence of consensus on any issue during the National Constitutional Conference. A Referendum is a process that is similar to a general election except that instead of voting for people to represent them, the voters give their views on one or more specific questions presented to them. A referendum would be held only to decide those issues, which are not resolved in the National Constitutional Conference.

### **2.2.5 The National Assembly**

The Act established the National Assembly for the sole purpose of enacting the Bill to alter the Constitution. Once the National Constitutional Conference has adopted the draft Bill and people have made their decision at the referendum, the commission would prepare the final national report and Draft Bill to be presented to the Attorney general for tabling before the National Assembly. The National Assembly would ultimately enact the Bill. To facilitate its role, the National Assembly under section 10 established the Parliamentary Select Committee on Constitutional Review to assist it in the performance of its functions under the Act.

## **2.3 Philosophy, Values and Principles of the Review Process**

In many ways the Constitution of Kenya Review Act set a clear vision and framework that articulates its core values, principles and philosophy of the review and the general concerns, interests and sometimes apprehensions of the people of Kenya. The Act in its provisions especially in sections 3, 5 and 17 sought to provide clear direction to its organs as to the nature of process and structures and systems required to achieve the national goals established under the new constitution.

In ensuring that the review process remained focused on the concerns and needs of the Kenyan people, Section 3 of the Review Act outlined specific principles and values that

the review organs must achieve to ensure that both the review process and its final outcome guarantee and safeguard the well being of the people of Kenya. They included:

- ❑ Remaining accountable to the people of Kenya
- ❑ Gender equity
- ❑ Peace, national unity and integrity of the Republic of Kenya
- ❑ Resolving national issues on the basis of consensus
- ❑ Respecting ethnic and regional diversity and communal right including the right of communities to organize and participate in cultural activities and the expression of their identities’
- ❑ Equal citizenship
- ❑ Equality and affirmative action to overcome the discrimination or hardships suffered in the past.
- ❑ Good governance based on democracy and separation and devolution of powers
- ❑ The rule of law and constitutionalism
- ❑ Respect of human rights and fundamental freedoms
- ❑ Equitable access to national resources.
- ❑ Full and inclusive Participation in public affairs
- ❑ Accountability and transparency
- ❑ Good international citizenship

The broader philosophy of the review process hinged on the need to establish a governance system that would derive from, and respond directly to the wishes, needs and aspirations of the people of Kenya. A governance system that would sustain not only the welfare and well being of the people but also guarantee national unity, peace and stability.

#### **2.4 Objects of the Review Process**

Apart from reflecting the general compendium of values, principles and philosophy of the review process, Section 3 of the Constitution of Kenya Review Act (Cap. 3A, Laws of Kenya) presented the specific objects of the review process. The general object of the review process was to ensure comprehensive review of the current constitution “by the people of Kenya”. Specifically the Act provided that the object and purpose of the review was to secure provisions therein:

- a) guaranteeing peace, national unity and integrity of the Republic of Kenya in order to safeguard the well-being of the people of Kenya;
- b) establishing a free and democratic system of Government that enshrines good governance, constitutionalism, the rule of law, human rights and gender equity;
- c) recognizing 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 peoples' participation in the governance of the country through democratic, free and fair elections and the 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 expression of their identities;

f) ensuring the provision of basic needs of all Kenyans through the establishment of an equitable frame-work 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 the full participation of people in the management of public affairs; and

k) enabling Kenyans to resolve national issues on the basis of consensus.

## **2.5 Preparing and Setting the Ground for the Review Process**

The preparatory phase of the Constitution of Kenya Review Commission's work involved a series of sensitization and Consensus building meetings and activities.

### **2.5.1 Provincial Administration Seminars**

The Commission recognized early on that the provincial administration was an important partner in the review exercise. Provincial visits and successful workshops for the provincial administration were held throughout the country, during which important suggestions came up on how their extensive network can be used to help in attainment of the Commission's objectives, particularly regarding mobilization and outreach activities. These workshops were held at the Provincial Headquarters and played a key role in sensitizing members of the administration on the whole process and what role it could play to make the review process a success. This resulted in a good working relationship between the Commission and the Provincial Administration. The District Coordinators and the Commission at large have received a lot of support from the administration



especially in issues related to security, civic education, logistics for mobilization and hearings.

### **2.5.2 District Visits**

The Commissioners, in panels of twos and threes, and assisted by the Commission's secretariat visited all the districts to brief the Civic Education Providers (CEPs) and Constituency Constitutional Committees (CCCs) in preparation for the crucial stages of collecting views at the constituency levels.

The main aims of the visits were to:

- ❑ Induct the Civic Education Providers (CEPs) and Constituency Constitutional Committees (CCCs) on the whole exercise and particularly the important stage of civic education and public hearings.
- ❑ The visits also provided an opportunity to the Commission to have a grasp of situation on the ground before further stages of the review process.
- ❑ To carry on site inspection of Documentation Centres to ascertain availability of the required documents for the review process

These visits also posed a big challenge to the Commission in terms of the necessary logistical requirements. The main challenge faced included traversing the whole country by road, language barriers, insecurity risks, diseases, and harsh weather conditions, and provided a good learning experience in preparations for the public hearings. The exercise resulted in more organized provision of civic education, and good working relations between the CEPs and CCCs, and the District Coordinators.

### **2.5.3 District Coordinators Seminars**

The Commission held a number of seminars for the District Co-ordinators to sensitize them on various aspects of the review process. The first seminar was held on 3<sup>rd</sup> to 6<sup>th</sup> October 2001 at KCCT Mbagathi in Nairobi. The seminar was aimed at training and inducting the then newly recruited coordinators to the whole process before taking up their positions at their various districts. The seminar to a great extent succeeded in imparting the Coordinators with adequate requisite skills in administering the review process in their districts.

The District Coordinators' training and induction focused on:

- ❑ The Legislative Framework of the Review Process
- ❑ Civic Education and Proposals for Civic Education Programme
- ❑ Guidelines for Establishment of Constituency Constitutional Committees

- ❑ Roles and Functions of the Constituency Constitutional Committees
- ❑ District Coordinators' Terms of Reference
- ❑ Establishment and Management of Documentation Centers
- ❑ Constitutional Issues and Questions for Public Hearings
- ❑ Administrative and Financial Management

The second seminar was held between 11<sup>th</sup> and 12<sup>th</sup> March 2002 at KCCT Mbagathi and was aimed to mapping out the way forward prior to the subsequent stages of civic education and views collection.

A third seminar for the District Coordinators was held on 12<sup>th</sup> and 13<sup>th</sup> of August 2002 to;

- ❑ Review the constituency public hearings
- ❑ Discuss logistics of dissemination of, and deliberations on the National Report of the Commission and Draft Bill to alter the Constitution;
- ❑ Deliberate on the Rules and Regulations for the National Constitution Conference (NCC)
- ❑ Election of District Delegates to the National Constitution Conference

## **CHAPTER THREE:**

### **STRUCTURE AND ORGANIZATION OF THE COMMISSION AND ITS PROGRAM OF WORK**

#### **3.1 Mandate**

Sections 4 and 6 of the Constitution of Kenya Review Act established the Constitution of Kenya Review Commission as the primary and corporate organ of the review process. It consisted of 29 Commissioners including the Chairperson appointed from amongst the Commissioners by the President, and the Attorney General and the Commission Secretary who were ex-officio members.

The tenure of the Commission once established was to last until the enactment of the New Constitution by the National Assembly (Sections 4 and 33). Similarly the tenure of office of Commissioners once appointed under Sections 7, 8 and 9 of the Act was to elapse with the enactment of the new Constitution unless otherwise determined under Section 15 and 33 of the Act. A Commissioner once appointed, could only be dismissed from office by the Commission itself under section 15 (4). They were bound by a code of conduct to prevent conflicts of interests and other improprieties. These characteristics were necessary for the effective discharge of the Commission's functions and mandate.

The National Assembly under its Standing Orders was mandated by section 10 of the Review Act to establish the Parliamentary Select Committee (PSC) which was to consist of not less than five members and not more than twenty seven members, to assist the Commission perform its functions under the Act (Section 10)).

Section 11 and 12 of the Act established the Secretariat of the Commission and gave it the authority to appoint and employ staff and such experts or consultants to assist the Commission as appropriate under the Act.

#### **3.2 Statutory Functions of the Commission**

The broader function of the Constitution of Kenya Review Commission was to facilitate the comprehensive review of the Constitution by the people of Kenya, and for the connected purposes. To facilitate the review process, the Section 4 Act expected that the Review Commission would provide technical facilitation of the operations of the Constituency Constitutional Forums, the National Constitutional Conference, the Referendum and the National Assembly in meeting the objects and purposes of the review process. Specifically Section 17 of the Act defined the functions of the Commission which were as follows:

- a) Conduct and facilitate civic education in order to stimulate public discussions and awareness of constitutional issues;

- b) Collect and collate the views of people of Kenya on proposals to alter the Constitution and on the basis thereof, to draft a Bill to alter the constitution for presentation to the national Assembly;
- c) Carry out or cause to be carried out such studies, researches and evaluations concerning the Constitution and other constitutions and constitutional systems as, in the Commission's opinion, may inform the Commission and the people of Kenya on the state of the constitution of Kenya;
- d) Ensure that in reviewing the Constitution, people of Kenya:
  - (i) Examine and recommend the composition and functions of the organs of state including the executive, the legislature and the judiciary and their operations aiming to maximize their mutual checks and balances and secure their independence;
  - (ii) Examine the various structures and systems of government including the federal and unitary systems and recommend an appropriate system for Kenya;
  - (iii) Examine and recommend improvements to the 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;
  - (iv) Examine and recommend improvements to the electoral system of Kenya;
  - (v) Without prejudice to subparagraph (i), examine and make recommendations on the judiciary generally and in particular, the establishment and jurisdiction of the courts, aiming at measures necessary to ensure the competence, accountability, efficiency, discipline and independence of the judiciary;
  - (vi) Examine and review the place of local government in the constitutional organization of the republic of Kenya and the degree of the devolution of powers to local authorities;
  - (vii) Examine and review the place of property and land rights, including private, government and trust land in the constitutional framework and the law of Kenya and recommend improvements that will secure the fullest enjoyment of land and other property rights;
  - (viii) Examine and review the management and use of public finances and recommend improvements thereto;

- (ix) Examine and review the right to citizenship and recommend improvements that will, in particular, ensure gender parity in the conferment of the right;
- (x) Examine and review the socio-cultural obstacles that promote various forms of discrimination and recommend improvements to secure equal rights for all;
- (xi) Examine and review rights of the child and recommend mechanisms that will guarantee protection thereof;
- (xii) Examine and review succession to office and recommend a suitable system for the smooth and dignified transfer of power after an election or otherwise;
- (xiii) Examine and recommend on the 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;
- (xiv) Examine and make recommendations on the necessity of directive principles of state policy;
- (xv) Establish and uphold the principle of public accountability by holders of public or political offices;
- (xvi) Examine and make recommendations on any other matter which is connected with or incidental to the foregoing and achieves the overall objective of the constitutional review process.

In addition the Commission was expected to:

- ❑ Compile its reports together with summary recommendations upon which to draft a Bill to alter the Constitution
- ❑ Convene a National Constitutional conference for discussion, debate, amendment and adoption of its report and draft bill.
- ❑ Hold a national Referendum in the absence of consensus at the National Conference
- ❑ Prepare and submit the final report and draft Bill to Attorney General for presentation to the National assembly
- ❑ Keep, audit and report on the accounts of the Commission to the National assembly in accordance with the law

### **3.3 Principles Guiding the Work of the Commission**

Section 5 of Act provided that in the performance of its functions under the Act, the Commission and indeed all other organs of the review process must, inter alia,

- a) Be accountable to the people of Kenya;
- b) Ensure that the review process accommodates the diversity of the Kenyan people including socio-economic status, race, ethnicity, gender, religious faith, age, occupation, learning, persons with disabilities and the disadvantaged;
- c) Ensure, that the review process -
  - (i) Provides the people of Kenya with an opportunity to actively, freely and meaningfully participate in generating and debating proposals to alter the Constitution;
  - (ii) Is, subject to this Act, conducted in an open manner; and
  - (iii) Is guided by respect for the universal principles of human rights, gender equity and democracy;
- d) Ensure that the final outcome of the review process faithfully reflects the wishes of the people of Kenya.

These principles underlying the process were important not only to ensure a good and acceptable outcome, but also to generate habits of rational and honest debate, to heal the divisions in society, to settle differences through discussions and negotiations, and to strengthen national unity and national resolve to identify and tackle the urgent and long term problems facing Kenya.

### **3.4 The Commission's Method of Work**

The Review Act broadly provided the roadmap for the work of the Commission in the review process and outlined the method, content and process that the Constitution of Kenya Review Commission was to undertake. To effectively execute its mandate and functions under the Act, the Commission was expected to be faithful to the people of Kenya and to ensure the full participation of the people in the review process. In this breadth, the review process was to be inclusive and accommodative of the diversity of the Kenyan people 'including socio-economic status, race, ethnicity, gender, religious faith, age, occupation, learning, persons with disabilities and the disadvantaged' (sec.5 (b)).

The review process was also to be *open, democratic and accountable* to the people (sec.5 (a) and (c) (ii)). As a result all the meetings of the Commission to receive the proposals of the public were all held in open forums (sec.21 (3)) and the records of the Commission were all made available to the public through public libraries, documentation centre and the media (sec. 22).

The entire review process was guided by respect for the universal principles of human rights, gender equity and democracy (sec.(5) (c) (iii)). The third schedule to the Act set out the Principles for a Democratic and Secure Process for the Review of the Constitution, which the Government, political parties, NGOs, Kenyans and the organs of

review undertook to observe. They recognized the importance of confidence building, engendering trust and developing a national consensus for the review process. They agreed to void violence or threats of violence or other acts of provocation during the review process, and not to deny or interfere with any one's right to hold or attend public meetings or assemblies, or other rights and freedoms.

The entire review process was based on *consensus* building as people were allowed to freely and openly express themselves. Decisions on constitutional changes were made by consensus save for instances where decisions were made by a two-thirds majority of all the members of the relevant body (sec.21(6) for the Commission and sec. 27(5) for the Conference and sec. 47 of the Constitution for the National Assembly). The emphasis on consensus reflected the view that the constitution must be acceptable to the widest cross section of the country, as it is the basis of governance, laws and policies, which affect all Kenyans.

The organs of the review process thus provided the people 'with an opportunity to actively, freely and meaningfully participate in generating and debating proposals to alter the constitution (sec 5(c)(i)) and to ensure that the 'final outcome of the review process faithfully reflected the wishes of the people of Kenya' (sec.5)(d)).

### **3.4.1 Methodological Process**

The success of the review process could probably be found in the highly multidimensional methodological approach adopted by the Commission as broadly prescribed by the Review Act. In its entire work the Commission remained faithful to the people of Kenya through the Review Act that provided the framework for its work. The Commission adopted not only a highly people driven, people based and people focused approach in its work but also evolved a highly technically sound framework for the review process. As a result, Kenya became perhaps the first country in the world to have its Constitution made by the people directly on one hand, and by technocrats on the other thereby reflecting the broad acceptance and acclamation of the New Constitution by the widest spectrum of the Kenyan society.

The people based approach to the Commissions work involved a comprehensive, participatory, consultative and public process sequenced in many stages.

*Establishing and forging of an inclusive national agreement on the need for, terms of the review and the structure of the review process:* The first stage involved establishing and forging an inclusive national agreement on the need for, terms of the review as well as the structure of the review process. This constituted a long and volatile stage of the review characterized with controversy, horse-trading and many years of costly negotiations in workshops, seminars and conferences, demonstrations and public debates by political elites, academics, professionals, civil society organizations including religious organizations and the ordinary people of Kenya. Following the agreement on the terms, method, structure and general principles of the review process, the

Commission so established proceeded to apply the notion and practice of people's open and inclusive participation in all the subsequent stages of the review process.

*Civic education to prepare the people for effective, and meaningful participation in the review process:* The members of the public were enabled to understand and evaluate the present constitution as well as the constitutional experience of other countries (sec. 17(c)). People's awareness of constitutional issues and the progress of the review were facilitated by the establishment of documentation centres in each district (sec. 23) as well as through the electronic and print media. The Commission fulfilled this part of its mandate through a mixture of its own efforts and that of civil society civic education providers.

*Public consultations and listening to the people through the Constituency Constitutional Forums and direct submissions to the Commission:* The Commission was required to visit every constituency (sec. 18(1)(a), receive written memoranda or oral presentations from Kenyans in urban and rural areas and to consult, where necessary, with experts.

*Collation and analysis of views and preparing and writing of the report and draft Bill to alter the constitution:* The Act required the Commission to ensure that the final outcome of the review process faithfully reflected the wishes of the people of Kenya' (sec.5)(d)). To achieve this the Commission developed an analytical framework that ensured that the new constitution not only took into full account views received and presented from the public at the national, provincial, district and constituency levels in drafting the new constitution but also that the expert, conceptual and comparative experiences formed the basis for analysis, drafting, debate, consensus building and adoption of the new constitution.

*Public discussion and debate of the Commission's report and draft Bill:* The Commission conducted a multi-level dissemination of the report and draft Bill through different media. This was marked by extensive distribution of the report and the draft bill prepared by the Commission to the public through print and electronic media and direct explanation to the public through public forum dissemination.

*Discussing, debating and adopting the report and draft Bill at the National Constitutional Conference:* The Section 27 (1)(b) empowered the Commission to convene a National Constitutional Conference for discussion, debate, amendment and adoption of its report and draft Bill. Section 34 (2) (b)(iv) gave the Commission the power to make regulations and to prescribe the procedure for the constitution and conduct of the National Constitutional Conference. In so doing the Commission ensured that the deliberations at the National Constitutional Conference were not only based on consensus building but also fully participatory.

The Regulations while stipulating the general procedure of the National Constitutional Conference, established the plenary and various committees or technical working groups of the Conference, which provided the full and free space for the delegates to discuss, debate and adopt the report and draft bill without any form of hindrance whatsoever. The



Conference was public and the media arrangements were made in such way as to fully engage the general public in the Conference proceedings.

*Consensus Building at the National Constitutional Conference and the Referendum:* While it was widely expected that the National Constitutional Conference would proceed on the basis of consensus building and that decisions would be made by consensus, section 27 (5) of the Review Act provided that in the absence of consensus, decisions would be made on the basis of simple majority failure of which the outstanding issues would be made directly by the people through a National Referendum. The Commission would record the decisions made by the Conference and submit the question or questions supported by the resolutions under section 27 (5) (iii) of the Act to the people for determination through a referendum within one month of the National Constitutional Conference.

*Working through the National Assembly towards the Enactment of the New Constitution:* In its work, the Commission maintained close working relationship with National Assembly and consulted it through the Parliamentary Select Committee on the Constitutional Review on a variety of functions under the Act. The nature and manner of interactions between the Commission and the National Assembly were prescribed in the Review Act. Section 4 of the Review Act established the National Assembly as one of the Organs of the Review process. Section 10 established the Parliamentary Select Committee to assist the Commission in the performance of its functions under the Act particularly with regard to the filling of the vacancies arising at the Commission. Section 26 provided that the National Assembly would review and approve from time to time the Commission's program of work and section 32 established the arrangements for financial reporting by the commission to the National Assembly.

Section 27 (2) (ii) provided that all Members of Parliament would be members of the National constitutional Conference. Section 28 of the Review Act provided that on the basis of the decisions made by the people through the National Constitutional Conference and the Referendum the Commission would forward the final report and the draft Bill to the Attorney General for presentation to the National Assembly for enactment. Indeed the life of the Commission was subject only to the enactment of the Draft Bill to alter the Constitution by the National Assembly.

### **3.5 Structure and Organization of the Commission's Work**

The work of the commission was structured into four departments as follows:

- ❑ Finance and Administration
- ❑ Research, Drafting and Technical Support
- ❑ Civic Education and Communication
- ❑ Mobilization and Outreach

#### **3.5.1 Standing Committees of the Commission**

The Commission established five working committees to oversee specific tasks in each department with aim of ensuring efficiency and speed in its discharge of the functions under the Act. These committees were:

- ❑ Mobilization and Outreach Committee
- ❑ Civic Education, Publicity, Information and Communication Committee
- ❑ Resource Development and Budgeting Committee
- ❑ Research, Drafting and Technical Support Committee
- ❑ Steering Committee

The above committees have provided the overall policy direction for, and superintendence over the implementation of functions of the Commission, which are discussed in greater detail in the following section.

### **3.5.2 The Secretariat**

In order to facilitate the work of the Commission, the Constitution of Kenya Review Act established a Commission Secretariat headed by the Commission Secretary. Section 11(1) of the Act provides for a Secretary to the Commission who is also the head of the Secretariat and an *ex-officio* Commissioner. Section 12 of the Act gave the Commission power to appoint other staff, experts and consultants to assist it in the discharge of its functions. The Staff of the Commission were either to be appointed by the Commission, or seconded to the Commission upon request. The Act in the **Second Schedule** established a Code of Conduct for members of Staff of the Commission. The Code required impartiality and independence of members of the Commission in the discharge of their functions, and required them to disclose any conflicting interests that the course of duty may put them to.

The Commission set up the Secretariat from June 2001, leased office premises and equipped and furnished the said offices. The Commission also advertised and filled up various positions at the Secretariat. This went a long way in providing a working headquarters' that was both convenient and accessible to the Commissioners, Secretariat staff and the general public. The Commission headquarters' had a security detail deployed to manage its security. A Sergeant assisted by five other officers who provide day and night security, headed the security detail seconded from Administrative Police.

The primary responsibility of the Secretariat was to manage and administer all aspects of the Commission's work and was answerable to the Working Committees and Plenary of the Commission in all those respects. The Secretariat was charged with the day-today execution of the functions as directed by the Commission, and was organized around the following major departments which largely corresponded with the Working Committees of the Commission: -

- ❑ Commission Secretary
- ❑ Administration and Finance
- ❑ Civic Education, Publicity and Information
- ❑ Mobilization and Outreach
- ❑ Research, Drafting and Technical Support

### **Commission Secretary**

The Secretary to the Commission was the Chief Executive and accounting officer of the Commission and also an *ex-officio* Commissioner. The appointment of the Secretary was provided for in Section 11 of the Act. There was a transition in the Office of the Secretary. The 1<sup>st</sup> Secretary was appointed on 10<sup>th</sup> November 2000 and resigned on 31<sup>st</sup> August 2001. The second Secretary was subsequently appointed on 4<sup>th</sup> October 2001 and the appointment gazetted on the 19<sup>th</sup> day of October 2001. The Secretary supervised the day-to-day functions of the Secretariat, and ensured implementation of decisions of the Commission. Specifically the secretary was responsible for:

- ❑ Management of Constitution Review Commission Funds
- ❑ Management of records, minutes and documents of CKRC.
- ❑ Management of CKRC's work plan.
- ❑ Supervision of Deputy Secretaries.
- ❑ Management of Commission's assets and resources.

### **Administration and Finance**

Within the Secretariat, there was an Administration and Finance Department headed by a Deputy Secretary appointed in accordance to the provisions of Section 11(6) of the Act. This Department was responsible for financial, accounting and administrative functions of CKRC including budgeting and the monitoring of expenditure. The Resource Mobilization and Budgeting Committee of the Commission guided the Department.

Two Programme officers assisted the Deputy Secretary: one was in charge of Human Resource and Administration, and the second was in charge of Accounts. Human Resource and Administration dealt with staff welfare and daily logistics of staff organisation and administration. The Accounts department dealt with the details and processes of the Commission's account. Two Accounts Assistants, two Clerks and a Cashier assisted the Accountant. Also attached to this department was the Procurement Officer in charge of procurement and supplies.

There was also established an Information Technology (IT) section which was responsible for the IT requirements of the Commission and broadly dealt with sourcing, installation, servicing and repairs of the IT infrastructure. A Program Officer who also doubled as an IT manager and Technician was in charge of the section with the assistance of Staff from the Administration Department.

In general the Department was responsible for:

- ❑ Resource mobilization
- ❑ Accounting and financial management
- ❑ Budgeting
- ❑ Monitoring of expenditure
- ❑ Supervision of staff
- ❑ Procurement
- ❑ Human resource management
- ❑ Administration and management of secretarial services including processing, typing and filing of documents
- ❑ Management of calendars and schedules of assigned offices
- ❑ Front office Administration
- ❑ Switchboard operation
- ❑ Inventory management
- ❑ Security operations
- ❑ Fleet and transport management
- ❑ Catering Services

### **Research, Drafting and Technical Support**

This department had the overall responsibility of the Commission's technical functions with regard to research, legislative drafting, hansard recording, data analysis, and library and documentation services. Guided by the Research, Drafting and Technical Support Committee, a Deputy Secretary headed the Department and was assisted by several Programme Officers responsible for specific tasks such as Research, Legislative Drafting, Hansard, Data analysis Registry and Library. The Programme Officers were assisted in the performance of their duties by a number of other Staff as follows:

- ❑ Research Assistants
- ❑ Verbatim Transcribers
- ❑ Editors
- ❑ Data Transcribers
- ❑ Data entry Clerks
- ❑ Registry Assistant
- ❑ Registry Clerks
- ❑ Filing Clerks

In general the Department was responsible for:

- ❑ Identification and formulation of the themes and issues in the constitutional reform agenda for debate and discussion.
- ❑ Development of the database on Constitutions, constitution-making and constitutional systems.

- ❑ Commissioning and conduction of research and evaluation studies in identified specific areas.
- ❑ Publication and dissemination of the research findings
- ❑ Drafting of the required rules and regulations.
- ❑ Facilitation of the report writing processes
- ❑ Facilitation of the drafting of the Bill to alter the Constitution.
- ❑ Organizing Commission workshops, seminars and colloquia
- ❑ Organizing public lectures for the purposes of stimulating public discussions on constitutional issues.
- ❑ Provision of technical backstopping to other committees of the Commission
- ❑ Provision of technical backstopping to the National Constitutional Conference.
- ❑ Identification of consequential changes in the legal and policy system including socialization of measures necessary upon enactment of the Constitution.
- ❑ Co-ordination, collection, classification and archiving of information and data, ensuring efficient retrieval systems and provision of advisory services to other departments of the Commission and review organs
- ❑ Supervision of departmental staff

Under Research, Drafting and Technical Support Department, there was a Documentation Centre and Library set up and operated at the Secretariat. It was open to members of the general public from 8 am to 5 pm during working days. Materials available at the Centre include;

- ❑ Constitutions of various Countries of the World
- ❑ Newspapers, Periodicals
- ❑ Journals on topics of interest,
- ❑ Current Constitution
- ❑ Records of Commission's proceedings, and other related materials
- ❑ Issues and Questions Booklets
- ❑ Civic Education Curriculum
- ❑ Pocket Constitution
- ❑ Copies Kenya Gazette
- ❑ Seminar Papers
- ❑ Research Papers

### **Civic Education, Publicity and Information**

This department was in charge of Civic Education, Publicity, Media and Public relations. A Deputy Secretary headed the Department and was assisted by several program officers in charge of Civic Education and Media and Public Relations under the guidance of Civic Education, Publicity, Information and Communication Committee.

The Civic Education Providers largely from the civil society sector also assisted the department in civic education provision. The Commission advertised for and prepared a list of partners, which included NGOs, religious organizations and other civil actors, with whom civic education was provided. These Civic Education Providers signed a *Memorandum of Understanding* with the Commission, which included a requirement that all partners were to strictly follow a set code of conduct, which *inter alia* expected them to be non-partisan.

The department exercised responsibility over civic education interventions, coordination, monitoring and evaluation of Civic Education Providers, media relations and the management of the Commission's Information, Education and Communication (IEC) Programs. Specifically the Department was responsible for:

- ❑ Co-ordination of Civic Education curriculum
- ❑ Production and dissemination of Civic Education materials in liaison with Civic Education providers
- ❑ Development of Information, Education and Communication (IEC) materials
- ❑ Public relations
- ❑ Press and media relations
- ❑ Production of the Katiba News
- ❑ Supervision of departmental staff

### **Mobilization and Outreach**

This department was responsible for national and field activities of the Commission including planning and logistics. A Deputy Secretary who was assisted by several Programme Officers known as National Co-ordinators and guided by the Mobilization and Outreach Committee, headed the Department. This department had supervision over the District Co-ordinators who formed an integral component of the Commission staff and work. The District Co-ordinators formed a distinct group of staff and details of their work and responsibilities described below. Specifically the Department was responsible for:

- ❑ Mobilization of the public to participate in all Constitution review activities
- ❑ Planning and management of logistical support of the Commission
- ❑ Planning of all Commissions field activities in the Review Process
- ❑ Planning and production of all Commissions budgets for field activities
- ❑ Liaison and coordination of the District Coordinators' and Constituency Constitution Committee (3Cs) activities countrywide.
- ❑ Supervision and coordination of day to day activities of the District Coordinators' offices and Documentation Centers
- ❑ Management of CKRC Inventory in all the Documentation Centers and District Coordinators offices
- ❑ Logistics planning and organization of Commission seminars and workshops

- Preparing reports of the commission's field activities including dissemination activities, seminars and workshops
- Planning, mobilization and logistical support to the National Constitutional Conference
- Supervision of departmental staff

### **District Documentation/Coordination Centers**

Under the umbrella of the Mobilization and Outreach Department of the Commission were the District Documentation centers headed by the District Coordinators and supervised by the Deputy Secretary in charge of the Mobilization and Outreach Department of the Commission. Specifically the District Documentation Center Coordinators were expected to perform the following tasks:

- General mobilization activities in the district.
- Facilitation and management of the Documentation Centers in the districts to easy accessible of information by the public
- Gathering any relevant local information/materials for the purpose of constitution making e.g. population, number of organized groups in the district, localities etc.
- Identification, classification and organization of the physical and electronic retrieval and dissemination of information and materials for constitution making.
- Supply of such information as may be needed by local constituency forums and committees
- Support and collaboration with the constituency committees
- Identifying and arranging for venues for public hearings whenever the Commission visited the constituencies in respective districts.
- Facilitation of regular meetings of the constituency committees and involvement of the local people as much as possible in discussing constitutional issues.
- Sourcing and identifying any other key personnel that the Commission may wish to consult or engage in its work.
- Identifying and arranging for simultaneous local translations, sign language users, procurement or hiring of public address system, transport and communication facilities for Commission's meetings in the district.
- Monitoring of the implementation of civic education activities by Civic Education Providers in the District.
- Facilitation of capacity building for constituency committees.
- Facilitation of the formation of constituency committees with the guidance and assistance of the Commission

In order to have a countrywide presence and to effectively discharge its functions, CKRC was required to have district units managed from the headquarters and headed by District Coordinators. District units were established at every administrative District in Kenya. The District units acted as regional offices of CKRC and had substantial role in the review process by initiating, coordinating and facilitating regional activities.

The Commission had 74 District Co-ordinators for each of the Districts in Kenya<sup>2</sup>. For the purpose of the review process, however, Nairobi and Mombasa were divided into four (4) and two (2) districts each respectively because of the high population in these areas.

The District Co-ordinators were indigenous in their respective Districts, a factor that ensured that they were sensitive to and knowledgeable of issues of relevance in their areas.

The District Co-ordinators indeed did exemplary work given the limited resources and time constraints that they were faced with. Most of them had to grapple with poor infrastructure, poor communication, hostile and sometimes suspicious public in their day to day work. They had to work late including weekends and sometimes holidays to ensure that they got the members of the public to actively participate in the review exercise.

### ***District Documentation Centres***

Pursuant to the Constitution of Kenya Review Act Section 23 (1), the Commission established Documentation Centres in all the districts, and in some cases at constituency levels. The District Co-ordinators were in charge of the Documentation Centres and were assisted in day-to-day management of these centers by office assistants. The Documentation Centres opened daily from 8:00 am – 5:00 pm except on Sundays and public holidays.

Documents found in the District Documentation Centres were the same as the ones found in the National documentation center and library.

The Commission has also been using most of the Kenya National Library Services (KNLS) outlets throughout the country to supplement the Commission's Documentation Centres. The Commission availed most of the above materials in the outlets to ensure that the public had wide access to these materials, so that it could actively and meaningfully participate in the review process.

### **Constituency Constitutional Committees**

Constituency Constitutional Committees were constituted and trained in all the constituencies to act as a facilitative vehicle in mobilization and outreach activities in the constituency<sup>3</sup>. Their major objective was to enhance and manage the activities of the Constituency Constitutional Forum.

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<sup>2</sup> See Appendix I for List of District Co-ordinators

<sup>3</sup> See Appendix II for full list of Constituency Constitutional Committee members



Specifically the Committee undertook the following tasks:-

- ❑ Ensured that the review process accommodated the views of all Kenyan people.
- ❑ Encouraged and facilitated the Kenyan people to actively participate in generating and debating proposals and issues to alter the Constitution.
- ❑ Ensured that the debates are carried out in an open manner.
- ❑ Ensured that the review process was governed by principles of equity, human rights and democracy.
- ❑ Ensured that the final product of the constitution reflects the views and wishes of the Kenyan people.
- ❑ Promoted, facilitated, monitored and reported on civic education at constituency level.
- ❑ Ensured that the respective constituency had access to all information relevant to constitutional reform.
- ❑ Assisted the Commission in disseminating and receiving information from the constituencies.
- ❑ In collaboration with the District Coordinator organized for the venues of the Commissions meetings/hearing venues, referendum arrangements etc.

The Commission purchased bicycles for some Constituency Constitutional Committees, which proved vital in helping alleviate transport problems.

### **3.6 The Commission's Strategic Plan and Program of Work**

Pursuant to Section 26 of the Review Act that sets the program framework for the review process, the Commission formulated a strategic plan to guide its work. The Plan was formulated on the basis of the deliberations, decisions, resolutions, reports and papers generated by the Commission generally, and during the Mombasa (15<sup>th</sup>-18<sup>th</sup> January 2001), Elementaita (16<sup>th</sup> -18<sup>th</sup> April 2001) and Mbagathi (17<sup>th</sup> -19<sup>th</sup> June 2001) retrerats. The Plan was adopted by the Commission at its Plenary session on 6<sup>th</sup> July 2001.

The Strategic Plan was intended to provide a comprehensive framework for the Commission's work and operations up to September 2002 when the review process was envisaged to be complete.

Because the Strategic Plan presented a general framework, it was expected that various departments of the commission would develop specific action and operational plans including concrete tasks and targets to be achieved. The key strategic thrusts of the Strategic Plan were:

- ❑ Operationalization of the Commission
- ❑ Setting up of the national secretariat
- ❑ Setting up of the district units and structures
- ❑ Facilitation of workshops and seminars
- ❑ Civic education

- ❑ Collecting views at the constituency level including conducting research
- ❑ Collation and analysis of views including report writing and drafting
- ❑ Facilitation of national debate and dissemination of the national report and draft Bill
- ❑ Convening and management of the National Constitutional Conference
- ❑ Organizing the referendum
- ❑ Enactment of the Constitution by the National Assembly

### **3.6.1 Reviews of the Commission's Program of Work**

Section 26 of the Review Act provided the statutory basis for not only reviewing the Commission's program of work but also for seeking extension of the time to enable the Commission accomplish its set tasks and activities. As such the Commission conducted periodic reviews of its program resulting in two requests for extensions of time to enable it complete the review process.

Pursuant to this the Commission in March 2002, determined that it was not possible to complete its work by 4<sup>th</sup> October 2002. Consequently, the CKRC requested the National Assembly to extend the period to March 2003. In exercise of its discretion the National Assembly responded to the request by extending time up to 3<sup>rd</sup> January 2003.

However, while the Commission was in the process of organizing to convene the National Constitutional Conference, the National Assembly was dissolved by the then President on the 25<sup>th</sup> October 2002 for purposes of Presidential, Parliamentary and civic elections held on the 27<sup>th</sup> December 2002. As a result, it became legally impossible for the Commission to constitute, convene and conduct the National Constitutional Conference to which members of Parliament were delegates. At its 61<sup>st</sup> plenary meeting held on 27<sup>th</sup> November, 2002, the Commission considered and determined that it was no longer possible, given the intervening circumstances mentioned above, to complete its work by 3<sup>rd</sup> January, 2003 as anticipated by section 26(1) of the Act and Parliament through its resolution for extension up to 3<sup>rd</sup> January, 2003.

The Commission, therefore, agreed to request for further extension of time as required by the Act. It was the considered opinion of the Commission that, subject to when the 9<sup>th</sup> Parliament commences its sessions and all other factors remaining constant, a further extension of time will be inevitable. In making this determination, the Commission considered a number of issues including:

- ❑ The commencement of the sessions of the 9<sup>th</sup> Parliament expected by late January 2003,
- ❑ Reconstitution of the new Parliamentary Select Committee on constitutional review in accordance with section 10 of the Act, to enable the Commission to consult with the National Assembly on various matters, including this request, for extension of time;
- ❑ Possible elections of new delegates and the filling of vacancies in the offices of delegates before the conference is convened;

- The timing of the National Constitutional Conference taking into account the timetable and sessions of the 9<sup>th</sup> Parliament to avoid a conflict between the Conference and the sittings of Parliament to enable the members of Parliament to effectively participate in the conference; and
- Preparation of the delegates before the National Constitutional conference

As required by section 26(2) of the Act, therefore, the CKRC requested the National Assembly for further extension of the period necessary for the completion of its work from 3<sup>rd</sup> January 2003 to November 2003 based on a reworked program of work. The National Assembly duly granted the Commission's request extension.

### **3.7 Conclusion**

Based on the elaborate structures, principles, goals and processes of the review process, the Commission not only greatly benefited from the co-operation of the entire Kenyan society but also demonstrated to the entire world that constitution making can truly be people based, people focused and people driven. The Commission's experience indeed showed that once the key stakeholders were able to sit and dialogue together, they discovered that there was a large measure of common ground and that their differences could be resolved without much difficulty through consensus for best results.

## **CHAPTER FOUR:**

### **ADMINISTRATIVE ARRANGEMENTS AND PROCESS**

#### **4.1 Mandate**

The primary responsibility of the Secretariat was to manage and administer all aspects of the Commission's work. Specific administrative functions and duties must thus be understood in the context of the functions of the Commission as provided for under Section 17 of the Act.

Within the Secretariat, there was an Administration and Finance Department headed by a Deputy Secretary appointed in accordance to the provisions of Section 11(6) of the Act. This Department was responsible for the financial, accounting and administrative functions of CKRC including budgeting and the monitoring of expenditure.

#### **4.2 Human Resource Management**

##### **4.2.1 Recruitment and Selection Process for Contracted Employees**

The Commission established an elaborate human resource management process and structure. It was the Commission's policy that recruitment of staff was based on merit taking into account academic and/or professional qualifications as well as experience. CKRC viewed advertising as the most appropriate method of attracting candidates for its prospective employees. It was therefore the policy of the organization to advertise vacant positions and invite interested applicants.

Initially CKRC was using Manpower Services as its Recruitment Consultants to advertise, interview and produce a short list. However after reviewing the cost-effectiveness of outsourcing this duty, recruitment became as in-house activity, handled by the Human Resources and Administration unit of the Commission. The unit assessed the defining requirements of the person and job specifications. The requirements were determined by considering the specific need(s) and staffing needs of a particular department.

The Commission usually formed panels during the interview sessions. An Executive Interview Assessment form was designed to shortlist candidates for the vacant position(s). The criteria were normally based on professional training, experience and competence among others.

The interviews were largely oral based upon an objective assessment process. The Commission fully subscribed to the principle of equal opportunity and was therefore equal opportunity employer and considered both gender and regional balance in its recruitment.

## **Job Description**

The structure within CKRC was based on various positions ranging from the Secretary of the Commission, to the Deputy secretaries, Program officers, District Coordinators and support staff cadre. The Commission developed clear job descriptions, which spelt out specific responsibilities and tasks of the staff.

## **Appointment (s)**

The President through the Parliamentary Select Committee made the appointments of Commissioners and the Commission's Secretary. The Commission appointed the senior staff such as the Program Officers while the power to appoint junior staff was delegated to the Commission Secretary. All appointments to any senior positions were made through letters of appointment setting out the Terms and Conditions of appointment and the schedule of duties relevant to the post.

## **Probation**

All letters of appointments provided for probationary period especially for senior staff. Three months was provided for all senior employees such as Program Officers. During the probation period, the Commission Secretary presented progress reports on the employee to the Commission both during and at the completion of the probationary period. These reports indicated the suitability of the employee for appointment. The period of probation could, however, be extended at the discretion of the Commission Secretary. The employee whose period of probation got extended was informed in writing accordingly.

Any appointments, which were not confirmed at the end of the extended probation period, were terminated forthwith.

## **Confirmation of Appointment**

Upon successful completion of the probation period, the employee had to be confirmed for appointment for the specified contract period in writing.

## **Contract Appointment**

Employees could be employed on contract terms. Contracts of employment shall be on such terms and for such period as could be agreed upon between the Commission and the employee. Employees on contract were not eligible for pension. The terms of the contract could provide for gratuity equivalent to one month of the gross salary.

## **Temporary Appointment**

Temporary appointments were to be offered for specific periods and purposes. Any employee appointed for a period of three months or less was considered a temporary staff.

#### **4.2.2 Termination of Appointment**

**Circumstances:** Subject to the provisions of any law or of any written agreement, the Commission Secretary could terminate the appointment of Programme Officers, Assistant Programme Officers, casual employees/interns and clerks. The Commission could only make termination of appointments of Deputy Secretaries.

**Probation:** During the probationary period for the Secretariat Staff, as stipulated in the letter of appointment, either the Commission or employee could terminate employment by giving one month's notice or one month's salary in lieu of notice.

**Warning:** An employee who was found guilty of an offence other than that of gross misconduct or other lawful cause for dismissal could be given a warning in writing. The employee was to be free to make an appeal against such warning within seven (7) days from the date of the letter. An employee who received two of such warnings could, on the third occasion, be liable to summary dismissal.

#### **4.2.3 Certificate of Service**

Whenever an employee left the services of the Commission, he/she was issued with a certificate of service.

#### **4.2.4 Staff Terms and Conditions of Service**

##### **Salary Point of Entry**

The point of entry in the scale approved for the post was to be decided by the Commission with regard to the employee's experience, qualification and other benefits to the Commission

##### **Job Grade/Salary Structure**

The salary structure for Secretariat Staff was as determined from time to time by the Commission Secretary. The employees would be informed individually in writing of their respective salary scales and entry point. The salary structure for the Commission was to be determined as provided for in the Constitution of Kenya Review Commission Chapter 3A.

##### **Title/Designation**

- Chairman – Full time
- 1<sup>st</sup> Vice-Chairman – Full time

- ❑ Vice Chairman
- ❑ Commissioner
- ❑ Commission Secretary – Full time
- ❑ Deputy Secretary – Finance & Administration
- ❑ Deputy Secretary – Outreach and Mobilization
- ❑ Deputy Secretary – Research and Drafting
- ❑ Deputy Secretary – CEPIC
- ❑ Programme Officer
- ❑ Assistant Programme Officer/Research Assistant
- ❑ Accountant
- ❑ Clerks
- ❑ Casuals/Temporary staff
- ❑ Drivers

The terms and conditions of service for the Secretariat staff could be changed from time to time.

### **Salary Advance (Staff Loan)**

The Commission granted miscellaneous advance in respect of salary advance subject to approval by the Commission Secretary.

### **Salary Increment**

Annual salary increment could be awarded or withheld at the discretion of the Commission. If a salary increment was withheld, the employee would be informed of the reasons thereof in writing.

### **Working Hours**

Working hours were observed as follows:-

- Morning: 8.00 a.m. - 1.00 p.m.
- Afternoon: 2.00 p.m. - 5.00 p.m.

Official working days were Mondays to Fridays. But an employee would be called upon to work late and on weekends and on public holidays without overtime pay.

### **Leave**

#### ***Annual Leave***

Annual leave could, subject to any written agreement, be granted at the discretion of the Commission Secretary.

Annual leave was to be granted to staff according to their entitlement every year. Staff members were to be allowed to go on leave at the discretion of the Commission

especially in consideration of exigencies of work. Annual leave could not be granted to staff members who had not served for a total of twelve (12) months since their appointment.

Where an employee had served for less than a full year, the number of days of which he/she was eligible was calculated in proportion to his total completed months of service in case of termination of service.

The onus of applying to take annual leave on anniversary date rested with the employee. Requests to carry forward annual leave or unspent balance thereof were not to be considered unless the employee had previously applied in writing to the Commission Secretary and at reasonable notice to take his/her leave in the same year and it had not been possible for him/her to go on leave. No annual leave days could be carried forward to the following year without authority.

Where an employee had applied in writing and had been refused permission to take his/her full annual leave within the anniversary date of appointment to which it relates, the leave unspent balance thereof could, if the Commission Secretary approved, be carried forward to the following year.

Annual leave was granted on the basis of working days. The calculation of leave days did not include Saturdays, Sundays and Public Holidays which fell within the period of leave.

### ***Sick Leave***

Sick leave certified by medical practitioner was three months with full pay. A further three (3) months at half pay could be granted and thereafter at the discretion of the Commission. In cases where days off was recommended to the sick staff, the staff member affected had to present the doctor's report granting the day off to the Commission Secretary before going for the sick off. The decision to grant sick off days would be made by Commission Secretary. The doctor's report was merely a recommendation to the Commission Secretary.

### ***Maternity Leave***

Maternity leave was two (2) calendar months with full pay. Employees forfeited their annual leave for the calendar year within which the maternity leave was taken.

### ***Compassionate Leave***

An employee could be granted leave of absence without pay for compassionate reasons at the discretion of the Commission.

### ***Compulsory Leave***



The Commission Secretary could request an employee to proceed on leave on any of the following grounds: -

- i) As a disciplinary measure.
- ii) To enable official investigations to be carried out on the employees activities.
- iii) With reasonable cause, direct any officer or employee to proceed on leave.

### **4.3 Allowances**

#### **4.3.1 Annual Leave Allowance**

This is one's month gross salary, which was payable one month before anniversary date.

#### **4.3.2 Special Accommodation**

Non-accountable allowance (per diem) was being paid to the staff for nights out subject to the maximum set below: -

<b>Job grade</b>	<b>Current Rate per diem</b>
Commissioners	10,000.00
Deputy Secretaries	6,500.00
Programme Officers	5,000.00
District Coordinators	4,000.00
Drivers/causals	3,000.00

Maximum period for per diem is 30 days.

#### **4.3.3 Subsistence Allowance When Traveling On Duty Outside Kenya**

United Nations and Parliament rates would apply and varied from country to country and depending on ones grade. Special circumstances would be considered for special rates.

Where full board courses or conferences were offered, out of pocket allowance would be given at the rate of 25% of the per diem. These rates would be applied in case a staff member went on an overseas trip not fully sponsored.

#### **4.3.4 Acting Allowances**

Where the Commission officially appointed an employee to act in a post higher than his/her grade, such employee was paid acting allowance at the rate of the difference between his salary and that of the officer in the higher grade or two notches whichever was lower. Where there was a gap of more than one grade the acting officer was appointed on special allowance to be determined by the Commission Secretary. All acting appointments were always in writing and did not exceed (3) months' duration. An employee may not be appointed to act in a capacity beyond the next higher grade to his substantive post without express approval by the Commission Secretary.

### **4.3.5 Gratuity**

All full-time employees of the Commission were entitled to gratuity equivalent to one month's total emoluments, appropriately taxed, on completion of one-year continuous service.

### **4.3.6 Group Personal Accident (Staff) Cover**

The Commission maintained a policy to benefit all members of staff for disability or death and medical cost resulting from accident.

### **4.3.7 Baggage Insurance**

This policy covered the employees of the Commission against loss or damage to their baggage whilst traveling on official business either by road, sea, or air subject to a limit of Kshs. 20,000 per employee's any one loss or misfortune provided that such a loss or misfortune fell within the scope of cover normally provided by a baggage policy.

### **4.3.8 Medical Scheme**

The employees of the Commission who were subject to these terms and conditions were entitled to free medical treatment based on the following regulations through the medical insurance cover provided by AAR Ltd and Mediplus Ltd.

Medical treatment covered the employees and did not cover the family, but as a concession, AAR/Mediplus agreed to allow staff to pay for their family members at the corporate rate. For this purpose, every employee filled a form, showing the names of his or her spouse and child or children up to the age of (18) years or fully dependent on the employee if over 18 years old. The Commission Secretary could advance the staff a salary advance for this purpose to be recovered from their pay on installments.

The following types of costs were excluded from the Commission's medical scheme insurance:

- Optical equipment
- Dental appliances
- Injuries and treatment resulting from use of drugs not prescribed by a doctor
- Hearing aid equipment
- Other specified exclusion by the Medical Insurance provider

The employees received treatment from doctors or institutions approved by the medical insurance provider. The Secretariat would, from time to time, issue a list of approved doctors, medical institutions and pharmacies. The lists are appended to this document.

Emergency treatment could be received from any qualified doctor or medical institution and claimed there after from the medical insurance provider.

#### **4.4 Staff Funeral Expenses**

The Commission met the following expenses once a member of staff passed away: -

- i) Mortuary fees for up to 10 days of stay in the mortuary, embalming and Doctors fees.
- ii) Coffin based on seniority of staff to be determined by the Commission Secretary.
- iii) Transport for the Body, immediate family and members of the staff.
- iv) Token contribution was paid to the next of kin for funeral expenses.
- v) Wreaths

##### **4.4.1 Discipline**

The duties of an employee included duties of the post in which he or she was employed and any other duties, which the Commission Secretary or any other authorized officer may call upon him/her to perform.

**Absence from Duty:** If an employee was absent from duty without leave or reasonable cause for a period exceeding twenty four (24) hours and the employee could be traced within a period of seven (7) days from the commencement of such absence, or if traced, no reply to a charge of absence without leave was received from him within seven (7) days after the dispatch of the charge to him, the Commission Secretary could dismiss or suspend him/her. In the event of being dismissed, he/she was to be paid his/her dues up to the last day on which he/she was present on duty.

If an employee absented himself/herself from duty because of ill health, he/she was to produce within 48 hours medical certificate signed by the Commission doctor.

**Disciplinary Offences:** An employee could be summarily dismissed from the service of the Commission or could suffer lesser penalty as the Commission could decide if he, *inter alia*:

- (i) In any manner discloses any information which was acquired in the performance of his functions as such Commissioner, Officer or Servant to any person save in so far as could be necessary for the performance of his functions or compliance with order of any court.”
- (ii) Absented himself from duty without leave or any reason of ill health caused by his own misconduct.
- (iii) Neglected or refused or became unable from any cause other than ill health not caused by his own misconduct to comply with any lawful direction of the Commission or any other person to whom authority could be lawfully delegated.

- (iv) Was guilty of grave misconduct bringing his office or the Commission into disrepute or incompatible with his continued employment in that office.
- (v) Was convicted of a criminal offence (other than a minor offence) or is imprisoned to a term of jail sentence.
- (vi) Suffered pecuniary embarrassment, became bankrupt or entered into an arrangement for the benefit of his creditor.
- (vii) Was guilty of misappropriating any funds or property belonging to the Commission.

**Employment Act Cap 226 - Summary Dismissal:** The following were other matters that amounted to gross misconduct and justified summary dismissal:

- (i) If without leave or other lawful cause, an employee absents himself/herself from the place proper and appointed for the performance of his/her work.
- (ii) If during working hours by becoming or being intoxicated, an employee rendered himself/herself unwilling or incapable to perform his work.
- (iii) If an employee willfully neglects to perform any work which was his duty to have performed or if he carelessly and improperly performs any work which from its nature was his duty, under his contract to have performed carefully and properly.
- (iv) If any employee used abusive or insulting language, or behaved in a manner insulting to his employer or to any person placed in authority over him by his employer.
- (v) If an employee knowingly failed or refused to obey any lawful and proper command, which it was within the scope of his duty to obey, issued by his employer.
- (vi) If in the lawful exercise of any power of arrest given by or under any written law, an employee was arrested for cognisable offence punishable by imprisonment and was not within four days either released on bail or bond or otherwise set at liberty
- (vii) If an employee committed, or on reasonable and sufficient grounds is suspected of having committed, any criminal offence against or to the substantial detriment of his employer or his employer's property.

#### **4.4.2 Liability for Loss of Damages**

An employee was liable to make good to the Commission any pecuniary loss or damage resulting from any fault or neglect on his part. Where an employee was required to pay or reimburse any amount to the Commission, or owed the Commission any sum, such amount may be recovered by deductions from his/her salary in such installments as the Commission Secretary or a duly authorized officer saw fit, or if he/she qualified for gratuity from such gratuity.

#### **4.4.3 Motivation and Rewards System**

Giving incentives to the staff had always been the policy of CKRC. However, this did not fairly work as expected due to some shortcomings, which were experienced possibly due to circumstances beyond its control. It is however, important to mention that quite a number of staff and particularly from Research, Drafting and Technical Support had been offered honorarium equivalent to three months salary while all full time employees of the Commission benefited from gratuity in 2002.

#### **4.4.4 Capacity Building and Training of the Staff**

Primarily, District Coordinators benefited from workshops on various activities including the dissemination of the draft Bill, Provincial launch and induction on civic education, accounts and administrative procedures and training of delegates to the NCC.

#### **4.4.5 Secondment of Staff to CKRC**

The Constitution of Kenya Review Act provided for the secondment of staff to CKRC. Cap.3A 12.(1) states that “The staff of the Commission shall comprise-

- (a) such officers and other staff as the Commission may appoint to assist it in the discharge of its functions under this Act; and
- (b) such public officers as may be necessary for the purposes of the commission as may, upon the request of the Commission, be seconded thereto by the Public Service Commission, the Parliamentary Service Commission, the Judicial Service Commission or the Teacher’s Service Commission, as the case may be and such public officers shall, during their secondment be deemed to be officers of the Commission and subject to the direction and control of the Commission.

#### **4.4.6 Determination and Selection of Consultants and Experts**

Cap.3(A) 12.(2) stated that “ The Commission may employ experts or consultants to assist the Commission as appropriate and necessary under this Act.” The quantity and quality of these persons depended on demand and were determined by a panel of the Commission.

In most cases consultants and experts who had been hired were for Research, Drafting and Technical Support department. These included both English and Kiswahili translators, and experts from various fields. Before payments were made the department concerned certified the completion of the work done by the consultant(s).

#### **4.4.7 Involvement/ Participation in the Decision and Policy Making Process**

There was constant dialogue and daily briefs between the Commission Secretary and Deputy Secretaries to ensure the smooth running of the Commission. The Commission also instituted weekly staff meetings to involve and sensitise the staff on the policies, plans and decisions of the Commission.

Working Committees, involving all senior staff members were also constituted to ensure active staff participation in the review process.

#### **4.4.8 Partnership and Collaboration with other organizations on the areas of policy and personnel development**

Both the Directorate of Personnel Management and the Electoral Commission of Kenya were consulted to share their experiences and to assist with the identification of a way forward for the CKRC's administrative and personnel procedures. Admittedly, more could have been done to foster the expansion of this network.

#### **4.4.9 Promotion Policy and Procedure**

CKRC had neither policy guidelines nor provisions on promotions of its staff apart from its recruitment and pay structure, policies and systems, which governed the operations and working mechanisms of its staff.

#### **4.4.10 Downsizing and Dismissals of the staff**

Since the inception of the Commission, a number of staff members were laid off depending on the needs and priority of each department. In particular most of the interns were reduced and quite a number of casual workers deleted from the payroll especially after the publication of the draft Bill. Reduction of other cadre of staff particularly those employed on temporary or contractual basis depended on the needs of various CKRC departments.

Four District Coordinators were dismissed on disciplinary grounds prior to the winding up of District Coordinators, documentation centres and district offices on 28<sup>th</sup> February 2003.

All the 74 District Coordinators' offices countrywide had been closed as a cost cutting measure with subsequent termination of employment of all District Coordinators' countrywide.

#### **4.5 Monitoring and Evaluation Process**

For any organization to succeed and effectively meet its objectives and mission, it must adopt continuity in its output and focus. Performance management is a means of optimizing results from the organization, teams and individuals by understanding and managing performance within an agreed framework of planned goals, standards and competence requirements. The main objective of the Commission's monitoring and evaluation processes was therefore to analyze organizational performance and to establish the extent to which improvements could be attributed to performance management.

In an attempt to live up to these expectations CKRC at the initial stages formed a committee on Performance Appraisal and Potential Review. The members of the Committee were as follows:

1. Commissioner Dr. Abdirazak A. Nunow
2. Commissioner Hon. Mrs. Phoebe Asiyo
3. Commissioner Dr. Charles Maranga Bagwasi
4. Commissioner Bishop Njoroge Kariuki

A Performance Appraisal and Potential Review Form was designed and developed indicating personal data for the job holder to complete and an Overall Appraisal Assessment to be completed by the Reporting officer. However, it is important to note that due to the volume of work, uncertainty of tenure due to political nature of the review process, among other factors, this policy was not strictly adhered to. Therefore, whether or not the monitoring and evaluating policy was effective could not be conclusively arrived at.

The Commission maintained an open door policy in its operation and its method of work remained open to public scrutiny and accountability. The Commission also considered hiring an independent consultant to conduct a special review of its method of work and overall performance.

## **4.6 Transport Management**

### **4.6.1 Commission's Vehicles and Management**

A Commissioner/ or an employee who was provided with a Commission vehicle could not, without reasonable cause, claim traveling allowance for the use of another vehicle unless the Commission's vehicle was unavailable. However, Commission's vehicles were to be provided only for Commissioners/employee(s).

There were two aspects of vehicle allocation namely, those allocated to the Commissioners; and those put in the pool based at the Headquarters. The Commissioners used the Vehicles for all the official functions of the Commission. The Commission employed drivers who were attached to the Commissioners and who worked during official engagements. There were other drivers who were usually on standby at the pool and who were called upon for official engagements using the pool vehicles. Periodic servicing and repairs were usually done for the vehicle maintenance.

CKRC had put in place effective machinery to ensure that the vehicles were managed efficiently and used for their intended purpose in accordance with the Transport Code.

### **4.6.2 Mileage Claim Allowance**

Employees authorized to travel in their own cars on official duties were entitled to claim mileage allowance at a rate to be determined by the Commission Secretary as needed.

#### **4.6.3 Travel**

**Travel by Public Means:** Employees traveling by public means on a bus, rail or steamers were required to surrender all receipts after the journey. A flat rate traveling allowance could be paid for this purpose.

**Travel by Air:** The Chairman could travel by 1st class air tickets. Commissioners could travel on Business Class, while other Commission staff were expected to travel on economy class.

#### **4.7 Tendering and Procurement Process**

As a public entity, the Commission adhered to the Exchequer and Audit (Public Procurement), Regulations, 2001 of the Republic of Kenya. The regulations sought to promote economy and efficiency in Public Procurement and to ensure that Public Procurement procedures were conducted in a fair, transparent and non-discriminatory manner thereby contributing towards the creation of a sound business climate in Kenya.

To achieve the above goal, the regulations emphasized use of open tendering as the preferred procedure of procurement. However, where it was not practical to use open tendering, other methods could be used. They were: -

- ❑ Restricted tendering
- ❑ Direct procurement
- ❑ Request for proposal
- ❑ Request for quotations
- ❑ Cash purchases

To be able to apply the regulations effectively, each procuring entity was supposed to constitute a tender committee whose membership structure was outlined in the First Schedule of the regulations. The Commission had such a committee in place and it was convened when there was need to adjudicate on complex procurement. Members of the Tender committee were constituted as follows:

1. Commission Secretary – Chairperson
2. Chairman of the Commission
3. 4 Chairpersons of various Departmental Committees
4. Resource Development and Budgeting Committee Members
5. The procurement Officer - secretary

It should be noted that due to the nature of the Commission, open tendering had not been a practical method of procurement. The CKRC therefore largely relied upon restricted tendering. The Commission worked closely with the Directorate of Public Procurement



(Treasury), which was consulted whenever clarification on application of the regulations was required.

#### **4.8 Commission Infrastructure**

Crucial to the role of the Secretariat was the physical infrastructure including office furniture and equipment put at its disposal in the performance of its duties. It is important to mention in this respect that the Commission Headquarters was housed at KENCOM HOUSE 2nd floor with an approximate office space of 23707 SQ. FT.

The Commission had temporarily been housed at Hazina Towers but moved immediately after it was reconstituted and enlarged in July 2001. The Commission also had 28 vehicles that enabled the Commissioners and staff to travel throughout the country.

In addition to the Head office, each District Unit had a Documentation Centre which also housed the District Coordinator.

##### **4.8.1 Plant, Equipment and Furniture**

The Commission's inventory of Plant and Equipment comprised the following:-

1. Computers
2. Scanners
3. Photocopiers
4. Fax Machines
5. Telephone Switchboard/telephone heads
6. Amplifiers
7. Speakers
8. Microphones
9. Typewriters
10. Shredders
11. Dictating Machines
12. UPS Units
13. Cassette Recorders
14. CD Writers
15. Security Safes
16. Fridges
17. Staplers
18. Data Switches
19. Electric Fans
20. Paper Punches
21. Filing Cabinets

The equipment was regularly serviced and in good condition. Proper records of the inventory were maintained. To safeguard the equipment, an asset labeling exercise was implemented.

## ***Furniture***

The Commission's furniture was up to standard and comprised the following.

1. Office desks
2. Office Chairs
3. Conference tables
4. Conference chairs
5. Book Shelves
6. Visitors Chairs
7. Coffee Tables
8. Office Cupboards
9. Bulletin Boards and
10. Lounge Sofa Set

The contracted cleaners ensured that the furniture was taken care of and kept in good condition. A proper record of the furniture inventory was maintained and labeling exercise was implemented for identification as CKRC property.

### **4.8.2 Disposals of Plant and Equipment**

The Commission at the end of its life and in accordance with the Government regulations and procedures would do the disposals of the plant, equipment and furniture. The second option would be to hand them over to the government. The Government would then handle them in accordance with its regulations and procedures.

### **4.8.3 Challenges of the Administration**

The major challenge of the administrative work process of the Commission was the uncertainty of the political life of the Commission since its formation. This had largely hindered the proper administrative and human resource planning and management as conventionally practiced elsewhere.

The administrative shortcomings of the Commission could be detected in such areas as motivation/rewards system, pay-structure, capacity building, training and career progression, promotion and retention of staff, monitoring and evaluation and collaboration, networking, partnership building particularly with other countries which had had similar constitutional commission systems and experiences. In addition to uncertainty was inadequate or piecemeal funding which could not meet the needs and priorities of the administrative functions of the Commission in its obligations.

The fact that CKRC was originally meant to exist and operate within a given time frame (24 months) and the fact that the actual work of the Commission started almost 12 months later from the date it was expected to start working created many obstacles which put the department off the balance on numerous occasions as management crises often

occurred particularly on every occasion the life of the Commission was threatened with termination.

In response to the above administrative and political challenges, the Commission lived to the reality that the review process was indeed both a political and corporate process and therefore the sensitive nature that went with it had to be understood and managed effectively. A management crisis strategy was always put in place for safety measures and to ensure continuity in addressing any shortcomings, which emerged in the administrative aspects of the review process. A conducive environment was created within the Commission through a positive attitude of understanding and managing the dynamics, constraints and challenges of the Commission. A well-defined strategy was thus put in place to ensure consistency and focus on the goals and aspirations of the Commission and the review process.

## **CHAPTER FIVE:**

### **CIVIC EDUCATION PROCESS, PRESS AND PUBLIC RELATIONS**

#### **5.1 Mandate**

The Commission's civic education mandate was expressly stated in the Constitution of Kenya Review Act Chapter 3A Section 17. The Act provided the Commission with the responsibility to conduct and facilitate civic education in order to stimulate public discussion and awareness on constitutional issues. It further stated under Section 24 that the Commission would, during the entire period of work, facilitate and promote civic education. In interpreting this mandate, the Commission set the following objectives for its Civic Education program: -

- (i) Formulate a national core-curriculum for civic education,
- (ii) Identify and certify civic education materials,
- (iii) Identify Civic Education Providers with which to collaborate,
- (iv) Produce and disseminate its own materials.

#### **5.2 Civic Education Structure and Organization**

The Constitution of Kenya Review Commission Plenary was the major policy making organ of the Commission chaired by the Commission Chair. All civic education policies, decisions and actions received their final approval and sanction from the Plenary before implementation.

The Civic Education, Publicity, information and Communication Committee (CEPIC) was the organ responsible for implementing the civic education mandate of the Commission. The Civic Education, Publicity, information and Communication Committee was established after the merger of the Parliamentary and Ufungamano initiatives. It brought together two former Committees, namely: -

- Civic Education and Documentation
- Information, Communication and Publication

The Committee set the policy agenda, the work programme and directed the implementation of the civic education function of the Commission nationally. The Committee was composed of the following Commissioners: -

- |                               |                 |
|-------------------------------|-----------------|
| 1) Prof A.I. Salim            | Committee Chair |
| 2) Ms. Salome Muigai          | Member          |
| 3) Ms. Kavetsa Adagala        | Member          |
| 4) Mr. Paul M. Wambua         | Member          |
| 5) Mr. Abubakar Zein Abubakar | Member          |
| 6) Dr Charles Maranga         | Member          |

The Committee was served by a fulltime Secretariat that provided the day-to-day backup support. The secretariat consisted of the following:

- |                          |   |   |
|--------------------------|---|---|
| 1) Ms. Irene Masit       | - | Deputy Secretary                        |
| 2) Mr. George Nakholi    | - | Programme Officer, Civic Education      |
| 3) Ms. Teresa Apondi     | - | Programme Officer, Press, PR            |
| 4) Mr. Irungu Ndirangu   | - | Programme Officer, Press, PR            |
| 5) Mr. Samuel Wanjohi    | - | Programme Officer, Civic Education      |
| 6) Mr. Solomon Mukenion  | - | Ass. Programme Officer, Civic Education |
| 7) Ms. Jane Mbau         | - | Secretary                               |
| 8) Ms. Millicent Nakholi | - | Intern                                  |

In order to effectively reach the grassroots, the CEPIC worked very closely with the District Coordinators' Offices in all 74 stations in Kenya. The District Coordinators were responsible for the following roles at the district level:

- ❑ Implementing the Commission's civic education policy guidelines.
- ❑ Supervising the activities of the Civic Education Providers.
- ❑ Supervising the civic education activities of the Constituency Constitutional Committees.
- ❑ Managing and disbursing the Commission's Civic Education funds/materials.
- ❑ Managing the District Documentation Centres.
- ❑ Evaluating the effectiveness of the Civic Education activities in their districts.
- ❑ Acting as agents/representatives of the Commission in their districts.

Constituency Constitutional Committees also supervised and facilitated the conduct of civic education in respective constituencies.

The Commission further greatly relied upon the considerable work in civic education by NGOs, religious organizations and other civil society actors. The Commission sought to adopt a collaborative strategy of sharing both financial and other material resources with some of the following stakeholders: -

- |                                       |  |
|---------------------------------------|--|
| ❑ LIMID (Like Minded Donors)          | ❑ Ecumenical Civic Education Providers |
| ❑ National Christian Council of Kenya | ❑ Federation of Kenya Employers        |
| ❑ The Catholic Church                 | ❑ Kenya National Union of Teachers     |
| ❑ Supreme Council of Kenya Muslims    | ❑ Central Organization of Trade Unions |
| ❑ National Civic Education Providers  | ❑ Gender Consortium                    |

- Maendeleo Ya Wanawake
- Political Parties
- National Chamber of Commerce and Industry
- Kenya Association of Manufacturers
- Media Houses

### **5.2.1 Civic Education Providers**

#### **Selection of Civic Education Providers (CEPS)**

The Commission in its endeavour to get credible Civic Education Providers put out advertisements in the press outlining the requirements for Civic Education Providers. As a result the Commission received thousands of applications from various prospective Civic Education Providers.

Out of the thousands or applicants for Civic Education provision (CEPS) 2,800 were selected after careful consideration and vetting. Some of the requirements were: -

- Demonstrate ability to provide Civic Education.
- Specify where they are currently operating.
- Demonstrate gender sensitivity.
- Be none partisan.
- Indicate one district of interest.

Although the commission narrowed down to the policy of all inclusivity, a number who could not meet the criteria were left out.

All the accepted (vetted CEPS) were signed Memorandum of Understanding (MOU) with the Commission before embarking on Civic Education provision. The MOU was to ascertain that the CEPS provide Civic Education within the mandate of the Constitution of Kenya Review Commission and in particular Civic Education for Constitutional Review.

As part of their induction, the Commission carried out workshops in every district where all selected Civic Education Providers were invited to attend. Commissioners and Programme Officers who visited every district conducted the meetings. Thereafter, the District Coordinators conducted training sessions for their CEPS individually or collectively in their respective districts.

#### **Operations of Civic Education Providers (CEPS)**

The Commission facilitated the operations of Civic Education Providers both financially and materially. The Commission gave each constituency the first tranche of Kshs.147,000/= to facilitate the Civic Education programme. In addition, the Commission supported Civic Education providers with posters and relevant materials to impart Civic Education.

After induction, the CEPS were mandated to go to their respective areas to start the teaching, guided and assisted by Constitutional Constituency Committee members and the District Coordinators. Overall, the CEPS did a commendable piece of work and this was evident from the high quality of the views given across the country.

### **Supervision of Civic Education Providers (CEPS)**

The supervision of Civic Education Providers was mainly mandated to the 3Cs (Constituency Constitutional Committee) members with the guidance of the District Coordinators. There were also spot checks by CKRC Secretariat and Commissioners checking on the performance of Civic Education Providers in the districts.

## **5.3 Civic Education Approach and Delivery System**

### **5.3.1 Public Debates/Forums**

The most effective method utilized for the dissemination of civic education involved convening of debates/forums amongst focus groups in urban and rural areas. Civic Education Providers and Constituency Constitutional Committees spearheaded the formation of youth, women, elders, farmers, fishermen, pastoralists, religious and all other stakeholders across the country. The groups met regularly to discuss various constitutional issues with civic education Providers and Constituency Constitutional Committee members acting as resource persons. The Commission, through the District Coordinators, facilitated the convening of the public debates/forums through provision of resource materials and limited funds.

### **5.3.2 Civic Education Seminars/Workshops**

The Civic Education, Publicity, information and Communication Committee (CEPIC) organized several seminars/workshops aimed at disseminating the civic education information and related matters. Some of these included:

- ❑ Workshop for Journalists held at Teleposta on 21<sup>st</sup> and 22<sup>nd</sup> October 2001
- ❑ Seminar for Political Parties held at Utalii Hotel on 5<sup>th</sup> and 6<sup>th</sup> November 2001.
- ❑ Workshop for Senior Editors held at Grand Regency on 23<sup>rd</sup> November 2001
- ❑ Programme for Religious Leaders Workshop on Monday 3<sup>rd</sup> December 2001 held at The Charter Hall

- ❑ National Civic Education Providers Briefing Session at Charter Hall, Nairobi on Wednesday 19th December, 2001
- ❑ District Coordinators Workshop from 11<sup>th</sup> March 2002 to 12<sup>th</sup> March 2002 Held at KCCT, Mbagathi
- ❑ Provincial Women Consultative Workshops in all Provinces on Friday 12<sup>th</sup> April 2002
- ❑ Seminar of Former Parliamentarians on Constitution Review Held at Charter Hall, Nairobi on 8<sup>th</sup> & 9<sup>th</sup> July 2002
- ❑ Civic Education Programme for All Prison Staff Conducted by District Coordinators on 18<sup>th</sup> and 19<sup>th</sup> July 2002.
- ❑ District Coordinators Seminar at The Kenya School of Monetary Studies on 12<sup>th</sup> and 13<sup>th</sup> August 2002
- ❑ The Fourth Constitution of Kenya Review Commission District Coordinators Seminar on Wednesday 2<sup>nd</sup> and Thursday 3<sup>rd</sup> October 2002 at Kenya College of Communication Technology, Mbagathi
- ❑ District Coordinators Workshop Held on 3<sup>rd</sup> and 4<sup>th</sup> October 2002 at Kenya College of Communication Technology, Mbagathi
- ❑ Journalists Workshop Held on 3<sup>rd</sup> and 4<sup>th</sup> October 2002 at Teleposta
- ❑ Workshop Programme for District Delegates In Preparation for National Constitutional Conference from 22<sup>nd</sup> to 24<sup>th</sup> October 2002 at KCCT, Mbagathi
- ❑ Workshop Programme for Women Delegates in Preparation for National Constitutional Conference from 22<sup>nd</sup> to 24<sup>th</sup> October 2002 at KCCT, Mbagathi

### **5.3.3 Civic Education in Institutions**

The CEPIC Committee and the Commission in general aggressively disseminated Civic Education to young people by deliberately targeting middle level training institutions and schools. It is important to note that the demand from this section was overwhelming. Some of the institutions targeted by this programme included most public and private universities, polytechnics, national and provincial schools.

### **5.3.4 Civic Education in the Print and Electronic Media**

A lot of civic education was conducted through the print and electronic media. This is covered under Press and Public Relations section of this Chapter



### **5.3.5 Civic Education by Commissioners**

Prior to the Constituency hearings, the Commissioners traversed the country disseminating Civic Education to each constituency to prepare wananchi to present their views. The Commissioners used the Issues and Questions publication in the exercise and held meetings with the Constituency Constitutional Committees, Members of Parliament, Councilors, Religious, youth, women and all other community leaders. The Commissioners also disseminated Civic Education in schools and the training institutions in the Constituencies. This massive effort adequately prepared wananchi to present views as was evident during the hearings.

### **5.3.6 Civic Education for Special Needs/Disability, Prisons, Marginalized Areas**

The Commission's Civic Education programme was specifically tailored to meet the special needs of marginalized groups as follows: -

**Disability:** Special provision and arrangements were put in place for people with disability. Braille services were provided for the blind while the hearing impaired were assisted during all of the Commission's functions.

**Prisons:** A special Civic Education programme was developed for prisons staff and inmates, which enabled them to provide their views.

**Marginalized Areas:** The Commission ensured that an extra budget provision for Civic Education was made available to all marginalized areas and that their materials were delivered on time.

## **5.4 Phases in Civic Education Process**

### **5.4.1 Sensitization of Wananchi on the Constitutional Review Process**

The first phase of the Civic Education Programme involved sensitizing wananchi on the Constitution review process with particular emphasis on the following issues: -

- ❑ The Constitution of the Republic of Kenya
- ❑ History of Constitutional Review process.
- ❑ The objects and purposes of the review process.
- ❑ The organs of review.
- ❑ The stages of the review process.
- ❑ Principles guiding the process of review.
- ❑ People's participation during the Review of the Constitution.
- ❑ The Constitution of Kenya Review Act Chapter 3A.
- ❑ Emerging Constitutional Issues of Gender, Disabilities, Children, Marginalized Communities etc.

- ❑ Structures and Systems of Government.
- ❑ Good Governance Practices.

#### **5.4.2 Preparation of Wananchi for Constituency Hearings**

Amongst the main functions of the Commission was collection and collation of views of the people of Kenya on the proposals to alter the Constitution. In order to assist wananchi to present their views in a coherent and organized format, the Commission published a simplified Issues and Questions for Public hearings documents in English and Kiswahili. The Issues and Questions publication was a broad guideline covering all pertinent constitutional issues aimed at focusing Wananchi in presenting their views and Memoranda to the Commission. However, the Issues and Questions were only a guideline, which was not exhaustive and did not stop an individual or group from raising other questions or issues of their choice.

The Commissioners utilized the Issues and Questions during the Civic Education programme prior to the hearings in all Constituencies.

#### **5.4.3 Dissemination of the Draft Report/Draft Bill**

The CEPIC facilitated and organized the highly successful programme of disseminating the Draft Report/Draft Bill of the Commission in all the 210 Constituencies in the Republic of Kenya from 7<sup>th</sup> to 18<sup>th</sup> October 2002. It was gratifying to witness the overwhelming reception of the draft Report/Bill by wananchi all over the country.

The Commissioners and Programme Officers exhaustively discussed the contents of the report and draft Bill with leaders and Wananchi during one day Seminars in each constituency. Wananchi unanimously adopted and owned the contents of the document since they were derived from their views. They offered constructive criticism and proposed changes in a few instances but were generally appreciative of the product and the vigilance of the Commission in presenting the Bill on time.

#### **5.4.4 Preparation of the Delegates for the National Constitutional Conference**

CEPIC was highly involved in preparing the delegates to the National Constitutional Conference, which was scheduled initially to commence on 28<sup>th</sup> October 2002 but postponed to 28<sup>th</sup> April 2003 due to unexpected prorogation of Parliament by the then President on the 26<sup>th</sup> October 2002. Besides being involved in the general pre-conference activities, the Committee organized workshops for the following categories of delegates:

- ❑ Workshop for all women delegates to strategize on placing the gender agenda before the Conference.
- ❑ Workshop for all district delegates to deliberate on the issues of decentralization.

#### **5.4.5 Civic Education for the National Referendum**

The CEPIC Committee is discussing modalities of the Civic Education programme for the National Referendum if it becomes necessary.

#### **5.4.6 Dissemination of the Final Bill**

The CEPIC Committee developed strategies to ensure that all Kenyans understood, respected, implemented and owned the final Bill and/or New Constitution of the Republic of Kenya. This component of the Civic Education programme aimed at ensuring that all other gains of the review process were sustained and that the democratic space was expanded.

### **5.5 Strategies and Modalities for Delivering Civic Education**

#### **5.5.1 Development of Civic Education Policy and Programme**

The Commission on 24<sup>th</sup> August 2002 released a comprehensive document on proposals for Civic Education Policy and programme, which set out policy guidelines for the delivery of Civic Education during the Review Process.

The policy guidelines spelt out the division of responsibilities in the provision of Civic Education as follows: -

- The Commission was to ensure that the people were adequately informed on the process of review. This was achieved through visits to all provinces where the Commissioners explained the Review Process to both leaders and the public. The Commissioners also participated in both radio and television programmes extensively to explain the process to the people of Kenya.
- The Commission prepared necessary materials at every stage of the Review Process for use in Civic Education and for the general information of the public.
- The Commission organized a series of public lectures by distinguished Kenyans and Non-Kenyans on topics relevant to the Review Process. The purpose of the lectures has been to stimulate thinking on constitutional problems and solutions and offer comparative perspectives.
- The Commission organized a series of national conferences in specific topics both to disseminate knowledge and provide a forum for proposing recommendations. The Conferences were organized in conjunction with relevant representative bodies and several donors offered support.
- The Commission provided special Civic Education for certain cadres like Provincial Administration, prisons, Councilors, women, youth, disabled, religious groups etc. to bring them on board and offer them an opportunity to make proposals.

- ❑ The Commission closely collaborated with all organizations wishing to provide Civic Education for the review of the Constitution.
- ❑ The Commission deliberately encouraged students and young people to participate in the review process through public lectures in universities, schools and middle level colleges. It also sponsored essay and poster competition, music festivals and drama festivals to stimulate their reflections on the Kenya in which they wished to grow up.
- ❑ The Commission provided special facilities for marginalized groups like the disabled, women and pastoralist communities to participate in the Review Process.
- ❑ Commissioners and Staff members of the Commission have been exposed to Civic Education and sensitized to the needs of specific groups in order to enhance their capacity and effectiveness in outreach activities and particularly their ability to interpret and translate into constitutional design the recommendations of the people.

### **5.5.2 Development of the Curriculum for Civic Education**

The Commission released its Curriculum for Civic Education on 15<sup>th</sup> November 2001. The principle objective of the Curriculum was to ensure standard provision of Civic education across the country and by all the providers. Together with the Curriculum for Civic Education, the Commission also released a Code of Conduct for Civic Education Providers, which bound all organization, and providers to certain strict operational guidelines.

The Curriculum covered the following topics: -

- ❑ Constitutions
- ❑ Constitution Making Process in Kenya
- ❑ The Constitution of Kenya
- ❑ Emerging Constitutional Issues
- ❑ Structures and Systems of Government
- ❑ Governance

### **5.5.3 Induction Training for Civic education Providers, Constituency Constitutional Committees and District Coordinators**

In the month of February 2002, the Commissioners embarked on an extensive tour to all District Headquarters to provide induction training to the Civic Education Providers, the Constituency Constitutional Committees and the District Coordinators on the Civic Education Programme. The specific purpose of the induction training was to prepare them to disseminate Civic Education to the focus groups in the constituencies. The induction training revolved around the following publications: -

- ❑ The Constitution of the Republic of Kenya

- ❑ The Constitution of Kenya Review Act Chapter 3A
- ❑ The Civic Education Curriculum
- ❑ Issues and Questions for Public Hearings
- ❑ Making Informed Choices

#### **5.5.4 Civic education through the District Documentation Centres**

The Commission in October 2001 established Documentation Centres in each District with the following objectives: -

- ❑ Preserve and disseminate to the public records of the deliberations and proceedings of the Commission and such other information as may be prescribed.
- ❑ Act as centres for dissemination of Civic Education materials.
- ❑ Act as reference centres for the public on all constitutional matters and relevant documents.
- ❑ Preserve for reference by the public the Draft Report and Draft Bill once published.

The District Documentation Centres played a major role in the dissemination of civic education. The Commission was unable to provide the relevant documents to all stakeholders and hence stocked the Documentation Centres to act as reference points since they are located at all District Headquarters. Members of the public made extensive use of them during the stages of the Civic Education programme and particularly prior to the Constituency hearings when they prepared their submissions. Most Documentation Centres were located in public libraries and were utilized by the reading public and students in nearby institutions.

#### **5.5.5 Funding for the Civic Education Programme**

The funding of the Civic Education programme was a joint effort between the Commission and friendly donor agencies. The Commission spent Kshs.105,000,000.00 nationally on dissemination of Civic Education and printing and distribution of relevant books and other materials. Donors who supported the programme included the United Nations Development Programme (UNDP), Friedrich Ebert Stiftung Foundation, Like Minded Donors (LIMID), Konrad Adeneur Foundation, Swedish Embassy and the European Union.

### **5.6 Development and Distribution Of Civic Education Materials**

The Constitution of Kenya Review Commission developed and distributed various materials including books, pamphlets, fliers, posters, Braille etc. to all district Documentation Centres. The following materials were distributed:

- |   |   |
|---|---|
| ❑ Maswala na Maswali                          | ❑ Pocket Constitution (Kiswahili & English) |
| ❑ The Constitution of Kenya Review Act Cap 3A |   |

- ❑ Constitution of Kenya (Revised Edition (1998) (1992 )
- ❑ Making Informed Choices Handbook for Civic Education
- ❑ Making Informed Choices a Trainers Manual
- ❑ Legislative Framework
- ❑ Pullouts
- ❑ Write your Country's New Constitution by Kiriro Wa Ngugi
- ❑ Introducing the Constitution of Kenya
- ❑ Constitution of Kenya Review Commission Curriculum for Civic Education
- ❑ Strategic Plan
- ❑ Draft Bill
- ❑ Mswada wa Sheria
- ❑ Main Report
- ❑ Draft Constitution at a Glance
- ❑ Chaguo la Wananchi (Toleo Fupi)
- ❑ The Peoples' Choice (Short Version)
- ❑ Braille
- ❑ Draft Constitution 2002 Section on Disability
- ❑ What does the Draft Constitution do for the people with Disability?
- ❑ Posters
- ❑ Kenya Judiciary in the New Constitution
- ❑ Issues and Questions
- ❑ Reviewing the Constitution by Prof. Ghai

## **5.7 Press and Public Relations**

Section 22 of the Review Act stated that among other things and save as may be provided in the Regulations, the Commission shall avail the record of the proceedings of every meeting of the Commission through the print and electronic media. Indeed it was recognized that

“the entire process of constitution making is an interpretation of how information is generated, processed and disseminated to the public and from the public. Eventually it is the same information, which is assembled into a document (the constitution) to reflect the wishes of the populace.” (Concept paper for the then Information, Communication and Publicity Committee, the forerunner of the Civic Education Publicity Information Committee (CEPIC).

The press and public relations functions of the CEPIC was therefore responsible for information management as a single most important tool that the Commission had at its disposal towards meeting its mandate. The Commission used information as a tool to:

- ❑ Bring about a common understanding among all Kenyans on what constitution making was about and the task ahead for both the country and the Commission.
- ❑ Educate the public on the review process, its organs and time scale.

- Create confidence among Kenyans in the organs of review, the process, Commissioners and Officers of the Commission.
- Promote the view that all Kenyans had a stake in the review.
- Motivate the general populace on the need to participate in the process while setting aside their political and other differences.
- Create an enabling environment and frame of mind by encouraging dialogue among the people without rancor.
- Encourage understanding of constitutional issues based on documents produced by Commission.
- Create and disseminate targeted messages to special interest groups such as youth, the handicapped, minorities and other vulnerable groups while emphasizing their place in the process.
- Promote selective use of media organs that were best suited to each group.
- Explain the process of the review including the Constitution of Kenya Review Act.
- Ensure that, all Kenyans received these messages simultaneously without middlemen to elicit focused and predictable reaction.
- Use information as a tool to direct the whole process on a day-to-day basis, so that the process could function like a wheel with CKRC Headquarters in Nairobi as its hub.

For the Commission to achieve its information and communication goals, the Kenyan public had to be made aware through the media of the need to contribute to the constitution making process, what to contribute and how to contribute it. To facilitate the media communication and public relations strategy of the Commission therefore, CEPIC established the Media Sub-Committee consisting of:

1. Commissioner Prof A.I. Salim as chair,
2. Commissioner Kavetsa Adagala,
3. Commissioner Salome Muigai. Comm.
4. Commissioner Dr Charles Maranga,
5. Commissioner Paul Wambua, and
6. Commissioner Abubaka Zein

There was also a sub-committee known as Katiba News Editorial Board consisting of:

1. Commissione Kavetsa Adagala,
2. Commissione Abubakar Zein and
3. Commissione Paul Musili Wambua

Program Officers supporting both the Media Sub-Committee **and** Katiba News Editorial Board were Irungu Ndirangu and Teresa Apondi.

### **5.7.1 Negotiating for Mass Media Coverage**

Section 22 (2) of the Review Act provided the Commission with legislative framework to negotiate with various media houses on dissemination through print and electronic media. It stated among other things that the Commission shall, for purposes of subsection (1) (c) consult with Kenya Broadcasting Corporation and other broadcasting Stations licensed under the Kenya Communications Act 1998 in order to secure suitable arrangements for the:

- a) allocation of air-time and space for purposes of disseminating the report of the Commission through the electronic and print media; and
- b) provision of a sign language inset or sub-titles in all television programmes aired for purposes of paragraph (a), all newspapers, civil educational programmes and in all other programmes covering the constitutional review process.

It further stated that where a broadcasting station is consulted by the Commission under Sub-Section (2), such station shall make suitable arrangements to air such programmes whose broadcast is specified by the Commission.

Thus in negotiating with both public and private media houses, the Commission held meetings with the then Minister for Transport and Communications, Honorable Musalia Mudavadi, and Minister for Information and Tourism, Hon. Kalonzo Musyoka in their offices over civic education through the media. In these meetings, the Commission was seeking the ministers' support in getting free air-time and advertising space from the print and electronic media as stipulated in the Act. These efforts did not however bear fruit.

The Commission also held several meetings with KBC executives including the then Managing Director Joe Khamisi and Mr Caxton Munywoki. The subject was civic education through the radio and television. Though many meetings were held no significant progress was made in granting free air-time to the Commission by the national broadcasting station, KBC.

The Commission also held meetings with media owners, managers and journalists including managers from the Kenya National Library Services Board and the Communications Commission of Kenya. The Commission sought to induct the media managers and owners on the review process and the role of the media. Six such meetings were held at the Grand Regency Hotel, Teleposta and the Commission's boardroom.

The following media organizations were represented in the meetings between the Commission and the media houses:-

- |  |  |
|--|--|
| <input type="checkbox"/> Communications Commission of Kenya, | <input type="checkbox"/> Baraka FM,                      |
| <input type="checkbox"/> Kenya Broadcasting Corporation,     | <input type="checkbox"/> Capital Radio,                  |
| <input type="checkbox"/> The Nation Media Group,             | <input type="checkbox"/> Kenya Television Network, (KTN) |
| <input type="checkbox"/> The East African Standard,          | <input type="checkbox"/> Kenya Times Media Trust,        |
| <input type="checkbox"/> Citizen Radio and Television,       | <input type="checkbox"/> The People,                     |



- Kameme FM,
- Coro FM,
- Iqra FM,
- Family Radio and Television.
- Kiss FM,
- Kenya News Agency through the Director of Information and
- representing the Ministry of Tourism and Information's rural press and mobile cinema.
- The various foreign news services like Associated Press and Rueters
- Katiba News Editors.

A variety of Non Governmental Organisations with interests in media affairs such as Transparency International were also invited to the meetings.

In these meetings, an attempt was made to separate the politics of the review process from the content, mission and mandate of the Commission.

Through the meetings it became clear that the media houses were reluctant to grant free air-time arguing that the Act did not specifically direct them to do so. Thus after extensive discussions, it was resolved that the Commission holds one on one discussions with each media house, particularly on the dictates of Section 22 of the Review Act. However, the Commission was only able to hold a meeting with executives of Capital Radio represented by Mr Phil Mathews among others.

Arising out of the meetings to negotiate for media coverage of the review process, the Commission managed to sign a Memorandum of Understanding with Kenya Broadcasting Corporation. Private commercial stations opted to give an undertaking of discounts on their cover commercial rates rather than sign the Memorandum of Understanding. The discounts ranged between 30 and 50 per cent.

As a result of the many consultations, all of the media organizations carried Commission messages extensively as features, special programmes and news items.

### **5.7.2 The Commission's Media Policy and Strategy**

For a comprehensive coverage of the entire Civic Education Programme, CEPIC evolved a media policy encompassing the following:

- Identifying and approaching specific media organizations and programmes in order to reach specific target groups.
- Drawing up a curriculum to be followed in all Commission Civic Education Programmes.
- Ensuring that any form of civic education for constitution review through radio followed the set curriculum chapter by chapter.
- Ensuring that Commissioners steered off from personal opinions outside the mandate of the Act and the curriculum while on air.
- Ensuring that publication of the Draft Constitution (Bill) and all broadcasts therefrom would be based on the recommendations in the document and any justifications behind them.

- Ensuring that during every broadcast, callers would be allowed at least 20 minutes to ask questions or express their views on the review process, method of work, management and review documents.
- Ensuring that programme anchormen were inducted into the process and that they were given a certificate of appreciation at the conclusion of the process.
- Ensuring that specific discussion programmes in the commercial stations were engaged in debating every aspect of CKRC mandate.

The following texts were used in Civic Education Radio and Television Broadcasts:-

- Reviewing the Constitution: A Guide to the Constitution by Yash Pal Ghai
- The CKRC Strategic Plan
- The CKRC Curriculum for Civic Education.
- The Constitution Review Process Issues and Questions (in English and Kiswahili)
- The Draft Bill of the Constitution of Kenya Review Commission (in English and Kiswahili)
- The Peoples' Choice, Short Version (in English and Kiswahili)
- The Main Report of the Constitution of Kenya Review Commission.
- The Draft Constitution at a Glance: A Summary of Proposals

The Commission also received other Civic Education materials developed by the civil society even though their use was limited because they were not developed specifically for use by CKRC for constitutional review.

The media strategy culminated into the following seminars, workshops and meetings:

- Seminar for Senior Editors/Media owners including the alternative media (gutter press) at the Grand Regency Hotel. The seminar enabled the Commissioner to meet face-to-face with media personalities and to chart the way forward in coverage and dissemination of information.
- A two-day workshop for writers and broadcasters at Teleposta on October 3, and 4, 2002 for them to understand the process, Draft Constitution and Report.
- Planning meetings with media managers and owners.
- Even more importantly the Commission organized a series of meetings with Senior Editors/Media owners and their senior technical and commercial officers in the Commission's Boardroom in order to involve them in the decision making process including expenditure of CKRC finances on civic education.

These meetings focused on:

- Special treatment for Commission material in supplements and features in the print and electronic media.
- Procuring slots and programmes on TV and Radio.
- Encouraging focused and progressive debate on the report.
- Promoting items and advertisements to prepare Kenyans for review process including the National Constitutional Conference.

The media policy and strategy adopted by the Commission further resulted into a number of achievements including:

- ❑ Getting each media house to appoint specific journalists, reporters, columnists, editors or broadcasters with whom the Commission would work throughout the review process.
- ❑ Organizing one to one meetings between leading journalists, editors, writers or broadcasters with Commission Secretary and chair.
- ❑ Organizing a spirited education campaign among all the media groups, houses and personalities.
- ❑ Organizing media education on the equipment needed for the review process including the necessity of large high clearance, high capacity, cars able to tour each and every constituency in the country characterized by bad roads.
- ❑ Educating the media on how Commissions are formed and how they work.

The net effect of all these efforts was that the media became friendly to the process and that the media offices started what eventually became the institutional memory of the Commission. An attempt was made at producing two documentaries on the review process and the draft Bill.

### **5.7.3 Media Events**

#### **Enhancing the visibility of the Commission and its Organs**

To publicize the functions of CKRC and its Committees, the Press office used both Katiba News and feature write-ups on the activities and functions of various Commissioners and Committees in newspapers and programmes on radio and Television.

Also used to ensure the wider visibility of the Commission was the use of the Commission's printed materials and adverts to provide the physical, telephone, email and website addresses of the Commission. The print media (*Nation, Katiba News and E.A. Standard*) also carried the structure and functions of the different Committees comprising of the Commission.

#### **Public Hearings and Report Writing and Drafting**

Public hearings and collection of views were extensively covered in both print and electronic media. During the report writing and drafting processes constant updates to the media on the purpose of the Commission's retreat in Mombasa were given especially with regard to progress of the report and draft constitution writing process.

#### **Launch of the Report and Draft Bill**

Upon the release of the report and draft Bill the media was prepared on:

- ❑ Substantive emerging issues.

- ❑ Specific objectives.
- ❑ Actual time to disseminate the report countrywide.
- ❑ Mode of dissemination.
- ❑ Pre-Launch activities – promotions and advertisements
- ❑ Launch of report (media event).

The Commission organized major press conferences to announce the completion of the Report and Draft Constitution Writing and the formal start of the 30-day period of public debate before the convention of the National Constitutional Conference. The press office used all the print and electronic media to give the functions the widest possible coverage. To promote further debate on the Draft Bill paid adverts were carried in:

- ❑ The Daily Nation.
- ❑ The East African Standard
- ❑ The People
- ❑ The Sunday Times.

### **Media Dissemination of Report and Draft Bill**

After publication of the Draft Constitution and Report, Civic Education through Media entered its most critical phase. The Draft Constitution and report not only formed the basic manual for civic education but also made it possible for media programs to follow chapter after chapter format. To ensure full involvement of the public in debating and discussing the report and draft Bill the Commission used the following media channels:

#### **Print media**

- ❑ Katiba News
- ❑ Pamphlets
- ❑ Cartoons
- ❑ Brochures
- ❑ Posters
- ❑ Seasons Cards and Calendars.
- ❑ Publication materials e.g. Curriculum and other CKRC documents and books.
- ❑ Daily and weekly newspapers such as Taifa, Daily Nation, East Africa Standard, the People and Kenya Times.
- ❑ Magazines

#### **Electronic Media**

- ❑ Kenya Broadcasting Corporation Sunday programmes: Listeners Forum and Maoni Yako.
- ❑ Special programmes on Television e.g. Nation's UP Close and Candid, KTN's Third Opinion, Madhari ya Wiki and Breakfast show. KBC's Good morning Kenya and Debate.

- ❑ All radio stations in Nairobi and Mombasa and Kisumu.

### **Folk Media**

- ❑ Drama e.g. the Kenya Schools Drama, theatre groups
- ❑ Songs through for example the Kenya Music Festivals
- ❑ Comedies such as Vitimbi

To reach special groups such as the deaf, alternative media such as sign language interpreters were involved in all civic education exercises all over the country and were covered on Television. The youth segments were reached through radio stations popular with the youth like Kiss 100, Nation, and Iqra.

### **Pre- National Conference Activities**

As a pre-National Constitutional Conference activity, the press office organized extensive radio and television discussion programmes on all radio and television stations throughout the country targeting the Delegates to the National Constitutional Conference.

Specific Civic Education programmes were organized through the Kenya Broadcasting Corporation Radio Programmes targeting rural areas and the need for the right representation of each interest group at the NCC.

As a pre-conference activity, the press office also undertook the following duties:

- ❑ Dissemination of Rules and Regulation on Election of Delegates to NCC through the print media.
- ❑ Publicized the logistics, venues and invitations for the NCC.

### **5.7.4 The Major Media Outlets Used by the Commission**

#### **Katiba News**

As a principal mouth piece of the review process, the Commission started the monthly Katiba News with the funding from Konrad Adenauer Foundation. The funding was channeled through Konrad Adenauer Foundation's local agent, Media Development Association. The publication had 16 pages totally dedicated to constitutional issues but spiced with human rights interest stories. The Katiba News rolled out of the press by 15<sup>th</sup> of every month. It started with an initial print order of 3000 copies, which was later increased to 5000 copies. The publication was distributed through the District Documentation Centres, public libraries, universities, tertiary colleges, public offices, schools and religious institutions.

#### **Kenya Broadcasting Corporation National Radio Broadcasts**

Kenya Broadcasting Corporation, KBC, was identified as the best avenue that could reach about the 90 per cent of Kenyan population living in rural areas with the same message simultaneously. The Commission did over 100 hours of Civic Education through KBC English and Kiswahili Radio Broadcasts on Sundays for about one year.

KBC picked the anchors in the names of Mr James Kangwana (Kiswahili) and Prof Joseph Nyasani (English). Initially the programmes were to run between 10am and 12noon in the case of Kiswahili and 2pm and 4pm in the case of English.

They ran on a trial basis for the first four Sundays (16 hours) after which their effect was reviewed by both parties. After the review, the programmes earned the approval of both parties but they had to be reduced to one hour each Sunday for each language (12 noon to 1pm for Kiswahili and 3pm to 4pm for English) because of cost.

The anchormen were later changed, and the programmes became anchored by Mr Sammy Lui. Problems arose however, over payment to the anchormen when KBC stated, it could not continue paying them since the Commission was not paying the full commercial rates for the programmes. The Commission then undertook to pay the anchormen.

Katiba News Editorial Board regularly met KBC Radio management consisting of John Osoro, Controller of Programmes, Henry Makokha, Head of the English, and Sophie Kilei, Head of Kiswahili to review progress of the programmes.

The Commission was also able to put out its messages through some of the other 19 regional languages at KBC throughout the country at the same time. Because of a lack of clear policy, the regional languages were not fully made use of, as the Commission would have wished.

### **FM Radio Stations**

The Commission made extensive use of the Commercial FM radio stations to reach to specific segments of society depending on time and issue. For example, Iqra Radio was used to reach the Muslim Community. While Baraka in Mombasa and Family Radio were best for announcements targeted at the Christian Community, Kiss 100 for the youth, Capital and Nation FM appealed most to the professional classes.

The Commission also used local language stations like Coro and Kameme both of which are FM Kikuyu stations. At the National Constitutional Conference, Citizen Radio made arrangements for live coverage.

An attempt was made to reach Somali speaking Kenyans through the Somali Service of the British Broadcasting Corporation. Discussions to open the KBC relay station at Wajir to broadcast in Somali, Burji and other languages of North Eastern Province were not concluded. The speed at which events moved could not allow for detailed negotiations, which involved technical meetings and financial outlays for both the Commission and the station.

## **Television**

Kenya Broadcasting Corporation was identified as a National Television Broadcaster with the widest reach in the country. For this reason, the Commission resolved that, as much effort as possible be put into using its programming to reach the majority of Kenyans living in rural areas. The Commission therefore made extensive use of television to reach Kenyans with its messages.

However, a variety of programmes in all television stations were used for this exercise. The Commission took its messages to such programmes as *UP Close and Candid* in the Nation TV, *Professional View* and *Good Morning Kenya* on KBC and *Third Opinion* in KTN. In all these programmes Commissioners appeared in person and used set manuals and texts prepared for Civic Education by the Commission. This ensured that that the curriculum was covered uniformly.

## **Print Media**

The Commissioners conducted a lot of civic education through speaking engagements and press conferences with the print media. There were also extensive write-ups by way of news and feature material in the print media throughout the review process. Many Commissioners wrote feature articles for the newspapers and *Katiba News* on every aspect of the Commission's mandate.

To enhance further understanding of the Commission's mandate and mission, the Commission published two page pullouts in *The Nation* and *The East African Standard* carrying photographs of Commissioners.

Further education was conducted through folk media, advertising, pamphlets, brochures, banners and give-a-ways or merchandise such as T-shirts.

## **Newspaper Clippings and Video footage and Tapes**

The Media office kept cuttings, video tapes and photographs of Commission functions as dictated by the Review Act. This formed the basis developing the institutional memory of the Commission and its work.

## **Telephone Hold Message**

The Commission crafted telephone hold messages that gave the mandate of the Commission, its physical location of the Commission, and encouraged Kenyans to participate in the review process. After the draft Bill was out, the messages given provided excerpts of the Draft Constitution and the upcoming events such as the National Constitutional Conference.

## **Sign Language Interpreters on Television**

Attempts at placing Sign Language Interpreters during Television sessions as demanded by the Act failed due exorbitant payments demanded by the television stations.

### **5.8 Challenges, Lessons and Conclusion**

The Commission conducted massive Civic Education awareness programme countrywide aimed at impacting on the role and participation of the people in the review processes as required by the Constitution of Kenya Review Act. Though it was a recognizable fact, that NGOs, religious organizations and other civil society actors, had done a lot of work in civic education, the Commission added impetus by successfully reaching some of most marginalized/insufficiently covered geographical parts of the country within a limited period. This significantly contributed to enabling majority of Kenyans to participate in and contribute to making proposals to alter the Constitution.

This undertaking was however massive requiring large outlay of resources which was often in short supply. A wide variety of persons and groups with considerable expertise and experience attracted to help carry out the civic education exercise had anticipated that the Commission was going to plunge substantial amount of funds to the process. However, limited funds were available to local and/or Community Based Organizations and for support for materials.

Thus due to limited funds, the Commission only managed to facilitate activities of selected CEPS who signed MOUs with CKRC. The Commission ensured that they received limited refunds for transport expenses (no provisions of use of private vehicles), limited and relevant stationery expenses upon production of genuine receipts and limited accommodation allowances.

In selecting the Civic Education Providers the major impediments were noted as follows:

- ❑ Some CEPs did not carry out their development activities in some areas indicated as their operating bases, others never existed in certain areas.
- ❑ Some CEPs provided false claims as incurred for Civic Education not provided.
- ❑ Half of the selected CEPs pulled out once they realized there was not going to be massive funds in the exercise.
- ❑ Some CEPs used the MOUs to con unsuspecting Kenyans by acting as employment agents for the Commission.

While constitution making all over the world is a highly politicized process, the political polarization that characterized the constitutional debate and review process affected the civic education process. As a result, the political differences that persisted through out the review process significantly affected the dissemination of the Civic Education programme. There was great resistance in some areas where leaders feared that NGOs and Religious Groups would use political advocacy techniques to influence local people while presenting their views to the Commission.



While one strong aspect of the Civic Education Programme for the Constitutional Review Process was the fact that it was all-inclusive, this policy however, brought with it serious conflicts between the Commission and civic Education providers. The Commission soon learnt that most of the providers were interested more with resources than with the job at hand. There were cases where the providers downed tools or demonstrated due to scarcity of resources. The Commission was therefore involved in conflict management efforts in areas like Embakasi, Migori, Mwingi, Kijiado and Nakuru Town where the providers nearly derailed the constituency hearings

The Commission addressed the challenges through various strategies as follows: -

- The Commission set out very clear guidelines to District Coordinators, Civic Education Providers and all other stakeholders on financial and other civic education policies.
- The Commission prepared proposal documents and solicited for donor funds to supplement its budget and overcome the shortage of funds.
- The problem of Civic Education Providers sorted itself out as most of them fizzled out on realizing that the funds for Civic Education were limited.
- The Commission through its Plenary and Committees established conflict resolution mechanisms to sort out problems as they arose.
- In order to conduct the massive Civic Education programme for Constitutional Review, the Commission developed partnerships with existing providers to conduct the programme on their own provided that they followed the Commission's Curriculum.
- Extensive use of the media ensured that the Civic Education programme reached all corners of the country. The Commission remained for ever grateful to the Kenya Broadcasting Corporation for the Sunday programme that ran for a whole year. The Kenya Television Network, Citizen Radio and Television, Nation Television and Radio also assisted in the dissemination of Civic Education through various programmes. All daily newspapers played a major role in provision of Civic Education.

The willingness of the Commission Chair, Commissioners and Commission Secretary to appear for many public speaking functions and media events was a major factor in overcoming many challenges.

## **5.9 Conclusion**

Thus over and above the challenges one lasting effect of the Constitutional review process is the fact that it was instrumental in enlarging democratic space across the country. This was clearly evident in the buildup to the December 2002 general elections where the people increasingly demanded for their political rights thereby significantly reducing incidences of electoral fraud. Indeed the massive Civic Education programme provided by the Commission had never been witnessed in the country before. It enabled

the citizens to understand and to demand their basic rights and there were all indications that the democratization gains created by the review process would be sustained.

The Constitution of Kenya Review Commission also endeavoured throughout its existence to base its activities at the constituency level. It visited each constituency several times for dissemination of Civic Education gathering of views and dissemination of the Draft Report/Draft Bill. These initiatives ensured that the people of Kenya fully owned both the product and the process. In a Daily Nation opinion poll released on Tuesday 10<sup>th</sup> December 2002, a large majority of Kenyans 82.8 percent believed that the process was accountable to the people while 74.2 per cent thought the Draft Constitution represented the views of Kenyans.

Last but not least one strong aspect of the Civic Education programme for the Constitutional Review Process was the fact that it was all-inclusive. All individuals and groups who wished to participate in the Civic Education programme were given an opportunity to do so. The Commission brought on board 2,800 Civic Education Providers across the whole country. These ranged from international and national NGOs to small village and clan groups. The all-inclusive policy of the Commission ensured that they benefited from Commission resources and funds besides gaining valuable experience during the process.

The Commission in a unique way combined its own efforts with Civic Education Providers by holding extensive discussions with professionals, religious, social, women groups' etc. on how best it could discharge its obligations for the provisions of Civic Education.

## **CHAPTER SIX:**

### **MOBILIZATION AND OUTREACH COMMITTEE REPORT**

#### **6.1 Mandate**

Section 19 (1) of the Constitution of Kenya Review Act mandated the Commission to establish appropriate departments and committees with the aim of ensuring efficiency and speed in discharging the Commission's mandate and to ensure the full participation of the people of Kenya in the review process.

Section 5 of Review Act provided that in the performance of its functions under the Act, the Commission and indeed all other organs of the review process must not only be accountable to the people of Kenya and conducted in an open manner but must also ensure that the review process accommodates the diversity of the Kenyan people and that the people were provided with an opportunity to actively, freely and meaningfully participate in generating and debating proposals to alter the Constitution.

In order to ensure that the above mandate was realized, the Commission established the Mobilization and Outreach function of the Commission to facilitate effective mobilizes of the people of Kenya to effectively participate in the review process.

#### **6.2 The Role of the Mobilization and Outreach Committee**

The roles and duties of the Mobilization and Outreach Committee included:

- ❑ Organizing logistics and administrative issues for the Commission's outreach activities
- ❑ Planning for the mobilization of the public to participate in the hearings and other Commission's activities
- ❑ Day to day administration and liaison with District Coordinators
- ❑ Organizing logistics for CKRC movements, workshops, seminars etc
- ❑ Compiling, updating and keeping of statistics and database necessary for the District Coordinators and CKRC activities in the District.
- ❑ Arranging protocol, as and when required
- ❑ Liaising with relevant institutions on issues of relevance to the review process
- ❑ Facilitating the establishment of Constituency Constitutional Committees (3Cs) in all constituencies
- ❑ Facilitating the flow of information and distribution of civic education materials to the districts

- Facilitating and monitoring through the District Coordinators the operation of the Constitutional Constituency Committees
- In collaboration with Civic Education Department, monitoring and reporting on the civic education exercise
- Collecting through the District Coordinators information on all constituencies and districts as well as various professional and organized groups countrywide
- Facilitating identification and nomination / election of delegates to the National Constitutional Conference
- Contingency planning for the National Constitutional Conference and National Referendum

### **6.3 Structure and Organization of Mobilization and Outreach**

One such department was the Mobilization and Outreach whose work was guided by the Mobilization and Outreach Committee composed of eleven Commissioners as follows:

6	Prof. Wanjiku Kabira	-	Chairperson
7	Pastor Zablon Ayonga	-	Member
8	Ibrahim Lethome	-	Member
9	Mr. Mohamed Swazuri	-	Member
10	Dr. Abdirizak Nunow	-	Member
11	Bishop Bernard Njoroge Kariuki	-	Member
12	P.L.O. Lumumba	-	Commission Secretary
13	Prof. Yash Pal Ghai	-	Ex Officio
14	Prof. A.I. Salim	-	Ex - Officio
15	Mrs. Abida Ali-Aroni	-	Ex -Officio

The Secretariat Staff in the Mobilization and Outreach Department were as follows:

1.	Col (Rtd) Gichuhi	-	Deputy Secretary
2.	Mr. Solomon Anampiu	-	Programme Officer, Operations
3.	Mr. Maimuna Mwidau	-	Programme Officer, Coordination
4.	Mr. John Watibini	-	Programme Officer, Coordination
5.	Mr. Hassan Mohamed	-	Programme Officer, Coordination
6.	Mr. Ismail Aden	-	Programme Officer, Coordination

- |                          |   |                         |
|--------------------------|---|-------------------------|
| 7. Mr. Fatuma Jamma Issa | - | Asst. Programme Officer |
| 8. Mr. Collins Mukewa    | - | Asst. Programme Officer |
| 9. Mr. Lilian Udoto      | - | Secretary               |

In addition the mobilization and outreach processes involved seventy four (74) District Coordinators, one per each of the 70 districts, and for the purpose of the review process a additional four Coordinators for Nairobi and one more for Mombasa due to the high population density in those cities. The list of the District Coordinators is attached as *Appendix 1*.

The Coordinators were responsible for the management of the Documentation Centers and general mobilization and outreach at the local level. The District Co-ordinators were indeed exemplary in their work despite the limited financial resources and time constraints that they endured. Most of them had to grapple with poor infrastructure, poor communication, hostile and sometimes suspicious public in their day to day work. They had to work late including weekends and sometimes holidays to ensure that they got the members of the public to actively participate in the review process.

The mobilization and outreach processes also relied a great deal on the Constituency Constitutional Committees (3C.s), Civic Education Providers and the Provincial Administration. The Constituency Constitutional Committees were established to facilitate and enhance review activities of the Constituency Constitutional Forum and to ensure effective participation of the people at the constituency level in the review process.

The Civic Education Providers (CEPs) helped the mobilisation and outreach processes by mobilising and facilitating the civic education processes countrywide. To ensure structured relationships, the Commission entered into a Memorandum of Understanding (MOUs) with various national and community based Civic Education Providers (CEPs). Upon signing of the MOUs with CEPs, the Commission conducted induction training for them between January and February 2002 at the various provincial headquarters.

The Commission through the Mobilization and Outreach department also forged close working relationships with the members of the Provincial Administration. The Commission recognized the provincial administration as an important partner in the review process. Successful workshops for the provincial administration were held on 22<sup>nd</sup> November 2001 throughout the country. The purpose of the workshops was to build consensus and collaboration between the Commission and the provincial administration with a view to assisting the Commission accomplish its mandate. These workshops were held in the provincial headquarters, at the following venues;

<u>Province</u>	<u>Town</u>	<u>Venue</u>
Western	Kakamega	Golf Hotel
Nairobi	Nairobi	Charter Hall
Coast	Mombasa	PC's Office
Central	Nyeri	Green Hills Hotel
Eastern	Embu	Izaak Walton Inn
Nyanza	Kisumu	Imperial Hotel
North Eastern	Garissa	Normad Resort
South Rift Valley	Nakuru	Kunste Hotel
North Rift Valley	Eldoret	Sirikwa Hotel

### **6.3.1 Appointment of the Constituency Constitutional Committees**

After wide consultations with the Members of Parliament and other stakeholders in the constituencies, the District Co-ordinators facilitated the appointment of members of the Constituency Constitutional Committees (3cs). Those to be appointed were people of great respect, integrity and with good knowledge of their respective constituencies. These included teachers, businessmen, women leaders, youth representatives and religious leaders. The District Co-ordinator was an ex-officio member of the Constituency Constitutional Committees. The Committees composed of ten (10) members although in some areas, the number was more based on the need to address the issue of wider representation. One third were women.

An induction and briefing was held countrywide to prepare the Constituency Constitutional Committees for the demanding task that lay ahead. This was done in all districts from 21<sup>st</sup> January 2002 to 1<sup>st</sup> of February 2002. Each Committee chose a chairperson from among the members. The District Co-ordinators was the secretary and accounting officer of the Committees.

## **6.4 Countrywide Mobilization and Outreach Processes**

The mobilization and outreach processes involved a wide range of activities including:

### **6.4.1 Provincial Visits**

These involved conducting workshops for members of the provincial administration at each provincial headquarters to explain the review process, its organs and the role of the

provincial administration, holding consultations with political, civil society and other stakeholders and conducting public lectures at various institutions.

#### **6.4.2 District Visits – CEPs and CCCs Induction and Briefing**

The Commissioners, in panels of twos and threes, supported by Programme Officers visited all the districts including Nairobi between January 21<sup>st</sup> and February 1<sup>st</sup> 2002. The purpose of the visits was to meet the 3Cs for briefing and strategizing on the way forward towards the constituency public hearings; to brief/induct and ascertain the suitability of the Civic Education Providers (CEPs); and to carry out on-site inspection of the Documentation Centres. The visits also provided an opportunity to the Commission to have a grasp of situation on the ground before further stages of the review process. The visits served as eye openers to mobilization and outreach especially with regard to planning future visits.

The National Mobilization and Outreach secretariat staff also conducted district visits in July 2002 to carry out monitoring, inventory and inspection of the District Documentation Centres and to discuss other administrative issues.

#### **6.4.3 Provincial Women’s Consultative Workshop**

In order to mobilize women for effective participation in the review process, the Commission organized provincial consultative workshops for women countrywide on 22<sup>nd</sup> and 28<sup>th</sup> March 2002. These workshops enabled the Commission to come up with strategies for the mobilization of women to present their views during hearings and to encourage women to address the “Women’s Specific Agenda” in the review process.

#### **6.4.4 District Coordinators Seminars**

Mobilization and Outreach organized four District Coordinators. The first District Coordinators’ Seminar was held on 3<sup>rd</sup> to 6<sup>th</sup> October 2001 at KCCT Mbagathi Nairobi. The Seminar aimed at training and inducting the Coordinators into the whole review process before taking their position at their various districts. The seminar focused on:

- ❑ Legislative Framework
- ❑ The Constitution of Kenya Review Act (Chapter 3 A)
- ❑ Civic Education curriculum and Proposals for Civic Education Programme
- ❑ Guidelines for Establishment of Constituency Constitutional Committees
- ❑ Roles and Functions of the Constituency Constitutional Committees
- ❑ Constitution of Kenya Review Coordinators’ Terms of Reference
- ❑ Establishment and Management of Documentation Centers
- ❑ Constitutional Issues and Questions for Public Hearings

The second District Coordinators Seminar on 11<sup>th</sup> and 12<sup>th</sup> March 2002 at KCCT Mbagathi Nairobi. The Objectives of the Seminar were to:

- ❑ Map out the way forward prior to the subsequent stages of civic education and public hearings;
- ❑ Look at the tools for monitoring and evaluation; strengthen the District Coordinators capacity for community mobilization and civic education provision
- ❑ Raise the coordinators' awareness on Constitution and gender issues in mobilization for constitution making
- ❑ Facilitate sharing of experiences by the Coordinators
- ❑ Strengthen the Coordinators' financial management and accounting skills
- ❑ Address administrative issues affecting Coordinators' operation in the field

The third District Coordinators Seminar was held on 12<sup>th</sup> and 13<sup>th</sup> of August 2002 at the Kenya School of Monetary Studies, Nairobi. The objectives of the Seminar were to:

- ❑ Review the constituency hearings process
- ❑ Discuss logistics of Dissemination and Deliberations on the Draft Report of the Commission Civic Education requirements for the Dissemination and Deliberations on the Draft Report of the Commission
- ❑ Train coordinators on the Rules and Regulations for the National Constitution Conference (NCC)
- ❑ Provide induct on the nomination of Delegates to the National Constitution Conference, and other related issues.

The fourth District Coordinators Seminar was held at the KCCT Mbagathi, Nairobi from 2<sup>nd</sup> – 4<sup>th</sup> October 2002. The objectives of the Seminar were to:

- ❑ Go through the Commission's Report and Draft Bill
- ❑ Discuss and come up with the best strategies for dissemination of the Commission's Report and Draft Bill
- ❑ Discuss mobilization plans for stimulating and facilitating public debates/forums and obtaining feed backs

#### **6.4.5 Public Hearings**

The Mobilization and Outreach facilitated and organized public hearings at various levels. The success of the public hearings was evidenced by the high turn out and attendance at the constituency constitutional forums and other Commission meetings



including submissions of memoranda via various sources such as print and electronic media.

### **Hearings and Presentation of the Ufungamano Memoranda**

The Commission organized for the hearing of the views from Ufungamano and the presentation of the memoranda and views that had been collected by the then Ufungamano Initiative on 20<sup>th</sup> December 2001. This was a strong indication of the support and trust for the merged review process by the Ufungamano group. Presentations included taped presentations, transcripts and video.

### **Provincial Hearings of the Organised Groups, Professional Bodies and Special Interest Groups**

The Commission visited the provinces from 10<sup>th</sup> December 2001 – 12<sup>th</sup> December 2002 for Public Hearings of organised groups. Groups from all the provinces were given an opportunity to make their submissions to the Commission. The aim of the hearings was to provide an opportunity for members of the public to present their views on the review process. The groups included professional bodies, political parties, non-governmental organizations and other civil society formations as well as those of experts and other individuals.

### **The Kencom Hearings of Organised Groups and Professional Bodies**

The Commission held public hearings at the Commission's head office at Kencom from December 2001 to August 2002. These were by appointment and they were equally open to members of the public and the press. Mobilization and Outreach had a crucial role in contacting groups to present views, placing appointments, drawing up programmes and handling the logistics. These sessions attracted several groups, from Nairobi and other parts of the country, making a lot of contribution towards the review process.

### **Pilot Phase Hearings**

The Commission carried out a Pilot Phase of the Constituency Public Hearings in 24 constituencies that were held between 28<sup>th</sup> February 2002 and 5<sup>th</sup> March 2002. The Commissioners visited these selected constituencies in panels of five. The Objectives of the Pilot Hearing were to:

- ❑ Collect views and memoranda from the public and organised groups
- ❑ Identify weak areas that the Commission was supposed to work on before the constituency hearings

- ❑ Evaluate the level of civic education achieved on the ground and determine gaps that required attention
- ❑ Test the guidelines drawn to govern the conduct of the Public Hearings

The pilot hearing provided evidence that civic education had not reached the expected grassroots level hence the need to embark on further civic education before embarking on any subsequent public hearings.

The hearings were largely successful in 21 out of 24 constituencies. Out of the following listed constituencies, only three failed due to political agitation on account of “lack of civic education”, and agitation by civic education providers who viewed the exercise as a source of long term funding.

#### **6.4.6 Constituency Hearings**

The Mobilization and Outreach ensured massive organization and mobilization of the public through the mass media, district coordination and constituency review structures between April and July 2002. Commissioners were panelled into 3 (three) and sometimes 4 (four) persons per panel. Commissioners visited at least two venues in all the constituencies. Some constituencies had three venues to ensure that all the constituents had access to the venues.

Mobilization and Outreach had a leading role in mobilizing the public to present views to the Commission, drawing of programmes, booking of venues and handling the logistics related to the hearings.

All the hearings in the eight provinces drew impressive participation indicating Kenyans eagerness to participate in the making of their new Constitution. A total of 35 413 oral and written submissions was received by the Commission by August 2002.

#### **6.4.7 Meetings with Special Groups**

The Commission held a series of meetings with several groups aimed at ensuring that all Kenyans regardless of their status were involved in the review process. These groups included:

- |                            |                    |
|----------------------------|--------------------|
| ❑ Religious Leaders        | ❑ The Media        |
| ❑ Children Organizations   | ❑ The Elderly      |
| ❑ People with Disabilities | ❑ Parliamentarians |

- ❑ Political Parties
- ❑ The Judiciary
- ❑ Minority Groups and Communities
- ❑ Social Movements and Groups
- ❑ Community Based Groups
- ❑ Women Organizations
- ❑ Labour organizations
- ❑ Mau Mau War Veterans
- ❑ Professional Organizations
- ❑ Business communities
- ❑ The Youth
- ❑ Lancaster House Veterans

#### **6.4.8 Workshops and Seminars**

The Commission held several workshops and seminars where both local and foreign experts presented papers detailing their experience gained from different parts of the world and on different issues of critical interest and relevance in the review process.

#### **6.4.9 Constituency Dissemination of the Report and Draft Bill**

The Commission was required under Section 27. (1) (a) to publish the report for the information of the public and distribute it through the documentation centers; the libraries run by the Kenya National Library Services throughout the country; and through the print and electronic media.

To ensure wider national debate and discussion of the Commission's Report and Draft Bill before the National Constitutional Conference, the Commission undertook to disseminate the report and Draft bill through the electronic and print media and visits to all the 210 constituencies. The Commissioners and Secretariat Program staff were divided into 36 panels to visit all the 210 Constituencies with the aim of disseminating the National Report and Draft Bill. This exercise was carried out between the 8<sup>th</sup> October 2002 and 18<sup>th</sup> October 2002.

District Coordinators were instructed to continue disseminating the National Report and Draft Bill through Civic Education Providers and other organized groups at the community level. The dissemination process is presented in Chapter 15 of this report

### **6.5 Organizing the National Constitutional Conference**

#### **6.5.1 District Delegates**

The Department played a pivotal role in the elections of the District Delegates to the National Constitutional Conference that were held on 17<sup>th</sup> September 2002 countrywide. The elections were preceded by training of Councillors who constituted the Electoral College for purposes of nominating and elections of district delegates to the National Constitutional Conference. The aim of the training was to sensitize Councillors on the Nomination and Election Rules, Regulations and Procedures for election of the District Delegates.

### **6.5.2 Nomination of Civil Society Representatives**

The Commission mandated selected groups from the civil society to organise the nomination of delegates to the National Constitution Conference within their respective categories in accordance with the section 27 of the Review Act. As a result, the Civil Society Organisations submitted their nominees to the Commission. The Commission scrutinized the lists submitted to ensure that they met the criteria provided for in the Act and Rules and Regulations.

### **6.6 Pre- Conference Activities**

The National Constitutional Conference (NCC) was scheduled to start on the 28<sup>th</sup> of October 2002. However, the dissolution of the Parliament on the 26<sup>th</sup> of October 2002 meant that Members of Parliament who formed one third (1/3) of the delegates became ineligible. The Commission after wide consultations postponed the Conference to 28<sup>th</sup> April 2003 at the Bomas of Kenya.

The Mobilization and Outreach Department was key to the general organization of the Pre-National Constitutional Conference activities from September 2002 to March 2003. These included Women's Delegates Workshop held on 22<sup>nd</sup> and 23<sup>rd</sup> October 2002 at Mbagathi. Similarly, a District Delegates Workshop took place at the same time. This was followed by an internal (expert) review of the Draft Bill Conference at the Bomas of Kenya in which all the delegates attended from the afternoon of Thursday 24<sup>th</sup> October 2002 to the evening of Sunday 27<sup>th</sup> October 2002. In April 2003, Mobilization and Outreach organized one day district delegates induction workshop in all the eight provinces and a workshop for Members of Parliament in Mombasa between 22<sup>nd</sup> and 25<sup>th</sup> April 2003. Other Organizations such as Kenya Women Political Caucus and FIDA had organized similar Delegates induction workshops in all provinces between February and March 2003.

The Mobilization and Outreach Department was also mandated with the planning, preparation and management of all the logistical needs of the National Constitutional Conference. They included:

- Accommodation for the District Delegates and other delegates who had come from outside Nairobi. They were accommodated at Bounty Hotel (South B), Six Eighty,

Boulevard Hotel and Meridian Court Hotel. At each hotel there was a resident officer from CKRC to look after the welfare of the delegates.

- ❑ Transport was provided to shuttle the delegates between their hotels and the conference venue.
- ❑ Arrangement for meals of delegates and staff
- ❑ Registration of delegates
- ❑ Special arrangements to cater for the needs of the disabled
- ❑ Management of entrances to the venue and ushering of delegates
- ❑ Preparing of budgets for the conference and payment schedule for delegates and staff
- ❑ Liaising with the Bomas of Kenya and Kenya Police on security of delegates and venue.

## **6.7 National Referendum**

The Commission in the absence of a consensus, was expected to submit the question or questions to the people for determination through a referendum, which was to be held within one month of the National Constitutional Conference. Mobilization and Outreach was given responsibility to help plan for the referendum in consultation with the Electoral Commission of Kenya.

## **6.8 Conclusion**

The review process posed major challenges to the Commission and particularly the Mobilization and Outreach Department charged with the responsibility of arranging all logistics for the review process. The main challenge faced was; timing, distances to be covered, poor road networks, breakdowns and harsh conditions on the ground and the political uncertainty of review process. Despite these challenges, Mobilization and outreach always had contingency plans in place to deal with any challenges and problems at hand.

## **CHAPTER SEVEN:**

### **THE RESEARCH PROCESS**

#### **7.1 Mandate**

The Constitution of Kenya Review Act (CAP. 3A) aimed to facilitate a comprehensive review of the Constitution by the People of Kenya. This entailed establishing a comprehensive and multi-level research system that would capture and generate coherent information necessary for achieving both the objects of the review and the mandate of the Constitution of Kenya Review Commission (CKRC) as outlined in Section 3 (a-k) and Section 17 (a-d (i-xvi)) respectively.

Section 17 (b and c) gave the Commission the responsibility to collect and collate the views of the people of Kenya, and to carry out or cause to be carried out such studies, research and evaluations concerning the Constitution and other Constitutions and constitutional systems. The CKRC research goal was therefore not only to provide a coherent and systematic understanding of the constitution making process and constitutional practice in Kenya, but also to create a framework for developing appropriate constitutional responses to sustainable national development needs of Kenya.

To ensure that the review process was accommodative of the diversity of views, and that the final outcome of the process truly reflected the wishes of the people, the Commission developed a research protocol, which outlined a range of activities required to secure the objects of the review. The idea was to create a research and analysis system that was capable of converting both internal and external sources of data into information, which would then be communicated in a form appropriate to various levels of the review process, especially the drafting of the Bill to alter the Constitution.

Thus, based on the wider context of the review process and the desire to come up with proposals for a constitution that faithfully reflected the aspirations and wishes of the people of Kenya, the research process:

- Maximized collection and storage of diverse and large masses of data that had hitherto not been coherently and systematically put together for both constitution and policy-making purposes,
- Necessitated efficient use of the available resources both within the Commission and outside for maximum generation of vital information for the constitution review and education purposes.
- Allowed flexibility in sequencing the research and information management including data collection, collation, analysis, utilization and dissemination for constitution review and other connected purposes.

#### **7.2 The Commission's Research Agenda**

The Constitution of Kenya Review Act section 5 (c) and (d) provided for the full and meaningful participation of the people of Kenya in the review process in order to make the

final outcome faithfully reflective of their wishes. However, in a political environment characterized by deeply rooted mistrust, suspicions and even open hostilities among different stakeholders, achieving this goal was not by any means easy. It therefore became necessary for the CKRC to establish clear research agenda that would make the review process technically sound, accountable, inclusive, open and promotive of national social learning. This was necessary for generating habits of rational and honest debate, to heal the divisions in society and settle differences through discussions and negotiations, to ensure a good and acceptable outcome and the strengthening of national unity and the national resolve in identifying and tackling the urgent problems facing Kenya.

Given the multi-dimensional nature of the constitution review process therefore, the CKRC's research agenda was:

- Based on an information collection, analysis and dissemination system that captured the diversity that characterizes the Kenyan society,
- Guided by a research and information system that ensured the legitimacy of the review process and drafting of the bill,
- Anchored on the need to generate comprehensive and coherent information that increased and engendered the possibility of developing a truly Kenyan Constitution, unique to the Kenyan situation,
- Able to draw from other countries' constitutional systems, constitutional practices and constitution making experiences, lessons and imperatives that were considered relevant to the review process.

### **7.2.1 Research Purpose**

The purpose was to collect, collate and analyze views of the people of Kenya, and to research into issues concerning the constitution, other constitutions and constitutional systems in order to come up with a comprehensive report identifying the issues and proposals to guide the drafting of the new constitution. The aim was to gather and consolidate intelligence, evidence and information with a view to making appropriate recommendations for the drafting of a new constitution bill, and for legislation, policy and structural/systemic changes.

### **7.2.2 The Specific Research Objectives**

The specific research objectives were:

1. To collect, collate and analyse views from the people of Kenya in order to facilitate comprehensive understanding of the people's proposals to alter the Constitution.
2. To analyse the constitutional development in Kenya, including the review and critique of the current constitution with a view to identifying gaps and issues to be addressed.
3. To examine the concept of public interest and public morality in the management of public affairs.
4. To study the relationships between the legal system and the constitution.
5. To study the relationship between the national development planning and policy development and the constitution (i.e. to formulate directive principles of state policy).

6. To carry out comparative studies of selected constitutions and constitutional systems from the Commonwealth, The newly industrialised Countries, United States of America, Latin America, India, Islamic, Scandinavian and other European countries.
7. To study the relationship between the regional (e.g. EA Community) and international policy, legal and development system and the constitution.
8. To carry out a comprehensive analysis of the national and international socio-political, economic and cultural context of constitutional practice in Kenya.
9. To examine the land, environment and natural resource governance and management systems.
10. To study the relationship between the traditional governance and leadership systems and the constitution.
11. To carry out a study on social security systems.
12. To examine the relationship between the state and the citizens.
13. To examine the ideological and ethical imperatives for constitutional practice.
14. To examine the functional roles, linkages and relationships between the organs of state (judiciary, executive and legislature) as well as those of the civil society.
15. To examine the public finance and (multiple) accountability systems.
16. To carry out comparative analysis of structures and systems of government e.g. the unitary, and federal, and the parliamentary and presidential ones etc.
17. To examine the influence of globalisation, international finance and technology.
18. To examine the property rights and succession and their influence on women and children, other disadvantaged and minority groups.
19. To examine and review the local government system and devolution in Kenya.
20. To examine and review the gender question and equal opportunity initiatives in context of the Constitution in Kenya.
21. To examine ethnicity, culture, the nation-state and communal rights to the rights of the people to organise and participate in cultural activities.
22. To evaluate the importance and role of a national value system, principles and philosophy in nation-building and constitution making.
23. To study the systems and institutional mechanisms for constitutional administration and the enforcement of constitutional order.
24. To analyse mechanisms for securing, protecting and enforcing fundamental human and basic rights and freedoms.
25. To analyse the role of political parties in the political system.
26. To study the electoral systems and processes.
27. To study the mechanisms and principles for managing succession, transfer of power and transitional justice and security.
28. To define the role of the republic in treaty making, treaty implementation and observance of obligations under international law.
29. To examine national and international security and defense.
30. To analyse the public information management system and disclosure policy.
31. To publish and disseminate the draft report through a series of regional and national workshops to build consensus on the issues and recommendations for the design of the new constitution.
32. To facilitate the drafting and finalisation of the review report towards the enactment of the new constitution bill.



### 7.3 Structure and Organization of the Research Process

Under the guidance of the Deputy Secretary, Ms Pauline Nyamweya and the Chairman of the Research, Drafting and Technical Support Committee, Professor H.W.O. Okoth-Ogendo, three Programme Officers namely Charles Oyaya, Eunice Gichangi and Achieng' Olende facilitated the research function of the Commission. The following 10 Research Assistants/Assistants Program Officers assisted the Program Officers in charge of Research.

1. Sylvia Nyaga
2. Nixon Ogira
3. Japheth Tirop
4. Stephen Mukaindo
5. Wycliffe Owade
6. Maurice Ole Raria
7. Liz Kingi
8. Noor Awadh
9. Catherine Mburu
10. Jackie Obiero
11. Grace Wakio

Both the Program Officers and Research Assistants were responsible for specific Thematic Task Forces constituted by the Research, Drafting Committee and Technical Support Committee under which much of the analysis and report writing took place. The members of the Research, Drafting and Technical Support Committee were as follows:

**Table 1: Members of the Research, Drafting and Technical Support Committee**

	<b>Commissioners</b>	<b>Title</b>
1	Prof. HWO Okoth-Ogendo	Chairman of the Committee
2	Baraza, Nancy Makokha	Commissioner
3	A.O. Adede	Commissioner
4	Riunga Raiji	Commissioner
5	Kangu, John M.	Commissioner
6	Tobiko, Keriako	Commissioner
7	Adagala, Kavetsa	Commissioner
8	Njoroge, Bishop Kariuki	Commissioner
9	Prof. Kabira, Wanjiku	Commissioner
10	Dr. Muigai, Githu	Commissioner
11	Dr. Mosonik arap Korir	Commissioner
12	Hassan, Ahmed Issack	Commissioner
13	Lenaola, Isaac	Commissioner
14	Prof. Ghai Yash Pal and later Mrs. Abida Ali-Aroni	Chairperson of the Commission
15	Hon. Wako, Amos	Ex-Officio (Attorney General)
16	Lumumba, Patrick L.O.	Commissioner

The Research, Drafting and Technical Support Committee ensured that the reports were properly written and edited for internal consistency and approved reports before presentation to the Plenary for deliberation while the Technical Task Forces:

- ❑ Provided foci for discussions and debate among the Commissioners
- ❑ Incubated concrete proposals
- ❑ Scrutinized and reviewed the reports
- ❑ Provided technical backup and oversight to the research staff team

The Chairman of the Commission, Prof. Yash P. Ghai, the Chairman of the Research, Draft and Technical Support Committee, Prof. Okoth-Ogendo, the Commission Secretary, PLO Lumumba and the Deputy Secretary in charge of Research, Drafting and Technical Support, Ms Pauline Nyamweya provided overall technical oversight and guidance to the research staff team and ensured enabling environment for the research process.

### 7.3.1 Thematic Task Forces

The Research, Drafting Committee and Technical Support Committee established six Thematic Task Forces to guide and facilitate the research process on various issues including comparative analysis in the context of other countries and their experiences. The Task Forces after deliberation on the research reports tabled them to the Research, Drafting & Technical Support Committee. Finally the reports were presented at plenary for adoption or revision. The Task Forces were formed to tackle various topical issues and their composition as shown below in Table 1:

**Table 1: Composition of Thematic Task Forces**

THEMATIC TASK FORCE		Commissioners
Task Force	Program staff	
Thematic Task Force One: Constitutive Process	Sylvia Nyaga	Dr. Githu Muigai – <b>Convener</b> Ms. Kavetsa Adagala Pasotr Zablon Ayonga
Thematic Task Force Two: State and Political System	Charles Oyaya Nixon Ogira Japheth Tirop	Mr. Mutakha Kangu – <b>Convener</b> Prof. Idha Salim Mrs. Alice Yano Dr. O. Adede Bishop Njoroge Kariuki
Thematic Task Force Three: Organs and Levels of Government	Stephen Mukaindo Wycliffe Owade Maurice Ole Raria Charles Oyaya	Dr. Charles Maranga Bagwasi - <b>Convener</b> Dr. Mosonik arap Korir Hon. Phoebe Asiyo Mr. Domiziano Ratanya
Thematic Task Force Four: The Bill of Rights	Achieng’ Olende Liz Kingi	Ms. Nancy Baraza - <b>Convener</b> Ms. Salome Muigai Mr. Ibrahim Lethome Mr. Paul Musili Wambua
Thematic Task Force Five:	Noor Awadh Catherine Mburu	Dr. Abdirazak Arale Nunow - <b>Convener</b> Dr. Mohammed Swazuri

<b>THEMATIC TASK FORCE</b>		<b>Commissioners</b>
<b>Task Force</b>	<b>Program staff</b>	
Natural and National Resources	Charles Oyaya	Mr. Isaac Lenaola Mrs. Abida Ali-Aroni
Thematic Task Force Six: Management of Constitutionality	Eunice Gichangi Jackie Obiero Grace Wakio	Prof. Wanjiku Kabira - <b>Convener</b> Mr. Ahmed Isack Hassan Mr. Riunga Raiji Mr. Keriako Tobiko

## **7.4 Research Approach**

The actual research involved practically collecting, organizing, consolidating, analyzing and making use of the mass of information generated from various sources in the review process. This was both technically complex and energy sapping. This became especially so when the information was to be used to achieve broad purposes such as developing a new constitution that must reflect the wishes of the greater majority of the people of Kenya.

### **7.4.1 Collaborative Approach**

The research process adopted an inclusive, participatory, multi-dimensional and open-ended approach aimed at meeting the broad goals of the constitution review process. The research design was intended to reflect the need to ensure that the people of Kenya actively, freely and meaningfully participated in generating and debating proposals to alter the constitution, and that the final outcome of the process faithfully reflected their wishes (section 5(c) (i) (d)).

### **7.4.2 Methods of Information Gathering**

Based on the objectives and the multiplicity of approaches that were to be adopted, the research used varied methods of data collection, namely:

- Library and electronic methods of searching and gathering secondary or documented data from such sources as libraries, information resource centres, public registries, web-sites, and other institutional and individual sources of secondary information.
- Open fora for public consultations and hearings in which people and organisations openly, directly and freely aired their views and made proposals for constitutional change. This method entailed spontaneous and free talk among the participants on themes considered important to the constitution review purpose. The discussions were recorded verbatim and notes taken. During the open fora, each participant was given the opportunity to speak, ask questions and comment on any issues arising based on the Issues and Questions prepared by the Commission. The Commissioners moderated the session and had the responsibility of keeping the group focused on the issues at hand;

encouraging participants to speak freely; creating a supportive and enabling atmosphere; and listening and probing at times when it was necessary. Primarily, *issues and questions* booklet was used to elicit information from the participants.

- Expert contributions were obtained through seminars, lectures, workshops and conferences. The papers and discussions during these sessions defined the key issues and laid the basis for recommendations.

### **7.4.3 Instruments of Information Collection**

The basic aim of the data collection process was to attempt to ensure that the information collected and compiled for analysis was as close to reality as possible. The process involved a sequence of transfers at every stage of which there was a potential source of error. Minimizing the errors and improving the quality of information depended to a large extent on the instruments used to collect the information, which were:

- A checklist of *Issues and Questions for Public Hearings* which was developed and widely distributed through the newspapers and as an independent publication. The public to prepare memoranda and oral presentations used this.
- Dicta-phones.
- Video recordings.

### **7.4.4 Quality Control**

Before the responses and other data records were coded and passed on for entry and analysis, the information collected had to undergo thorough checks and editing by the research team-the aim being to test for internal consistency of the recorded data and to eliminate and minimize omissions.

As one of the quality control measures, the research team met periodically to discuss the emerging trends, problem areas and alternative explanations.

## **7.5 Scope of the Research**

Essentially, the research covered the whole country targeting all communities and institutions through the provincial, national, and constituency hearings and fora for specialised groups. The research also targeted international and local experts. Relevant literature pertaining to the Kenyan Constitution, and other constitutions, and constitutional systems were also reviewed.

### **7.5.1 Checklist of Research Issues and Areas**

The research addressed constitutional and policy issues and identified gaps in diverse areas and subjects. Some of these included:

- Conceptual and functional definition of the constitution.
- Historical development of constitutional practice in Kenya.
- Preamble, principles, values and philosophy.

- ❑ Public interest and public morality.
- ❑ Directive principles of state policy and planning.
- ❑ Constitutional supremacy.
- ❑ Citizenship and relations between the state and citizens.
- ❑ Defense and national and international security.
- ❑ Political system and political parties.
- ❑ Structures and systems of government.
- ❑ The legislature.
- ❑ The executive.
- ❑ The judiciary.
- ❑ The civil society.
- ❑ Local government and devolution.
- ❑ The electoral system and process.
- ❑ Human and basic rights.
- ❑ Rights of minority and vulnerable groups.
- ❑ The gender question.
- ❑ The socio-political, cultural, economic, and international/regional context of the constitutional practice in Kenya.
- ❑ Ideology and ethical issues.
- ❑ Property rights and succession.
- ❑ Culture, ethnicity, communal rights and traditional leadership.
- ❑ Constitutional imperatives for national development planning and policy.
- ❑ Economy, public finance and (multiple) accountability, including systems for ensuring transparency and accountability.
- ❑ Management and use of national resources.
- ❑ Land, environment and natural resources governance and management.
- ❑ Participatory governance mechanisms and processes.
- ❑ Treaty making, international treaty implementation and observance of international law regional and international relations.
- ❑ Globalisation, international finance and technology.
- ❑ Institutional mechanisms for constitution administration, enforcement and monitoring management of constitutionality.
- ❑ Mechanisms and principles for managing succession transfer of power and transitional justice and security.
- ❑ Social security systems.
- ❑ The legal system and the constitution.
- ❑ Comparative analysis of selected constitutions and constitutional systems
- ❑ Information management and disclosure policy.

## **7.6 Commissioned Studies**

The Commission organized for further consultations on various areas that needed more professional attention. Some of these consultations included Public Finance, Human Resource Development, Devolution, and Mixed-Member Proportional System of governance. This involved the Commission conducting specific research activities that included:

- ❑ The legal system and the constitution
- ❑ The national development policy and planning system and the constitution.
- ❑ The traditional governance and leadership systems and the modern state constitutional practice.
- ❑ The social security systems
- ❑ Functional roles of, and linkages and relationships between the organs of state (judiciary, executive and legislature) and the civil society
- ❑ The influence of globalisation, international finance and technology
- ❑ Local government system and devolution in Kenya
- ❑ Political parties and political system
- ❑ Managing succession, transfer of power and transitional justice and security
- ❑ Public information systems and disclosure policy
- ❑ Muslim women and the legal process

## **7.7 Framework Of Analysis**

The analysis and presentation of information was done at four levels, which were all mutually inclusive.

The key approach taken was to build a logical chain of analysis in which issues, gaps, conclusions and recommendations made were supported by evidence derived from the literature (Seminar papers and Reports), public hearings (views of Kenyans) and other sources of information such as comparative experiences.

### **7.7.1 Contextual Analysis**

Historical and contemporary issues that led, and/or informed the constitutional review process as well as the national and international context of the review process itself were carefully researched and analysed. This is what is presented in Part I of Volume I of the National Report

### **7.7.2 Situational, Conceptual and Comparative Analysis**

This aspect involved analysis of the CKRC Mandate, existing provisions of the current constitution, comparable provisions in other constitutions/comparative political experiences, CKRC seminar papers and other relevant literature in accordance with the Thematic Task Force arrangements. This aspect together with empirical analysis of the views of Kenyans formed Part II of Volume I of the National Report.

Contextual, conceptual and comparative research and analysis provided the basic theoretical foundation upon which the empirical analysis of views and popular perceptions of Kenyan people were conducted.

### **7.7.3 Collation, Analysis and interpretation of the Views of Kenyans**

This aspect involved collation, analysis and interpretation of the views of Kenyans using the Data Runs (Matrix A and B) assembled by the Data Analysis Team.

- ❑ Matrix A presented data on the basic information of presenters of views

- Matrix B presented data on the issues and recommendations raised in accordance with the CKRC Issues and Questions for Public Hearings and the Thematic Task Force Framework.

The process of empirical analysis of the views of Kenyans largely took qualitative approach involving:

- Conceptual clustering of data by bringing together data according to the thematic areas, sub themes and topics
- Content analysis of data using the issues and questions according to the thematic areas, sub themes and topics
- Descriptive Analysis: If deemed necessary a certain level of descriptive analysis would be conducted based on the summary responses recorded in both matrix A and B. This would simply involve generation of frequencies
- Graphic presentation: Where necessary graphic presentation of the data would be used.

It should be remembered that the Constitution of Kenya Review Act required that the final outcome of the review process faithfully reflected the wishes of Kenyan people (Section 5(c) (i) (d)).

The analysis of the views of Kenyans formed the empirical foundation of the National Report and the draft Bill to alter the Constitution.

#### **7.7.4 Commission's Conclusions and Recommendations**

This aspect drew from and built upon contextual, conceptual, comparative and empirical analysis outlined above and formed the basis for inclusive debate by the Commission and the drafting of the new Constitution.

#### **7.8 Challenges and Lessons**

Some of the challenges faced by the research team were directly attributed to low staffing and limited access to computers and to Internet facilities (in the case of the Research Assistants). However these factors did not deter the Research Team from meeting its goals, and all resources available were put into proper and efficient use to achieve the objectives as reflected in the Review Act.

The Commission received a great deal of information from around the country and elsewhere. The information was very diverse, ranging from bitter complaints about the deteriorating economy, bad governance and poor leadership, to specific proposals in all aspects touching on the livelihoods of Kenyans. This was a big challenge to the Commission especially with regard to designing an analytical framework that would form the basis for drafting.

The research process was also faced with differing opinions and ideological approaches among Commissioners with regard to various issues. In the end, there was always consensus and the Commission completed its task as scheduled. Commissioners remained focused on their mission despite such differences in opinion.

In executing the research function of the review process, the Commission learnt a lot of lessons. Firstly, that one should always do their best to carry on the responsibilities mandated to them, irrespective of political interferences or pressure from within or without. Furthermore, teamwork was found to be an essential aspect in any organization when it came to decision-making process. This was seen through the various Commission Plenary meetings and thematic task force discussions held at different levels of the review process.

The gathering information from the public enabled the Commission to learn the following lessons:

- Different parts of Kenya needed to be approached differently. Pilot hearing should not have concentrated on areas around Nairobi only.
- The electronic and Print media is inaccessible to many areas in Kenya so alternative methods of communications should have been adopted.
- Due to diverse religions, affiliations, neutral venues e.g. open air, stadia, halls, should have been used for public hearings rather than churches, mosques, and even some schools.
- Kenyans know what they want. Their anxiety for change was unambiguous.  
*"It was obvious there is a great deal that unites Kenyans in their views on where the nation is now, what went wrong in the past and what the future should be like"*<sup>6</sup>
- Kenyans expectations were very high. The new constitution was perceived as a panacea to multifaceted ills that have bedeviled the nation. The exercise was characterized by high enthusiasm and expectations reminiscent of the euphoria in 1963-1969. To many Kenyans, the Review process heralded a second liberation.
- Majority of presenters were common wananchi. The elites did not participate fully in the hearing processes as may have been expected.
- Timing and days of hearing were not suitable for some groups. Weekend hearings would have enabled urban elites to take active part.
- The Commissioners noted with concern the glaring disparity in the socio-economic development between different regions of the country.

*" .....Commissioners found people struggling with lack of almost everything needed for a decent life..... They found a nation which the existing system of government and constitution, have grievously let down"*<sup>7</sup>

While many Kenyans are impoverished and languish in the vagaries of poverty (60% of Kenyans live below the poverty line - on less than US \$ 1 days), few flourish in flagrant affluence. It has been argued that discrepancies of wealth in Kenya are among the most extreme in the world! For instance, Kyunga Island with a population of 10,000 has one school only! Worse still, residents live in perpetual fear of bandit attacks. Kenyans in Ileret (North Horr) lack necessities including clothing!

## **7.9 Conclusions**



The research process was a long, continuous, fun-filled and exciting exercise. It is the research process that formed the basis of the entire review process; in fact it was the “backbone” of the review process. Despite the fact that the Commission had to undergo a lot of pressure from both the former government and some judicial officers, it was able to produce the draft report and draft bill as per the scheduled time. Although the process was hurried, both the draft report and the bill were disseminated to Kenyans and their reactions taken into consideration.

One important thing that manifested during the dissemination of the draft bill was that the public needed another round of civic education in order to internalize the differences in the current constitution from the provisions in the draft bill.

## **CHAPTER EIGHT:**

### **EXPERT CONSULTATIONS AND SEMINARS**

#### **8.1 Mandate**

The Commission had a mandate to organize public lectures, seminars, workshops and expert consultation for purposes of stimulating discussion of, and awareness on topical constitutional issues considered under the Constitution of Kenya Review Act.

Although the basic idea behind the public lectures, seminars, workshops and consultations was to enable the Commission and public to examine, debate and discuss constitutional issues and share experiences from other parts of the world, they also provided vital information and insights on the process of constitutional change. The information and insights that they provided therefore not only enriched participation and involvement of the people but also generated ideas about the constitution making process.

#### **8.2 Organization and Program of Seminars**

The seminars were organized through Research, Drafting & Technical Support Committee. These seminars were aimed at seeking views and proposals from various experts (local and foreign) and organisation in identified areas of interest. The purpose of the seminars, workshops or conferences was to:

- Enable the Commission understand and contextualize the various concepts, processes and modalities set out in the Constitution of Kenya Review Act, and
- Identify issues, strategies and recommendations to inform the review process.

The papers presented and discussions conducted at the seminars were also aimed at identifying the key constitutional issues, recommendations and way forward.

Table 2 below presents a summary of the workshops, seminars and/public lectures organized by the Commission at various stages of the review process.

**Table 2: Summary of the Workshops, Seminars and/Public Lectures Organized by the Commission**

<b>Paper Presented</b>	<b>Topic Of Discussion</b>	<b>Presenter</b>	<b>Date</b>	<b>Venue</b>
<b>Interpretation Of CKRC Mandate (9<sup>th</sup>-15<sup>th</sup> Sep 2001)</b>	Constitutional Reform In Kenya: Basic Constitutional Issues And Concepts	Prof. J. B. Ojwang	10 <sup>th</sup> Sep 2001	Mombasa Beach Hotel, Mombasa.
	Kenya's Constitutional History	Prof. Godfrey Muriuki And Mr. M. Musembi	10 <sup>th</sup> Sep 2001	Mombasa Beach Hotel, Mombasa.
	Territory Citizenry And National Philosophy In A Constitution	Mr. P. L. O. Lumumba	10 <sup>th</sup> Sep 2001	Mombasa Beach Hotel, Mombasa.
	Internal And External Security And National Borders	Lt. Col. Jan Kamenju	10 <sup>th</sup> Sep 2001	Mombasa Beach Hotel, Mombasa.
	Political Parties As Constitution Organs By Walter	Walter O. Oyugi	11 <sup>th</sup> Sep 2001	Mombasa Beach Hotel, Mombasa.
	Theory Of Government	Dr. Harry Ododa	11 <sup>th</sup> Sep 2001	Mombasa Beach Hotel, Mombasa.
	Constitution Making: A Normative Or Sociological Approach	Prof. Henry Mwanzi	11 <sup>th</sup> Sep 2001	Mombasa Beach Hotel, Mombasa.
	Organs Of Government: The Executive And Public Service Needs	Hon. Saulo Busolo	11 <sup>th</sup> Sep 2001	Mombasa Beach Hotel, Mombasa.
	Parliament As An Organ Of Government	Hon. Oloo Aringo	11 <sup>th</sup> Sep 2001	Mombasa Beach Hotel, Mombasa.
	Organs Of Government	Prof. J. B. Ojwang	11 <sup>th</sup> Sep 2001	Mombasa Beach Hotel, Mombasa.
	Devolution Of Power	Mr. Julius Kipng'etich And Mr. Kichamu Akivaga	12 <sup>th</sup> Sep 2001	Mombasa Beach Hotel, Mombasa.
The Electoral Process In Kenya	Hon. Mr. Samuel Kivuitu	12 <sup>th</sup> Sep 2001	Mombasa Beach Hotel, Mombasa.	

<b>Paper Presented</b>	<b>Topic Of Discussion</b>	<b>Presenter</b>	<b>Date</b>	<b>Venue</b>
	Electoral Systems	Dr. Peter Wanyande	12 <sup>th</sup> Sep 2001	Mombasa Beach Hotel, Mombasa.
	Ethics And Ideology In A Constitution	Prof. Vincent G. Simiyu	12 <sup>th</sup> Sep 2001	Mombasa Beach Hotel, Mombasa.
	The Role Of Culture, Ethics And Ideology In A Constitution	Dr. Naomi Kipuri	12 <sup>th</sup> Sep 2001	Mombasa Beach Hotel, Mombasa.
	Civil Society As Constitutional Organs	Mr. Oduor Ong'wen	12 <sup>th</sup> Sep 2001	Mombasa Beach Hotel, Mombasa.
	Civil Society As Constitutional Organs	Mr. Abdulrahman M. Wandati	12 <sup>th</sup> Sep 2001	Mombasa Beach Hotel, Mombasa.
	Environmental Rights And Duties In The Context Of Management Of National Resources	Prof. Charles Okidi And Prof. Joseph Kimwa	12 <sup>th</sup> Sep 2001	Mombasa Beach Hotel, Mombasa.
	Constitutional Issues Relating To Natural Resources	Dr. Albert Mumma	12 <sup>th</sup> Sep 2001	Mombasa Beach Hotel, Mombasa.
	Management Of Public Finance	Julius Kipngetich	12 <sup>th</sup> Sep 2001	Mombasa Beach Hotel, Mombasa.
	Address To CKRC On Constitutionalization Of Foreign Policy And Diplomatic Relations	Hon. Dr. Bonaya Godana	13 <sup>th</sup> Sep 2001	Mombasa Beach Hotel, Mombasa.
	Domestication Of International Obligations	Prof. A. Oduogo Adede	13 <sup>th</sup> Sep 2001	Mombasa Beach Hotel, Mombasa.
	Basic Needs And Basic Rights: A Rights Based Approach To Poverty Reduction	Mr. Apollo Mboya	13 <sup>th</sup> Sep 2001	Mombasa Beach Hotel, Mombasa.

<b>Paper Presented</b>	<b>Topic Of Discussion</b>	<b>Presenter</b>	<b>Date</b>	<b>Venue</b>
	Engendering Governance Through The Constitutional Review Process	Prof. Maria Nzomo	13 <sup>th</sup> Sep 2001	Mombasa Beach Hotel, Mombasa.
	International Conventions Of The Rights Of Children	Lee G. Muthoga And Hon. Justice Mrs. Effie Owour	13 <sup>th</sup> Sep 2001	Mombasa Beach Hotel, Mombasa.
	African Charter On The Rights And Welfare Of The Children	(ANPPCAN) Nairobi, Kenya	13 <sup>th</sup> Sep 2001	Mombasa Beach Hotel, Mombasa.
	Incorporating Women's Rights Into The New Constitution	Mrs. Judy Thongori	13 <sup>th</sup> Sep 2001	Mombasa Beach Hotel, Mombasa.
	Constitutionalization Of The Rights Of Minorities & Marginalized	Hon. Mr. Farah Maalim And Hon. Mr. D. E. Ethuro	13 <sup>th</sup> Sep 2001	Mombasa Beach Hotel, Mombasa.
	Rights Of Persons With Disabilities	Dr. Michael M. Ndurumo	13 <sup>th</sup> Sep 2001	Mombasa Beach Hotel, Mombasa.
	Constitutionalization Of The Rights Of People With Disabilities In Kenya	Hon. Josephine Sinyo	13 <sup>th</sup> Sep 2001	Mombasa Beach Hotel, Mombasa.
	Succession Of Leadership, Transfer Of Power And Post Incumbency Arrangements	Hon. George M. Anyona, Hon. Dr. Mukhisa Kituyi, Mr. Phillip Ochieng' And Rev. Dr. Mutava Musyimi	14 <sup>th</sup> Sep 2001	Mombasa Beach Hotel, Mombasa.

<b>Paper Presented</b>	<b>Topic Of Discussion</b>	<b>Presenter</b>	<b>Date</b>	<b>Venue</b>
	Building On The Lancaster House Experience	Mr. G. Nthenge, Hon. Mr. Fritz S. De Souza, Hon. Joseph Shikuku, Hon. Dr. Jeremiah Nyagah, Hon. Dr. Taitta Arap Towett, Hon. Dr. J. Gikonyo Kiano, Hon. Mr. Dennis Akumu, Hon. Mr. Robert Matano, Hon. Mrs. Priscilla Abwao, Hon. Mr. John Keen, Hon. Mr. Sheikh A. Nasir, Hon. Mr. R. Achineg' Oneko, Hon. Mr. W. Murgor.	14 <sup>th</sup> Sep 2001	Mombasa Beach Hotel, Mombasa.
<b>Independence Constitution (27<sup>th</sup>-28<sup>th</sup> Sep 2001)</b>	The Structure And Values Of The Independence Constitution	Dr. Githu Muigai	27 <sup>th</sup> Sep 2001	AFC Training Centre, Langata, Nairobi.
	The Politics Of Constitutional Change In Kenya Since Independence	Prof. H.W.O. Okoth-Ogendo	27 <sup>th</sup> Sep 2001	AFC Training Centre, Langata, Nairobi.
	The Strengthening Of The Unitary State	Mr. Mutakha Kangu	28 <sup>th</sup> Sep 2001	AFC Training Centre, Langata, Nairobi.
	Amending The Constitution	Dr. Githu Muigai	28 <sup>th</sup> Sep 2001	AFC Training Centre, Langata, Nairobi.
	The Manipulation Of The Constitution Of Kenya	Prof. Macharia Munene	28 <sup>th</sup> Sep 2001	AFC Training Centre, Langata, Nairobi.
	Constitutional Development In Kenya: A Historical Perspective	Prof. Macharia Munene	28 <sup>th</sup> Sep 2001	AFC Training Centre, Langata, Nairobi.

<b>Paper Presented</b>	<b>Topic Of Discussion</b>	<b>Presenter</b>	<b>Date</b>	<b>Venue</b>
	Political Coalitions And Mergers In Kenyan History	Prof. Macharia Munene	28 <sup>th</sup> Sep 2001	AFC Training Centre, Langata, Nairobi.
<b>Seminar On The Gender Question (5<sup>th</sup> – 8<sup>th</sup> Dec 2001)</b>	Gender Considerations In Constitution-Making: Making A Case For The Recognition Of Women's Rights	Dr. Patricia Kameri-Mbote.	5 <sup>th</sup> Dec 2001	Safari Park Hotel, Nairobi.
	The Socio-Cultural Aspects Of The Gender Question	Prof. Jacqueline Oduol	5 <sup>th</sup> Dec 2001	Safari Park Hotel, Nairobi.
	Christian Feminism	Prof. Sister Anne Nasimiyu	5 <sup>th</sup> Dec 2001	Safari Park Hotel, Nairobi.
	Islam And Women's Rights	Ms. Saudah Namyalo	7 <sup>th</sup> Dec 2001	Safari Park Hotel, Nairobi.
	National Experiences On Women And Constitution-Making	Hon. Zipporah J. Kittony	7 <sup>th</sup> Dec 2001	Safari Park Hotel, Nairobi.
	Gender In The African Traditional Context	Prof. Monica Mweseli	7 <sup>th</sup> Dec 2001	Safari Park Hotel, Nairobi.
	Engendering The Kenyan Constitution: Political And Economic Aspects	Prof. Maria Nzomo	7 <sup>th</sup> Dec 2001	Safari Park Hotel, Nairobi.
	Models Of Affirmative Action For Women	Dr. Ruth Kibiti	8 <sup>th</sup> Dec 2001	Safari Park Hotel, Nairobi.
	National Experiences And Challenges On Women With Disabilities And Constitution-Making	Hon Josephine Sinyo	8 <sup>th</sup> Dec 2001	Safari Park Hotel, Nairobi.

<b>Paper Presented</b>	<b>Topic Of Discussion</b>	<b>Presenter</b>	<b>Date</b>	<b>Venue</b>
	Gender Considerations In Constitution-Making: Engendering Women's Rights In The Legal Process	Dr. Patricia Kameri-Mbote	8 <sup>th</sup> Dec 2001	Safari Park Hotel, Nairobi.
	National Experiences On Women And Constitution-Making	Dr. Julia Ojiambo	8 <sup>th</sup> Dec 2001	Safari Park Hotel, Nairobi.
<b>Seminar On Devolution Of Power (13<sup>th</sup>-14<sup>th</sup> Dec 2001)</b>	Majimboism: The Scottish Experience	Hon. Lord Steel	2 <sup>nd</sup> Aug 2001	Teleposta Conference Centre, Nairobi
	Modes Of Devolution	Richard Simeon	13 <sup>th</sup> Dec 2001	Safari Park Hotel, Nairobi
	Federalism And Diversity In Canada	Ronald L. Watts	13 <sup>th</sup> Dec 2001	Safari Park Hotel, Nairobi
	Structure Of Government And The Scope And Method Of Division Of Power	Dr. Peter Wanyande	13 <sup>th</sup> Dec 2001	Safari Park Hotel, Nairobi
	Providing A Constitutional Framework For Intergovernmental Relations: The South African Model	Christina Murray	13 <sup>th</sup> Dec 2001	Safari Park Hotel, Nairobi
	Considerations On The Design Of Federations: The South African Constitution In Comparative Perspective	Richard Simeon	13 <sup>th</sup> Dec 2001	Safari Park Hotel, Nairobi



<b>Paper Presented</b>	<b>Topic Of Discussion</b>	<b>Presenter</b>	<b>Date</b>	<b>Venue</b>
	Decentralization And Greater Regional Autonomy For More Efficient Management: Fiscal, Resource Distribution And Related Issues	Gerrishon K. Ikiara	14 <sup>th</sup> Dec 2001	Safari Park Hotel, Nairobi
	Draft Report Majimbo/Devolution Debate	Institute Of Economic Affairs	14 <sup>th</sup> Dec 2001	Safari Park Hotel, Nairobi
	The Pros And Cons Of Federalism: Comparative Experiences	Ronald L. Watts	14 <sup>th</sup> Dec 2001	Safari Park Hotel, Nairobi
	Three Perspectives On Devolution: Democracy, Performance, Diversity	Richard Simeon	14 <sup>th</sup> Dec 2001	Safari Park Hotel, Nairobi
	Democratic Party Of Kenya's Position On The Majimbo Debate: The Case For A Unitary State	Kiraitu Murungi	14 <sup>th</sup> Dec 2001	Safari Park Hotel, Nairobi
<b>Seminar On Culture, Ethics And Ideology (7<sup>th</sup> – 8<sup>th</sup> Feb 2002)</b>	Women And Constitution Making In Uganda	Hon. M.R.K. Matembe		Safari Park Hotel, Nairobi.
	Women And Constitution Making: South African Experiences			Safari Park Hotel, Nairobi.
	Islamic Experiences In Women And Constitution Making	Dr. Abdullahi Ahmed An-Na'im		

<b>Paper Presented</b>	<b>Topic Of Discussion</b>	<b>Presenter</b>	<b>Date</b>	<b>Venue</b>
	Engendering The Kenya Constitution: Domestication Of International Commitments And Building On Existing National Gains	Nyaradzi Gumbonzvanda		
	Building On The Indigenous In Constitution Making	Prof. Bethwell A. Ogot	7 <sup>th</sup> Feb 2002	The Great Rift Valley Lodge, Naivasha.
	Culture As A Lived Experience	A.B.C. Ocholla-Ayayo	7 <sup>th</sup> Feb 2002	The Great Rift Valley Lodge, Naivasha.
	The Heritage Factor In The Constitution	Dr. Sultan H. Somjee	7 <sup>th</sup> Feb 2002	The Great Rift Valley Lodge, Naivasha.
	Recognising And Respecting Cultural Diversity In The Constitution	Dr. Winnie V. Mitullah	7 <sup>th</sup> Feb 2002	The Great Rift Valley Lodge, Naivasha.
	Ethics And Living Values In Constitution	John W. B. Owigar	8 <sup>th</sup> Feb 2002	The Great Rift Valley Lodge, Naivasha.
	The Ethical And Ideological Basis Of A Constitution	Prof. Joseph Nyasani	8 <sup>th</sup> Feb 2002	The Great Rift Valley Lodge, Naivasha.
	Statement On Culture, Ethics And Ideology In Relation To Gender Equality	Dr Achola Pala Okeyo	8 <sup>th</sup> Feb 2002	The Great Rift Valley Lodge, Naivasha.
	Culture, Ethics And Ideology: The Gender Implications	Dr. Ruth N. Kibiti	8 <sup>th</sup> Feb 2002	The Great Rift Valley Lodge, Naivasha.
	Constitution Making – Uganda’s Experience	Hon. J. F. Wapakhabulo	8 <sup>th</sup> Feb 2002	The Great Rift Valley Lodge, Naivasha.

<b>Paper Presented</b>	<b>Topic Of Discussion</b>	<b>Presenter</b>	<b>Date</b>	<b>Venue</b>
<b>Seminar On Electoral Systems And Political Parties Seminar Papers</b>  <b>(19<sup>th</sup>- 20<sup>th</sup> Mar 2002)</b>	The Electoral Process In A Democratic Society, The Kenya Experience	S. M. Kivuitu	19 <sup>th</sup> Mar 2002	Serena Hotel, Nairobi
	Electoral System Design In Kenya	Andrew Reynolds	19 <sup>th</sup> Mar 2002	Serena Hotel, Nairobi
	Comparative Electoral Systems: The German Experience	Dr. Christof Hartmann	19 <sup>th</sup> Mar 2002	Serena Hotel, Nairobi
	The Organisation And Observation Of Elections In Kenya: Lessons Learnt And The Way Forward	Grace Githu	19 <sup>th</sup> Mar 2002	Serena Hotel, Nairobi
	The Management Of Post Election Disputes	Ishan Kapila	19 <sup>th</sup> Mar 2002	Serena Hotel, Nairobi
	The Role And Functioning Of Electoral Commissions	Theo Noel	20 <sup>th</sup> Mar 2002	Serena Hotel, Nairobi
	Paper Presented To Ckrc	Hon. Ochilo Ayacko	20 <sup>th</sup> Mar 2002	Serena Hotel, Nairobi
	Regulations Of Political Parties And Electoral Systems: The Kenyan Experience	Farah Maalim	20 <sup>th</sup> Mar 2002	Serena Hotel, Nairobi
	The Regulation Of Political Parties In Germany	Dr. Christof Hartmann	20 <sup>th</sup> Mar 2002	Serena Hotel, Nairobi
<b>Legislative Reforms Seminar</b>  <b>(25<sup>th</sup>-26<sup>th</sup> mar 2002)</b>	Structure And Composition Of Legislature Typologies Of Legislatures – A Systematic Classification Of Types Of Legislatures	Hon. Bowen Wells	25 <sup>th</sup> Mar 2002	Silver Springs, Nairobi

<b>Paper Presented</b>	<b>Topic Of Discussion</b>	<b>Presenter</b>	<b>Date</b>	<b>Venue</b>
	Structure And Compositon Of Legislatures, Typologies Of Legislatures	Bjarte Tora	25 <sup>th</sup> Mar 2002	Silver Springs, Nairobi
	Recruitment And Accountability		25 <sup>th</sup> Mar 2002	Silver Springs, Nairobi
	The Functions Of Legislatures	Hon. Oloo Aringo	25 <sup>th</sup> Mar 2002	Silver Springs, Nairobi
	The Functions Of Legislatures	Mr. John Johnson	25 <sup>th</sup> Mar 2002	Silver Springs, Nairobi
	Public Finance/Financial Mechanisms	Mr. Njeru Kirira	26 <sup>th</sup> Mar 2002	Silver Springs, Nairobi
	Public Finance/Financial Mechanisms	Mr. Sam Mwale	26 <sup>th</sup> Mar 2002	Silver Springs, Nairobi
	Public Participation In Law Making And Policy Implementation	Mr. Oduor On'gwen	26 <sup>th</sup> Mar 2002	Silver Springs, Nairobi
	Parliament's Relations With The Executive With Focus On Kenya	Prof. Walter Oyugi	26 <sup>th</sup> Mar 2002	Silver Springs, Nairobi
	Parliament's Relations With The Judiciary	Hon. Justice Aaron Ringera	26 <sup>th</sup> Mar 2002	Silver Springs, Nairobi
	Parliament's Relations With The Lower Levels Of Government	Dr. Karuti Kanyinga	26 <sup>th</sup> Mar 2002	Silver Springs, Nairobi
<b>National Convention For People With Disabilities In The Constitutional Review Process (4<sup>th</sup>-6<sup>th</sup> April 2002)</b>	Human Rights Gender, Children And Disability An International Perspective	Hon. J. Sinyo	5 <sup>th</sup> April 2002	KCCT, Mbagathi, Nairobi.
	The Un And Persons With Disabilities: United Nations Commitment To Advancement Of The Status Of Persons With Disabilities		5 <sup>th</sup> April 2002	KCCT, Mbagathi, Nairobi.

<b>Paper Presented</b>	<b>Topic Of Discussion</b>	<b>Presenter</b>	<b>Date</b>	<b>Venue</b>
	Education As A Challenge Of Person With Disabilities In The United States Within The Context Of Legal Framework	Mr. Simon I. Guteng	5 <sup>th</sup> April 2002	KCCT, Mbagathi, Nairobi
	Governance, Constitution Making And Elections Vis-À-Vis Disability	M Sameul Kabue	5 <sup>th</sup> April 2002	KCCT, Mbagathi, Nairobi.
	Constitution And The International Arena		5 <sup>th</sup> April 2002	KCCT, Mbagathi, Nairobi.
	A Paper On Culture, Religion And Media And Its Effects On Persons With Disabilities	Hon Florence Nayiga Ssekabira	5 <sup>th</sup> April 2002	KCCT, Mbagathi, Nairobi
	Communication And Media: Disability And The Constitution	Mr. Peter Wango Opany, Kenya National Association Of The Deaf (Knad)	6 <sup>h</sup> April 2002	KCCT, Mbagathi, Nairobi.
	The Standard Rules Equalization Of Opportunities For Persons With Disabilities Poverty Alleviation Empowerment And Employment Opportunities For The Disabled	The United Nations General Assembly At Its 48th Session On 20 <sup>th</sup> December 1993 (Resolution 48/96)	6 <sup>h</sup> April 2002	KCCT, Mbagathi, Nairobi.
	Memorandum	Samuel Kabue	6 <sup>h</sup> April 2002	KCCT, Mbagathi, Nairobi.

<b>Paper Presented</b>	<b>Topic Of Discussion</b>	<b>Presenter</b>	<b>Date</b>	<b>Venue</b>
	Memorandum: Recommendations For The Ckrcc Providing For Rights Of Vulnerable Groups, Providing For Interests Of People With Disabilities In The Reviewed Constitution Of Kenya.	Kenya Union Of The Blind, Machakos Branch	6 <sup>h</sup> April 2002	KCCT, Mbagathi, Nairobi.
	Providing For Rights Of Vulnerable Groups: Providing For Interests Of People With Disabilities In The Reviewed Constitution Of Kenya	Compiled By John Musyimi Kilonzo	6 <sup>h</sup> April 2002	KCCT, Mbagathi, Nairobi.
<b>Seminar On Human Rights 1<sup>st</sup> – 2<sup>nd</sup> Aug 2002)</b>	Memorandum	The Nubian Community	3 <sup>rd</sup> Dec 2001	CKRC Boardroom
	Memorandum: Marginalisation And Alienation Of Rights Of De-Tribalized Kenyans: Muslims And Detribalization		27 <sup>th</sup> Dec 2001	Charter Hall Nairobi.
	United Nations Commission On Human Rights 57 <sup>th</sup> Session: Economic, Social And Cultural Rights	Hussein I. Sakwa	25 <sup>th</sup> Jan 2002	
	Memorandum	The Shia Ithna-Asheri Muslim Community	15 <sup>th</sup> July 2002	CKRC Boardroom

<b>Paper Presented</b>	<b>Topic Of Discussion</b>	<b>Presenter</b>	<b>Date</b>	<b>Venue</b>
<b>Seminar On Human Rights (1<sup>st</sup>– 2<sup>nd</sup> Aug 2002)</b>	Kenya's Religious Minorities: Fears And Prayers: Transition Justice: Between Mercy And Precedence	Pro. Mohamed Hyder	1 <sup>st</sup> Aug 2002	Safari Park Hotel, Nairobi.
	Justifiability Of The Right To Housing -The South African Experience	Prof. Geoff Budlender	2 <sup>nd</sup> Aug 2002	Safari Park Hotel, Nairobi.
	The Role Of Courts In Zimbabwe In Implementing Human Rights With Special Reference To The Application Of International Human Rights Norms	Hon. Mr. Justice A. R. Gubbay		Safari Park Hotel, Nairobi.
	The Constitutionalization Of Ethnicity: The Case For Ethnic Minority Protection In Kenya	Ekuru Aukot		Safari Park Hotel, Nairobi.
	Kenya's Minorities And Vulnerable Groups: The Case Of Older People In Kenya	Tavengwa M. Nhongo		Safari Park Hotel, Nairobi.
	Enforcement Of Fundamental Rights And Freedoms In Kenya: Problems Of Accessibility And Availability	Mr. Kathurima M'Inoti		Safari Park Hotel, Nairobi.

<b>Paper Presented</b>	<b>Topic Of Discussion</b>	<b>Presenter</b>	<b>Date</b>	<b>Venue</b>
	Policing Kenya Constitutional Review Process: The Standing Commission On Human Rights	Mr. Jody Kollapen		Safari Park Hotel, Nairobi.
<b>Seminar On Human Rights (1<sup>st</sup> – 2<sup>nd</sup> Aug 2002)</b>	The Global Regime Of Human Rights			Safari Park Hotel, Nairobi.
	From Administrative Law To Administrative Justice	Hugh Corder		Safari Park Hotel, Nairobi.
	South Africa's Evolving Jurisprudence On Socio-Economic Rights	Sandra Liebenberg		Safari Park Hotel, Nairobi.
	The Right To Life And Economic, Social And Cultural Rights	Hon. Justice P. N. Bhagwati		Safari Park Hotel, Nairobi.
	Memorandum	The Ogiek Community	30 <sup>th</sup> Aug 2002	CKRC Boardroom
	Memorandum	The Pokot Community		CKRC Boardroom

### 8.3 Peer Review of the Draft Bill

The Commission organized a Peer Review of The Draft Bill held on 26<sup>th</sup> and 27<sup>th</sup> October 2002 at the Bomas of Kenya. The idea was to provide opportunity for experts to audit the draft Bill and provide insights on the revision of the draft Bill ahead of the National Constitutional Conference. Delegates from all over the country attended the two-day meeting. Different topical issues were discussed during the peer review meeting. Table 3 below presents the topics and names of presenters.

**Table 3: Internal Peer /Expert Review Of The Draft Bill**

<b>Topic Of Discussion</b>	<b>Presenter</b>	<b>Date</b>	<b>Venue</b>
A critical review of the draft bill of the constitution of Kenya	Prof. Joseph Nyasani	26 <sup>th</sup> Oct 2002	Bomas of Kenya, Nairobi.
Draft Bill Of The Constitution Of	Macharia Munene	26 <sup>th</sup> Oct 2002	Bomas of Kenya, Nairobi.



<b>Topic Of Discussion</b>	<b>Presenter</b>	<b>Date</b>	<b>Venue</b>
Kenya Review Commission: A Commentary			
Audit & Review Of The Draft Bill To Alter The Constitution	Patricia Kameri-Mbote	26 <sup>th</sup> Oct 2002	Bomas of Kenya, Nairobi.
Don't Legislate For A Guide-Dog Without Eyes: A Critique Of The Draft Constitution's Provisions On The Bill Of Rights And People With Disabilities	Lawrence Murugu Mute	26 <sup>th</sup> Oct 2002	Bomas of Kenya, Nairobi.
Draft Bill Of The Constitution Of Kenya Review Commission. A Review Of Chapter Six - Representation Of The People	Peter Wanyande	26 <sup>th</sup> Oct 2002	Bomas of Kenya, Nairobi.
Comments On Chapter Eight (On The Executive) Of The Draft Bill Of The Constitution Of Kenya Review Commission	Walter O. Oyugi	26 <sup>th</sup> Oct 2002	Bomas of Kenya, Nairobi.
Organs of government, the legislature: a comment on the draft constitution of the Constitution of Kenya Review Commission	Hon. Peter Oloo Aringo	26 <sup>th</sup> Oct 2002	Bomas of Kenya, Nairobi.
Chapter Nine of the draft bill of the Constitution of Kenya Review Commission: an overview	Ahmednasir M. Abdullahi	26 <sup>th</sup> Oct 2002	Bomas of Kenya, Nairobi.
Audit Report On The Draft Bill Of The Constitution Of The Republic Of Kenya, 2002	Lee G. Muthoga	26 <sup>th</sup> Oct 2002	Bomas of Kenya, Nairobi.
Comments on Draft Bill of the	Gerrishon K. Ikiara	26 <sup>th</sup> Oct 2002	Bomas of Kenya, Nairobi.

<b>Topic Of Discussion</b>	<b>Presenter</b>	<b>Date</b>	<b>Venue</b>
Constitution of Kenya Review Commission Chapter 10: Devolution of Powers			
Public Finance and Revenue Management: discussion on public finance and public service	Njeru Kirira	26 <sup>th</sup> Oct 2002	Bomas of Kenya, Nairobi.
Comments On Draft Bill Of The Constitution Of Kenya Review Commission Chapters Thirteen And Fourteen	Jimnah Mbaru	26 <sup>th</sup> Oct 2002	Bomas of Kenya, Nairobi.
Draft Bill Presentation	Col. Rtd. J. N. Nguru	27 <sup>th</sup> Oct 2002	Bomas of Kenya, Nairobi.
Constitution Of Kenya Review Commission Draft Bill Chapter (15) - Defence Forces And National Security	Brigadier (Rtd) E. G. Kihia	27 <sup>th</sup> Oct 2002	Bomas of Kenya, Nairobi.
Police Departments Proposal For Amendments to C.K.R.C. Draft Constitution - Chapter 14 Part II Section 264, 265 And 266 On Kenya Police Service	King'ori Mwangi	27 <sup>th</sup> Oct 2002	Bomas of Kenya, Nairobi.
Department Of Defence Comments	Brig T. K. Githiora	27 <sup>th</sup> Oct 2002	Bomas of Kenya, Nairobi.
Proposals Of Intended Changes In The Kenya Correctional Services To The Constitution Of Kenya Review Commission by Abraham	M. Kamakil	27 <sup>th</sup> Oct 2002	Bomas of Kenya, Nairobi.
Security Services And The Constitution An analysis and review of the Constitution of Kenya Draft Bill	NSIS	27 <sup>th</sup> Oct 2002	Bomas of Kenya, Nairobi.

<b>Topic Of Discussion</b>	<b>Presenter</b>	<b>Date</b>	<b>Venue</b>
2002			
Chapter Eleven – Land and Property; and Chapter Twelve – Environment and Natural Resources	Prof. C.O. Okidi	27 <sup>th</sup> Oct 2002	Bomas of Kenya, Nairobi.
Audit And Review Of The Draft Bill Initial Reflections	Prof. Wangari Maathai	27 <sup>th</sup> Oct 2002	Bomas of Kenya, Nairobi.
Comments And Recommendations On The Draft Constitution	The Kenya Land Alliance	27 <sup>th</sup> Oct 2002	Bomas of Kenya, Nairobi.
The Draft Bill For A New Constitution Of Kenya: An Appraisal	J. B. Ojwang	27 <sup>th</sup> Oct 2002	Bomas of Kenya, Nairobi.
Chapter 17 – Constitutional Commissions	J. B. Ojwang	27 <sup>th</sup> Oct 2002	Bomas of Kenya, Nairobi.
Chapter 18 – Amendments to the constitution	J. B. Ojwang	27 <sup>th</sup> Oct 2002	Bomas of Kenya, Nairobi.

#### **8.4 Conclusion**

The papers and outcomes of the seminars, workshops and lecture series helped the Commission a great deal in identifying the key conceptual, theoretical and practical experiential aspects that formed the basis of analysis and recommendations that together with the views of the people, led to the National Report and Draft Bill to alter the Constitution.

## **CHAPTER NINE:**

### **PUBLIC HEARINGS AND COLLECTION OF VIEWS**

#### **9.1 Mandate**

The mandate of the Commission to carry out public hearings and collect information necessary for the successful completion of the review process was stipulated in Part III Section 17(b) of the Constitution of Kenya Review Act, Chapter 3A of the Laws of Kenya. The Sub-section stated that the functions of the Commission shall be to conduct and collate the views of the people of Kenya on proposals to alter the constitution and, on the basis thereof, to draft a Bill to alter the constitution for presentation to the National Assembly. Section 18(1) of the Act further amplified the powers and functions of the Commission with regard to collecting the views of the people of Kenya by stating the Commission:

- a) Shall visit every constituency in Kenya to receive the views of the people of on the constitution
- b) Shall... hold public or private hearings...and may summon any public meeting of the inhabitants of the area and any [public servants for discussion of any matter relevant to the constitution

#### **9.2 The Purpose of Public Hearings**

The objective of the hearings was to provide an opportunity for members of the public to present their views on the review process. Kenyans craved for a *people-driven* constitution and a homegrown constitution, exclusively made by them. As such the Commission made all the necessary arrangements to ensure that everyone had the forum and freedom to express and assemble for purposes of the review process.

Public hearings, therefore, endeavoured to mobilize Kenyans to participate in laying a cornerstone for the democratization and constitutional development of the country. Concisely, the public hearing process afforded Kenyans a momentous opportunity to reshape their destiny.

#### **9.3 Issues and Questions for Public Hearings**

In March 2003, the Research, Drafting and Technical Support Committee of CKRC prepared 'The Red book', entitled The Constitutional Review Process in Kenya: Issues and Questions for Public Hearings. A pullout of the same was distributed countrywide in the local dailies, namely, the *Daily Nation* of 25<sup>th</sup> November 2001 and the *East African Standard* of 23<sup>rd</sup> December 2001. The document contained guidelines (*not exhaustive*) meant to aid the review process. As the Commission Chairman Prof. Yash Pal Ghai affirmed in his foreword in the guide:

*“The Commission hopes that these Questions and Issues will form a broad guideline for wananchi in presenting their views and memoranda to the Commission”.*

However, citizens were not rigidly confined to the parameters spelt out in the Red Book but they were at liberty to express their free will. The document was therefore only a resource material aimed at stimulating debate and giving a bearing to discussions.

It is worth noting that the writing of the document was also informed by the responses from the public during pilot hearing; the current constitution and the model constitutions such as the one written by 4Cs and Kenya Law Society, Kiririo wa Ngugi’s book and Oki Ooko Ombaka’s The Pocket Constitution of Kenya among other sources.

#### **9.4 Pilot Hearings**

Before the actual constituency hearings process, the Commission undertook a survey hearing exercise. The Commission carried out a pilot phase of the Constituency Public Hearings in 24 constituencies between 28<sup>th</sup> February 2002 and 5<sup>th</sup> March 2002. The visits were planned in 24 constituencies covering Nairobi and some other nearby districts as follows:

<u>Constituency</u> <u>Hearing</u>	<u>Date of Pilot Hearing</u>	<u>Constituency</u>	<u>Date of Pilot</u>
Starehe	28/02.2002	Westlands	1/03/2002
Kajiado North	4/03.2002	Juja	5/03/2002
Dagoreti	1/03/2002	Gatanga	4/03/2002
Machakos Town	5/03/2002	Naivasha	6/03/2002
Makadara	28/02/2002	Manyatta	5/03/2002
Lari	28/02/2002	Nyeri Town	4/03/2002
Embakasi	1/03/2002	Kangundo	4/03/2002
Kajiado Central	5/03/2002	Langata	28/02/2002
Kamukunji	1/03/2002	Maragwa	4/03/2002
Limuru	1/03/2002	Siakago	6/03/2002
Kangema	5/03/2002	Othaya	6/03/2002
Kasarani	28/02/2002	Kerugoya / Kutus	6/03/2002

These areas were chosen because the Commission felt that reasonable civic education had been carried out in them and, therefore, were sufficiently prepared to submit their contributions to the Commission. The Commission was aware that many Kenyans did not really know what constitutes a constitution. Indeed, many Kenyan, including the elites, were oblivious about the current constitution made over 40 years in Lancaster.

### 9.4.1 Importance of Pilot Hearings

A pre-test on the issues raised in the field (during pilot hearing) enabled the Commission to have a *feel* of what they would expect in the field. More specifically, the exercise achieved the following results.

- ❑ It enabled the commission to evaluate the level of civic education provided. In Ngong Town (Kajiado District), for instance, Commissioners were repelled when they went for pilot hearing because not adequate civic education had been conducted
- ❑ It enabled the Commission to come up with more appropriate questions to for public hearing.
- ❑ It enabled the Commission to test the guidelines drawn up to govern the conduct of the public hearings.
- ❑ It enabled the Commission to evaluate the time to be taken up for public hearing.

Overall the Pilot hearings helped the Commission to appreciate the need to embark on further civic education before the subsequent stages of public hearings. It was evident that Kenyans had a myriad of grievances to present but needed guidance on how to present in the context of constitution review. People interviewed demonstrate a tendency of circumlocution and thus it was sometimes difficult to decipher their recommendations. Other speakers consumed much time and repeated themselves when presenting their views. The Commission, therefore, had to refine tools to help in focusing debate.

The most frequently expressed views were those touching on basic rights and governance (the Legislature, the Executive and the Judiciary). Land, the economy, electoral processes the civil service and the environment were also priority grounds for debate. On the other hand, there were limited contributions on foreign and international relations. Perhaps this was due to lack of public exposure among the public to foreign policy or the country's lack of a definite foreign and international policy.



## 9.5 Organization of the Public Hearings

At the national secretariat level the general organizing of the logistical and administrative arrangements were done by the Mobilization and Outreach Department as presented in Chapter Five of this report. The following are some of the activities undertaken in this regard:

- Approving budgetary allocations for the exercise including:
  - Staff allowances,
  - Purchasing of materials (public address systems, recording Machines, stationary)
  - Transport arrangements (road, air, water)
  - Contingency fund
  - Hiring venues, sign language interpreters, language translators and other pertinent paraphernalia.
- Mobilization of the public to participate in the hearings and other Commission's activities
- Day-to-day administration and liaison with District Coordinators (see 9.4.3 below)
- Organizing logistics for Commissioners and Secretariat movement
- Compiling, updating and keeping of statistics and database necessary for the constitution review process
- Liaising with other institutions on issues of relevance to the review process
- Facilitating the flow of information and dissemination of civic education materials to the districts
- Facilitating and monitoring the operation of the Constitutional Constituency Committees
- Gathering of statistical information on all constituencies, districts, information on various professional and organized groups countrywide
- Training staff on data entry and collection

The Civic Education, Publicity, Information and Communication Department was responsible for facilitating civic education before the hearings. They coordinated with other networks of civic education providers countrywide. This department also spearheaded publicity campaigns to sensitize the public through the media, workshops, posters etc.

At the local level the District Coordinators and members of the Constituency Constitutional Committees were responsible for:

- Mobilizing people in the districts and constituencies and facilitating public participation in the public hearings
- Identifying and arranging the venues for public hearing

- Identifying and arranging for simultaneous local translations, sign language users, procurement and hiring of public address systems, transport and communication facilities for CKRC's meetings in the district, etc.

The Research, Drafting and Technical Support Department facilitated the recording, collation, analysis and reporting of the views given by the people during the hearings.

## **9.6 Drawing up Panel and Program for Public Hearings**

### **9.6.1 Panelling**

Drawing up of Panels for public hearings was done by the secretariat in consultation with the Commissioners. Panelling was done based on mutual understanding i.e. the Commissioners could swap places amicably. The criteria for paneling was based on several factors:

- Gender balance: The commission made efforts to make sure that panels had members of both sexes as much as possible.
- Understanding of local languages: For ease of communication Commissioners were normally sent to areas where they had knowledge of local vernacular
- Knowledge of an area. In many occasions, commissioners were sent to areas where they had had previous experiences.
- Religion (It was prudent for a commissioner who professes the Muslim faith to visit North Eastern Province)
- Professional balance. Commissioners from diverse professional and academic backgrounds were intermingled. For instance, not all lawyers were paneled together.

There were however some teething problems as far as the paneling process was concerned. These related to:

- Preferences:
  - Some Commissioners wanted to visit certain areas, for instance home areas or places where they had had past pleasant experiences.
  - Some commissioners preferred to be paneled with particular Commissioners and Program Officers
  - Some commissioners preferred a particular means of transport e.g. air rather than road.
- Some commissioners were reluctant to visit some areas due to insecurity

The Commissioners were put into panels of 3 (three) and sometimes 4 (four) per panel depending on the prevailing circumstances. There was always a standby and contingency Panel consisting of the Chairman of the Commission, Prof. Yash Pal Gai, The Commission Secretary, Mr. PLO Lumumba, and the Attorney General, Hon. Amos Wako.



### 9.6.2 Selection of the Venues

The Mobilization and Outreach Department, in liaison with the District Coordinators decided on the most appropriate venues based on:

- Centrality; proximity to majority of people e.g. provincial and district headquarters where many people congregate
- Availability of facilities such as halls
- Acceptability. Some venues were not acceptable to area residents while others such as Tononoka hall were readily embraced by all and sundry
- Security

Most venues were in schools, churches and other social halls and stadiums. It is worth noting that a considerable number of the venues happened to be designated Electoral Commission of Kenya polling stations.

### 9.6.3 Program for Public Hearings

#### Provincial Hearings

The Commission began public hearings in Nairobi and other Provincial headquarters in November 2001 to receive recommendations from organized groups. Table 4 below presents the program for the hearings.

**Table 4: Summary Program of Provincial Public Hearings held from November to December 2001**

DATE	CITY/TOWN	VENUE	TIME
30/11/01	Nairobi	Charter Hall	8.30 am – 4.00 pm
30/11/01	Children's Presentations	Charter Hall	8.30 am – 4.00 pm
03/12/01	Nairobi	Charter Hall	8.30 am – 1.00 pm
30/11/01	Religious Leaders	Charter Hall	2.30 am – 4.00 pm
30/11/01	Kakamega	County Council Hall	8.30 am – 5.00 pm
30/11/01	Kisumu	County Council Hall	8.30 am – 5.00 pm
30/11/01	Mombasa	Tononoka Social Hall	8.30 am – 5.00 pm
30/11/01	Garissa	Baraza Park	8.30 am – 5.00 pm
04/12/01	Nairobi	Charter Hall	8.30 am – 5.00 pm
04/12/01	Kakamega	County Council Hall	8.30 am – 5.00 pm
04/12/01	Kisumu	County Council Hall	8.30 am – 5.00 pm
04/12/01	Mombasa	Tononoka Social Hall	8.30 am – 5.00 pm
04/12/01	Garissa	Baraza Park	8.30 am – 5.00 pm
05/12/01	Nairobi	Charter Hall	8.30 am – 5.00 pm
10/12/01	Nairobi	Charter Hall	8.30 am – 5.00 pm
10/12/01	Nakuru	Patel Brother hood	8.30 am – 5.00 pm
10/12/01	Nyeri	Nyeri Town Hall	8.30 am – 5.00 pm
10/12/01	Embu	Embu Municipal Hall	8.30 am – 5.00 pm
11/12/01	Nairobi	Charter Hall	8.30 am – 5.00 pm
11/12/01	Nakuru	Patel Brotherhood	8.30 am – 5.00 pm

DATE	CITY/TOWN	VENUE	TIME
11/12/01	Nyeri	Nyeri Town Hall	8.30 am – 5.00 pm
11/12/01	Embu	Embu Municipal Hall	8.30 am – 5.00 pm

### Program for Constituency Public Hearings

From late April to early August 2002, the Commission visited every constituency for public hearings, for two days in every constituency and three days in larger ones. The Commission collected views from the public from all 210 constituencies within a duration of four months.

**Table 5: Program for Constituency Hearings by Province**

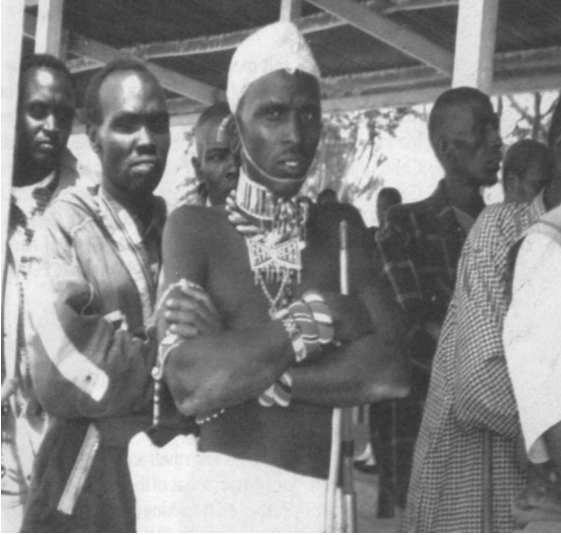
PROVINCE	FROM	TO
Central Province	17 <sup>th</sup> April 2002	23 <sup>rd</sup> April 2002
Coast Province	28 <sup>th</sup> April 2002	6 <sup>th</sup> June 2002
Eastern Province	12 <sup>th</sup> May 2002	24 <sup>th</sup> May 2002
Nairobi Province	28 <sup>th</sup> May 2002	31 <sup>st</sup> May 2002
North Eastern Province	2 <sup>nd</sup> June 2002	29 <sup>th</sup> June 2002
Nyanza Province	11 <sup>th</sup> June 2002	22 <sup>nd</sup> June 2002
Rift Valley Province	26 <sup>th</sup> June 2002	17 <sup>th</sup> July 2002
Western Province	29 <sup>th</sup> July 2002	7 <sup>th</sup> August 2002

In collecting views from the members of the public Commissioners were supported by the secretariat members including:

- Program officers who took down notes
- Verbatim recorders
- Drivers

The “Red Book” was used as a questionnaire to engage members of the public in the constitution debate. However, Kenyans were also allowed to ask questions or make contributions that were not necessarily in the “Questions and Issues” document. To facilitate the process, public address systems were used to ensure accessibility of the discussions to all participants.

Views collected from members of the public were submitted to Research and Drafting Department for data analysis.



Section 18 (1) of CKRC Act provides that the Commission ‘shall visit every constituency in Kenya to receive the views of the people on the Constitution; without let or hindrance, receive memoranda, hold private or public hearings throughout Kenya and in any other manner collect and collate the views and opinions of Kenyans...’

On the left, a Samburu moran follows public hearings keenly at Kenyatta Stadium, Maralal

#### 9.4 Analysis of the Characteristics of Public Hearings

Section 5 (b) of the Review Act provided that the Commission shall ‘ensure that the review process accommodates the diversity of the Kenyan people including socio-economic status, race, ethnicity, gender, religious faith, age, occupation, learning, persons with disabilities and the disadvantaged.’ Thus during the public hearings, the Commission strived to meet this requirement. The tables below present a national breakdown of the presenters by various demographic and general profiles. It should be noted that presenters did not give some background information. However, according to the records, “these were less than ten percent of the presenters, and therefore do not affect the representativeness of the profiles”.

About 97% of the presentations were made at constituency public hearings, with the rest received directly at the offices or seminars organized to discuss thematic issues. Altogether 35,015 submissions were received with a number received from the organized groups such as Political Parties, Religious Communities, Professional Organizations, Trade Unions, NGOs and Ethnic Communities. Others were received through e-mail, initial meetings at Provincial Headquarters and through special hearings at the Prisons and Universities. The Data analysis Unit of the Research Drafting and Technical Support Department attempted to provide a thorough analysis of various pertinent demographic facets as tabulated below.

#### Table 6: Distribution of Submissions by Source

<b><u>Forum</u></b>	<b><u>Freq</u></b>	<b><u>Percent</u></b>
Constituency Public Hearing	31,455	97.0 %
National Public Hearing	11	0.0 %
Provincial Public Hearing	518	1.6 %
Special Seminars/Workshops	2	0.0 %
Thematic/ Group Hearing	436	1.3 %

#### **9.4.1 Form of Submission**

Distribution of submissions was relatively uniform throughout the provinces and districts. The bulk of the presentations made in Coast, Nairobi, North Eastern and Nyanza Provinces were made orally. On the contrary, presentations in Central, Eastern and Western Provinces were mainly in the form of written submissions. However, the differences were not extreme

The distribution of views per province were as follows:

**Table 7: Forms of Submission**

	<b>MEMORANDA</b>	<b>WRITTEN BUT NOT MEMORANDA</b>	<b>OTHER</b>	<b>ORAL</b>	<b>TOTAL</b>
1. Nairobi	169	466	14	849	1498
2. Central	786	1822	67	1084	3759
3. Eastern	433	2083	14	2184	4714
4. N. Eastern	93	380	2	877	1352
5. Coast	368	1121	18	1781	3288
6. Western	6	26	2	23	57
7. Nyanza	323	1632	3	2582	4530
8. Rift Valley	831	2655	5	4187	7678
9. Western		2320		2296	4616
10. Direct Submissions	264	765	79	0	1108
11. E-mails	11	78	98	0	182
<b>TOTAL</b>	<b>3284</b>	<b>11018</b>	<b>297</b>	<b>13 356</b>	<b>35 415</b>

#### **9.4.2 Type of Presenter**

International agencies were mainly represented in Nairobi while Religious Organizations, were dominant in Central Province. However, virtually all categories gave views equally throughout the country.

**Table 8: Types of Presenters**

Type of Presenter	Central	Coast	Eastern	Nairobi	North Eastern	Rift Valley	Western	Nyanza
CBO	5.2	10.6	11.3	8.2	7.8	8.4	10.5	8.4
Individual	78.6	83.5	79.1	76.8	89.0	81.1	79.2	85.3
International Agencies	0.0	0.0	0.0	0.1	0.0	0.0	0.0	0.0
NGO	1.1	0.6	0.9	0.8	1.3	0.8	1.6	0.9
Other Institutions	2.3	1.7	3.2	5.4	0.6	4.0	4.0	2.3
Political Party	0.5	0.5	0.4	1.1	0.2	0.5	0.5	0.3
Pressure Groups	1.5	0.5	1.1	1.6	0.8	0.7	0.5	0.3
Private Sector Organizations	0.5	0.2	0.2	0.6	0.1	0.1	0.3	0.1
Religious Organizations	10.3	2.3	3.8	5.4	0.3	4.4	3.5	2.3
<b>Total</b>	<b>3877</b>	<b>3224</b>	<b>4536</b>	<b>1451</b>	<b>1323</b>	<b>8291</b>	<b>4780</b>	<b>4458</b>

**9.4.3 Education level of presenters (percentage distribution)**

Except for Eastern Province where the informal category was significantly represented, the rest of the categories were evenly distributed throughout the Provinces.

**Table 9: Education Level of Presenters**

	Central	Coast	Eastern	Nairobi	North Eastern	Rift Valley	Western	Nyanza
Higher Education-graduate	11.8	6.1	10.3	17.0	12.7	12.5	11.4	10.6
Higher Education-diploma	3.9	3.5	4.7	8.1	5.2	3.7	4.0	3.2
Higher Education-other	2.4	1.2	1.5	2.8	5.5	3.4	1.4	2.9
Informal	0.8	3.2	27.0	0.2	6.7	2.2	1.0	0.9
Primary 1-5	10.7	21.2	10.6	3.8	5.6	7.2	6.8	6.5
Primary 6-8	10.8	14.2	16.2	15.2	16.8	19.8	17.1	19.8
Secondary/High School	59.5	50.6	52.6	52.8	47.5	51.1	58.4	56.1
<b>Total</b>	<b>2854</b>	<b>2770</b>	<b>3686</b>	<b>986</b>	<b>714</b>	<b>7267</b>	<b>4387</b>	<b>4110</b>

#### 9.4.4 Occupation of the presenters (percentage distribution)

It is again notable that, except for low representation of farmers in Nairobi and North Eastern Provinces, all occupations were equally represented in all the Provinces. The significance of the representation of the religious groups is seen in the category of priest, which captured all religious leaders in Christian, Muslim and other religious communities.

**Table 10: Occupation of the Presenters**

	Central	Coast	Eastern	Nairobi	North Eastern	Rift Valley	Western	Nyanza
Business	10.5	15.2	13.5	34.5	16.3	9.3	7.1	7.2
Farmer	47.9	33.2	38.5	2.8	8.9	38.2	35.2	36.2
Formal Employment	26.5	21.1	26.2	25.9	4.1	30.4	31.3	32.4
Informal Employment	10.3	26.2	16.9	26.3	38.0	13.8	21.4	19.1
Organization	0.1	0.4	0.6	4.8	1.1	4.2	1.4	1.9
Priest	4.7	3.9	4.3	5.7	3.3	4.1	3.5	3.2
<b>Total</b>	<b>2641</b>	<b>2498</b>	<b>3446</b>	<b>775</b>	<b>949</b>	<b>7585</b>	<b>4113</b>	<b>3905</b>

#### 9.4.5 Sex of the presenters (percentage distribution)

Although the table below indicates a paltry representation of women amongst those who gave their views, it is also notable that they mostly gave their views through community based groups and organizations. However, the low individual presentation was uniform across the country except in Nairobi where a higher proportion of women directly gave their views. Women were vocal about their empowerment in society, hence they unequivocally advocated for affirmative action in order to entrench the role of women in the decision-making organs of the state and society.

**Table 11: Distribution of presenters by sex**

	Central	Coast	Eastern	Nairobi	North Eastern	Rift Valley	Western	Nyanza
Female	14.4	17.1	19.5	21.9	17.9	13.7	14.8	14.2
Male	85.6	82.9	80.5	78.1	82.1	86.3	85.2	85.8
<b>Total</b>	<b>3781</b>	<b>3160</b>	<b>4426</b>	<b>1385</b>	<b>1309</b>	<b>8190</b>	<b>4731</b>	<b>4391</b>

#### 9.4.6 Presenters of Organized groups (percentage distribution)

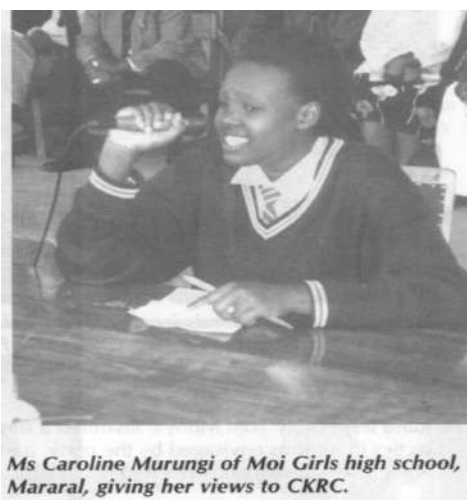
Other than Nairobi, the organized groups presented their views through their representatives such as chairpersons and secretaries. Rift Valley Province had the largest number of organizations followed by Eastern, Western and Central Provinces in that order.

**Table 12: Presenters of Organized groups**

	Central	Coast	Eastern	Nairobi	North Eastern	Rift Valley	Western	Nyanza
Chairperson	24.5	27.0	16.9	10.1	20.8	29.3	27.2	29.4
Committee Member	4.0	5.7	5.8	6.0	7.9	3.1	3.8	8.8
Member	23.8	24.4	15.1	12.8	28.7	28.5	16.4	27.7
Other	35.5	25.7	47.9	64.4	28.7	16.2	27.6	7.3
Secretary	12.1	17.0	14.3	6.7	14.0	23.0	24.9	26.8
<b>Total</b>	<b>948</b>	<b>540</b>	<b>1278</b>	<b>672</b>	<b>178</b>	<b>1454</b>	<b>1035</b>	<b>534</b>

#### 9.4.7 Age of Presenters (percentage distribution)

While elders concentrated on past issues like historical injustices, the economy and social welfare, the youth concentrated on matters that are likely to affect them in the near future for instance employment, education and cultural transformation.



The subject of free primary school education was dear and close to the heart of Kenyans across the country. Kenyans knew that to achieve any meaningful economic, social and technological progress intellectual preparedness was crucial. It is a fact that political parties whose manifestoes and campaign pledges accentuated free (*or affordable*) education became popular in the run up to the 2002 General Election

In the table below, it is noted that 97% of the 35,413 presenters gave their ages. Overall, the age of presenters was almost evenly distributed around the 40-44 age group, which were the majority presenters. Other than Central Province where the elderly were more prominent, age distribution was almost uniform in all the Provinces. Nairobi had a larger participation of children followed by Central Province.

**Table 13: Presenters by age**

Age-group	Central	Coast	Eastern	Nairobi	North Eastern	Rift Valley	Western	Nyanza	Total
Up to 14	19.8	8.1	8.0	27.2	6.6	4.3	7.6	6.7	<b>16.0</b>
15-19	1.1	0.7	3.9	2.1	4.3	2.9	3.8	3.5	<b>2.7</b>
20-24	3.9	3.1	5.0	7.1	6.8	5.3	4.7	5.2	<b>4.6</b>
25-29	4.8	6.7	6.3	10.0	8.8	8.7	6.8	7.2	<b>6.7</b>
30-34	6.8	12.8	10.5	11.1	11.7	12.6	10.6	8.5	<b>9.8</b>
35-39	9.0	12.4	10.5	9.6	11.4	11.2	9.5	9.9	<b>9.7</b>
40-44	10.0	12.6	11.9	8.5	13.6	13.9	11.4	11.4	<b>11.1</b>
45-49	7.9	11.4	8.2	6.9	7.8	9.5	9.0	8.7	<b>8.2</b>
50-54	10.6	9.5	10.3	6.7	7.9	10.0	8.9	10.1	<b>8.9</b>

Age-group	Central	Coast	Eastern	Nairobi	North Eastern	Rift Valley	Western	Nyanza	Total
55-59	7.8	7.6	7.7	4.3	4.7	6.8	8.7	8.5	<b>6.9</b>
60-64	7.4	6.8	7.7	3.2	6.1	6.6	6.9	8.2	<b>6.4</b>
65+	11.0	8.2	5.9	1.7	5.3	6.4	5.1	6.6	<b>8.9</b>
<b>Total</b>	<b>3836</b>	<b>3231</b>	<b>4535</b>	<b>1455</b>	<b>1321</b>	<b>4401</b>	<b>8299</b>	<b>5786</b>	<b>34559</b>

## 9.7 Provincial Round Ups

After constituency hearings in a given province, the Commission organized one day provincial round up meetings where Commissioners and opinion leaders of the respective provinces sat together to analyze the emerging key issues raised and to generally have an overview of the entire exercise. They were conducted on the last day of public hearings in every province.

Commissioners and members of the public were notified through the press. (Electronic and Print Media) and District Commissioners, other leaders, District Coordinators, the press and a cross section of selected members of the public were invited to the meetings.

The point of departure between constituency hearings and provincial roundups was that panel heads presented their findings and then discussions followed

The Provincial round ups were conducted:

- (i) To provide forums for panels within provinces to share experiences. They presented an opportunity for Commissioners to compare responses between different constituencies and districts by discussing the similarity and differences between and among districts and constituencies.
- (ii) For Commissioners to evaluate the quality of hearings that is whether they were successful or not.
- (iii) To give an opportunity for leaders within the province to point out areas overlooked during the hearings.
- (iv) For the District Coordinators to have an opportunity to express difficulties experienced during public hearings.
- (v) To Mark the end of hearings within a province.

The press was invited to attend the consultative meetings.

Overall the Provincial round ups made it possible for the Commissioners to understand the common concerns (core issues) unique to particular provinces.

- For instance, the clamour for *majimbo* was unanimous in Coast Province and the Rift Valley.
- Insecurity was a major concern in North Eastern Province
- Revitalization of the Coffee sector was a vital subject in Central Province



Through the process, Commissioners gauged the expectations of the people in the province.

Commissioners were also able to appreciate the universal concerns that cut across the board. For instance, the desire for change was unequivocal. For example throughout these hearings, there was unanimity that the country is in urgent need of new social and political dispensation, and that majority of the citizenry were alienated from the decision-making process.

Similarly in all public hearings at all provincial headquarters, it was evident that bad governance was the single biggest issue Kenyans had to grapple with and that it was clearly understood that bad governance was the root cause of all the social and economic problems plaguing the country.

## 9.8 Direct Presentations

### 9.8.1 Boardroom Hearings

The Commission held public hearings also at the Commission's head office (Boardroom Presentations) at Kencom House since December 2001. These hearings of organized groups and professional organizations were concluded on 30<sup>th</sup> July 2002. These sessions attracted several civil society groupings, from Nairobi and other parts of the country.



This is it: A representative of the Sengwer minority group presents a soft and hard copy of their views to the Commission's Chairman Yash Pal Ghai as the Commission Secretary PLO looks on

Members of the Ogiek and Pokot Communities were some of the many Kenyan minority communities that submitted their presentation at the CKRC boardroom. Indigenous peoples demanded for **recognition** in a new constitutional dispensation.

The following are some of the organizations/groups that made submissions to the Commission at Kencom:

- ❑ Law Society of Kenya
- ❑ International centre of Jusists – ICJ (Kenya Chapter)

- ❑ Catholic Justice and Peace Commission
- ❑ Basic Rights Campaign African Technology Policy Studies Network
- ❑ International Movement of Catholic Students
- ❑ Widow Support Network
- ❑ National Council for the Churches of Kenya (NCEC)
- ❑ Kenya Women Political Caucus
- ❑ Maendeleo Ya Wanawake Organisation (MYWO)
- ❑ Institute of Certified Public Accountants (ICPAK)
- ❑ Institute of Certified Public Secretaries (ICPS)
- ❑ National Youth For Democratic Change (NYDC)
- ❑ Daystar University Alumni Association
- ❑ National Alliance for Change (NAC)
- ❑ COTU
- ❑ Nairobi Stock Exchange (NSE)
- ❑ Bridge Group
- ❑ NGO Council
- ❑ Muslim Sisters Network
- ❑ Muslim Council
- ❑ Supkem
- ❑ Hindu Council
- ❑ Arya Samaj
- ❑ Kenya Women Medical Association
- ❑ Kenya Medical Association
- ❑ Retired Military Officers
- ❑ FORD People
- ❑ MAA Pastoralist Council (MPC)
- ❑ Sengwer / Cherengany Community
- ❑ The Ogiek community
- ❑ The Pokot Community

### 9.8.2 Workshops and Seminars



The Commission held several workshops and seminars where both local and foreign experts presented papers detailing their experience gained from different parts of the world and on different issues of critical interest and relevance to the review process. The seminars held focused on a host of issues, including The legislature, basic rights, the executive, the electoral system, land and property rights, the local government, the Judiciary and so on.  
(Left: Prof. Ali Mazrui Giving a Lecture)

The seminars were held on the following.

- ❑ Devolution of Power
- ❑ Gender Question
- ❑ Independence Constitution
- ❑ Interpretation of CKRC Mandate
- ❑ Culture, Ethics, Ideology
- ❑ Economic Sensitization
- ❑ Electoral Reforms and Political Parties
- ❑ Legislative Reforms
- ❑ National Convention for people with Disabilities in the review process
- ❑ Land Reforms
- ❑ Judicial Reforms
- ❑ Human Rights

Reports and documents presented at these seminars are presented in Volume V of the Report.

## **9.9 Emerging Issues from the Public Hearings**

In all the above public hearings, there were some issues, which elicited overwhelming contributions. The following are some of the issues (*in the order given below*), which generated enormous contributions and debate.

- (i) The legislature
- (ii) Basic rights
- (iii) The executive
- (iv) The Electoral system
- (v) Land and property rights
- (vi) The local government
- (vii) The Judiciary

Kenyans raised their disenchantment over what they perceived as an insensitive political system. Many Kenyans shared their opinion that the president wielded too much power thereby making the governance autocratic, draconian and insensitive to the peoples needs. Kenyans therefore made specific recommendations as to how to cut and devolve power from the presidency.

On the other hand, Kenyans demonstrated how much they had lost confidence in Members of Parliament whom they accused of getting lost soon after securing their parliamentary seats, only to resurface - like the proverbial sphinx-when General Elections are around the corner. Kenyans wanted to have power to recall non - performing MPs.

The judicial system was highly criticized for conspicuous incompetence, gratuitous corruption and decadence of the moral fabric of the institution. To remedy this pivotal arm of government, many people suggested that the judiciary should be subjected to radical transformation.

Many people also lamented about high-hand-ness and arbitrary treatment by the provincial administration. Kenyans called for restructuring of the Provincial Administration or even complete abolition. However, a significant number of Kenyans were of the opinion that chiefs and D.Os should be retained, but the former be elected directly.

Many communities did not have adequate access to health facilities and schools and that education and health care were too expensive. Kenyans also asked for better roads and security to be beefed up.

## **9.10 Challenges and Lessons**

### **9.10.1 Challenges**

In carrying out public hearings the commission experienced a number of challenges. Some of these included the following:

1. Logistical problems. Poor infrastructure and inaccessible terrain in most parts of the country, especially rural areas, delayed hearings in some constituencies
2. Socioeconomic obligations. Many rural folks had to attend to their daily chores before appearing in the public hearing venues. For instance, Commissioners in Limuru had to wait for farmers to sell their maize before coming to their hearing.
3. Insecurity in parts of North Eastern Province, Coast and Rift Valley provinces made some Commissioners reluctant to visit some venues.
4. Hostility from the public.
  - Some 3 C's members incited members of the public to expect monetary gains for giving their views.
  - Pokot residents mistrusted Commissioners (black people) due to heavy missionary presence.
5. High expectations by 3 C's members. They expected generous monetary gains
6. Lack of cooperation from provincial administration in some areas.
7. More than one venue in one district. It was hard for a District Coordinator to facilitate two venues especially when the venues were far apart.
8. Diseases. Many of CKRC staff succumbed to malaria, fever and other ailments.
9. Lack of sufficient time for presentation. Presenters were being rushed, accorded 3 –10 minutes when the demand to present was overwhelming and in some cases a number of people who would have wished to present were not given the chance due to time constraint.
10. In some places, very few people turned up due to long distances traveled to the venues of hearings. In other places, the two venues were inadequate where population was large.
11. Social and Cultural constraints were also an impediment to the hearing process. In some rural communities especially in Muslim dominated areas, women could not freely express their sentiments in the presence of their male counterparts. On the other hand Fridays in Muslim constituencies translated into loss of dates for public hearings. Professionals and other working people were unable to attend hearings held during the day/working hours.
12. Communication breakdown. Public hearings were affected in some areas due to lack of proper information. Although public hearing dates were gazzetted 2 weeks before the hearing(s) were held, many members of the public were not aware of the hearing(s) until days before they were conducted. Members of the public expressed their wish that notice should have been given via radio, as this was a more accessible medium for them.

### **9.10.2 Lessons**

Several lessons were learnt as result of the public hearings.

- Different parts of Kenya needed to be approached differently. Pilot hearings should have not concentrated only in areas around Nairobi.
- The electronic and Print media is inaccessible to many areas in Kenya and alternative methods of communications should have been adopted.

- Due to diverse religions, affiliations, neutral venues e.g. open air, stadia, halls, should have been used more for public hearings rather than churches, mosques, and even some schools.
- Kenyans knew what they want. Their anxiety for change was unambiguous.  
*"It was obvious that there was a great deal that unite Kenyans in their views on where the nation is now, what went wrong in the past and what the future should be like"*
- Kenyans' expectations were very high. The new constitution was perceived as a panacea to multifaceted ills that have bedeviled the nation. The exercise was characterized by high enthusiasm and expectations reminiscent of the euphoria of independence. To many Kenyans, the Review process heralded a second liberation.
- Majority of presenters were common wananchi as majority of the elites did not make time to participate fully. The unemployed, farmers and people who had lost hope or jobs etc attended many sessions.
- Timing and days of hearing were not suitable for some groups. Weekend hearings would have enabled urban elites to take active part.
- The Commissioners noted with concern the glaring disparity in the socio-economic development between different regions of the country.

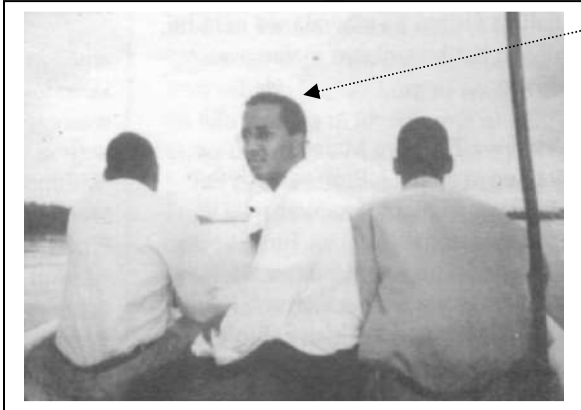
*" ..... Commissioners found people struggling with lack of almost everything needed for a decent life... They found a nation which the existing system of government and constitution, had grievously let down".*

It was indeed a humbling experience to note that while majority of Kenyans (60%) lived in abject poverty, few flourished in flagrant affluence. It has been argued that discrepancies of wealth in Kenya are among the most extreme in the world! For instance, Kyunga Island with a population of 10,000 had one school only! Worse still, residents lived in perpetual fear of bandit attacks. Kenyans in Ileret (North Horr) lacked necessities including clothing!

### **9.10.3 Lived experiences of public Hearings by Commissioners and staff in the field**

The Commissioners and staff members endured, with heroic fortitude, the daunting task of collecting views. The following a brief caption of experiences of some of the Commissioners during the public hearing exercise:

Commissioners **Swazuri and Lenaola** narrated a chilling nightmare they had encountered in the remote Ileret- the furthest point in North Horr (Eastern Province). Their ill-fated 3-seater plane almost crush-landed atop a knoll! Secondly, Mandera, where Commissioners were lodged for 10 days lacked sanitary facilities. Water shortage and food poisoning exacerbated the sorry state of affairs. Similar problems were experienced in Garrissa, compelling Commissioners to fly to Lamu at dusk. As they approached the island, darkness had engulfed the land. Worse still, Lamu airstrip was devoid of landing lights. The miniature plane almost landed in water, then on treetops and finally landed safely on dry ground after breathtaking maneuvers.



Déjà vu: Commissioner Isaac Ahmed Hassan (facing camera) seemed to have a sense of foreboding. Could he have been debating to take the plunge or get back to shore? Later Comm. Hassan succumbed to a bout of malaria and seasickness on a boat to the remote Faza Island.

Panel 6 recounted an excruciating ordeal experienced during their Coastal outing. The gallant men and women of the Commission risked their ‘flesh and blood’ for the constitution. The group, led by Commissioners Mosonik and Hassan, was at the verge of losing their lives in the raging waters of the Indian Ocean between Kyunga and Lamu Islands. Their fiberglass boat stalled amid ferocious tidal waves, which rocked the boat, almost capsizing it in a blanket of darkness. It is only by the grace of God that they survived! Treza Apondi, a Program Officer in that panel was later to confess that,

*“This was just one of the many risks CKRC staff and Commissioners had to go through to give Kenyans a new Constitution”*

CKRC Sisters : (From left) Commissioners Kavetsa Adagala, Hon. Pheobe Asiyo and Alice Yano.



Despite these bad experiences, Commissioners also had pleasant experiences. The most exhilarating experience was the warm reception accorded to them by wananchi. Most CCC members were also hospitable to the Commissioners. Commissioners had an opportunity to know new place. It was a working tour that helped them to rediscover and experience Kenya practically. Wherever Commissioners visited there were always government officials (D.C's, DO's or Chiefs) to welcome them.

For Commissioner Swazuri, it was an accomplishment of no mean feat to have acquired some fundamental techniques on how to operate and fly a military aircraft!

### **9.11 Conclusion**

Generally, Commission observed with gratification that people's views were mostly in line with the goals of the Review Act, and overall, they were well thought out, based on the reality of everyday experiences. The Commission also noted that on many points, there was a convergence in views of the public, but on some critical points, there was no consensus. It was incumbent upon the Commission to reconcile the divergent views of Kenyans, while faithfully abiding to the dictates of the Review Act.

The Commission in its work remained contented with the fact that the review process was, for the first time, a truly people driven process and provided Kenyans with a chance to decide their future and on the values and rules by which they wish to govern themselves.



## **CHAPTER TEN:**

### **COLLATION AND ANALYSIS OF VIEWS**

#### **10.1 Mandate**

The broad objectives of the data analysis process were stipulated in Section 17 of the Constitution of Kenya Review Act, Chapter 3A that required, among other things, that the Commission “collects and collates the views of the people of Kenya on proposals to alter the Constitution and on the basis thereof, to draft a Bill to alter the Constitution for presentation to the National Assembly.” Section 17 (c) sanctioned the Commission to “carry out or cause to be carried out such studies, researches and evaluations concerning the Constitution and other Constitutions and Constitutional Systems as, in the Commission’s opinion may inform the Commission and the people of Kenya on the state of the Constitution of Kenya.” Section 18 (1) provided that the Commission “shall visit every constituency in Kenya to receive the views of the people on the constitution; without let or hindrance, receive memoranda, hold private or public hearings.”

Section 5 (b) provided that the Commission shall “ensure that the review process accommodates the diversity of the Kenyan people including socio-economic status, race, ethnicity, gender, religious faith, age, occupation, learning, persons with disabilities and the disadvantaged.” Pursuant to these provisions, the Commission visited and held at least two hearings per constituency and received views from as diverse a population as possible. Based on the analysis of the views from the public and studies, the Commission would then draft a Bill to alter the Constitution. This chapter presents the process of analysing the views of Kenyans by the Commission.

#### **10.2 Organization of the Data Analysis Process**

Data analysis process was carried out under the guidance of the Deputy Secretary, Ms Pauline Nyamweya and the Chairman of the Research, Drafting and Technical Support Committee, Professor H.W.O. Okoth-Ogendo. Two Programme Officers namely, Walter Owuor and Peter Kanyi facilitated the data analysis process of the Commission. At the outset, the two Programme Officers designed coded data analysis matrices whose elements were based on constitutional issues contained in the Issues and Questions for Public Hearings Hand Book. The Programme Officers also designed data tabulation sheets, into which all the raised constitutional concerns were to be downloaded.

At the peak of the data analysis process, over 150 data clerks assisted the two Programme Officers by reading, downloading and recording issues and recommendations into the specially designed data tabulation sheets from over 35, 000 sets of submissions. These tabulation sheets were then forwarded to the Programme Officers for accuracy checks. Once certified as accurate, the tabulation sheets were forwarded to data entry clerks for input into a tailor made computer programme for collation.

The collation was according to the Issues and Questions for Public Hearings, the popularly called the “red book” but due to the diversity of the constitutional issues raised, the content of the red book was expanded in a bid to include the concerns of all Kenyans. The resultant data runs formed an important input into the thought process of the various thematic taskforces and working committees of the Commission.

The above task was so demanding given the short time allocated that the Commission was compelled to set up a 24-hour, seven-day work programme for verbatim transcribers, memoranda transcribers and data entry clerks under the guidance of the Research and Drafting Programme staff. Thus between June and September 2000, the Commission went on a 24-hour work schedule.

### **10.3 The Cycle of, and Framework for Collation and Analysis of Views**

The views collected either directly through oral presentation or written presentations had to be collated and analyzed by the Commission in such a manner as to remain faithful to, and reflective of the wishes of the people of Kenya. Recognizing the diverse sources of views and information such as constituency public hearings, public lectures and seminars, workshops, special groups presentations and presentations delivered through post, faxes, e-mail and the print media, the Commission developed a data analysis and management system through which the information from both written and oral presentations were received and recorded.

#### **10.3.1 Coding of Written and Oral Submissions**

The data analysis cycle begun from the time memoranda and oral submissions were received from the field. The first point of entry was a register, which captured the type of submission (written/memoranda and oral). The memoranda were then forwarded to the Registry where the initial processing begun. At this stage the Constituency files were created and given unique codes, which applied to each of the Constituencies. For example Aldai constituency in Nandi District of the Rift Valley Province was coded (XXXX/I/NA/RV and XXX/O/NA/RV). The first four letters (XXX) are for serial numbers; the “I” stands for individual submissions while the “O” stands for Organization submissions. The next two letters represent the district and constituency. For example in the case of Aldai, “N” stands for Nandi District and “A” stands for Aldai Constituency. However, where letters clashed, an appropriate letter was obtained for the Constituency. The last two letters (e.g. RV) represent the Province.

Once the constituency files were marked, all individual and organizational submissions were coded beginning from 0001 to the last. For example the first individual memorandum in Aldai was coded 0001/O/NA/RV. All Direct Submissions to the Commission were also given unique codes akin to those from formal public hearings.

A physical count was then taken and all the entries were summarized in an Excel worksheet, which gave names of the presenters, their organization titles and types of presentation.

Tapes, recorded at the public hearings, were also coded and handed over to the Hansard team who transcribed them into written reports. To ensure that all the tapes were properly

transcribed, qualified personnel who were either professional editors or were fluent in local dialects carried out editing of the reports. The typed 'oral' transcriptions were then coded and appended to the written submissions for the respective Constituencies.

### **10.3.2 Data Collection and Analysis Matrices**

Data collation required matrices for background information and for the actual views given by the presenters. Two matrices (Matrix A and Matrix B) were, therefore, prepared to facilitate the process of collating the views received from the public. The two matrices were used concurrently to capture and organize all the information received.

#### **Matrix A: Collation of Background Information of Presenters**

According to the Constitution of Kenya Review Act, the Commission was mandated to receive views from Kenyans of all ages, sex, creed, and religion, professional and other background information. Accordingly, Matrix A was designed to capture the date the views were received; types of presenters (individual, Organizations and other institutions), their names and addresses; age, education level, sex and occupation of individual presenters; Provinces, Districts, Constituencies and Forum and Form of presentation.

#### **Matrix B: Collation of Views**

Matrix B was designed to collate the actual views from the written memoranda and the transcribed oral reports. The matrix had three main columns and over 200 rows. The rows were organized around 43 themes, 22 of which were obtained from the list of Issues and Questions for Public Hearings while 21 were added to capture views given by Kenyans, that went beyond the scope of the Issues and Questions. The rows were organized around Constitutional (CB), Policy (PB), Programme Planning (PRB), Legal (LB), and General/ Cross-cutting themes (GB) as follows:

##### **CB1: Preamble**

This aspect of the matrix captured views on the need for a Preamble, national vision and common experiences of Kenyans to be reflected in the Preamble.

##### **CB2: Principles of State Policy**

Under this the views were captured as to whether or not the Constitution needed to have national philosophy and guiding principles: the actual democratic principles and values to be included; and whether the principles could be enforceable in law.

##### **CB3: Constitutional Supremacy**

The section captured the need to retain/replace the 65% majority rule required to amend the constitution; powers of Parliament to amend the Constitution; whether there should be need for a referendum when amending the Constitution; and penalties for breaching the Constitution.

#### CB4: Citizenship

This captured the conditions under which one should be considered a citizen of Kenya; rights and obligations of a citizen; issues of documentation for proving citizenship; and issues of refugees were captured in this section.

#### CB5: Defense and National Security

This aspects captured the need to establish the Disciplined Forces in the Constitution; mechanisms for disciplining the Armed Forces; whether or not the President would retain the role of Commander-in-Chief of the Armed Forces; powers of the executive to declare war; permission to use extraordinary powers during emergencies; authority to invoke emergency powers and the role of Parliament in invoking emergencies; and other roles of the Armed Forces were some of the issues captured in this section.

#### CB6: Political Parties

This section captured issues regarding the roles, formation and management of political parties; financing of the political parties and their relationship with the state.

#### CB7: Structures and Systems of Government

The section captured the Structures and Systems of Government included issues on the Presidential, Parliamentary and Hybrid Systems; divergent views on unitary and federal systems; devolution of powers and appointment/election and conduct of the Vice President and the Attorney General.

#### CB8: The Legislature

The section captured powers of Parliament to vet appointments made by the Executive and Judiciary; Parliaments control over its own activities and calendar of events; requirements for voting and contesting Parliamentary and Presidential elections; right of the Constituents to recall their Members of Parliament; increasing participation of marginalized groups and women in Parliament; the structure of the Legislature; the relationship between the Legislature and the Executive and elections of the President in relation to those of Members of Parliament.

#### CB9: The Executive

Qualifications for Presidential candidates, tenure, functions and powers of the President were the main issues captured in this section. Relationship between the Executive and Parliament and roles, functions and need for retention of the Provincial Administration were some of the issues covered in this section.

#### CB10: The Judiciary

The section captured the Judiciary section captured views on the structure of the Judiciary, need for Supreme and Constitutional courts, appointment and qualification of Judicial Officers, tenure of Judicial Officers, the nature of the Kadhi's Court and the need to have Council of Elders to handle local matters.

#### CB11: Local Government

The section captured the Local Government section captured views on the election of Mayors and Council Chairpersons, relationship between Local Authorities and the Central government and qualifications for contesting local authority seats. Others included remuneration of councilors, nomination of and conduct of councilors, licensing and conduct of council staff.

#### CB12: The Electoral Systems and Process

The electoral system and process to practice, procedures/requirements for contesting and winning elections, delimitation of constituency boundaries and the management of electoral process were all captured in this section.

#### CB13: Basic Rights

Issues of fundamental rights, right to life and basic needs/rights were captured in this section. Rights of workers were also captured.

#### CB14: The Rights of Vulnerable Groups

The section captured the rights of the vulnerable groups focused on women, persons with disabilities, children, the youth, the elderly and prisoners among others.

#### CB15: Land and Property Rights

All matters pertaining to land ownership, registration and transfer as well as management and utilization were captured in this section.

#### CB16: Cultural, Ethnic and Regional Diversity and Communal Rights

Issues of diverse cultures and ethnic groups, languages and promotion of positive aspects of culture and protection from discriminatory aspects of culture were all addressed in this section.

#### CB17: Management and Use of National Resources

The section captured management and use of national resources included raising, distribution and use of financial and human resources, management of the resources and management of the Public Service.

#### CB18: Environment and Natural Resources

The section captured all matters relating to environment management and protection.

#### CB19: Participatory Governance

Participation of NGOs and other organized groups in governance and the role of women, persons with disabilities, youth, minority groups, the elderly and others were all captured in this section.

#### CB20: International Relations

The section captured issues of international relations included conduct of foreign affairs and domestication of international treaties, conventions and regional/bilateral treaties.

#### CB21: Constitutional Commissions, Institutions and Offices

Establishment of and functions of Constitutional Offices were captured in this section.

#### CB22: Succession and Transfer of Power

Responsibility and overseeing of matters of the state during succession, transfer of instruments of power, security and privileges of retired Presidents and vacation of the Presidency other than through elections were some of the matters captured in this section.

#### CB23: Women's Rights

The need to capture women's rights in the Constitution, issues of inheritance, ownership of resources and property rights, and marital laws were captured in this section.

#### PB24: International Relations

This section captured globalization and international economic order, information superhighway, global environment facility, international indebtedness and the HIPC initiative, the role of Bretton Woods Institutions and other Multilateral Donors, Role of Bilateral Lending Institutions and Governments, and Foreign Direct Investments.

#### PB25: Regional Issues

The section captured regional issues including Economic Integration, Regional Bio-Diversity Programmes, Economic and Social Infrastructure, Capital movement within the region and harmonization of economic policies.

#### PB26: National Economic

The section captured at the national level, policies tackled including domestic trade issues, economic liberalization, industrialization and energy, poverty reduction and physical, economic and social infrastructure issues.

#### PB27: National Other

Other policies at the national level including insurance, HIV/AIDS, public safety, corruption and population issues were captured in this section.

PB28: Sectoral

The section captured sectoral policies including agriculture and livestock, industry and manufacturing, education, public finance (fiscal policy), monetary policy, health, tourism, information communication technology (ICT) including the media, small enterprise development, mineral exploration and excavation, transport and communications, fishing, and parks and wildlife.

PRB29: Intentional Planning Issues

International planning including formulation, management and implementation of various internationally oriented plans were captured under this section.

PRB30: Regional Planning Issues

The section captured regional planning issues including formulation, implementation and evaluation of regional planning instruments.

PRB31: National Planning Issues

National Planning issues including preparation and implementation of sessional papers, national development plans and other plans implemented at the national level were captured under this section.

PRB32: Sub-National Planning Issues

The section captured sub-national plans including regional and district plans, their formulation, implementation, monitoring and evaluation.

LB33: Customary Laws

The section captured customary laws mainly personal laws relating to marriage and inheritance and ethnic/culture specific customary practices.

LB34: Statutory Laws

This section captured all the proposals on amendment and revision of various statutory laws.

LB35: Islamic Laws

Issues pertaining to the review and implementation of Islamic laws were captured in this section.

LB36: Bills

Pending bills and those needed were all captured in this section.

GB37: Common Good

The section captured issues of common good included love, peace and unity motto and commonality of Kenyans among others.

GB38: Gender Equity

Issues of gender balance other than women specific issues were captured in this section.

GB39: Economic/social Justice

The section captured economic and social justice issues relating to compensation for losses during land clashes and massacres of the 1950s/1960s, economic and social security benefits and obligations.

GB40: Cultural/Regional Diversity

Policies governing regional and cultural diversity were captured in this section.

GB41: Transparency/Accountability

The need for transparency in managing the affairs of the state was captured in this section, besides those captured under corruption.

GB42: Natural Justice/Rule of Law

Issues of justifiable legal framework were captured in this section.

GB43: National Integrity/Identity

Matters of identity of Kenyans and national symbols and values were all captured in this section.

#### **10.4 Preparation of Data Analysis Software**

The Commission prepared a Data Analysis Software to facilitate electronic collation of the views. One screen allowed for the capture Matrix A. A second screen allowed for the capture of the views as per Matrix B. At this stage the codes of each of the issues was used to post the views in appropriate places in the data entry tabulation forms. The screen allowed for the capture of the problem raised by the presenter and his/her recommendation for amendment.

#### **10.5 Data Collation Process**

All the submissions to the Commission were given attention in data processing. The Data Analysts, assisted by Memoranda Transcribers, read each memorandum and verbatim report



of oral views to identify issues, which were raised by the various presenters. All the views were matched with the list of *Issues and Questions*, which were prepared by the Commission. All the issues and sub-issues were coded for purposes of matching the views with the list of Issues and Questions. At this stage duplicate submissions were identified and dealt with.

All the submissions were coded manually using a coding list, which was based on the list of Issues and questions. The forms containing the coded issues were then edited to ensure proper matching for all the issues raised by various presenters. Data Analysts carried out a second random editing just to crosscheck for accuracy. The coded and collated issues were then passed on to data entry Clerks who entered the data in the data collation software.

Data analysts were able to report on all the data by Issues at National, Provincial, District and Constituency levels, and by any other variable contained in the background information (e.g. gender). A summary report could also be produced showing all the views raised by Kenyans countrywide. The collation process ended at the production of various thematic tabulated reports. Of the total 35,413 submissions collated, the tabulations produced 34,157 pages of text broken down as follows:

**Table 14: Breakdown of collated Views in Matrix B by Issues**

	<b>Issue /Area of Concern:</b>	<b>From</b>	<b>To</b>	<b>Pages</b>
1	Preamble	1	464	464
2	Principles of State Policy	465	778	314
3	Supremacy	779	1438	616
4	Citizenship	1439	2713	1275
5	Defence and National Security	2714	3613	900
6	Political Parties	3614	4717	1104
7	Structure and System of Government	4718	6331	1614
8	The Legislature	6332	10034	3703
9	The Executive	10035	12908	2874
10	The Judiciary	12909	14608	1700
11	Local Government	14609	16654	2046
12	The Electoral Systems	16655	19447	2793
13	Basic Rights	19448	22647	3200
14	The Rights of Vulnerable Groups	22648	23687	1040
15	Land and Property Rights	23688	25852	2165
16	Cultural, Ethnic and Regional Diversity	25853	26606	754
17	Management and Use of National Resources	26607	28011	1405
18	Environment and Natural Resources	28012	28632	621
19	Participatory Governance	28633	29021	389
20	International Relations	29021	29197	177
21	Constitutional Commission, Institutions and Offices	29198	29939	742
22	Succession and Transfer of Power	29940	30529	590
23	Women's Rights	30530	31046	517
24	International Policy	31047	31071	25
25	Regional Policy	31072	31082	11
26	National/ Sectoral Policy	31083	33471	2389
27	Customary, Statutory and Islamic Laws and Bills	33472	33870	396
28	General and Cross-Cutting Themes	33871	34157	288

## **10.6 Analysis of Collated Views**

Data analysis was carried out at different stages. The first analysis involved tabulation followed by a review of the background information contained in matrix A. Preliminary tables were produced and disseminated through the in-house Newslater (Katiba News). Subsequently, all the rest of demographic statistics were produced using EPI-INFO and SPSS where each of the software was appropriate.

The main database comprised of the qualitative sets of views collated using coded matrix B. Analyzing this dataset provided the biggest challenge to the Commission. In order to give Kenyans an opportunity to raise as diverse views as possible, the coded views were not structured into pre-determined sets of responses. They were all coded under similar themes and areas of concern, but wording from the original memoranda retained in almost their original forms.

Analysis of the qualitative data was therefore carried out in two stages. The first stage involved the production of the collated data runs for various themes and areas of concern. The second stage involved manual tabulation to ensure that as many diverse views of Kenyans were retained as part of the responses.

Final tables of the collated summaries were produced. The Research Team and the Thematic Task Forces further carried out analysis with a view to producing the Volume I of the National Report and for the purposes of arriving at recommendations for drafting. The views of Kenyans were then blended with the results of the conceptual and comparative analysis leading to the overall Commission's conclusions and recommendations, which formed the basis for the production of the Draft Bill to alter the constitution.

## **10.7 Conclusion**

The data analysis process was a challenging experience. The challenges included

- (i) Massive amount of memoranda received,
- (ii) Short time required to process all the data (3 months),
- (iii) Lack of existing framework for qualitative data analysis,
- (iv) Diverse nature of issues raised,
- (v) Security concerns surrounding data processing,
- (vi) Suspicion across various quarters as to whether all concerns of Kenyans were going to be given equal weight.

However, data analysis was concluded successfully and all the memoranda and oral submissions used in the Draft Report and Draft Bill.



## **CHAPTER ELEVEN:**

### **FOREIGN CONSULTATIVE VISITS**

#### **11.1 Mandate and Justification**

The Constitution of Kenya Review Act Section 17 (c) required the Commission “ to carry out or cause to be carried out such studies, researches and evaluations concerning the Constitution and other constitutions and constitutional systems as, in the Commission’s opinion, may inform the Commission and the people of Kenya on the state of the Constitution of Kenya.”

Taking into account the feedback and comments from the public and expert groups on the draft constitution, the Commission felt that it was necessary to conduct visits to various countries with comparable and relevant experiences to Kenya’s review process. This was for a number of reasons.

First, the Commission was convinced that with the a draft Constitution already in place, it was important to obtain direct comparable, relevant and practical experiences from other countries in Africa, Europe, North America, Latin America and Asia to add to the final revision of the draft Constitution before the National Constitutional Conference.

Second, the implementation of the new constitutional order in Kenya would require massive development and review of legislation and policies within a period of three years. It was necessary to learn from other countries’ legislative and policy experiences in relation to the constitution implementation, and to gather any necessary information and materials that would enrich the consequential legislation and policy actions that would follow the enactment of the new Constitution.

Third, the visits were also intended to provide the opportunity for the Commission to meet and consult with members of the Kenyan community abroad on the draft Constitution. This was in keeping with the Commission’s mandate under the Act requiring it to consult all Kenyans and ensure their full participation in the review process.

However, despite the Commission’s elaborate preparations for the foreign visits, the visits never took off in 2002 for a number of reasons including lack of support from the Chairman’s Office, the general political anxiety over the future of the reviews process, and inadequate resources due to the failure of donors to support the visits because of internal differences within the Commission about the foreign visits.

After spirited efforts by a section of Commissioners, the visits finally took off in June, 2003. This was during the break from Bomas I talks of the National Constitutional Conference.

The purpose of this chapter, therefore, is to share the plans and arrangements for foreign visits made by the Commission and the issues that were addressed in each country that was visited.

It is important to note that without the foreign visits, the Commission had to rely a great deal on comparative analysis of the issues based on documented materials. The visits provided opportunity for practical observation of how constitutions work in other countries and an in-depth appreciation of the issues.

### **11.2 Purpose and Objectives of the Foreign Consultative Visits**

The general purpose for the Commission to undertake consultative visits to other countries was to gain such practical experiences as may be useful in fine-tuning and testing for feasibility of the provisions made in the Draft Bill. These visits were aimed to serve the following specific objectives:

1. To enable the Commission to directly or critically appreciate how comparable constitutional systems are working;
2. To enable the Commission relate its specific proposals in the draft constitution to realities and practical experiences in countries with similar or comparable provisions in their constitutions.
3. To enable Commissioners to acquire practical and hands-on exposure on translation of constitutional principles, goals, values and provisions into viable and working governance, institutional, legislative, policy and programmatic realities.
4. To facilitate and enable the Commission to complete the review of the constitution taking into account other political experiences and constitutional systems in the world. The visits were to act as effective sounding board to gauge the feasibility, viability and practicability of the various provisions of the draft constitution based on other peoples' and countries' experiences.
5. To enable the Commission to meet and consult with interested parties abroad, including Kenya's development partners comprising of bilateral and multilateral agencies on the implementation of the new constitution.
6. To enable the Commission to meet and consult with members of the Kenyan community in the countries and/or regions visited in order to discuss the Draft Bill.
7. To enable the Commission collect any relevant information and materials that may have been useful in the revision of the National Report and Draft Constitution as well as development of consequential legislation and policies.

### **11.3 Approach to Foreign Visits**

The visits took a consultative and study tour approach, during which, the Commission sought to meet and consult with:

- ❑ Various state departments
- ❑ Constitutional institutions and offices,
- ❑ Parliament
- ❑ Judiciary,
- ❑ Civil society organizations,

- ❑ University faculties of law and political sciences,
- ❑ Local government authorities
- ❑ Relevant regional and international bilateral and multilateral agencies
- ❑ Other key persons and organizations

In addition, the Commission met with Kenyans resident in the countries visited.

#### **11.4 Organization and Approach to Foreign Consultative Visits**

The Research, Drafting and Technical Support Committee established a twelve-member Task Force to work on the foreign consultative visits. The Task force consisted of twelve Commissioners and four secretariat staff as follows:

##### **Commissioners**

- |     |                                     |   |             |
|-----|-------------------------------------|---|-------------|
| 1.  | Comm. Prof. Wanjiku Kabira          | - | Co-Convener |
| 2.  | Comm. John Mutakha Kangu            | - | Co-Convener |
| 3.  | Comm. Abida Ali-Aroni               |   |             |
| 4.  | Comm. Nancy Baraza                  |   |             |
| 5.  | Comm. Kavetsa Adagala               |   |             |
| 6.  | Comm. Bishop Bernad Karuiki Njoroge |   |             |
| 7.  | Comm. Prof. HWO Okoth-Ogendo        |   |             |
| 8.  | Comm. Phoebe Asiyo                  |   |             |
| 9.  | Comm. Ibrahim Lethome               |   |             |
| 10. | Comm. Riunga Raiji                  |   |             |
| 11. | Comm. Dr. Charles Maranga Bagwasi   |   |             |
| 12. | Comm. Dr. Mohammed A. Swazuri       |   |             |

##### **Secretariat**

1. Charles Oyaya - Programme Officer, Research, Drafting and Technical Support
2. Achieng' Olende - Programme Officer, Research, Drafting and Technical Support
3. Hassan Mohamed – Programme Officer, Mobilization and Outreach
4. Noor Awadh –Research Assistant, Research, Drafting and Technical Support

The Secretariat was charged with the responsibility of preparing proposals for the foreign visits and arranging for protocol. The visits to African countries were to be funded by the Commission while visits outside Africa were to be funded by donors.

While the Research, Drafting and Technical Support Department was responsible for technical arrangements for the visits, the Mobilization and Outreach Department handled the protocol, logistics, travel and accommodation arrangements. The two departments liaised on the paneling for the visits taking into account the diversity of Commissioners.

#### **11.5 Program and Panels for the Foreign Consultative Visits**

The tentative program was drawn for the foreign consultative visits, and panels formed. The panels for countries outside Africa were formed subject to the availability of funds to sponsor

the visits. Each panel was to consist of between three and four Commissioners and two program staff.

### **11.5.1 Program and Panels for Visits to African Countries**

Between December 10<sup>th</sup>, 2002 and 30<sup>th</sup> January, 2003, the CKRC had planned to visit Uganda, Rwanda, Tanzania, South Africa, Ghana, Morocco, Egypt, Libya and Ethiopia, all in Africa. After a long and thorough preparation for the foreign visits, the visits failed to take off. Three reasons could be directly attributed to this failure; one being that the Commission succumbed to public pressure to reduce the duration of the review process. The other reason, and the main one for that matter, was the fact that the Chairman of the Commission was opposed to the foreign visits and this made it difficult to ensure that the visits took off. Thirdly, donors who were willing to sponsor the visits were successfully lobbied not to sponsor and support the foreign visits.

It was very unfortunate that these trips were sabotaged, because arrangements for almost all of them had reached advanced stages. For countries outside Africa, the following were contacted for the visits: Germany, U.K., France, U.S.A., Canada, Sweden, Norway, Finland, Netherlands, the Swiss Confederation, Belgium, Australia, New Zealand, Japan, South Korea, Brazil, Argentina, India, Pakistan and Iran.

The long list was proposed with the knowledge that some of the countries would not be ready for CKRC. It was not that all of them would have been visited; there was neither the money nor the time for visiting all of them.

In June 2003, the trips took off, but only in Africa. There were fears from some quarters in the Commission that the intended visits were going to be disastrous, were a bad public relations exercise and a waste of resources. It turned out that there were many benefits from the trips. For example, Kenyans in the visited countries really appreciated the opportunity they were accorded, of airing their views on the completed draft. They felt that they had fully participated in the review process although they were far from home.

Commissioners got an opportunity to learn on the ground, about issues, which they had just been hearing about or had read them. Countries visited also welcomed the courage of CKRC to consult widely and wished that they had done the same during their respective constitution review processes.

Between June 26<sup>th</sup> and August 2<sup>nd</sup>, 2003 the CKRC made learning visits as follows:-

1. Uganda - 29<sup>th</sup> June – 4<sup>th</sup> July, 2003
2. Tanzania - 27<sup>th</sup> July – 2<sup>nd</sup> August, 2003
3. Rwanda - 7<sup>th</sup> July – 10<sup>th</sup> July, 2003
4. South Africa - 20<sup>th</sup> July – 26<sup>th</sup> July, 2003
5. Ethiopia - 27<sup>th</sup> July – 1<sup>st</sup> August, 2003
6. Ghana - 15<sup>th</sup> December – 22<sup>nd</sup> December 2003

Prior to these visits commissioner Mutakha Kangu had visited the Federal Republic of Germany between 9<sup>th</sup> and 15<sup>th</sup> February, 2003. He was part of a five-person delegation of Kenyans from the CKRC, Parliament, political parties, the civic society and professional organizations. Costs of the trip (sponsorship) were met by the Friedrich Ebert Foundation in Kenya.

Commissioner Kangu's visit to Germany focused on devolution of powers, federalism, the two-chamber legislature, electoral systems, especially the mixed member proportional representation (MMP) and the role of the judiciary in the application of basic law relating to the federal constitutional court.

Later on, Commissioner Nancy Baraza also visited Finland as part of an expert group to monitor general elections in that country. This experience helped a lot in shaping the thinking about the electoral system and organization of political parties in the draft constitution proposed by CKRC.

### **Funding for the trips:**

The money for the trips of June-July 2003 came from two sources: CKRC that gave US\$34,823 and UNIFEM that gave US\$5,240 specifically for the trip to Uganda. For the trip to Germany by Commissioner Kangu, the Fredrick Ebert Foundation donated the money. The money was utilized for air tickets, ground travel, per diem allowances and the use of interpreters whenever required. The specific is given below:-

<b>No:</b>	<b>Description of Expenses</b>	<b>Amount Kshs:</b>	<b>Amount US\$:</b>
1	Panel 1 – Trip to Rwanda	607,200.00	7,590.00
2.	Panel 2 – Trip to Uganda	626,080.00	7,826.00
3.	Panel 3 – Trip to Tanzania	626,080.00	7,826.00
4.	Panel 4 – Trip to Ethiopia	530,080.00	6,626.00
5.	Panel 5 – Trip to South Africa	815,600.00	10,195.00
6.	Panel 6 – Trip to Ghana	904,260.00	11,303.26
<b>Total</b>		<b>3,205,040.00</b>	<b>40,063.00</b>

### **The Issues addressed during the foreign visits:**

#### **11.5.2 African Countries**

##### **1. Tanzania**

- Village government decentralization to the district
- Land
- Gender question, quota system and representation of special interests groups
- East African community
- The functional relationship between Parliament, executive, judiciary and constitutional offices
- The land question



- ❑ Lessons learnt in the implementation of the Tanzanian Constitution, constitutional transition and how outstanding constitutional issues are being dealt with.

## **2. Rwanda**

- ❑ Devolution
- ❑ Affirmative action
- ❑ Experience in Constitution making
- ❑ District and women Councils
- ❑ Referendum
- ❑ Redressing past human rights abuses and injustices

## **3. Ethiopia**

- ❑ Devolution in a multi-ethnic society
- ❑ Power sharing within the executive between the President and prime Minister
- ❑ Gender question
- ❑ Anti-corruption and public integrity initiatives
- ❑ Local level government
- ❑ Redressing past human rights abuses and injustices
- ❑ Lessons learnt

## **4. Republic of South Africa**

- ❑ Devolution and the management of the devolved system including the effectiveness of South Africa's local government authorities
- ❑ Electoral system including the workings of the Electoral Commission and laws
- ❑ The implementation of affirmative action focusing on how it has worked and influenced the political process especially how women and other special interest groups such as people with disability have fared in general election processes; election methods used to implement the affirmative action at both national and local levels
- ❑ The functional relationship between Parliament, executive, judiciary and constitutional offices
- ❑ The land question especially how squatter problem has been dealt with
- ❑ Anti Corruption and public integrity initiatives
- ❑ Public finance management and budgetary processes and arrangements
- ❑ Ethnic, cultural and linguistic diversity and traditional leadership
- ❑ Functioning of the Constitutional Court;
- ❑ Social and Economic council
- ❑ Functioning of second Chamber of parliament
- ❑ Human rights
- ❑ Constitutional commissions
- ❑ Lessons learnt in the implementation of the South Africa's including constitutional transition and how outstanding constitutional issues are being dealt with.

## **5. Uganda**

- ❑ Devolution and the management of the devolved system including the effectiveness of Uganda's decentralized and local government authorities
- ❑ Electoral system including the workings of the Electoral Commission and laws
- ❑ The implementation of affirmative action focusing on how it has worked and influenced the political process especially how women and other special interest groups such as people with disability have fared in general election processes; election methods used to implement the affirmative action at both national and local levels
- ❑ The functional relationship between Parliament, executive, judiciary and constitutional offices
- ❑ The land question
- ❑ Anti Corruption and public integrity initiatives
- ❑ Public finance management and budgetary processes and arrangements
- ❑ Lessons learnt in the implementation of the Uganda Constitution, constitutional transition and how outstanding constitutional issues are being dealt with.

## **6. Ghana**

- ❑ Decentralization and district system
- ❑ Political parties
- ❑ Gender question, quota system and representation of special interests groups
- ❑ Cultural diversity and traditional leadership
- ❑ The functional relationship between Parliament, executive, judiciary and constitutional offices
- ❑ The electoral system
- ❑ The land tenure system
- ❑ Lessons learnt in the implementation of the 1992 Constitution, constitutional transition and how outstanding constitutional issues are being dealt with.

In the countries not visited, it was expected that CKRC would have benefited on information on the following:-

### **1. Morocco**

- ❑ Islam and secularism in constitutional practice
- ❑ Political parties
- ❑ Functional relationship between Parliament, executive, judiciary and constitutional offices
- ❑ Representation of women and special interest groups in decision making bodies and management of public affairs
- ❑ The operations of the electoral system
- ❑ Traditional leadership
- ❑ Lessons learnt.

### ➤ **Egypt**

- ❑ Relations between parliament and the executive
- ❑ Islam and secularism in constitutional practice

- ❑ The Judiciary
- ❑ Land and economy
- ❑ Management of water resources including irrigation
- ❑ Lessons learnt in the implementation of the Egyptian constitution.

### ➤ **Libya**

- ❑ People's Sovereignty
- ❑ People representation
- ❑ Affirmative Action
- ❑ Devolution and village government
- ❑ Relations between parliament and the executive
- ❑ Social Security and protection system
- ❑ Islamic Judicial system
- ❑ Lessons learnt in the implementation of the Libyan constitution.

For countries outside Africa the issues to be discussed were listed as follows:

### **11.5.3 Other Countries**

#### **1. United States of America**

- ❑ The executive system;
- ❑ Separation of powers;
- ❑ Checks and balances;
- ❑ The Judiciary and particularly the Supreme Court
- ❑ Electoral system;
- ❑ The Social security system;
- ❑ The Bill of Rights;
- ❑ Race relations/indigenous people's rights;
- ❑ Language policy;
- ❑ Citizenship and the process of naturalization.

#### **2. Canada**

- ❑ The functioning of the local government authorities
- ❑ Separation of powers and functional relationship between Parliament, executive, judiciary and constitutional offices
- ❑ Public integrity initiatives and systems
- ❑ Devolution and management of diversity;
- ❑ Resource and Financial equalization;
- ❑ Citizenship
- ❑ Supreme Court
- ❑ The Bill of Rights;
- ❑ The Gender question;
- ❑ Language policy and the protection of minorities and marginalised groups.
- ❑ Redressing and Righting historical wrongs

### **3. United Kingdom**

- The functioning of the local government authorities
- Separation of powers and functional relationship between Parliament, executive, judiciary and constitutional offices
- Public integrity initiatives and systems
- Parliamentary system;
- Devolution;
- Gender and the quota system;
- Race/ethnicity relations;
- Religious tolerance
- Public service
- National security and defense.

### **4. The Scandinavian Countries (Sweden, Norway, Finland)**

- The functioning of the local government authorities
- Separation of powers and functional relationship between Parliament, executive, judiciary and constitutional offices
- Public integrity initiatives and systems
- Public finance management and budgetary processes and arrangements
- Systems for monitoring and evaluating state plans and programs
- The operations and financing of the social security and protection systems;
- Representation of women and special interest groups in decision making bodies and management of public affairs
- The operations of the electoral system
- Lessons learnt.

### **5. Netherlands**

- Separation of powers and functional relationship between Parliament, executive, judiciary and constitutional offices
- Public integrity initiatives and systems
- Systems for monitoring and evaluating state plans and programs
- The operations and financing of the social security and protection systems;
- Representation of women and special interest groups in decision making bodies and management of public affairs
- The operations of the electoral system
- International court of Justice at the Hague
- Land and economy
- Infrastructure development

### **6. Germany**

- Separation of powers and functional relationship between Parliament, executive, judiciary and constitutional offices
- Public integrity initiatives and systems
- Systems for monitoring and evaluating state plans and programs

- ❑ Political parties;
- ❑ The Constitutional Court;
- ❑ Resource and Financial equalization;
- ❑ The Bill of Rights
- ❑ Electoral system- Mixed Member Proportional System
- ❑ Second chamber
- ❑ Promotion of science and technology

## **7. The Swiss Confederation**

- ❑ Devolution;
- ❑ Resource and Financial equalization;
- ❑ Social security system
- ❑ International relation and cooperation
- ❑ Police and security system
- ❑ Language and cultural diversity

## **8. France**

- ❑ The functioning of the local government authorities
- ❑ Separation of powers and functional relationship between Parliament, executive, judiciary and constitutional offices
- ❑ Public integrity initiatives and systems
- ❑ Mixed system of government (Cohabitation);
- ❑ The Constitutional Court.
- ❑ Functioning of second chambers –Institute of second chambers
- ❑ Social and economic council
- ❑ Education system

## **9. Belgium and the European Union Headquarters**

- ❑ International relations and regional and continental cooperation
- ❑ Language policy in Belgium

### **11.5.4 Asia-Pacific**

#### **1. India**

- ❑ Multi-ethnicity, linguistic and cultural diversity;
- ❑ Public interest litigation;
- ❑ The question of national values and goals/directive principles of state policy.
- ❑ Supreme Court
- ❑ Promotion and financing of local investors/investments and small scale industries/relations with foreign investors
- ❑ Land and economy
- ❑ Intellectual property rights
- ❑ Functioning of local government authorities
- ❑ Electoral system including the workings of the Electoral Commission and laws

- ❑ The functional relationship between Parliament, executive, judiciary and constitutional offices
- ❑ Public finance management and budgetary processes and arrangements
- ❑ Social and Economic council
- ❑ Constitutional commissions
- ❑ Lessons learnt in the implementation of the India's including constitutional transition and how outstanding constitutional issues are being dealt with.

## **2. Pakistan**

- ❑ The Gender question in the Islamic context;
- ❑ The current developments in decentralization and local government;
- ❑ Islamic Judicial system
- ❑ Religious tolerance.
- ❑ Lessons learnt in the implementation of the Pakistani constitution including constitutional transition and how outstanding constitutional issues are being dealt with.

## **3. Iran**

- ❑ The Gender question;
- ❑ Shiite Islamic system;
- ❑ Proportional representation;
- ❑ Ethnic minorities.

## **4. Indonesia**

- ❑ Religious tolerance;
- ❑ National values, goals and ideology;
- ❑ Islamic court/Judicial system;
- ❑ The gender question in the Islamic context;
- ❑ Multi-ethnicity and linguistic diversity.
- ❑ Land and economy

## **5. South Korea**

- ❑ Economy and industrialization
- ❑ Newly industrialized economy in the global/international economic system
- ❑ Human resource development
- ❑ Land and economy

## **6. Japan**

- ❑ Public service
- ❑ Functioning of a unitary system;
- ❑ Constitution making and its domestication;
- ❑ Modernization and indigenous culture and values in constitutionalism
- ❑ Promotion and financing of local investments, innovations
- ❑ Intellectual property rights

- Promotion of science and technology, business and industry

## 7. Australia

- Ombudsman;
- Public Accountability/ Dealing with corruption;
- Leadership codes of conduct;
- Resource and Financial equalization
- Redressing and Righting historical wrongs
- Protection of minorities and marginalized groups

## 8. New Zealand

- Public finance management
- Legislating for fiscal and financial responsibility

## 11.5.5 Latin America

### 1. Brazil

- The role of the Military/national defense and security;
- Devolution of power;
- The functional relationship between Parliament, executive, judiciary and constitutional offices
- Race and ethnic relations
- Redressing socio-economic inequalities
- Environment and Natural resources management
- Lessons learnt in the implementation of the Brazilian constitution

### 2. Argentina

- The functional relationship between Parliament, executive, judiciary and constitutional offices
- National and international economic system and economic reforms
- Popular sovereignty;
- Lessons learnt in the implementation of the Argentine constitution

### Funding:

The budget for the proposed trips was:

No:	Description of Expenses:	Amount (Kshs):	Amount (US\$):
1.	Panel 1 – Trip to Egypt	948,696.80	11,858.71
2.	Panel 2 – Trip to Libya	1,449,843.20	18,123.04
3.	Panel 3 – Trip to Nigeria	1,347,632.00	16,845.40
<b>Total</b>		<b>4,650,432.80</b>	<b>58,130.41</b>

No:	Description of Expenses:	Amount (Kshs):	Amount (US\$):
1.	Panel 1 – Trip to U.K.	1,427,095.20	17,838.69
2.	Panel 2 – Trip to Australia	2,147,888.00	26,848.60
3.	Panel 3 Trip to France	1,434,356.00	17,929.45
4.	Panel 4 Trip to Canada	1,812,720.00	22,659.00
<b>Total</b>		<b>6,822,059.20</b>	<b>85,275.74</b>

## 11.6 Lessons Learnt

The CKRC came back with a bag-full of lessons from the countries visited. It became obvious that reading a country's constitution and practically observing how the constitution is being applied are two different things altogether. Interrogating a country's constitution in the CKRC library and interviewing wananchi of that country in their homeland about the workability of their laws listed different lessons.

1. Other than Tanzania, which has not conducted a major constitutional review in the recent past, all the other Africa countries visited had reviewed their constitutions as between 1989 and the recent past. Tanzania has been making piecemeal but frequent amendments to its constitution to make it conform to the changing social political and economic circumstances within itself, in Africa and in the world. The other countries seem to have been inspired by the wave of political change sweeping across the world from 1989, the need to observe human rights and to accommodate the rapidly expanding desire for more political space by most citizens.

2. Most of the constitution reviews in the countries visited have been undertaken through involving the general public. This is a major departure from the previous system of writing constitutions devoid of public participation. The demand for constitutional change by citizens of countries has now become fashionable due to the mistrust against political administrators and the excessive abuse of power by the same.

3. There is a marked departure in the content of modern constitutions in Africa. There is greater emphasis on human rights, women's, children rights and an appreciation of minority rights. Perhaps the most notable aspect here is the recognition of the existence of and rights of persons with disabilities. All these rights and freedom now endear constitutions to their citizens. Although sharing of political power and governance still dominates constitutions, they have been spiced by these emerging rights and freedoms.

This is why almost all the constitutions of countries visited now have created special organs, agencies, commissions and committees to address specific issues touching on all the said rights and freedoms.

4. The structure of constitutions are changing and varied. While some are long and detailed, others are relatively shallow and devoid of much detail. It all depends on the level of mistrust against authorities by the citizens where this was high,



citizens demanded for detailed and finding constitutions. It has now been seen that too much detail in a constitutions creates problems in implementation.

5. Devolution of power has been accepted as the beginning of allowing the citizens of countries to actively participate in governance and, therefore, take charge of their social, economic and political destinies. In some countries, such as Ethiopia and South Africa, devolution is working on the ground, although with teething problems. In others, such as Uganda and Rwanda, there is more of decentralization than devolution. There seems to be teething problems in implementing full devolution in African countries, perhaps due to the deep-rooted desire for excessive powers by the executive (at the centre) and the unwillingness to experiment with change.

6. Legislatures in all the countries visited have more powers over their businesses than before. In Ethiopia, for example, the Upper Chamber or House of Federation acts like the most superior organ of the country. Many legislatures now control the executive and judiciary, and are fully involved in national appointments and dismissals. The separation of powers that has always been theoretically perceived as being there is now reemerging, beginning with the independence of parliament and the judiciary.

7. Election laws, rules, regulations appear to be similar in all countries visited except for South Africa. Differences appear in whether elections at all levels are done on the same day or are staggered. Party candidates or independent candidates, the issue of symbols, electoral boundaries, petitions etc. The roles of political parties and the electoral commissions are well defined and varied. In some countries, political parties are financed while in others this does not happen. In all, dominating issues are those of election violence, fraud, malpractices and expenses of elections.

8. Executive powers are now being reviewed to conform to public demands for their reduction and/or moderation. In practice, this is more theoretical than real. Many presidents and prime ministers, though appearing weak in the Constitution are actually too powerful in their operations. Although the recent constitution have managed to chip some of the immense powers the executive used to wield in the past, a lot is yet to be done to completely render them accountable to both the people and the rule of law.

9. In general, there is now a sense of public participation and involvement in both constitution making and governance in many African countries. These aspects may appear to be at their infancy, but they are gaining momentum with time. The three arms of government are now more responsive to the people than before. Issues, which were hitherto only found in pieces of legislation, or were offered by executives and parliament as mere verbal tokens are now firmly entrenched in constitutions. Land, environmental issues, composition, office of ombudsman, gender and people with disabilities are the latest entrants in the reproduced constitutions of Africa. This trend is set to continue for a long time to come.

## **11.7 Conclusion**

Borrowing from the immense success of the trips carried out upto August 2003, and given the contribution experiences from the visited countries inspired the Commission to rethink issues, CKRC mounted a second phase of the trips. This was after it was found that learning from others can greatly help get solutions to some of the contentious issues in the draft constitution. Most of the difficult decisions at the Bomas II talks were guided by giving practical examples of what Commissioners learnt from their visits abroad. Indeed, the Devolution Technical Working Committee of the Conference requested to be allowed to go abroad to appreciate what the Commissioners saw.

The second phase of the trips targeted the following countries: Libya, Egypt, Nigeria and Morocco in Africa and all the other outside Africa that were listed earlier. The success of the trips also depended much on the responses from the countries proposed. These trips were slated for between 15<sup>th</sup> November and 20<sup>th</sup> December, 2003.

## **CHAPTER 12:**

### **REGISTRY, DATA STORAGE AND ARCHIVING**

#### **12.1 Mandate**

The Constitution of Kenya Review Act, Chapter 3A of the Laws of Kenya charged the Constitution of Kenya Review Commission and other organs of review with the responsibility of facilitating the comprehensive review of the Constitution by the people of Kenya. In the same Act, the Commission was also granted data collection, custodial, preservation and publication functions to operationalise its constitutional review mandate.

Given the enormity of the task, the Commission had to have a proper information management mechanism established for all the records and documents for future reference and research purposes. There was also need for an institutional memory for evidence and historical purposes.

This chapter deals with those records and documents that were created or received by the Commission in the course of its business. Noting that the records of the Commission were public records in terms of the Public Archives and Documentation Service Act Cap 19 the system so established had to take into account the need for structured public retrieval.

#### **12.2 Storage Centers and Storage of Materials**

In its information management and storage functions, the Commission considered various types of information centers. These included libraries, documentation centers, data centers, publishing houses, mass media centers, bookshops, referral centers, bibliographic centers, information–analysis centers, information evaluation centers, and archives and record centers.

The choice of information centers depended to large extent on the terms of reference of the organization as well as the type of information being processed, the technology platform and costs of implementation. Within the Commission, the hard copies of the data collected were kept in files stored in filing cabinets; and the electronic data was stored in floppy disks, CD-ROMS, Computer hard disks.

Generally, the Commission maintained a decentralized system of storage whereby records and documents were stored by each respective department such as Finance and Administration. The Commission had also at various stages of its work utilized District Documentation Centers and Commission library and resource center as storage centers as well.

#### **12.3 Recording and Custodial Function**

Section 21(7) granted the Secretary of the Commission the power to record the proceedings and to take custody of all records and documents of the Commission. In fulfilling this

custodial role, the Commission Secretary assisted by the Deputy Secretaries of the Commission established an elaborate recording and storage mechanisms.

Section 22(1) provided for the publication and preservation of the Commission's records to certain storage centers and states. The Commission was also expected to avail the record of the proceedings of the review process through:

- (a) The documentation centers established under section 23;
- (b) The libraries provided by the Kenya National Library Services Board throughout the Country and
- (c) The print and electronic media

In this regard the Commission was expected to preserve information for onward transmission to other information centers such as mentioned above.

In the exercise of its mandate the Commission recorded all the proceedings of the review process and maintained custody of all the records and documents received. The documents from all over Kenya were of a diverse nature and included Constituency memoranda, direct submissions, transcribed Constituency oral views, Constituency reports, taped oral views, other submissions, registers, cassettes, letters among others.

#### **12.4 Establishment of the Registry and Archiving Mechanisms**

While maintaining administrative and management information systems and registry at the departmental level, all the technical registry, information, data storage and archiving systems were established, maintained and managed by the Research, Drafting and technical support Department. This involved the following:

- Establishment of the Internal Registry
- Creating Filing Systems
- Creating Coding methods
- Preparing Audio and Audio Visual materials
- Making the information available to the public
- Classifying and storing the documents generated in each department
- Creating the Hansard Team to transcribe the oral views
- Employing appropriate and qualified staff to manage the registry

##### **12.4.1 The Registry Process**

In the Commission the registry acted the center where records such as letters, memoranda and other material information were received, registered, serialized or coded and filed. Upon receipt such information materials were indexed for ease of retrieval when required.

The registry at the Commission was under the Research, Drafting and Technical Support Department and manned by two employees namely, Mr. Stanley Munene and Henry Oduor. The two employees and 15 other support staff formed part of a bigger team that was charged with the responsibility of finalizing the database. The Commission Chairman and the Chair

of the Research, Drafting and Technical Support Committee launched it on April 26, 2002. The registry was given the mandate to:

- (a) Receive written memoranda
- (b) Create files for each constituency
- (c) Come up with unique coded for each constituency
- (d) Code all individual and organization submissions beginning from 0001 to the last.
- (e) Classify submissions into 3 classes i.e. memorandum, written and others
- (f) Code the type 'Oral' transcriptions and file them like other memos.
- (g) Ensure that the registry materials are kept safely.

The following table shows the provincial breakdown of the total submissions received as contained in the registry.

**Table 15: Provincial Breakdown Submissions Received as recorded in the Registry.**

PROVINCE	WRITTEN	ORAL	TOTAL
Central	2,675	1,600	4,275
Eastern	1,507	1,912	3,419
North Eastern	2,530	2,184	4,714
Nairobi	649	849	1498
Nyanza	1948	2582	4530
Rift Valley	3914	4353	8267
Western	2320	2296	4616
Direct Submissions	2060	0	2060
E-Mails	182	0	182
Prisons	314	0	314
Universities	132	54	186
<b>TOTAL</b>	<b>18,706</b>	<b>16,707</b>	<b>35,413</b>

#### 12.4.2 Filing in the Registry

While there are five methods of filing in the general registry namely: chronological, geographical, alphabetical, numerical and subject wise, the Commission maintained a technical registry as opposed to a general one. The bulk of the materials stored include:

- ❑ Constituency public hearing files – 427
- ❑ Direct submission files – 47
- ❑ Data tabulation files – 225
- ❑ Constituency report files – 220
- ❑ Dissemination of National Report and Draft Bill Files - 33

The filing system employed by the registry was a reflection of the open-ended method of data collection employed by the Commission in the discharge of its mandate. The geographical method was also in place and the files were arranged according to geographical provinces and constituencies. Chronological and alphabetical systems could not work as memoranda were received at different times.

All the constituency public hearing files were contained in eight cabinets, with each cabinet representing a province. The other classes of files were stored in different cabinets and followed the same method of filing and coding as already outlined. In a nutshell, the registry housed 952 files with well over 35,413 submissions and the filing and coding systems adopted were known to be effective in tracing and retrieval of required information. The coding and indexing methods used in the Registry are discussed in the previous chapter 10: Collation and analysis of views.

The registry acquired storage equipment and facilities to enhance easy reference, security and durability of the documents stored. These included fireproof cabinets, box files, labels, punches, and markers. The registry was kept under lock and key. Back up copies of all the documents stored in the registry were made and kept at a separate confidential storage centre. The registry process also involved storage of audio and VHS materials.

The registry was not however overtly open to the public although anyone interested in getting any information from the registry was assisted.

### **12.4.3 Archiving**

#### **Internal Archiving**

The Commission established a transitional internal archive as storage center for all the documents that the Commission produced. The idea of the creation of an internal archive, for all data/information generated by the Commission, was conceived after the production of the Final Report and Draft Bill. A Task Force formed for this purpose was to oversee the sequential implementation of the idea. According to the Terms of Reference of the Task Force, once the creation of the internal archive was complete, all the data/information contained therein would be handed over to the Kenya National Archives and Documentation Service, as an ultimate storage center, to ensure the preservation of these materials as the institutional memory of the Commission and for future use.

#### **Electronic Archiving**

The Commission as a long-term method of data preservation that would allow easy access to information that was originally created or received in electronic form pursued digital electronic archiving. This information so created was put in several digital media that included floppy disks, CD-ROMs, DVDs, VCDs, magnetic tapes and microfiche

Suffice it to say that in trying to identify the electronic archiving system to adopt, the Commission made sure that the pertinent principles of long-term preservation were adhered to. As such the electronic records were first made processible that is the records were made readable and authentic.

The idea was to make it possible to transfer the records to new technology platforms using an import /export functionality and to ensure that electronic records would be easily retrievable and available for use during the retention period.

It was also the idea of the Commission to ensure that the records are understandable in terms of creation, use and maintenance and that electronic records are unalterable in such a way that they are protected from intentional or accidental alteration. It was the conviction of the Commission that its records retained their integrity despite changes in technology and no material change should occur in structure, content or context during actions taken to extend usability. In addition, such records were to be auditable and followed a performance audit trail that answered: who, what, when, why, how of the records when the audit is performed. Lastly, the Commission sought to ensure that the records were encapsulated such that the raw data, processed data, analysis parameters, and metadata are stored as a single physical entity.

It is with this background that the Taskforce on Data Finalization set out to fulfill its mandate.

### **12.5 Task Force on the Finalization of the Database**

To ensure the proper maintenance of the registry, data storage and archiving, the Commission through the Research Drafting and Technical Support Committee established a Task Force on the Finalization of the Database. The terms of reference of this Task Force were firstly, to finalize the Database and secondly, to take charge of the whole institution memory of the Commission. The members of the task force were as follows:

#### **Commissioners**

1. Comm. Zein Abubakar - Convener
2. Comm. Dr. K. Mosonik arap Korir,
3. Comm. Kavetsa Adagala,

#### **Secretariat**

1. Mr. Walter Owuor,
2. Mr. Peter Kanyi,
3. Mrs. Patricia Mwangi,
4. Mrs. Teresa Apondi,
5. Ms Roselyn Nyamoto,
6. Mr. Joash Aminga,
7. Mr. Stanley Munene
8. Mr. Antony Mwakaba.

### **12.6 Conclusion**

The Registry, Data Storage and Archiving processes were progressive in nature and continued even after the dissolution of the Commission with the transfer of the function to the Kenya National Archives and Documentation Service. As such the Commission held consultations with the Director of the Kenya National Archives and Documentation Service to ensure proper transition in accordance with the law. Indeed the Public Archives and Documentation Service Act Cap 19. Schedule (S.2) considered the Commission information materials as such public records defined as:

“ the records of any ministry or Government Department and of any commission, office, board or other body or establishment under the Government or established by or under an Act of Parliament....”

Under the Act, ‘records’ includes not only written records, but records conveying information by any means whatsoever. Under Section 4(1)(b) of the Public Archives and Documentation Service Act Cap 19, the Director may “require the transfer to his custody of any public records which he considers should be housed in the National Archives.”

In this regard the Director advised the Commission to transfer its records to the Kenya National Archives and Documentation Service after it has completed its work. The Commission duly complied with this statutory requirement.



## **CHAPTER THIRTEEN:**

### **THE REPORT WRITING PROCESS**

#### **13.1 Mandate**

The mandate of the Commission under section 26 (2) and (7) of the Act with respect to report writing and drafting was to:

(a) prepare two sets of reports, namely: the National Report; and Constituency Constitution Forum Reports, and

(b) draft a Bill to alter the Constitution for discussion by the National Constitutional Conference before presentation to Parliament.

#### **13.2 Preparatory Issues**

The National Report of the Commission consisted of four volumes:

- Volume I: The Main Report
- Volume III: The Commission's Method of Work
- Volume II: Technical Appendices
- Volume IV: The People's Voices

The Main Report of the Commission consisted of two parts. Part I analysed the historical and contemporary issues that led to the current constitutional review process, as well as the context of the process itself and modalities through which it was conducted. Part II presented and analysed the views of Kenyans on constitutional review issues and the Commission's conclusions and recommendations thereon. A draft bill to alter the Constitution was the final chapter in this Part.

All Commissioners were fully involved in all stages of the report preparation and drafting. Technical and thematic task forces were established for this purpose. The technical task forces would take charge of the preparation of Part I of the Report while the thematic task forces would deal with Part II. Both task force categories were established simultaneously.

#### **13.3 Establishment of Technical Task Forces**

Work on Part I immediately by establishing a number of technical task forces consisting of Commissioners, research staff and consultants where it was found necessary. Most of the work involved synthesis of existing materials and literature and the Task forces completed first full drafts before the drafting of Part II of the Report began. The Technical Task Forces were designed as follows;-

- Technical Task Force I on Constitutional Development in Kenya
- Technical Task Force II on the Constitutional Review Debate and Process
- Technical Task Force III on the Political Economic Context of the Constitutional Review

Commissioners were also divided into thematic task forces with the following term of reference:-

Drawing on: -

- (i) history of constitutional development in Kenya
- (ii) existing provisions of the current Constitution
- (iii) the provisions of the Constitution of Kenya Review Commission Act, Cap 3A
- (iv) the views of the Kenyan people on the issues
- (v) comparable provisions in other constitutions world wide and
- (vi) comparative political experiences.

the Task Forces were to examine and distill for further debate by the Commission,

- broad principles
- value systems
- institutional mechanisms and
- processes

that were to be incorporated into the design of a new Constitution for Kenya.

#### **13.4 Establishment of Thematic Task Forces**

The Thematic Task Forces were structured along the following themes:

**Theme I: The Constitutive Process:**

- Preambular Provisions
- National values, Goals and Ideology
- Directive Principles of State Policy
- Sovereignty of the People
- Constitutional Supremacy
- The legal system
- Nationhood and Citizenship
- National Territory, Defence and Security

**Theme II: The State and the Political System:**

- Ideology of the State
- Political Parties
- Participatory Governance
- The Electoral Process
- Civil Society
- Globalisation

**Theme III: Organs and Levels of Government:**

- The Executive
- The Judiciary
- The Legislature
- Separation of Powers
- Devolution (including Local Government)

**Theme IV: Fundamental Rights and Duties:**

- Basic Needs
- Basic Rights and Duties
- Vulnerable Groups
- Minorities
- Cultural, Ethnic and Linguistic Diversity
- Individual and Community rights and duties
- Women's Rights
- Children's Rights

**Theme V: National Resources:**

- Public Finances and Revenue
- Resource Management
- Land and Property
- The Environment and Natural Resources

**Theme VI: Management of Constitutionality:**

- Independent Commissions
- Constitutional Offices
- Constitutional Adjudication
- The Public Service
- Transitional Mechanisms
- Enforcement of Constitutional Rights

The six themes set out herein were by no means exhaustive of all matters which were to be addressed in the new Constitution. Task Forces are therefore free to consider additional issues which were relevant to what is listed under each theme.

Further, there are a number of values which cut across all themes and which were required to be carefully mainstreamed. The most important of these values were:

- the common good,
- gender equity,
- economic, and social justice,
- cultural and regional diversity,
- transparency and accountability,
- natural justice and the rule of law and
- national integrity and identity.

The Task Forces paid special attention to these values.

The Commission reserved the right to review the mandate, composition and tenure of any task force. The Commission Chairman, and Chair of the Research, Drafting & Technical Committee facilitated the work of the task forces. The Task Forces operated initially as foci for internal discussion, debate and conceptualization by the Commission, and later (after the views of the public had been collated and analyzed), as mechanisms through which concrete proposals were incubated. At the end of their work, the Task Forces compiled thematic reports, which formed the basis of Chapters of the Main Report of the Commission. The

Research, Drafting and Technical Support Committee ensured that the thematic reports were properly edited for internal consistency.

After completion of the Constituency Constitutional Forum public hearings, the Commission further operationalised its mandate on report writing and drafting. As regards Volume I (i.e. the Main Report) of the Commission's Report, work proceeded as follows:

- ♦ Working Papers in respect of Part I were prepared and circulated to the Commission's Technical Task Forces for discussion.
- ♦ Preliminary Working Drafts in respect of Part II were prepared and circulated to the Commission's Thematic Task Forces for discussion.

Other than Volume I work on Volumes II and III of the Commission's Report proceeded as follows:

- ♦ All Departments of the Commission were requested to prepare or assemble material relevant to themselves for purposes of Volume II. These materials were processed as one coherent document and released together with Volume I of the Commission's report.
- ♦ All the technical papers forming Volume III presented to the Commission in lectures, seminars and other consultations were bound and edited. These were also released to the Commission's Documentation Centres and specialized libraries throughout the country.

### **13.5 Guidelines**

The preparation of Part II of Volume I required further and more detailed guidelines. The following were offered by the Research Drafting and Technical Support Committee for use by the Commission's Thematic Task Forces:

#### **13.5.1 Method of Work**

The Thematic Task Forces of the Commission received the following materials from the Research and Data Analysis staff:

- ♦ Data runs generated in accordance with the all data analysis matrixes as approved by the Commission. Where these do not fully reflect the collective memory of Task Force, they should ask for further details.
- ♦ Constituency Constitutional Forum Reports (as they became available).
- ♦ Preliminary Working Drafts on each thematic area. These were for information and guidance only.

The Task Forces were also expected to draw on such other materials as were at their disposal or within their knowledge.

#### **13.5.2 Outline of Reports**

Each Task Force was expected to prepare, for discussion by the Commission, a report on each aspect of the theme assigned to it containing as much detail as is possible of:

- ♦ The mandate of the Commission in respect of the issues in each theme,
  - ♦ A brief outline of the problem, including a discussion of the main concepts in respect of each issue,

- ♦ A brief discussion of the importance of each issue,
- ♦ An identification of any other issues that should be considered under each theme,
- ♦ Comparative assessment of other constitutions on each issue,
- ♦ Analysis of the status quo in respect of each issue,
- ♦ Concerns raised by the people in respect of each issue,
- ♦ Principles identified by the people for the resolution of each concern,
- ♦ Evaluation and assessment of the people's concerns and principles,
  
- ♦ Tentative conclusions of the Task Force
- ♦ Tentative recommendations of the Task Force

In compiling reports in the manner indicated above, the Task Forces were to, as far as possible highlight,

- ♦ Any special variations by constituency and/or province
- ♦ Any issues requiring supplementary research or further hearings,
- ♦ Any contentious issues which require extensive deliberations by the Commission

## **CHAPTER FOURTEEN:**

### **THE DRAFTING PROCESS**

#### **14.1 Mandate**

The mandate of the Commission regarding the drafting process is outlined under section 26(2) of the Constitution of Kenya Review Act (herein “Review Act”).

- (2) *For purposes of subsection (1), the work of the commission shall consist of visiting all the constituencies in Kenya, compiling reports of the Constituency Constitutional Forums, the National Constitutional Conference, conducting and recording the decision of the referendum referred to in section 27(6) and on the basis thereof drafting a Bill for presentation to Parliament for enactment.*

Under section 28(1), the Commission is required on the basis of the decision of the people at the referendum (in the event a referendum is held) and the Draft as adopted by the National Constitutional Conference (herein “NCC”); to prepare the final report and draft Bill for presentation to the National Assembly.

The mandate of the Commission in relation to drafting pursuant to section 34 of the Review Act is broad in scope and provides for the drafting of Regulations to enable the CKRC to carry out its work. This includes, but is not limited to, Regulations governing the election of Vice Chairpersons, facilitating civic education, the conduct of the NCC proceedings, and dispute resolution.

#### **14.2 The Drafting Process**

The drafting process may be categorized in four distinct stages:

1. Pre-draft Bill drafting and routine/ other / departmental drafting;
2. Preparation of the draft Bill;
3. Drafting during the NCC;
4. Antecedent (drafting) processes.

##### **14.2.1 Pre-draft Bill and Routine/ Other/ Departmental Drafting Work**

The Legislative drafting section of the Research, Drafting & Technical Support department was comprised of two Secretariat staff members, Mr. H. B. Ndoria Gicheru and Mr. Jeremiah Nyegenye.

Routine legislative drafting work – ranging from the drafting of subsidiary legislation and

administrative instruments (i.e., Regulations) - prescribed under section 34(2)(a) of the Review Act of the Commission was undertaken by these programme officers.

#### **14.2.2 Preparation of the Draft Bill**

The drafting of the Constitution of Kenya Bill, 2004 was primarily undertaken by the Technical Drafting and Editing Team (TDET). The TDET was established to work with the Thematic Task Forces created by the CKRC and prepare a draft of the Bill to alter the Constitution based upon the reports/ recommendations of each Thematic Task Force.

The TDET consisted of the following members:

- CKRC Chairperson,
- CKRC Vice Chairperson,
- RD & TS Committee Chairperson,
- Thematic Task Force Convenors,
- Attorney General,
- Chief Parliamentary Counsel,
- Legislative Drafting Programme Officers,
- Drafting Consultants.

#### **Terms of Reference and Methodology of TDET**

TDET under the supervision of the RD & TS Committee was responsible for the following tasks:

- (i) Preparing a detailed outline of the architecture of the Draft Bill consisting of:
  - Table of Contents,
  - Inventory of specific issues to be covered under each content item,
  - Supplementary compendium of issues requiring attention.
- (ii) Preparing in liaison with Thematic Task Forces working drafts in respect of each content item for discussion by the Commission;
- (iii) Preparation of the Zero draft Bill for discussion and approval by the Commission;
- (iv) Preparation of a compendium of the range of subsidiary/ consequential legislation required to operationalize the draft Bill;
- (v) Editing the draft Bill and the subsidiary/ consequential legislation for publication.

### 14.2.3 Drafting during the National Constitutional Conference

#### The Drafting Team and Management Protocol

##### (a) The Drafting Team

Regulation 47(1) of the Constitution of Kenya Review (National Constitutional Conference)(Procedure) Regulations, 2003 provides that:

*There shall be a Drafting Team for the Conference, consisting of such experts as may be appointed by the Commission whose functions shall be to –*

- (a) *render advice to delegates, committees and technical working groups as to –*
  - (i) *the phrasing that will best achieve their objectives;*
  - (ii) *consequential amendments, arising out of their proposed amendments, that should be made to other parts of the draft Bill;*
  - (iii) *any transitional or other issues necessary to be dealt with; and*
  - (iv) *other matters arising in legislative drafting.*
- (b) *assist delegates and committees of the Conference to prepare amendments proposed by them to the draft Bill;*
- (c) *assist the Conference to put together the draft Bill for adoption after all amendments have been considered and the Conference has taken decisions on them; and*
- (d) *assist the Conference in any other manner that the Chairperson or the Conference may request.*

In accordance with Regulation 47(1), the Commission appointed the following experts/consultants, and distributed them among the thirteen TWC's during the Consideration Stage of the NCC.

<b>TWC</b>	<b>DRAFTING EXPERT/ CONSULTANT</b>
<i>TWC A: Preamble, Supremacy of the Constitution, The Republic and National Goals, Values and Principles</i>	➤ Prof. Phil Knight ➤ Prof. J. B. Ojwang ➤ Mr. Jeremy Wainwright
<i>TWC B: Citizenship and the Bill of Rights</i>	Mr. Jeremiah Nyegenye
<i>TWC C: Representation of the People</i>	Mrs. Margaret Ndawula
<i>TWC D: The Executive</i>	Prof. V.C.R.A.C. Crabbe
<i>TWC E: The Judiciary</i>	Mr. Clive Grenyer
<i>TWC F: The Legislature</i>	Mr. H. B. Ndoria Gicheru



<i>TWC</i>	<i>DRAFTING EXPERT/ CONSULTANT</i>
<i>TWC G: Devolution</i>	Peter Barrett Mr. Jeremy Wainwright
<i>TWC H: Public Finance, Public Service, Leadership and Integrity</i>	Mrs. Margaret Nzioka Mr. Mark Spakowski Mr. Gad Awuonda
<i>TWC I: Defence and National Security</i>	Mrs. Linda Murila
<i>TWC J: Land Rights and Environment</i>	Mrs. Lucy Masua
<i>TWC K: Constitutional Commissions and Amendments to the Constitution</i>	Mr. Lawrence Kamugisha
<i>TWC L: Transitional and Consequential Arrangements</i>	Prof. Phil Knight Mrs. Eva Jhala
<i>TWC M: Culture</i>	Mr. Tom Mboya

Prof. V.C.R.A.C. Crabbe and Prof. Phil Knight were appointed as joint Convenors of the Drafting Team.

The Team in their individual and collective capacities, was, in addition to their mandate expected to:

- listen carefully and make accurate notes during Plenary discussions and TWC deliberations;
- harmonize their notes with the TWC Rapporteurs' and clerk's notes;
- prepare technical drafts - which accurately reflect TWC decisions – from the TWC Rapporteurs' notes;
- submit drafts as approved by the NCC sitting as the Committee of the Whole Conference to the Rapporteur-General, for CKRC consideration.

**(b) Management Protocol**

Statutory responsibility for the preparation of the draft Bill was vested in the Commission. The Drafting Team's role was to report to the CKRC. Operationally, the Steering Committee of the Conference was responsible for drafting TWC guidelines

The Drafting Team was supervised as follows:

- (1) As regards drafts from the Technical Working Committees, the Team reported to an organ established jointly by the Commission and the Steering Committee. This organ consisted of

The body was responsible for:

- (a) receiving drafts as approved by the TWCs and the NCC sitting as

the Committee of the Whole;

- (b) creating a programme of work for the Drafting Team;
- (c) allocating Drafters to TWCs;
- (d) performing such other functions as the NCC Steering Committee and CKRC may assign.

(2) During the NCC sitting as the Committee of the Whole, the Drafting Team primarily reported to the CKRC. Under section 28(1) of the Review Act, the CKRC is mandated to finalize the draft Bill *inter alia* by:

- (a) harmonizing and standardizing the drafting style employed therein;
- (b) ensuring proper technical editing and cross-referencing;
- (c) ensuring that all NCC decisions are reflected in the final draft Bill;
- (d) making such other amendments as may be necessary in the event of a referendum.

The management protocol provided a guideline for the Drafting Team to follow. However, as a result of various factors/ for myriad reasons, (to be explored later in this chapter) could not always be adhered to.

### **Drafting in Technical Working Committees**

The Draftsperson(s) attached to each TWC was responsible for:

- (i) advising delegates on the legislative aspects and ramifications of their work;
- (ii) explaining legal terms and concepts to the TWC;
- (iii) assisting delegates with the preparation of motions to amend the draft Bill;
- (iv) re-drafting the draft Bill to incorporate amendments passed by TWCs;
- (v) rendering the final version/ draft of each TWC's respective chapter in the draft Bill, for presentation to the NCC sitting as the Committee of the Whole.

Each of the TWCs was mandated to deliberate the specific chapter(s) of the Main Report and draft Bill assigned to them. TWCs were also mandated to identify cross-cutting issues and refer articles to other TWC's for deliberation/ decision/ consideration.

## **Preparation of the Zero Draft**

Each TWC was mandated to consider and formulate decisions on specific chapters of the draft Bill . TWC's did, in some instances hold joint TWC meetings in an effort to resolve cross cutting-issues. However, the majority of TWC proceedings were held independent of other TWCs.

Consequently, some TWCs formulated decisions which contradicted or were otherwise inconsistent with decisions made by other TWCs. Duplications arose where more than one TWC adopted substantively similar articles, resulting in repetition across various chapters of the draft Bill.

To remedy the foregoing problems, the NCC Rapporteur-General maintained a daily journal which documented TWC deliberations and decisions; and forecast forthcoming TWC deliberations/ decisions. The Rapporteur-General's journal was distributed daily.

The Rapporteur-General also held regular (initially the meetings were convened daily, during *Bomas III* the meetings were held weekly) joint meetings of NCC Rapporteurs and Convenors to discuss the progress being made in TWCs and identify any cross-cutting, unresolved, or otherwise contentious issues.

In order to harmonize TWC recommendations and produce a coherent, internally consistent draft Bill, a working retreat was convened at the Leisure Lodge in Mombasa, from 3rd to 10th February 2004.

The retreat's terms of reference were to:

- complete and verify TWC reports to ensure consistency, coherence, and accuracy;
- rationalise and mainstream crosscutting issues;
- identify issues requiring further consideration and/ or harmonization;
- eliminate overlaps and inconsistencies which occurred across TWCs;
- consolidate and release a Zero Draft Bill for consideration by the Committee of the Whole Conference.

Rapporteurs and Convenors also had an opportunity to practice how TWC reports would be presented during the Committee of the Whole Conference.

During the retreat, participants identified issues requiring reconsideration and TWC approval and formulated them in the form of specific proposals for TWC consideration at Bomas.

The Drafting Team incorporated TWC decisions on the foregoing proposals and recommendations from the [later] consensus building initiative into a revised Zero Draft Bill.

The Revised Zero Draft Bill was released to delegates before the commencement of the Committee of the Whole Conference on Monday, 1st March 2004.

The Zero Draft was tabled during the NCC sitting as the Committee of the Whole. This gave delegates the opportunity to assess the accuracy of the document. The Rapporteur-General also issued corrigenda (prepared by the Drafting Team) as necessary during the NCC sitting as the Committee of the Whole.

The Drafting Team updated the draft Bill continuously to ensure that the draft Bill accurately reflected the substance of successful motions to amend.

### **Antecedent Drafting Processes**

The mandate of the CKRC in relation to Drafting did not expire upon the adjournment of the Conference on 23rd March 2004. Drafting during the post-Bomas stage was done by the two Draftspersons attached to the CKRC Secretariat. However, the Drafting experts/ consultants were only employed for the duration of the NCC.

Post-*Bomas* drafting primarily involved the revision of the Constitution of Kenya, 2004 to correct typographical and other editorial errors. The Legislative drafters attached to the RD & TS department are also currently involved – with other RD & TS officers – in the preparation of the final report which the CKRC will present to the Attorney General with the draft Bill in accordance with section 28(2) of the Review Act.

### **14.3 Drafting Approaches and Protocols**

In order to ensure consistency of drafting techniques among members of the Drafting Team, and produce an internally consistent draft, the Drafting Team adhered to the following protocols.

Under section 5(d) of the Review Act, the CKRC was bound to:

*Ensure that the final outcome of the review process faithfully reflects the wishes of the people of Kenya.*

In other words, the CKRC has to produce a constitution which entrenches *inter alia* the sovereign authority of the people, transparent, accountable, and participatory democratic government, respect for ethnic and regional diversity, economic development, and the protection of fundamental rights and freedoms.

The Drafting Team had to ensure that constitutional provisions were drafted in clear, concise, gender-neutral language.

### **14.4 Legislative Drafting Techniques**

Generally, the purpose of legislation is to establish and succinctly state the law for communication to society. For this reason the Drafting Team endeavoured to adopt the following techniques in the discharge of their statutory duties:

- (a) **Simplicity:** The Drafting Team used clear, simple, non-technical language where possible. The attributes of simplicity include:
  - (i) *economy* using words sparingly, in short simple sentences;
  - (ii) *directness* using straightforward language, devoid of circumlocution;
  - (iii) *familiarity* preferring the familiar word to the unfamiliar word;
  - (iv) *orderliness* using a planned and logical sequence, (including chronological sequence where appropriate), in relation the structure of sentences, articles, parts and chapters of the draft Bill.
  
- (b) **Precision:** The language chosen had to clearly express the meaning intended and accurately communicate the substance of each provision. Legal jargon was to be avoided.
  
- (c) **Gender Sensitive Language:** In accordance with modern trends in legislative drafting, gender sensitive language was incorporated throughout the draft Bill.
  
- (d) **Terminology:** In order to give the draft Bill a distinctive character, it was agreed that the following terminology would be used to refer to its divisions: articles, clauses and paragraphs.

## 14.5 Challenges and Constraints

### *Time Constraints*

The Drafting Team worked under considerable time pressure. Often, as a result of negotiations from both within and outside the CKRC, deadlines were agreed upon which did not leave ample time for drafting.

### *Drafting Instructions*

Difficulties also arose when the Drafting Team attempted to interpret instructions being given in a collegiate manner and/ or from the CKRC. Particularly since Draftspersons were – in certain instances i.e., complex TWC deliberations – being asked to reflect the views of both the majority and the minority while recasting articles for inclusion in the draft Bill.

The problem therein, was that if conflicting viewpoints were reflected in a single provision, the Draftspersons risked the censure of the majority claiming that the article did not accurately/ adequately represent their position. Alternatively, both the minority or the majority could contest the Draftsperson's rendition of the article.

Both the constitution of TDET and the supervisory role played by the Research, Drafting & Technical Support Committee mitigated the foregoing situation.

### ***Vague Instructions***

When TWC deliberations reached an impasse, the Draftsperson was often asked to prepare a working draft based upon the TWC's (often complex) deliberations for discussion. Essentially, the onus of formulating the preliminary form of the article was shifted from the TWC (mandated to so do) to the Draftsperson. Consequently, the Draftsperson was (erroneously) responsible for presenting a working draft for TWC review, which was primarily based upon his/ her interpretation of the TWC's deliberations on the given article.

### ***Size of the Drafting Team***

The number of TWCs – thirteen – determined the size of the Drafting Team, resulting in a rather large Drafting Team. The Team was comprised of some of the most internationally renowned Draftspersons.

In practice, the size of the Drafting Team was challenging in so far as decision-making and interpretation of the Drafting Team's terms of reference and the latitude afforded to the Team therein.

### ***Draftspersons***

The mélange of foreign and regional Draftspersons was beneficial in so far as the breadth of comparative analysis which was possible there from.

### ***The Draftspersons' Role in the Review Process***

One of the most persistent concerns voiced by Draftspersons in general is that they are often consulted relatively late in the review process. In Kenya, the Drafting Team was organized towards the culmination of the review process.

As a consequence, Draftspersons are in most instances, unable to fully comprehend the various factors underpinning the instructions they are given.

The inclusion of the CKRC Secretariat Legislative Drafters in the Drafting Team was helpful, in so far as ensuring that the Drafting Team was appraised of the evolution of both the review process and the drafting procedures and techniques employed therein.

## **CHAPTER FIFTEEN:**

### **CIRCULATION AND DISSEMINATION OF THE NATIONAL REPORT AND DRAFT BILL**

#### **15.1 Mandate**

The mandate of the Commission regarding dissemination of the National Report and Draft Bill was enshrined in Section 27 sub-section (i) and (ii) of the Constitution of Kenya Review Act, Chapter 3A of the Laws of Kenya. The section stipulated that:

27(1) The Commission shall: -

- (i) Ensure that the report and the draft Bill are made available to the persons or groups of persons conducting civic education;
- (ii) Upon expiry of the period provided for in paragraph (a) (i) (“... publish the same for the information of the public....”) convene a National Constitutional Conference for discussion, debate, amendment and adoption of its report and draft bill.

#### **15.2 Rationale for the Dissemination**

The overall aim for dissemination was to enhance understanding and appreciation of Kenyans on the contents and implications of the Report and Draft Bill; to generate effective debate for and during the National Constitutional Conference (NCC); and to build public support towards the final enactment of the Bill.

The Commission anticipated that through dissemination and interactive public debates, Kenyans would narrow their gaps or even make compromises regarding certain contentious provisions contained in the draft Bill. Dissemination was, therefore, a continuous exercise during the entire period after the publication of the Report and Draft Bill. It was critical in stimulating public discussions and awareness of Constitutional matters.

In the absence of protracted dissemination and public debate, the enthusiasm with which Kenyans demonstrated upon publication of the draft Bill and the National Report would certainly dwindle. The underlying danger in such a scenario was that the public would approach the NCC with divergent views hence jeopardizing the much needed consensus building. In essence, protracted debate also envisaged entrenchment of the memory of the commission’s work in the public domain.

#### **15.3 Organization and Programme of Dissemination of the Report And Draft Bill.**

The Mobilization and Outreach Department was charged with the responsibility of providing logistical arrangements to the process. The department selected suitable venues for the

dissemination exercise. Choice of venues was done with the assistance of the District Co-coordinators. While majority of the District co-coordinators had made adequate arrangements for the launch of both National Report and Draft Bill, in some area, however, due to the short time between the end of the 4<sup>th</sup> District Co-coordinators seminar and the commencement date of the launch of the dissemination, adequate arrangements had not been made.

Some of the challenges faced in identifying suitable venues for dissemination were as follows:

- Communication barrier: It was problematic to communicate with the District coordinators in Northern Kenya.
- Some District Coordinators changed the proposed venues without informing Commissioners. Commissioners reported to the old venues only to be notified about the unanticipated changes.
- Deciding on the distances between venues especially in remote areas where District Coordinators could not be accessed proved intricate.

Mobilization and outreach in conjunction with Civic Education, Publicly Information and Communication (CEPIC) also ensured availability of necessary materials for the exercise such as copies (or pullouts) of the Draft Bill, the Short Version of the national report and the Draft Bill at a glance. Copies of the draft Bill were published in the Daily Nation (English edition), Taifa Leo (Kiswahili edition) and the East African Standard. The pullouts draft text published in the local newspapers had been well received but the demand was much higher than supply. 50,000 copies were originally printed and an additional 30,000 copies were added later.

Other materials arranged for the dissemination included public address system, tape recorder and cassettes, attendance register and stationery such as writing pads, pens, document wallets among others.

The Research, Drafting and Technical Support Department was responsible for the technical facilitation and management of the dissemination process.

As a prelude to actual dissemination, a District Coordinators' seminar was held at KCCT, Mbagathi from 2<sup>nd</sup> to 4<sup>th</sup> October 2002. The purpose of the seminar was to familiarize participants (also drawn from the civil society, churches, NGOs private sector, the media and CKRC secretariat) with the contents of the Commission Report and Draft Bill published by CKRC.

#### **15.4 Multimedia Approach to Dissemination of the Report And Draft Bill**

The Commission put in place twenty (20) KBC radio programmes. The broadcast sessions which began on September 29, 2002, offered an in depth coverage of the draft Bill in preparation for NCC which was initially planned begin on 28<sup>th</sup> October 2002 but later rescheduled to 28<sup>th</sup> April 2003. These programmes were broadcasted on National Service (Kiswahili) and General Service (English).



CEPIC Programme Officers coordinated these radio programmes. The officers designed selective use of media organs best suited to each group. Radio (especially KBC state radio) was preferable because of its wide coverage throughout the Country. *IQRA FM* Radio Station was best suited for reaching the Muslim populace. *Baraka FM* appealed to coastal audience while Capital FM and Nation FM and KISS 100 was appropriate for the young and professional middle classes and the yuppies. CORO FM was the best medium to access millions of Kenyans in Central Province and its hinterland.

Commissioners appeared in various television programmes aired by the stations above, such as *Eyes on the People*, *Up Close and Candid*, *Third Opinion* and so on. The Commission's Secretary also discussed the Draft Constitution in the British Broadcasting Corporation (BBC).

As noted earlier in Chapter Five the Commission worked closely with various media houses, newspaper columnists, editors and international news agency reports. Print media such as the *Daily Nation*, *East African Standard*, *Taifa Leo*, *Kenya Times* and *The People* were most useful in the dissemination process. The CKRC website (<http://www.ckrkenya@nbnet.co.ke>) was accessed by over one million people who either downloaded the Draft and the Report or browsed the documents.

For Kenyans in Diaspora (overseas) the website was the main source of information about the review process. Day one upon the release of the draft bill over 10,000 people worldwide downloaded the draft constitution from the Internet.

The Katiba News, the Commission's in house newsletter dedicated one issue to the appointed commissioners as follows:

- Commissioner Mutakha Khangu wrote an article on political parties entitled, “*Do Political Parties have a role in democracy and good governance*”.
- Commissioner Ahmed Isaac Hassan wrote two articles namely, “*Kadhis Courts: Setting the records straight*” and “*The Refugees in Kenya.*”
- Commissioner Dr. Githu Muigai wrote on “*Amending the constitution: Lessons from History.*”
- Chairman Yash Pal Ghai wrote on “*The legislature in the CKRC Draft Constitution.*”

The Commission also organized press conferences, drama, advertisements, pamphlets, brochures, banners among others as means of disseminating the report and the draft Bill. It is perhaps not farfetched to assert that through its multimedia strategy CKRC was perhaps one of the most publicized Commissions ever established in the Kenya.

### **15.5 Constituency Level Dissemination**

Dissemination of the draft Bill and national Report commenced on 8<sup>th</sup> October 2002 and lasted for a period of two to three weeks in all constituencies in Kenya. Due to time constraints, Commissioners could not visit all constituencies as the case was during public hearings. During dissemination, only one commissioner was assigned to a panel, assisted by Programme Officers and or Assistant Programme Officers. Programme officers fully took

charge of dissemination in some constituencies. In the same vein, verbatim recording could not be carried out in all constituencies due to shortage of personnel.

To facilitate uniform dissemination of the Report and Draft Bill throughout the country, the Commission prepared a general guideline presented below for the dissemination programme. Each panel was however free to manage the time available to him/her.

<b>Program for Dissemination/Proposed Outline for Presentation</b>	
<b>1.</b>	Registration of participants
<b>2.</b>	Opening Prayers
<b>3.</b>	Introduction and purpose of the Dissemination Forum (5 minutes)
<b>4.</b>	Objectives of Review Process and structure of the process (10 minutes)
<b>5.</b>	Process and steps leading to the Draft Process and Bill (15 minutes)
	<input type="checkbox"/> Collection of views
	<input type="checkbox"/> Collation of views
	<input type="checkbox"/> Interpretation of views and report writing
	<input type="checkbox"/> Commission debate and arriving at recommendation
	<input type="checkbox"/> Debating and drafting of the Draft Bill
<b>6.</b>	Overview of the Draft Bill: Chapter by chapter (45 minutes)
	<input type="checkbox"/> Addressing why and how questions based on the short report – The People’s Choice
	<input type="checkbox"/> Highlighting differences between the old and the new constitution
<b>7.</b>	Forum discussions, debate, Questions and Answers (1hr 45 minutes)
<b>8.</b>	Closing Prayers

In some venues, participants requested the Panelists to concentrate more on chapters that affected them most. For example in Kajiado, Narok and Transmara District, constituents requested Panelists to devote more time on chapters dealing with Land and Property (Chapter 11), Environment and Natural Resources (Chapter 12) and Devolution (Chapter 10).

### **15.6 Community Level Dissemination**

Community level dissemination (civic education) continued through the facilitation of the District Coordinators in areas where the Commissioners and Programme Officers could not reach due to the short time allocated for the exercise.

The following facilitators pursued community level dissemination:

- ❑ Constituency consultative Forums
- ❑ District Coordinators
- ❑ Civic Education Providers

### **15.7 Special Talks, Lectures and Invitations**

Special talks were organized on various aspects of the constitutional review process by various institutions/groups to which the Commission was invited.

In terms of process, organization of such talks was done by the groups/institutions interested in the draft Bill and report and the Commission was only invited to present or deliver the talks/lectures. The Commissions Chairman, the Secretary, Commissioners and Programme Officers represented the Commission in these functions. Invariably, the Commission also used the opportunity to distribute its publications and to disseminate its civic education materials.

The rationale for holding such functions was that there were various groups/institutions, which had different specialized interests in certain aspects of the review process and therefore, needed to be addressed in exclusive forums. While women organizations were interested in provisions concerning affirmative action for women, child rights organizations were keen to comprehend the extent to which the draft grappled with the plight of children. Colleges and schools may have wanted their students to understand the review process since they were probably in session when the Commission was undertaking its statutory activities.

Organized groups that invited the Commission include:

- ❑ The Kenya Women Political Caucus
- ❑ Institute of Education in Democracy
- ❑ HelpAge Kenya
- ❑ Association of Kenya Medical Laboratory Officers
- ❑ Churches among others etc.

The Commission on its part organized lectures targeting tertiary institutions, and government institutions, for instance Ministries and Provincial Administration. Public lectures in universities and middle level colleges especially generated stimulating discourse concerning proposals in the draft constitution. Most of these lectures were organized in conjunction with relevant representative bodies while several donors offered financial support. These donors included United Nations Development Programme (UNDP), European Union (EU), Konrad Adeneur Foundation, and Swedish Embassy among others.

### **15.8 Role of Civic Society organizations in Dissemination**

Non-Governmental organizations, religious organizations and other civil society actors further buttressed the Commission's dissemination programme. The Commission sought to adapt a collaborative strategy with some of the following stakeholders:

**Religious organizations:**

- ❑ National Christian Council of Kenya
- ❑ The Catholic Church

- ❑ The Supreme Council OF Kenya Muslims
- ❑ Ecumenical civic education

### **Labour organizations**

- ❑ Kenya National Union of Teachers
- ❑ Central Organizations of trade unions
- ❑ Federation of Kenya employers

### **Women Organizations**

- ❑ Maendeleo Ya Wanawake
- ❑ The Kenya Women Political Caucus
- ❑ The Collaborative Centre for Gender and Development

### **15.9 Pre-Conference Dissemination**

From 17<sup>th</sup> April to 26<sup>th</sup> April 2003 the Commission launched an aggressive dissemination programme aimed at preparing the delegates for the National Constitutional Conference scheduled to start from on the 28<sup>th</sup> April 2003. The overall objectives of the pre-Conference dissemination were:

- ❑ To enhance the understanding and appreciation of the delegates on the contents of the Draft Bill and Report,
- ❑ To enhance the understanding and appreciation of the National Constitutional Conference process and procedures;
- ❑ To generate effective debate for and during the National Constitutional Conference; and
- ❑ To highlight the purpose of their participation in the final stages of debating, discussion and adoption of the draft Bill

In many respects a number of political issues that affected the constitution review process had changed significantly. There was therefore need to have another round of public education and dissemination of the Report and draft Bill in the context of the new political dispensation. Some of the factors that made it necessary to conduct dissemination before the Conference were:

- ❑ The Conduct of the General Elections under the “old” Constitution,
- ❑ Dislodging of KANU and Moi administration from power
- ❑ Formation of NARC and Kibaki government
- ❑ Emergence of a powerful group around the Kibaki government opposed to certain aspects of the new Constitution such as the creation of the Prime Minister position and the age limit for the President
- ❑ Renewed public interest in the enactment of the new Constitution due to perceived backtracking of the NARC government on election promises on several areas including their own internal Memorandum of understanding on power sharing between Liberal Democratic Party (LDP) and the National Alliance Party of Kenya (NAK).

- Emergence of a section of civil society led by the Kenya Human Rights Commission that lobbied that the Commission be disbanded or trimmed significantly from 29 to 7 members allegedly on the grounds of cost cutting and reduced workload for the Commission.

The Commission therefore sought to educate Kenyans on the need to:

- Enlighten the people of Kenya on the implications and possible ramifications of any piecemeal implementation of the recommendations of the Commission by the New Government as opposed to the completion of the comprehensive review of the Constitution
- Create an effective positive mass behind the Review Commission and its work
- Create faith in the ability of the Commission to complete its work
- Cultivate a sense of responsibility consensus building among the delegates to the National Constitutional Conference

### **15.10 Reaction to the Report and Draft Bill**

Many Kenyans demonstrated overwhelming enthusiasm upon the publication of the Report and draft Bill. They commended the Commission for designing a document that truly reflected the aspirations of Kenyans, notwithstanding the myriad hurdles on the way.

In his assessment of the draft Bill, Joseph M. Nyasani a prominent scholar, noted that:

“The draft Bill is well crafted, outstanding crystal clear and accessible to the common understanding....The issues treated are extremely pertinent to the Kenyan Social-political environment...The draft Bill effectively creates an extraordinary sensitivity and awareness to those social aspects that touch on gender, equality empowerment, and the predicament of the disabled and disadvantaged ethnic groups as well as issues of cultural and ethnic diversities.... This is the perspective that really renders this draft constitution particularly germane and stimulating.”

Among the many provisions of the draft Bill that came under zealous scrutiny was the one dealing with the Kadhi's courts. Reacting to the proposed constitution, the Federation of Churches in Kenya claimed that Muslim and Imams have been given an undue advantage over other faiths in Kenya.

We appreciate the great work that the constitutional Review Commission did in coming up with the draft constitution as presented to Kenyans. We however noted some anomalies and contradictions in which we believe should be attended to before the final document is released.

Kenyans Muslims on the other hand stepped up their resolve to have the institution entrenched in the constitution, urging their Christian counterparts to approach the issue of Kadhi's objectively and endeavour to understand the historical context for their existence in order to make informed decisions rather than jumping to conclusions too soon. Consequently, a delegation of Muslim leaders (including Supreme Council of Kenyan Muslims) paying a courtesy call to the new Chairman of the Parliamentary Select Committee on Constitutional Review, Hon Paul Muite reiterated that Kadhi's courts must be protected in the constitution as the draft law proposes. While addressing journalist after the function, Mr. Muite expressed his fears should the NCC undermine the plight of Muslims:

The Muslim leaders wanted me to communicate to the Select Committee that the issue of Kadhi Court is not negotiable... I foresee conflict if sensitivity is not respected. That could derail, perhaps affect, the smooth operations at the constitutional conference."

The provision of one-third representation of women in all elective positions (Affirmative Action) was also a thorny issue. Some people argued that the provision defeated the ascendancy to leadership on merit, hence amounting to reverse discrimination. Indeed the Kenya Church posited that all affirmative action in favour of any group of people should be expunged!

The following were also some of the general questions and comments that were commonly raised by Kenyans across the country.

- ❑ What will happen to the review process should the president dissolve parliament?
- ❑ What will be the procedure for abolishing the Provincial Administration? What mechanism would be put in place to ensure equitable distribution of vast resources invested in the provincial headquarters?
- ❑ What will happen to the National Assembly in a situation where 1/3 representation of women fails? Will it be said that parliament is not properly constituted?
- ❑ How will the Prime Minister and president share power without causing collision?
- ❑ What is the fate of commissioners who failed to sign the short commission report launched in Mombasa?
- ❑ What will be the mandate of CKRC after the adoption of the new constitution?
- ❑ Why are some members of the judiciary suing the commission?
- ❑ Does the president have powers to disband the commission?
- ❑ Can

The other general comments from Kenyans on the draft Bill included:

- ❑ There should be a boundaries commission to streamline the anomalies in size and population of constituencies in Kenya. The Commission should resolve boundaries dispute.
- ❑ The procedure for electing delegates to the National Constitutional conference (where the country council were designated as electoral colleges) was criticized.
- ❑ Civic Education Providers (CEPs) complained of inadequate remuneration.
- ❑ Civic education should continue especially in rural areas.

Commissioners and program officers noted with appreciation the constructive criticism of the draft and assured the public that their views will be taken into account in the revision and fine-tuning the draft Bill. The Commission was very keen to let *wananchi* recognize the fact that the draft was not exhaustive or perfect and that their contributions would help polish the final draft Bill.

Overall, there has been a positive response to the draft Bill from the public and government authorities. The general view of the public was that the draft Bill represented a wide consensus among Kenyans.

### **15.11 Analysis and Compilation of public Feedback and Submission on the Draft Bill**

Following the publication and countrywide dissemination of the report and the draft Bill, there were a number of suggestions and proposals for the revision of the Draft Bill. The main sources of feedback were as follows:

- Constituency dissemination – reports from all the 210 constituencies written by Commissioners and programme officers.
- Direct submission: reactions submitted directly to the Commission by special interest groups.
- Expert Review: Peers audit (internal review) of the Draft Bill held at the Bomas of Kenya on 26<sup>th</sup> – 27, October 2002.

The Research, Drafting and Technical Support Department undertook, through original Thematic Task Forces, to compile these reactions to form basis for the revision and annotation of the Draft Bill. Once the Thematic Task Forces completed their analysis and compilation of the public reactions and recommendations, these were forwarded to the Task Force on the Revision of the Draft Bill.

The justification for this process found its expression in Section 5 (d) of the Review Act which provided that the review process shall “ensure that the final outcome of the review process faithfully reflects the wishes of the people of Kenya”.

### **15.12 Challenges During Dissemination**

The following were some of the challenges experienced during the dissemination process:

- Political sabotage. Some politicians whose political parties did not embrace the provision in the Draft Bill incited the public against the Commission. The incitements did however succeed.
- Public perception was at times ambivalent as they believed that some Commissioners collided with politicians who were hostile to the Commission.
- Some people mistrusted Program officers and their assistants. In some venues, Kenyans demanded to know why Commissioners did not attend to their venues.
- Some District Coordinators changed some venues without informing the Commissioners. This disrupted the program of dissemination especially where the new venue was far away.

- Communication breakdown. There was difficulty in reaching District Coordinators in Northern Kenya, when Commissioners suggested change of venue.
- Fixture of venues was done without any knowledge on the terrain of constituencies to be visited.
- Some areas were inaccessible by road and this compelled the Commission to hire planes, which were very expensive.
- Negative damaging reports portraying Commissioners as egocentric, greedy and wrangle ridden.
- Anxiety over the date of the impending General Election vis-a-vis the time frame within which the process of review had to be completed. Many Kenyans did not trust the government to support a new constitution before the elections and started shifting their attention to electioneering.

Despite these challenges, it was gratifying to witness the overwhelming reception of the Draft Bill by Wananchi all over the country. A wide cross-section of Kenyans were of the opinion that the 2002 General Elections should have been held under the new constitution.

The electoral laws spelt out in Draft constitution appealed to Kenyans who had been yearning for democratic, free and fair elections. The draft constitution was so promising that some sections of the population started lobbying for “No constitution, No elections” campaigns.

It was indeed gratifying to note that so many Kenyans developed hopes and aspirations and envisaged a new order of democratic institutions, transparency and accountability of the people as a result of the review process.

### **15.13 Conclusion**

Generally, the dissemination exercise played a significant role in generating healthy debate on the Report and Draft Bill. Public feedback and submissions provided indispensable contributions, which formed the basis for the revision of the draft and the deliberations at the National Constitutional Conference. Through dissemination, the commission was able to engender a national process of consensus building, reconciliation and dialogue on arrangement of contentious and potentially divisive issues such as the Kadhis courts, Affirmative Action and devolution of power.

In nutshell, the successful dissemination of the Report and Draft Bill enabled the Commission to achieve its fundamental objective as mandated by the Review Act. And more importantly to rally the people of Kenya towards the National Constitutional Conference and the ultimate enactment of the Constitution of their choice (Katiba Tuitakayo) and that faithfully reflects their realities, wishes, hopes and aspirations as one indivisible nation.



**PART II – THE NATIONAL CONSTITUTIONAL  
CONFERENCE**

## **CHAPTER SIXTEEN:**

### **THE NATIONAL CONSTITUTIONAL CONFERENCE**

#### **16.1 Mandate**

Section 27 of the Constitution of Kenya Review Act gave the Commission the mandate to convene a National Constitutional Conference for discussion, debate, amendment and adoption of its National report and draft Bill. The National Constitutional Conference consisted of Commissioners, Members of the National Assembly, elected district representatives, and representatives of religious, professional bodies, women's organizations, trade unions and non-governmental organizations registered at the commencement of the Act, and other interest groups as were determined by the Commission.

#### **16.2 Membership**

Section 27(2) (a) (b) (c) (d) and (e) of the Act provides for the different members of the National Constitutional Conference. These include:

- CKRC Commissioners who shall be ex officio members without the right to vote. There are 29 Commissioners including the Attorney General and Commission Secretary.
- All Members of Parliament excluding the Attorney General (223).
- Three representatives from each district, at least one of whom shall be a woman and only one of whom may be a councillor. Given that there are some 70 districts including Nairobi Area the number of district representatives would be 210.
- One representative from each political party registered at the commencement of the Act, not being a Member of Parliament or a councillor. This would give a total of 41 political party representatives.
- Representatives from the "civil society organizations" including religious organizations, professional bodies, women's organizations, trade unions, and non-governmental organizations and other interest groups as the Commission may determine. The representatives from this category shall not exceed 25% of the membership of the national conference. Based on this proportion, a total of 125 seats are available for representatives under this category.

#### **16.3 Distribution of Representation Among the Civil Society Categories**

The following conditions were set by the Act as regards the civil Society Representatives

- That the representatives under the civil society category were not to exceed 25% of the membership of the National Constitutional Conference.
- That the Commission was to consult with members of the various categories of the civil society on the distribution of seats. However there was no formal requirement for the Commission to consult them on the method of election or appointment of the representatives.
- That the Commission was make regulations and rules to govern the distribution of representation among the various categories of representatives of civil society and they were to be subject to these regulations and rules.

- That only members of the various categories of the civil society registered at the commencement of the Act were eligible for nomination.

In drawing up the rules and procedures for nomination of civil society representatives, the Commission took the following principles into account:

- Kenya's ethnic, geographical, cultural, political, social and economic diversity
- Gender equity

### **16.3 Regulation**

The detailed rules and regulations of the National Constitutional Conference can be found in the Constitution of Kenya Review (National Constitutional Conference) (Nomination of Civil Society and Other Interest Groups Representatives) Regulations, 2002, Constitution of Kenya Review (National Constitutional Conference) (district Representatives Elections) Rules 2002, and Constitution of Kenya Review (National Constitutional Conference) (Rules of Procedure) Regulations 2002

### **16.4 Decision-Making**

Decision making at the National Constitutional Conference was to be by way of consensus. In the absence of consensus, decisions were to be by way of simple majority,. The Commission was required to record the decisions taken by the National Constitutional Conference on the National Report and Draft Bill.

## **CHAPTER SEVENTEEN:**

### **RESEARCH, DRAFTING AND TECHNICAL SUPPORT COMMITTEE**

#### **17.1 Mandate**

Under section 27 (1) (c) of the Constitution of Kenya Review Act, the Constitution of Kenya Review Commission was tasked to convene the National Constitutional Conference (NCC) whose mandate was to discuss, debate, amend and adopt the Commission's Report and the Draft Bill to alter the Constitution.

Pursuant to the provisions of the Review Act, Research Drafting and Technical Support was mandated to prepare all the technical documents and materials for the Conference; record all the proceeding of the Conference through the Hansard; coordinate documentation and data backstopping; Library; Registry and Archive; Research and Reporting; Drafting; and General Technical Support.

#### **17.2 Organization of Work**

Research, Drafting and Technical Support organized its work around eight areas of operation. These tasks were drawn from those previously undertaken by the Department during the public consultations and preparation of the Commission Report and Draft Bill. The tasks were organized as follows:

#### **17.3 Technical Documents and Materials**

The Department was responsible for preparation of the technical materials including rules for the election of delegates to the National Constitutional Conference; rules of procedure for conducting the National Constitutional Conference; preparation of Statutory Documents, Working Documents and Reference Materials for the Conference; preparation of motions among others.

#### **17.4 Research and Reporting**

The Department was responsible for research backstopping on topical issues which came up from time to time. This involved desktop research coordinated by Programme Officers Research and Assistant Programme Officers, technical experts invited to give thematic and sectoral input, and other interested players including the Lancaster Conference Veterans.

The reporting, including preparation of minutes, was rendered at various stages as follows:

##### **17.4.1 Plenary Reporting**

Reporting on daily plenary proceedings captured swearing in of Delegates; communications from the chair; motions moved and debated; progress of conference debates; presentation of

the Commission Main Report and Draft Bill; presentation of the Technical Working Committee Reports and adoption of the Draft Bill.

#### **17.4.2 Technical Working Committee Reporting**

Having concluded the General Debate in plenary, the conference discussions moved to thirteen Technical Working Committees where constitutional issues were discussed in detail. The Department was responsible for the preparation of minutes and reports of all the Technical Working Committee deliberations.

#### **17.4.3 Report from Convenors Meetings and Workshops**

The Convenors of Technical Working Committees met on regular basis to share experiences on constitutional debate. The final Convenors meeting was held in Mombassa, during which the Zero Draft of the Constitution was prepared. The Department was responsible for preparation of all the minutes and reports of the Convenors meetings.

#### **17.4.4 Special Committee, Group, Taskforce and Workshop Reporting**

Several Committees, Groups and Taskforces were established throughout the duration of the National Constitutional Conference. The key amongst these were the Commissioners Coordinating Committees, Consensus Building Group and Committee, Parliamentarians Caucusing Workshop, Gender Caucusing Workshop, specific conference constituency and regional meetings. The Departments was responsible for the preparation of all the minutes and reports for all the meetings of the various groups prior to and during the Conference.

#### **17.4.5 Rapporteur General's Report**

The Rapporteur General who was also the chairman of the Department was responsible for producing the Conference reports. The Department supported the Rapporteur General by gathering the requisite information and constituent reports which were finally used to produce Bomas I, Bomas II and Bomas III reports.

#### **17.4.6 Final Report of the Commission**

Pursuant to the Review Act which provides that the Commission prepares a Final Report to be presented together with the Draft Bill to the Attorney General, the Department was responsible for coordination of the preparation of the Report.

#### **17.4.7 Hansard Recording of Proceedings**

The Hansard Section of Research Drafting and Technical Support was responsible for verbatim recording of all the legally constituted meetings of the National Constitutional Conference. The meetings recorded included the plenary proceedings, technical working committee proceedings, steering committee proceedings, conveners meetings and workshops, special taskforce meetings and workshops, consensus building group and committee meetings and all other commission meetings.

All the recorded tapes were transcribed, edited and the verbatim reports circulated to various end-users.

### **17.5 Documentation and Data Backstopping**

The Department coordinated the production, distribution and interpretation of all documents produced or used at the Conference. Although most of the statutory, working and reference documents were produced before the Conference, several were also reproduced or produced anew during the Conference. Some of the documents included the Independence Constitution, Devolution and Culture Reports, Thematic Data Analysis Reports, Select Constitutions of the World for Consensus Building Group, Interest Group Constitutions among others.

Pursuant to the review Act which required that the Draft Constitution reflects as faithfully as possible the views of Kenyans, the Commission Database was opened at the Conference to enable continuous consultation and reflections. Delegates and Observers were continuously provided with requisite data to enable them understand how the Draft Constitution and Main Report tallied with the views of Kenyans.

During the General Debate and discussions in Technical Working Committees, several constitutional issues were raised and debated. The Department provided technical backstopping in the collation, tabulation and analysis of the issues raised. The results were availed to the Delegates and Observers and to the Rapporteur General.

### **17.6 Library**

In order to facilitate informed debating and quality discussions, the Commission established a Library at the venue of the Conference. The Library was the main reference point for all the materials produced by the Commission as well as legal and non-legal documents that were considered relevant for the Delegates. The Library also provided the Constitutions of the world and internet reference and search facilities.

### **17.7 Registry and Archive**

The Registry and Archive at the venue of the Conference maintained all the requisite reference memoranda, verbatim records and related articles generated by the Commission prior to the Conference. Delegates and Observers were able to peruse through all the documents which the Commission received during public hearings and related activities.

The Registry and Archive also took custody of all the materials produced during the conference including motions, memoranda, verbatim reports and civic education publications. While the documents were availed for reference at the Conference, the ultimate aim was to have the same prepared by the Commission for future movement to the National Archives and other documentation centers.

The National Constitutional Conference which had three phases generated documents leading to the writing of the final draft constitution of Kenya, 2004 which was adopted by the same conference on the 15<sup>th</sup> march, 2004.

Registry is a branch of the Data Entry and analysis of Research and Drafting Department of the CKRC where the Data is registered and stored.

Chapter 12 of the CKRC Act Cap. 3A laws of Kenya charges the Registry with the duties of the storage data for evidene and historal purposes.

During Bomas1,2, and 3 Registry was involved in:

- The duties of issuing of conference working materials;
- Retrieval of original memorandum whenever required during the proceedings of the plenary, conference, and for the commissioners, secretary and deputy secretaries etc;
- Receiving of verbatim reports;
- Filling of Conference verbatim Reports;
- Distribution of TWL verbatim Reports to the respective committees through their APOs;
- Filling of a copy of each report generated from the conference for the purpose of reference by the delegates and observers whenever need arose.

This process was repeated in each session or of Bomas I, II and III. Besides all of the above, the Registry worked in conjunction with other sections of CKRC, in identifying documents which were not in frequent use for transmission to the internal Archives of CKRC.

Subsequently, the registry undertook the appraisal of all the National Conference materials including:

- Oathing materials
- Voting documents
- Delegates Registers and their lists of attendance
- All classes of verbatim Reports generated by the conference. e.g - steering committees
- Technical Working Committees
- Consensus Group at KCB Karen
- Civic Education Publications
- Press Statements e.t.c

This process was followed by the identification of a favourable coding system for easy identification and retrieval whenever necessary; otherwise after production for use in the conference, the ultimate aim is to transfer the same to the National Archives, documentation centers and any other area the Administration of CKRC would have identified for security purposes.

## **17.8 General Technical Support**

The Department coordinated all other technical work aimed at facilitating debate during the conference; maintenance of order and smooth running of the Conference. The support provided in this case included the following:

### **17.8.1 Swearing in of Delegates**

All the Delegates to the National Constitutional Conference were sworn in before they could make contributions, raise motions or participate in debate. The Department coordinated the administration of oath to the Delegates.

### **17.8.2 Votes and Proceedings**

The Department coordinated the tallying of votes and registering proceedings throughout the entire Conference cycle.

### **17.8.3 Motions**

Several Motions were moved and carried or defeated at the Conference. The Department coordinated the preparation of the motions, facilitated their flow to various technical organs of the Conference and registered related final outcome.

### **17.8.4 Preparation of Order Papers**

The Daily proceeding of the Conference were regulated through the issuance of Daily Order Papers. The Papers were prepared by the Conference Secretary in consultation with the Conference Chairman and the Chairman and Deputy Secretary, Research Drafting and Technical Support.

### **17.8.5 Interpretation of Rules and Motions**

Although the Review Act provided that the Chairman of the Conference was responsible for chairing all the Conference meetings, this was not practically tenable. The daily proceedings were therefore chaired by various Conveners who alternated at regular intervals. During all the meetings, the conveners sought technical interpretation of issues raised on rules of procedure as well as points of order, information among others. The Department provided technical expertise in the interpretation of the rules and other legal issues during plenary and technical committee discussions.

## **17.9 Achievements**

### **17.9.1 Reporting**

- **Plenary Reports**

The Department produced reports from the plenary proceedings.



- **Technical Working Committee Reports**

During the Technical Working Committees, the Department produced minutes and reports of the Technical Working Committees.

- **Conveners Meeting Reports**

The Conveners meetings generated minutes and reports.

- **Consensus Building Group and Committee Reports**

The Consensus Building Group and Committee meetings generated minutes and reports.

- **Rapporteur General's Report**

The Department supported the Rapporteur General in producing three reports, one each during Bomas I, Bomas II and Bomas III.

- **Final Report of the Commission**

The Department was responsible for the production of the Final Report of the Commission which was forwarded to the Attorney General along with the Draft Constitution of Kenya.

### 17.10 Verbatim Recording

The Hansard generated 729 Verbatim Reports throughout the entire Conference cycle. The Reports were broken down as follows:

	No. of Reports			
	Bomas I	Bomas II	Bomas III	TOTAL
Plenary	28	11	24	<b>63</b>
Technical Working Committees	0	151	305	<b>456</b>
Steering Committee Reports	23	20	49	<b>92</b>
Press Briefings	10	11	14	<b>35</b>
Special Standing Committees	-	-	-	-
Consensus Building Group/Committee	0	0	18	<b>18</b>
Conveners Meetings/Workshops	1	16	6	<b>23</b>
Drafters Meetings	-	-	1	<b>1</b>
Commission Meetings	7	14	11	<b>32</b>
Training Workshops for TWC's	0	4	0	<b>4</b>
Devolution of Powers (Presentations and Workshops)				<b>5</b>

### 17.11 Documentation and Data Analysis

Throughout the entire Conference cycle, over 70,000 documents were produced, reproduced and circulated to Delegates and Observers. The breakdown of documents was as follows:

MATERIALS	RECEIVED	ISSUED	BALANCE
<b>BOMAS I</b>			
DRAFT BILL	1000	1000	NIL

DRAFT CONSTITUTION AT A GLANCE	1000	1000	NIL
MAIN REPORT	1000	1000	NIL
PEOPLES CHOICE/SHORT VERSION	2000	755	1245
TAARIFA	1000	773	227
CHAGUO LA WANANCHI TOLEO FUPI	1000	234	766
CONSTITUTION OF KENYA	1000		
CHAPTER 3A(ORGINAL & AMENDED)	1000		
CONFERENCE REGULATIONS	1000		
DRAFT BILL VOL II	1000	990	10
MAIN REPORT VOL I	1000	987	13
WORKING DOCUMENT I	1000	953	47
„ „ II	1000	960	40
„ „ III	1000		
„ „ IV	1000	955	45
„ „ v	1000	987	13
UMBRELLA	1000	1000	NIL
BAG	1000	1000	NIL
T/SHIRTS	1000	980	20
BOX FILES (GREEN) 2003	1200	1174	26
<b>BOMAS II</b>			
VOLUME V PART I	200	130	70
„ „ „ II	200	115	85
„ „ „ III	200	128	72
„ „ „ IV	200	131	69
„ „ „ V	200	139	61
REPORT ON CULTURE	1000	990	10
REPORT ON DEVOLUTION	1000	987	13
RAPPORTEUR GENERAL 17 <sup>TH</sup> JULY 03	1000	988	12
<b>BOMAS III</b>			
RAPPORTEUR GENERAL SEPT. 03	1000	990	10
DRAFT CONSTITUTION BILL	1000	988	12
DRAFTERS NOTES	1000	988	12
VOLUME 4	42000	18740	23260

## 17.12 Library Reference

### 17.12.1 Mandate

Under Cap 3A Section 23(1), of the Constitution of Kenya Review Act, the County Council of every district was to facilitate the establishment by the Commission of a documentation centre in the district for the preservation and dissemination to the public of the records of the deliberations and proceedings of the Commission and such other information as the Commission may direct. This was through the Coordination of the library at the headquarters.

The library with the district Documentation Centres were useful in creating awareness as a resource centre for information sharing, exchange, awareness and reporting.

The Constitution of Kenya Review Commission was expected to manage its information in the most reasonable cost. The Commission acquired, generated and collected masses of

information in form of data which required absolute expertise to manage. The mass information was not easy to manage and given the sensitivity of the constitution review process, accuracy, consistency and reliability of information management i.e retrieval and storage was the top priority.

### **17.12.2 Organisation of Library Services**

The library was under the Research, Drafting and Technical Support department. The library was managed by a Programme Officer and a Programme Assistant under the guidance of the Deputy Secretary, Research and Drafting.

The library was established and operated at the Headquarters in Kencom House 2<sup>nd</sup> floor initially in room 268 before it shifted to a larger room 235. It Coordinated with the District Documentation Centres countrywide. It was open to members of the general public from 8 a.m. to 5 p.m. during week days.

The library which also functioned as a Documentation Centre was charged with the responsibility of managing, organizing, collecting, retrieving, storing, presenting and disseminating information across all the Commission's departments. This was done through proper direction and control.

### **17.12.3 Collection Development**

There was a minimal budget allocation towards the library collection development. The library's collection development, was therefore, built mainly through donations, gifts and in house generated documents and very few purchases on a needs basis.

The library received its first donation of the "*Constitutions of the Countries of the World*" from the United States of America Embassy hence beginning our collection development. As a specialised library, a user friendly database was created using Microsoft Access to keep a record of the collection/material available (see attached list). Other useful materials obtained were the full set of the laws of Kenya, which had to be amended and updated. The library also obtained subscription of the Kenya Gazette therefore receiving of the weekly supply of Gazette/Legal notices, Bills, Acts and Supplements was up to date. Other donations were given by individuals, various Non-governmental organisations, government ministries/departments and other foreign missions.

The library subscribed to all the local daily and weekend newspapers, which were bound into various volumes, monthly since the Commission started its operations. It was necessary for the library staff to keep track of all the newspaper articles pertaining to the review process and this kept a record of newspaper clippings.

### **17.12.4 Other Materials**

The library also kept a collection of both visual and audio tapes. These were mainly from the TV and Radio programmes that were organised by the Civic Education Department. The library also kept a collection of material on CD.

The library also subscribed to the “*Constitutions of the Countries of the World online*” making it easier to do quick reference searches and comparative studies with the online version. The library also subscribed to “*Law Africa*”.

The material was organised by constitutional subject areas which included:-

- material on the constitution making process since independence
- materials on the structures and system of government e.g. Federalism, Parliamentary system, Unitary
- Other constitutional issues pertaining to Persons with disabilities, Gender, Children’s rights, Minorities, Culture, Human rights civic education
- Braille materials for the blind.

#### **17.12.5 Facilities**

The library also provided other facilities i.e. internet searches; materials and fora where the people of Kenya actively and freely participated in generating and debating proposal to alter the Constitution.

The library kept and availed records of workshops and seminars, reports of the Commission in print and electronic informatics for the purposes of institutional memory and final transfer to the Kenya National Archives.

#### **17.12.6 The National Constitutional Conference**

The library was moved to the Bomas of Kenya with most of the materials that were deemed relevant to the Conference. To meet the needs to the 629+ delegates the library staff were increased to 5 members, to assist in various library aspects.

The library was set up in Block ‘A’ at the Bomas of Kenya, even though with limited space considering that there were 4 – 5 staff members to assist library users. This left little sitting/reading space for the users.

At the Bomas of Kenya the library kept custody of the entire Committees’ daily proceedings, Plenary proceedings, Votes and Proceedings, Orders of the Day, Motions, Conference updates (weekly newsletter), Sauti ya Katiba (weekly newsletter) and any other documents that may have been requested on a needs basis e.g. International Conventions.

#### **17.12.7 Readership**

The library was open to the public free of charge even though materials were not lent to outside users; however a user’s register was maintained for Commissioners and Secretariat staff.

The readership at Bomas of Kenya increased drastically as the conference proceeded to more critical stages. Throughout the process the Commissioners were the most active users of the library facilities. However the delegates came to see the importance of the library much later. Readership was at an average of 20 readers/users per day.

### 17.12.8 Drafting

The Department facilitated drafting at General Debate, technical working committee, conveners meetings and in the final production of the Draft Constitution. The mandate of the Commission in relation to the drafting process is to be found at Part IV of the Act. Section 26(2) of the Act defined the work of the Commission as consisting of –

*“visiting all the constituencies in Kenya, compiling reports of the Constituency Constitutional Forums, the National Constitutional Conference, conducting and recording the decision of the referendum referred to in section 27(6) and on the basis thereof drafting a Bill for presentation to Parliament for enactment”.*

Under section 28(1), the Commission was required on the basis of the decision of the people at the referendum (if one was held) and the Draft as adopted by the National Constitutional Conference prepare the final report and draft Bill.

But the mandate of the Commission in relation to drafting was not limited to drafting the Bill, pursuant to section 34 of the Act, the Commission was required to make Regulations prescribing anything required by the Act to be prescribed and more specifically Regulations prescribing the procedure for –

- (a) electing the vice-chairperson and filling any vacancies arising in respect thereof,
- (b) facilitating and promoting the provision of civic education,
- (c) the establishment of Constituency Constitutional Forums,
- (d) the constitution and conduct of the National Constitutional Conference, and
- (e) resolution of any disputes arising in the cause of the review process.

The Commission was further empowered to prescribe the disciplinary procedures applicable to the staff of the Commission and for prescribing the procedure for the holding of a referendum under section 27. In making Regulations to prescribe the procedure for the holding of a referendum, the Commission was required to consult the Electoral Commission of Kenya.

### 17.13 Staffing

#### 17.13.1 Bomas I

No	NAME	STAFF NO.	POSITION
1	Pauline Nyamweya	C04	D/Secretary
2	Eunice Gichangi	C16	P/Officer
3	Jeremiah Nyegenye	C17	P/Officer
4	Harrison B. N. Gicheru	C18	P/Officer
5	Charles Oyaya	C19	P/Officer

<b>No</b>	<b>NAME</b>	<b>STAFF NO.</b>	<b>POSITION</b>
6	Achieng' Olende	C20	P/Officer
7	Walter Owuor	C21	P/Officer
8	Peter Kanyi	C22	P/Officer
9	Roselyne Nyamato	C23	P/Officer
10	Joash Aminga	C24	P/Officer
11	Beatrice Mwangi	C25	P/Officer
12	Mary Rado	C26	Secretary
13	Sarah Murithi	C57	Secretary
14	Millycent Achieng	C58	Secretary
15	Saida Abdalla	T99	Secretary
16	Leonard Gayoye	C96	D/Coordinator
17	Liz Kingi	C43	Research Assistant
18	Noor Awadh	C44	Research Assistant
19	Sylvia Nyaga	C45	Research Assistant
20	Wycliffe Owade	C46	Research Assistant
21	Maurice Kepoi	C47	Research Assistant
22	Jackie Obiero	C48	Research Assistant
23	Stephen Mukaindo	C49	Research Assistant
24	Geoffrey Mosoti	C50	Research Assistant
25	Henry Oduor	C51	Ass. P/Officer
26	Stanley Munene	C52	Ass. P/Officer
27	Dan Juma	T14	Research Assistant
28	Rukia A. Mohamed	T15	Research Assistant
29	Edwin Kimathi Githinji	T16	Research Assistant
30	Leah Symekher	T17	Research Assistant
31	Fidelis Wangatta	T18	Research Assistant
32	Doti Tari	T19	Research Assistant
33	Noor Mohamed Abdi	T30	Research Assistant
34	Gail Nyango	C126	Ass. P/Officer
35	Pamela Obala	C127	Ass. P/Officer
36	Jonuba Bekah	T101	Research Assistant

No	NAME	STAFF NO.	POSITION
37	Karina Besleaga		Research Assistant
38	John Kennedy Okada	T105	Ass. P/Officer
39	Grace Omega		Secretary
40	Evans Menach	T102	Research Assistant
41	Patricia Mwangi	C25	P/Officer
42	Hellen Kanyora	T32	Ass. P/Officer
43	Jane Kibiru		Ass. P/Officer

### 17.13.2 Bomas II

No	NAME	STAFF NO.	POSITION
1	Pauline Nyamweya	C04	D/Secretary
2	Eunice Gichangi	C16	P/Officer
3	Jeremiah Nyegenye	C17	P/Officer
4	Harrison B. N. Gicheru	C18	P/Officer
5	Charles Oyaya	C19	P/Officer
6	Achieng' Olende	C20	P/Officer
7	Walter Owuor	C21	P/Officer
8	Peter Kanyi	C22	P/Officer
9	Roselyne Nyamato	C23	P/Officer
10	Joash Aminga	C24	P/Officer
11	Beatrice Mwangi	C25	P/Officer
12	Mary Rado	C26	Secretary
13	Sarah Murithi	C57	Secretary
14	Millycent Achieng	C58	Secretary
15	Saida Abdalla	T99	Secretary
16	Christine Sagini	C68	Ass. P/Officer
17	Liz Kingi	C43	Research Assistant
18	Noor Awadh	C44	Research Assistant
19	Sylvia Nyaga	C45	Research Assistant

<b>No</b>	<b>NAME</b>	<b>STAFF NO.</b>	<b>POSITION</b>
20	Wycliffe Owade	C46	Research Assistant
21	Maurice Kepoi	C47	Research Assistant
22	Jackie Obiero	C48	Research Assistant
23	Stephen Mukaindo	C49	Research Assistant
24	Geoffrey Mosoti	C50	Research Assistant
25	Henry Oduor	C51	Ass. P/Officer
26	Stanley Munene	C52	Ass. P/Officer
27	Dan Juma	T14	Research Assistant
28	Rukia A. Mohamed	T15	Research Assistant
29	Leah Symekher	T17	Research Assistant
30	Fidelis Wangatta	T18	Research Assistant
31	Doti Tari	T19	Research Assistant
32	Noor Mohamed Abdi	T30	Research Assistant
33	Gail Nyango	C126	Research Assistant
34	Pamela Obala	C127	Ass. P/Officer
35	Jonuba Bekah	T101	Ass. P/Officer
36	John Kennedy Okada	T105	Ass. P/Officer
37	Grace Omega	T107	Secretary
38	Evans Menach	T102	Research Assistant
39	Patricia Mwangi	C25	P/Officer
40	Hellen Kanyora	T32	Ass. P/Officer
41	John B. Adeya	T150	Other S/Staff
42	Paul Wairua Munene	T151	Other S/Staff
43	Pauline Kerubo	T152	Other S/Staff
44	Jane Kibiru	T 20	Ass. P/Officer

### **17.13.3 Bomas III**

<b>No</b>	<b>NAME</b>	<b>STAFF NO</b>	<b>POSITION</b>
1	Pauline Nyamweya	C04	D/Secretary
2	Eunice Gichangi	C16	P/Officer



No	NAME	STAFF NO	POSITION
3	Jeremiah Nyegenye	C17	P/Officer
4	Harrison B. N. Gicheru	C18	P/Officer
5	Charles Oyaya	C19	P/Officer
6	Achieng' Olende	C20	P/Officer
7	Walter Owuor	C21	P/Officer
8	Peter Kanyi	C22	P/Officer
9	Roselyne Nyamato	C23	P/Officer
10	Joash Aminga	C24	Ass. P/Officer
11	Beatrice Mwangi	C25	P/Officer
12	Mary Rado	C56	Secretary
13	Sarah Murithi	C57	Secretary
14	Millycent Achieng	C58	Secretary
15	Saida Abdalla	T99	Secretary
16	Noor Awadh	C44	Ass. P/Officer
17	Sylvia Nyaga	C45	Ass. P/Officer
18	Wycliffe Owade	C46	Ass. P/Officer
19	Jackie Obiero	C48	Ass. P/Officer
20	Stephen Mukaindo	C49	Ass. P/Officer
21	Geoffrey Mosoti	C50	Ass. P/Officer
22	Henry Oduor	C51	Clerk
23	Stanley Munene	C52	Clerk
24	Dan Juma	T14	Ass. P/Officer
25	Leah Symekher	T17	Ass. P/Officer
26	Fidelis Wangata	T18	Ass. P/Officer
27	Gail Nyango	C126	Clerk
28	Pamela Obala	C127	Clerk

No	NAME	STAFF NO	POSITION
29	Jonuba Bekah	T101	Ass. P/Officer
30	John Kennedy Okada	T105	Ass. P/Officer
31	Grace Omega	T107	Secretary
32	Evans Menach	T102	Ass. P/Officer
33	Patricia Mwangi	C25	P/Officer
34	Hellen Kanyora	T32	Ass. P/Officer
35	John B. Adeya	T150	Clerk
36	Paul Wariua Munene	T163	Clerk
37	Pauline Kerubo	T152	Ass. P/Officer
38	Jane Kibiru	T 20	Ass. P/Officer
39	Tammy M. Washington	T157	Ass. P/Officer
40	Esther Mugo	T176	Ass. P/Officer
41	Grace Kamau	T177	Ass. P/Officer
42	Selinah J. Kandie	T178	Ass. P/Officer
43	Helen Namisi	T179	Ass. P/Officer
44	Rahma Jillo	T180	Ass. P/Officer
45	Daniel Konyango	T181	Ass. P/Officer
46	Fredrick Oundo	T183	Ass. P/Officer
47	Rozina Mngola	T186	Ass. P/Officer
48	Rosemary Mutheu	T187	Ass. P/Officer
49	Abdi Malik Ali	T227	Other S/Staff
50	Tom Oluoch	T267	Other S/Staff
51	Lynn Awino	T229	Clerk
52	Carol Ndindi Waguthi	T243	Ass. P/Officer
53	Lucky Lavender Waindi	T244	Ass. P/Officer
54	George Mukundi	T245	Ass. P/Officer

No	NAME	STAFF NO	POSITION
55	Joyce Wamucii Ndumia	T246	Ass. P/Officer
56	Keziah Wanjiku Kamau	T247	Ass. P/Officer
57	Metrine N. Wakhungu	T248	Ass. P/Officer
58	Sahara Dahir Ibrahim	T188	Ass. P/Officer
59	Hadi Hared Warfa	T115	Ass. P/Officer
60	Mohammed Ali Mohammed	T249	Ass. P/Officer
61	Grace Kaparo	T127	Ass. P/Officer
62	June Mutheu	T250	Clerk
63	Henry Waweru Njuru	T254	Ass. P/Officer
64	Antoney Amos King'uku	T275	Support Staff
65	Yakub Ali Mohammed	T276	Support Staff
66	Nkatha Kabira	T277	Clerk
67	Sarah Wambui	T278	Clerk
68	Steve Biko Wafula	T283	Ass. P/Officer
69	Catherine Mbai Adhiambo	T289	Ass. P/Officer
70	Robert Kibugi Machatha	T290	Ass. P/Officer
71	Johnson Ngikit	T288	Support Staff
72	Janda Tambirai	T298	Support Staff

## **CHAPTER EIGHTEEN:**

### **RESOURCE DEVELOPMENT AND BUDGETING COMMITTEE**

#### **18.1 Introduction**

The Resource Development and Budgeting Committee of the Constitution of Kenya Review Commission (CKRC) consisted of seven Commissioners who were instrumental in providing policy guidance to the Department throughout the Conference. The Commissioners were:

- |     |                             |   |             |
|-----|-----------------------------|---|-------------|
| 1.  | Mrs. Abida Ali-Aroni        | - | Chairperson |
| 2.  | Mr. Riunga Raiji            | - | Member      |
| 3.  | Dr. (Hon) Phoebe Asiyo      | - | Member      |
| 4.  | Mr. Domiziano Ratanya       | - | Member      |
| 5.  | Dr. Abdirazak Nunow         | - | Member      |
| 6.  | Mr. Domiziano Ratanya       | - | Member      |
| 7.  | Mrs. Alice Yano             | - | Member      |
| 8.  | Prof. Yash Pal Ghai         | - | Ex-officio  |
| 9.  | Prof. Ahmed I. Salim        | - | Ex-officio  |
| 10. | Prof. H. W. O. Okoth-Ogendo | - | Ex-officio  |
| 11. | Dr. PLO-Lumumba             | - | Ex-officio  |

It should be noted that after the NCC, Mrs. Abida Ali-Aroni who had been the chairperson of the RDB Committee was appointed chairperson of the CKRC in July 2004 after the resignation of the former chairperson. In her place, Dr. Mohammed Swazuri was appointed to replace her in the committee and Mr. Riunga Raiji was elected chairman of the RD & B Committee.

The Deputy Secretary Finance and Administration, Mr. Edward Karisa coordinated the work of all sections of the Department. The following members of staff made important input in compiling this report and their efforts are acknowledged:

- |    |                      |   |                         |
|----|----------------------|---|-------------------------|
| 1. | Dr. Mohammed Swazuri | - | Commissioner            |
| 2. | Mr. Edward Karisa    | - | DS RD&B                 |
| 3. | Mr. Daniel Karao     | - | Chief Accountant        |
| 4. | Mr. Collins Mukewa   | - | Programme Officer       |
| 5. | Ms. Anne Chivatsi    | - | Asst. Programme Officer |
| 6. | Mr. George Kamoni    | - | Accounts Clerk          |

Throughout both phases of the Conference, the department worked closely with other departments in tasks that were interlocked and as an administrative department of the Conference and the Commission.

#### **18.2 NCC Phase I**

The NCC Phase I commenced on April 28, 2003 at the Bomas of Kenya. Preparations for NCC I started in January 2003. There were no logistical problems experienced in the

preparations of the NCC and the Secretariat was ready when the Delegates started arriving on 27<sup>th</sup> April 2003.

Finance and Administration Department officers were allocated specific duties to be carried out before the commencement and throughout the conference. These duties included getting quotations for various supplies, signing contracts with several

### **18.3NCC Phase II**

The NCC Phase II commenced on August 18, 2003 at the Bomas of Kenya. This phase had fewer preparations as most of the physical facilities were already in place.

Just like during NCC I, F&A officers were allocated specific duties before and during the Conference.

Throughout both phases of the Conference, the department worked closely with other departments in tasks that were interlocked and as an administrative department of the Conference and the Commission.

### **18.4Mission Statement**

To effectively and professionally provide budgetary, financial and administrative support to the Commission and the National Constitutional Conference (NCC) to ensure success of the constitutional review process in Kenya.

### **18.5 Responsibilities and the Role of Resource Development and Budgeting Committee at the National Constitutional Conference**

The responsibilities and role of Resource Development and Budgeting Committee (through the Finance & Administration Department) at the NCC were varied and most of the time involved close liaison with other departments. One such department is the Mobilization & Outreach (M&O) Department.

The main tasks that Finance & Administration Department during NCC I&II included the following:

- Organizing and handling administrative issues for the Conference;
- Planning for the funding of the Conference activities;
- Liaising with donor institutions for financial support;
- Day to day administration activities including payment of supplies, emoluments, insurance, transport, etc;

- Compiling, updating and keeping of books of accounts of the Commission, the Conference and filing of statutory returns;
- Liaising with donor institutions for financial support;
- Budgeting for Secretariat staff;
- Budgeting for Delegates;

In meeting the above mandate, the Commission worked closely with other departments, particularly Mobilization and Outreach.

## **18.6 Advance Preparations**

### **18.6.1 Budgeting For NCC**

There was an interdepartmental committee that merged the detailed budgets of each of the departments. The proposed budget of the committee was tabled to the finance committee who recommended it with some amendments to the plenary for approval. The plenary also approved with some amendments. The approved budget was **Kshs 390,662,100.00**.

### **18.6.2 Venue Preparation**

The period immediately before NCC I was one with many activities. After identification of the venue, some utility services required expansion or improvement to enable them cope with the expected population. These included:

- (i) **Working Space:** There was need for rooms to cater for each of the twelve committees, medical clinic, reception, security, prayers and those with special needs this required procurement of tents, paving blocks and electrical wires to each of the tents.
- (ii) **Parking:** The parking area was formerly a bush that required hard core and murrum to be procured and leveled.
- (iii) **Telephone:** The existing Bomas lines could not cope and we therefore sourced eight more lines with our resident operator.
- (iv) **Electricity:** There was need for extra voltage to cope with the huge number of machines involved in the exercise. We also had to procure a standby generator to supplement the Bomas one in cases of Blackout.
- (v) **Registration materials:** Preparation of Registration materials
- (vi) **Procurement of Goods:** The procurement of a variety of goods was done well in advance in preparation of the Conference.

(vii) **Transport:** Identifying transport service provider for the conference participants, negotiating the charges

(viii) **Invitations:** Letters inviting delegates for NCC I were sent in early April 2003 while letters were sent to all delegates on the 1<sup>st</sup> week of August 2003 notifying them of the starting date of NCC II and the hotels where each will reside.

### **18.7 Procurement Of Goods & Services**

Sourcing of all goods and services was done strictly in accordance with Government procurement regulations, i.e.

- Cash purchases: This was limited to Kshs. 10,000/- per item.
- Direct single sourcing – this is where the value of goods/service was below Kshs. 300,000/- and had one or two suppliers. We used this method in procurement of sign language service, Braille materials and Braille writing.
- Where goods/service are below 5 million, quotations may be invited from at least five reputable suppliers from whom you narrow down to the most economical. We used this method in procurement of stationery, bags for delegates, tents, computers, transport, accommodation, supply of mineral water and paving blocks.
- The goods and services were below 5 million therefore the commission invited quotations.

### **18.8 Delegates And Staff Accommodation**

A Resident Officer was allocated to each of the hotels. They served as Transport Officers, assisted at the catering department and making daily reports on occupancy and compliance with the terms of accommodation on working days and none working days, this served as a check against overcharging by the hotels. They also worked at odd hours of the night sorting out delegate's problems at the hotels.

Majority of the delegates during NCC I stayed at Six Eighty Hotel while the rest were accommodated at Hotel Boulevard, Meridian Court and Bounty Hotel. Some members of the secretariat staff like the former District Coordinators were also accommodated at the hotels. These hotels were chosen for convenience of access, relatively low rate, and adequate number of rooms, availability and standard of cleanliness.

Delegates' allocation to the different hotels during NCC I, is shown in the *Appendix 2*.

During NCC II Hotel Boulevard was unavailable, while many delegates declined to be accommodated at Six Eighty hotel. The rates negotiated for each hotel was between Kshs. 2,500/= to Kshs 3,000/= per person per day on half board basis i.e. bed, breakfast and dinner on weekdays. On weekends and public holidays the rates varied from Kshs. 3,000/= to Kshs. 3,500/= on full board basis which is bed, breakfast, lunch and dinner.

Six Eighty Hotel, Lenana Mount Hotel, Meridian Court Hotel, Panafric and Oriental Palace off Tom Mboya Street provided accommodation for NCC II. The later hotel was identified

by a group of delegates the majority of whom hailed from Nyanza Province.

The residence status for NCC II is shown in *Appendix 3*.

Hotel expenses for NCC II and I was Kshs. 50,588,325.00. The amount paid to each institution is shown in *Appendix 4*.

### **18.9 Transport**

Movement of equipment, furniture and materials to BOK from Kencom House for NCC I was carried out by Removal firm hired for that purpose. Transportation back to Kencom after the NCC I was done by “The Messenger”

In NCC II, the job was undertaken by Express [K] Limited. Express (K) Limited and the Messenger were utilized to transport equipment, furniture and materials back to Kencom at the end of NCC II.

CKRC hired five buses for the delegates and one for secretariat staff from Tropical Nature and Cultural Safaris during NCC I. Unfortunately, the company supplied buses whose condition was not satisfactory. This issue was raised by most delegates in the evaluation forms at the end of NCC I. As a result of the complaints it was decided that another firm be given the task of daily transportation. A new company, Budget Ltd., provided five buses for delegates and one for secretariat staff as well as a mini-bus for the Steering Committee members who were expected to arrive early at BOK for their morning meetings.

Private transport was secured for persons with disabilities in NCC II. The National Assembly supplied a van to CKRC on loan for the period of NCC II. This additional van considerably improved the pool transport situation.

Implementation of the night shift for transcribers in NCC II necessitated the hire of an additional secretariat bus.

The amount paid for transportation during NCC II and I was Kshs. 6,624,070/=. The cost of transportation of delegates and staff was Kshs. 5,540,382/= while equipment furniture and materials was Kshs. 1,083,688/=.

### **18.10 Catering**

This task was closely managed between RDB and M&O departments.

Lunch for most delegates, observers and secretariat staff, was provided in the main dining hall. The Nyama Choma Restaurant area served Members of Parliament, Commissioners and other VIPs. Drivers were served in a tent specifically designated for them.

BOK provided catering services for the Conference. This activity had to be closely supervised by personnel representing CKRC, first, to ensure that quality and standards are adhered to and secondly to keep proper data on the basis of which payment was to be made to BOK.



In general, catering services were satisfactory considering the large number of persons that were catered for.

Appendices 10 and 11 show statistics that give an indication of the magnitude of the catering exercise during NCC II and I. The amount paid for the meals are also shown in these appendices. In NCC I Kshs. 23,532,600/= was paid while in NCC II the amount was Kshs. 18,515,875/=

Each person taking lunch regardless of category was supplied with a bottle of water. Grange Park water costing Kshs. 20/= was supplied in the initial stages but this was replaced by Dasani costing Kshs. 25/= whose quality was deemed to be better than that of Grange Park.

### **18.11 Delegates Welfare**

Finance & Administration was in charge of the delegate's welfare services. This included provision of medical cover and handling of emergency medical problems.

African Air Rescue (AAR) was contracted to provide medical cover to the delegates during the duration of NCC I and II.

A tent was set up specifically for this purpose while Mbagathi District Hospital and Nairobi Hospital were put on standby for emergencies and more complex cases. AAR centers also provided medical attention.

### **18.12 Security**

This task was also closely managed between RDB and M&O departments.

Fifty-five officers under the command of the Officer Commanding Police Division (OCPD), Lang'ata worked for NCC I and II. There were also officers from the National Security Intelligence Service, Criminal Investigation Department and other specialized units such as the explosive detachment unit.

The Conference security was structured in four [4] echelons: -

1. Delegates security in the Plenary Hall and TWG's committee meeting tents provided by parliamentary staff under the Sergeant at Arms;
2. General Conference/installation security under the OCPD – Lang'ata. A police post was established in one of the tents manned throughout by duty officers under the command of a Police Inspector. A riot squad was brought in on standby for a time after the death of Dr. Crispine Mbai the Chairman of the Devolution Committee during NCC II;
3. Traffic control detachment under Lang'ata Police Traffic Division attempted to grapple with the problem of haphazard parking. MP's and Commissioners insistence on parking near the plenary hall, this made

orderliness in parking difficult;

4. National Security Intelligence Services, Criminal Investigations Department Personnel and Terrorism surveillance detachment unit;

### **18.13 Payment of Delegates, Staff and other Workers**

#### **18.13.1 Delegates Budgets**

Payment schedules were being prepared from the signed schedules to ensure we only paid for the days attended. Payment was made on weekly basis in cash. Resident delegates were being paid for weekends but non-residents were not. Identification at the pay point was mandatory.

Allowances paid to the Delegates during NCC I are shown in *Appendix 5*. This was for the period 28<sup>th</sup> April to 6<sup>th</sup> June 2003. The total amount of money paid out for the period was Kshs. 9,404,500/=.

Allowances for NCC II were for the period 17<sup>th</sup> August to 26<sup>th</sup> September 2003. The first payment for the delegates in NCC II covered the period 17<sup>th</sup> – 20<sup>th</sup> August 2003 and included transport reimbursement. Total payments to Delegates during NCC II were Kshs. 57,250,870/= as shown in *Appendix 6*.

These payments did not include the cost of hotel accommodation, which was paid directly to the hotels by CKRC. The Commission also provided transport from the hotels to the venue of the Conference every morning and back to the hotels in the evenings.

#### **18.13.2 Conference Staff and Other Workers Budgets**

This task was closely managed by RDB and M&O departments.

Payment schedules were made from the signed daily attendance sheets and payment was made fortnightly in cash. Identification at the pay parade was mandatory. To add to this, staff were also paid according to their tasks, work grades and designations. The full list of categorization of payments is found in *Appendix 7*.

There were three hundred and fifty seven members of staff deployed at NCC I, and four hundred and ninety seven persons during the NCC II. The increase in numbers was dictated by the formation of thirteen TWG's. This inevitably required that more staff were required to work in each TWG committee.

The total allowances paid out to the Secretariat Staff during NCC I was Kshs. 18,714,000/= divided into seven payment periods from 26<sup>th</sup> May to 17<sup>th</sup> June 2003 which are summarized in *Appendix 8*.

During NCC II Secretariat Staff allowance was Kshs. 25,084,550/= paid weekly as shown in *Appendix 9*. This was once more divided into seven payment periods and covered the period 13<sup>th</sup> August to 3<sup>rd</sup> October 2003.

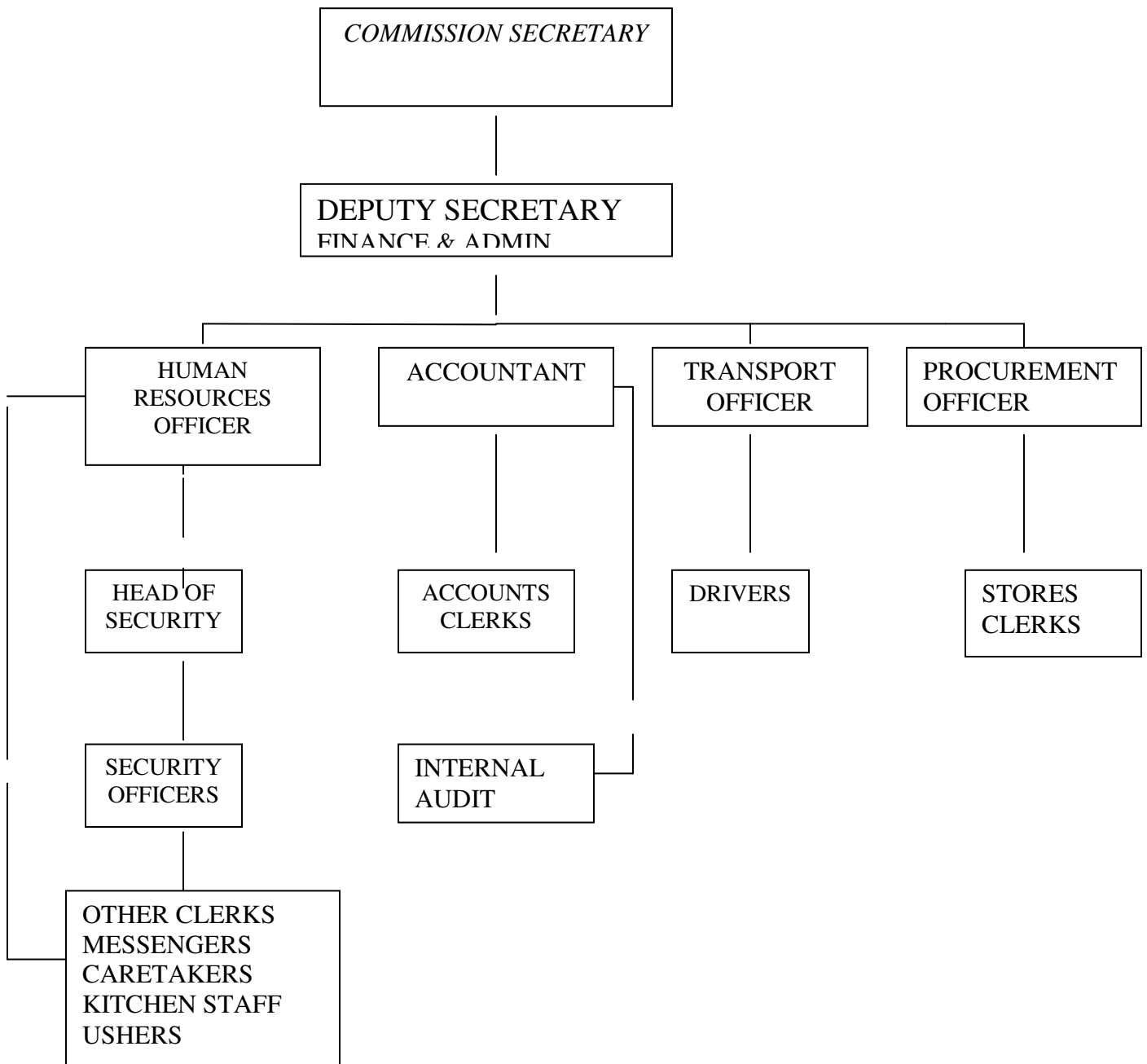
The staff compliment during NCC I and II and the number of staff per department is shown in Appendices 14 and 15.

It will be noted that during NCC II the RDTS Hansard staff worked in two shifts (day & night) because of the volume of work generated at the Conference by the TWG Committees.

Some workers were being paid on piecework basis e.g. Hansard editors and transcribers were being paid per tape done. Other manual workers were paid against daily attendance sheets. All were paid fortnightly in cash.

#### **18.14 Finance & Administration NCC Secretariat**

**RDB Conference Secretariat Organization Chart**



## **18.14 Committee Meetings**

Resource Development and Budgeting was one of the busiest Committee at the Conference. Most of the meetings were to discuss issues to do with expenditure, delegates and observers welfare, and claims by delegates.

The Committee usually held at least two meetings a week and there was full participation by the committee members.

## **18.15 Settling of Bills**

The Committee was in charge of verifying and settling all the conference bills. The main expenses went to clearing the following:

- **Accommodation**

The hotels that were accommodating the delegates were sending their fortnight invoices directly to Kencom House where they were reconciled with the resident officer's report before payment. Payment was always made within five days from receipt of invoice.

- **Transport**

Transport hire invoices had to comply with the itinerary schedule that was being manned by the designated transport officer. Endorsement of the invoice by Deputy Secretary (Finance) was mandatory.

- **Catering**

Bomas of Kenya were providing the catering service and were invoicing fortnightly. Their bill had to agree with the Catering Committee report for the period in question before payment was made. The Committee controlled this exercise by issue of meal vouchers against which Bomas was billing.

- **Other Suppliers**

Upon delivery of goods/services and endorsement of the invoice by the respective deputy secretaries, the invoices were then channeled to Kencom House for processing. All payments were made by cheque within the five days from receipt of invoice.

## **18.16 Monitoring & Evaluation of Income & Expenditure At NCC**

### **18.16.1 Income**

NCC was fully funded by the treasury who were issuing cash whenever we requested

### **18.16.2 Expenditure**

All accounts work continued at Kencom House where expenditure was being captured immediately be it commitment or payment. Expenditure returns were being made to the

Secretary and Finance Committee on a weekly basis. Also the projections made earlier were being revised on the basis of actual expenditure. The secretariat fought to remain within the budget, limits against the wishes of the delegates welfare committee that was making extravagant demands.

### **18.16.3 Liaison with other Committees**

The Finance Committee was closely working with other committees – Mobilization, Research & Drafting, Civic Education, Media Advisory and the delegates welfare committee. This was inevitable given the central role of oiling the mills of all other departments. Therefore there were meetings both formal and informal with these committees.

### **18.17 Internal Audit of Financial Activities of NCC**

- **Accommodation**

There was a resident officer at each of the hotel's accommodating the delegates who was making regular reports on occupancy and compliance with the terms of accommodation e.g. supper, bed & breakfast on working days and inclusion of lunch in non-working days. This was also to check on overcharging by hotels.

- **Stores**

Whenever supplies were made directly to the venue of the conference, the delivery documents were being endorsed by the programme officer concerned or the deputy secretary after which the supplies secretariat takes them on charge and transmit the invoice to accounts for payment. This procedure applied to services also.

- **Labour**

There was a central point where all secretariat staff including casuals were signing in and it is against these that payment schedules were being prepared.

- **Delegates**

There were desks for delegates to sign in on every working day. It is against signed sheets that payment for out of pocket allowances were being prepared.

- **Audit**

There was continuous audit of NCC expenditure by Controller and Auditor General staff during and after the conference.

### **18.18 Constraints and Challenges**

- The death of the Vice President Hon. Michael Kijana Wamalwa led to an unscheduled break in the conference activities for two weeks between 25<sup>th</sup> August 2003 and 7<sup>th</sup> September 2003.

- Another hitch resulted from the death of delegate representing Homabay District, Dr. Crispin Odhiambo Mbai who was the Chairman of Devolution TWG committee. He was shot dead on 14<sup>th</sup> September 2003.

The above breaks had not been provided for in the Conference budget and resulted in the increased expenses as the Conference activities were delayed considerably.

- There were a number of complaints from delegates about the condition of the buses used in NCC I. This problem was addressed in NCC II when the Commission contracted another firm with relatively newer buses;
- Delegates did not adhere to the allocation of accommodation as contained in the letter from the Commission. There was a lot of movement in NCC II with some delegates identifying their own preferred accommodation and entering into negotiations with the hotel;
- Harmonization of staff allowances sometimes resulted in delays in the preparation of payment schedules;
- Lenena Mount hotel and Meridian Court hotel proved very difficult on accounting for delegates' expenditure. They were uncooperative; sometimes insisting on payment based on the original number of rooms booked even when delegates had vacated some.
- The last minute cancellation of bookings at Hotel Boulevard led to disorganization and disappointment on the part of delegates;
- BOK was not endowed with adequate facilities for a conference of such magnitude as the NCC. A lot of inconvenience was experienced in the process of improvising for non-existent facilities. Office accommodation was inadequate leading to a lot of congestion during NCC I;
- Due to the inadequacy of facilities at BOK, CKRC was compelled to rent facilities for the RDTS Hansard staff in the adjacent premises of the Wildlife Clubs of Kenya;
- The relocation of some of the staff to Wildlife Clubs of Kenya premises however, created constant logistical problems. Vehicles had to be used every now and then to transport 10.00 AM and 4.00 PM Tea, as well as stationery requisitioned from the store, which was located at BOK;
- The new car park was not ready, to the required standard, by the time NCC I commenced;
- Electricity was unreliable at BOK. Outages caused damage to equipment and delays in writing of reports;

- The politics in the conference were spilling to management of finance causing negative impact on the budget.
- Timing – there was no definite time within which the conference was to end hence being extended without reference to the budget.
- Budgetary supply – the funds earmarked for the conference were limited yet other activities that were not budgeted for were introduced midstream and had to be financed.

### **18.19 Achievements**

One of the major achievements in NCC II was the smooth coordination of our activities because of the experience gained in NCC I.

There were fewer complaints with regard to transport, accommodation and the general welfare of the delegates.

There was a higher turn out of members of Parliament during NCC II as opposed to NCC I but the attendance by parliamentarians remained very poor between 13% and 14%. The marginal improvement may have been because of our own strict registration requirements as well as the intervention of the speaker of the National Assembly together with the chief whip. The group of delegates with the highest attendance was District Delegates 83% in NCC I, and 90% in NCC II.

This problem of daily registration of Members of Parliament was lessened in NCC II when CKRC officials took over;

In NCC II, observers' attendances were strictly controlled; observers came on only after thorough vetting by the staff, under the direction of the Accreditation Committee;

It is worth noting that once the TWG committees were constituted, they settled down to serious business and the pace of work improved day by day.

### **18.20 Finance & Administration Department Officer's Responsibilities During NCC I, II, III**

#### **[a] Overall NCC Finance & Administration**

1. Mr. Edward Karisa - Deputy Secretary

#### **[b] Senior Accountants**

1. Mr. Daniel Karau - Programme Officer
2. Mr. Sammy Masinde - Procurement Officer
3. Mr. Simba - Programme Officer
4. Mr. Jane Achola - Programme Officer



- |    |                    |   |                   |
|----|--------------------|---|-------------------|
| 5. | Ms. Crispin Oracha | - | Programme Officer |
| 6. | Ms. Peter Kariuki  | - | Programme Officer |
| 7. | Mr. Noah Tacko     | - | Programme Officer |

**[c] Transport Drivers**

1. Samson Onsando - GK A 464 E Van
2. Bernard Otoro - GK A 318 C Van (on loan from the National Assembly)
3. Joshua Owich - GK A 460 D – Nissan Primera
4. Richard Maingi - GK A 263 E – Nissan Patrol
5. Frederick Kemboi - GK A 266 E – Nissan Patrol

- [e] Delegates Privileges, Discipline and Welfare Committee Duties<sup>1</sup>.**
- |                 |   |                       |
|-----------------|---|-----------------------|
| Solomon Anampiu | - | Programme Officer I/C |
|-----------------|---|-----------------------|

**[f] Overall Conference Delegates Budgets and Hotel Bills**

- |    |                |   |                       |
|----|----------------|---|-----------------------|
| 1. | Fatuma Jama    | - | Programme Officer I/C |
| 2. | Emmanuel Satia | - | Assistant P/O         |
| 3. | Ahmed Musa Ali | - | ”                     |

**[g] CKRC Security**

1. Inspector Musa Kakawa
2. Inspector Peter Oduori
3. APC Gerald Ndwiga

**NCC Phase III**

**18.21 Responsibilities and the Role of Resource Development and Budgeting Committee at Phase III of the National Constitutional Conference**

The responsibilities and role of Resource Development and Budgeting Committee (through the Finance & Administration Department) at the NCC were varied and most of the time involved close liaison with other departments. One such department is the Mobilization & Outreach (M&O) Department.

The main tasks of the Finance & Administration Department during NCC III included the following:

- Organizing and handling administrative issues for the Conference;
- Planning for the funding of the Conference activities;
- Liaising with donor institutions for financial support;

- Day to day administration activities including payment of supplies, emoluments, insurance, transport, etc;
- Compiling, updating and keeping of books of accounts of the Commission, the Conference and filing of statutory returns;
- Liaising with donor institutions for financial support;
- Budgeting for Secretariat staff;
- Budgeting for Delegates;

In meeting the above mandate, the Commission worked closely with other departments, particularly Mobilization and Outreach.

## **18.22 Advance Preparations**

### **18.22.1 Budgeting For NCC**

There was an interdepartmental committee that merged the detailed budgets of each of the departments. The proposed budget of the committee was tabled to the finance committee who recommended it with some amendments to the plenary for approval. The plenary also approved with some amendments. The approved budget was Kshs. 590,307,062

### **18.22.2 Venue Preparation**

The period before NCC III did not have many activities, the required facilities had previously been set in terms of the venue, utility services and their improvement. Other preparations included :

**(i) Procurement of Goods:** The procurement of a variety of goods was done well in advance in preparation of the Conference.

**(ii) Transport:** Identifying transport service provider for the conference participants and negotiating the charges.

**(iii) Invitations:** Letters inviting delegates for NCC III were sent as early as early December 2003 to all delegates.

### **18.22.3 Procurement of Goods & Services**

Sourcing of all goods and services was done strictly in accordance with Government procurement regulations, i.e.

- Cash purchases: This was limited to Kshs. 10,000/- per item.
- Direct single sourcing – this is where the value of goods/service was below Kshs. 300,000/- and had one or two suppliers. We used this method in procurement of sign language service, Braille materials and Braille writing.
- Where goods/service are below 5 million, quotations may be invited from at least five reputable suppliers from whom you narrow down to the most economical. We used this method in procurement of stationery, hiring of tents and photocopy machines, Laptop computers and bags, computer cables, transport, accommodation, supply of mineral water, water dispensers ,GSM cellular interface audio and video recorders.
- The goods and services were below 5 million therefore the commission invited quotations.

### **18.23 Delegates and Staff Accommodation**

A Resident Officer was allocated to each of the hotels. They served as Transport Officers, assisted at the catering department and making daily reports on occupancy and compliance with the terms of accommodation on working days and none working days, this served as a check against overcharging by the hotels. They also worked at odd hours of the night sorting out delegate's problems at the hotels.

Majority of the delegates during NCC III stayed at Six Eighty Hotel while the rest were accommodated at Hilton Hotel, Panafric Hotel Meridian Court, Oriental Palace Hotel, Oakwood Hotel and Bounty Hotel. Some members of the secretariat staff like the former District Coordinators were also accommodated at the hotels. These hotels were chosen for convenience of access, relatively low rate, and adequate number of rooms, availability and standard of cleanliness.

Hotel expenses for NCC III was Kshs. 44,536,894.00.

#### **a. Transport**

Movement of equipment, furniture and materials to BOK from Kencom House and back for NCC III was carried out by Express Kenya Ltd which had been hired for that purpose.

In NCC III, the job was undertaken by Express [K] Limited. Express (K) Limited was utilized to transport equipment, furniture and materials back to Kencom at the end of NCC III.

CKRC buses for the delegates and the secretariat staff from Tropical Nature, Payless Car Hire, Capital Resources Services and Budget Communications Ltd during NCC III. Budget Ltd. provided five buses for delegates and one for secretariat staff as well as a mini-bus for the Steering Committee members who were expected to arrive early at BOK for their morning meetings.

Private transport was secured for persons with disabilities in NCC III. The National Assembly supplied a van to CKRC for the period of NCC III. This additional van considerably improved the pool transport situation.

Implementation of the night shift for transcribers in NCC III necessitated the hire of an additional secretariat bus.

The amount paid for transportation during NCC III was Kshs. 5,105,808/=. The cost of transportation of delegates and staff was Kshs. 4,835,178/= while equipment furniture and materials was Kshs. 270,631.40/=.

### **18.24 Catering**

This task was closely managed between RDB and M&O departments.

Lunch for most delegates, observers and secretariat staff, was provided in the main dining hall. The Nyama Choma Restaurant area served Members of Parliament, Commissioners and other VIPs. Drivers were served in a tent specifically designated for them.

BOK provided catering services for the Conference. This activity had to be closely supervised by personnel representing CKRC, first, to ensure that quality and standards are adhered to and secondly to keep proper data on the basis of which payment was to be made to BOK.

In general, catering services were satisfactory considering the large number of persons that were catered for. The cost of catering amounted to Kshs. 43,908,515/= during NCCIII.

### **18.25 Delegates Welfare**

Finance & Administration was in charge of the delegates' welfare services. This included provision of medical cover and handling of emergency medical problems.

African Air Rescue (AAR) continued to provide medical cover to the delegates during the duration of NCC III.

Mbagathi District Hospital and Nairobi Hospital were put on standby for emergencies and more complex cases. AAR centers also provided medical attention.

### **18.26 Security**

This task was also closely managed between RDB and M&O departments.

Fifty-five officers under the command of the Officer Commanding Police Division (OCPD), Lang'ata worked for NCC III. There were also officers from the National Security Intelligence Service, Criminal Investigation Department and other specialized units such as the explosive detachment unit.

The Conference security was structured in four [4] echelons: -

1. Delegates security in the Plenary Hall and TWG's committee meeting tents provided by parliamentary staff under the Sergeant at Arms;
2. Traffic control detachment under Lang'ata Police Traffic Division attempted to grapple with the problem of haphazard parking. MP's and Commissioners insistence on parking near the plenary hall, this made orderliness in parking difficult;
3. National Security Intelligence Services, Criminal Investigations Department Personnel and Terrorism surveillance detachment unit;

## **18.27 Payment Of Delegates, Staff And Other Workers**

### **18.27.1 Delegates Budgets**

Payment schedules were being prepared from the signed schedules to ensure we only paid for the days attended. Payment was made on weekly basis in cash. Resident delegates were being paid for weekends but non-residents were not. Identification at the pay point was mandatory.

Allowances paid to the Delegates during NCC III amounted to Ksh 78,311,659/=. This was for the period 12<sup>th</sup> January to 15<sup>th</sup> March, 2003.

These payments did not include the cost of hotel accommodation, which was paid directly to the hotels by CKRC. The Commission provided transport from the hotels to the venue of the Conference every morning and back to the hotels in the evenings.

There was an arrangement of special transport for Delegates attending Steering Committee meetings to be picked early in the morning before the other Delegates.

### **18.27.2 Conference Staff and Other Workers Budgets**

This task was closely managed by RDB and M&O departments.

Payment schedules were made from the signed daily attendance sheets and payment was made fortnightly in cash. Identification at the pay parade was mandatory.

There were 552 members of staff deployed during NCC III. The increase in numbers was dictated by the formation of thirteen TWG's. This inevitably required that more staff were required to work in each TWG committee.

The total allowances paid out to the Secretariat Staff during NCC III was Kshs. 53,663,150.

It will be noted that RDTS Hansard staff worked in two shifts (day & night) during NCC III because of the volume of work generated at the Conference by the TWG Committees.

Some workers were being paid on piecework basis e.g. Hansard editors and transcribers were being paid per tape done. Other manual workers were paid against daily attendance sheets. All were paid fortnightly in cash.

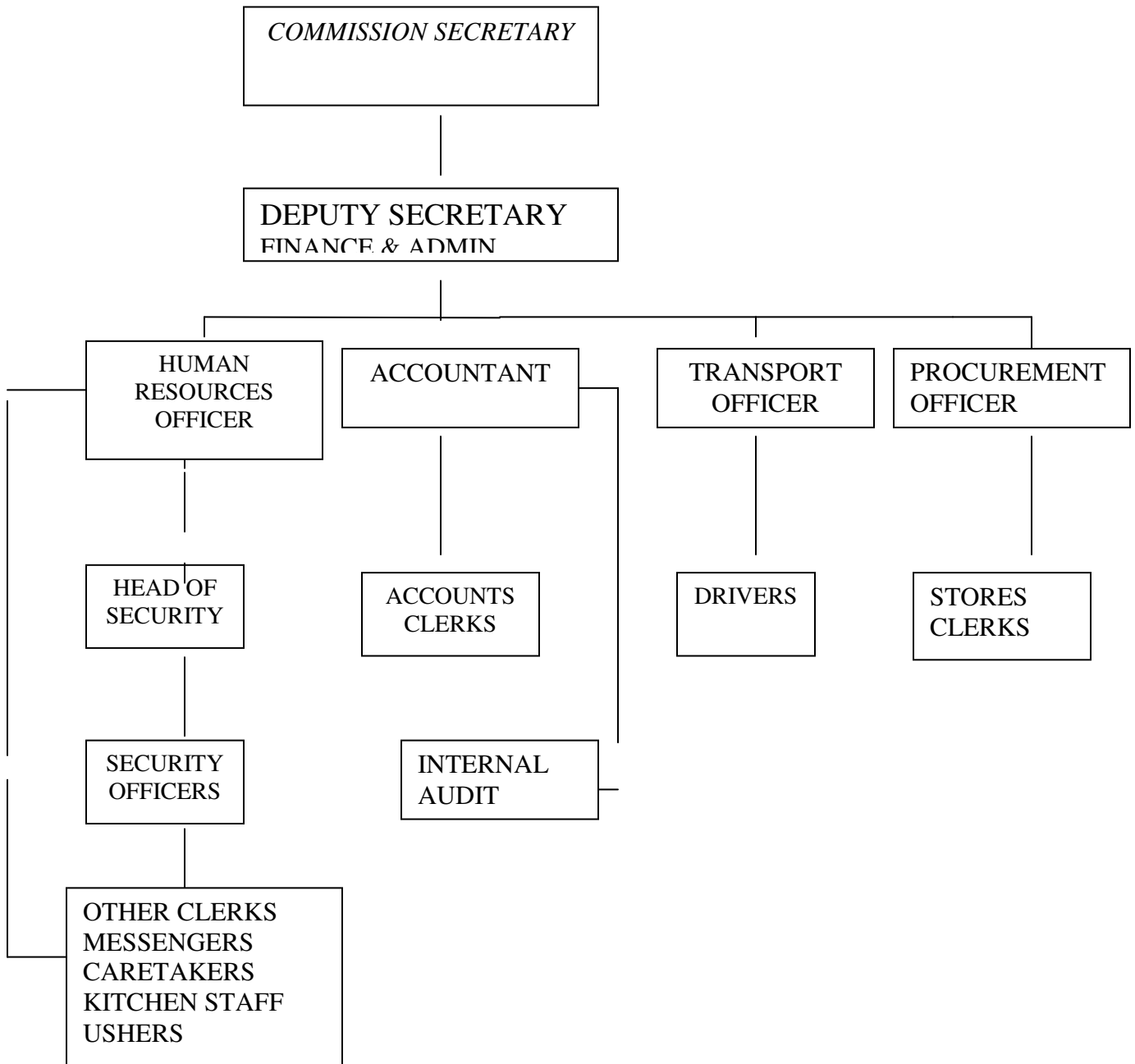
### **18.28 Budgeting and Expenditure for NCC III**

The initial budget for NCC III was Kshs 590,307.062.

During NCC III, the total expenditure amounted to Kshs. 137,383,582.10. This amount covered things like hotel accommodation, additional equipment bought, stationery, consultancy fees among others.

### **18.30 Finance & Administration NCC Secretariat**

**RDB Conference Secretariat Organization Chart**



### **18.31 Committee Meetings**

Resource Development and Budgeting continued to be one of the busiest Committee at the Conference. Most of the meetings held discussed issues to do with expenditure, delegates and observers welfare, and claims by delegates.

The Committee usually held at least two meetings a week and there was full participation by the committee members.

### **18.32 Settling of Bills**

The Committee was in charge of verifying and settling all the conference bills. The main expenses went to clearing the following:

- **Accommodation**

The hotels that were accommodating the delegates were sending their fortnight invoices directly to Kencom House where they were reconciled with the resident officer's report before payment. Payment was always made within five days from receipt of invoice.

- **Transport**

Transport hire invoices had to comply with the itinerary schedule that was being manned by the designated transport officer. Endorsement of the invoice by Deputy Secretary (Finance) was mandatory.

- **Catering**

Bomas of Kenya were providing the catering service and were invoicing fortnightly. Their bill had to agree with the Catering Committee report for the period in question before payment was made. The Committee controlled this exercise by issue of meal vouchers against which Bomas was billing.

- **Other Suppliers**

Upon delivery of goods/services and endorsement of the invoice by the respective deputy secretaries, the invoices were then channeled to Kencom House for processing. All payments were made by cheque within the five days from receipt of invoice.

### **18.33 Monitoring & Evaluation Of Income & Expenditure at NCC**

#### **18.33.1 Income**

NCC III was funded by the treasury who were issuing cash whenever we requested. However some funding was from donors e.g. UNDP that donated equipment worth Kshs 1,899,204

#### **18.33.2 Expenditure**



All accounts work continued at Kencom House where expenditure was being captured immediately by its commitment or payment. Expenditure returns were being made to the Secretary and Finance Committee on a weekly basis. Also the projections made earlier were being revised on the basis of actual 0.

Expenditure. The secretariat fought to remain within the budget, limits against the wishes of the delegates welfare committee that was making extravagant demands.

### **18.34 Liaison with other Committees**

The Finance Committee was closely working with other committees – Mobilization, Research & Drafting, Civic Education, Media Advisory and the delegates' welfare committee. This was inevitable given the central role of oiling the mills of all other departments. Therefore there were meetings both formal and informal with these committees.

### **18.35 Internal Audit Of Financial Activities Of NCC**

- **Accommodation**

There was a resident officer at each of the hotel's accommodating the delegates who was making regular reports on occupancy and compliance with the terms of accommodation e.g. supper, bed & breakfast on working days and inclusion of lunch in non-working days. This was also to check on overcharging by hotels.

- **Stores**

Whenever supplies were made directly to the venue of the conference, the delivery documents were being endorsed by the programme officer concerned or the deputy secretary after which the supplies secretariat takes them on charge and transmit the invoice to accounts for payment. This procedure applied to services also.

- **Labor**

There was a central point where all secretariat staff including casuals were signing in and it is against these that payment schedules were being prepared.

- **Delegates**

There were desks for delegates to sign in on every working day. It is against signed sheets that payment for out of pocket allowances were being prepared.

- **Audit**

There was continuous audit of NCC expenditure by Controller and Auditor General staff during and after the conference.

### **18.36 Constraints and Challenges**

- Delegates did not adhere to the allocation of accommodation as contained in the letter from the Commission. There was a lot of movement in NCC III with some delegates changing to their preferred Hotels as against the allocated accommodation.
- Harmonization of staff allowances sometimes resulted in delays in the preparation of payment schedules;
- Electricity was unreliable at BOK. Outages caused damage to equipment and delays in writing of reports.
- The politics in the conference were spilling to management of finance causing negative impact on the budget.
- Budgetary supply – the funds earmarked for the conference were limited yet other activities that were not budgeted for were introduced midstream and had to be financed.
- During the conference, security was a challenging issue due to the large numbers of personnel at work. Two members of staff had their laptops stolen thereby calling for tighter security measures.

### **18.37 Achievements**

One of the major achievements in NCC III was the smooth coordination of our activities because of the experience gained in NCC II.

There were fewer complaints with regard to transport, accommodation and the general welfare of the delegates.

Generally, there was an improved attendance by all categories of delegates.

It is worth noting that once the TWG committees were constituted, they settled down to serious business and the pace of work improved day by day.

## **CHAPTER NINETEEN:**

### **MOBILISATION & OUTREACH COMMITTEE**

#### **19.1 Introduction**

This report has prepared by the Mobilization & Outreach Department (M & O) after the conclusion of the National Constitutional Conference (NCC). The NCC was held in three phases at the Bomas of Kenya (BOK). NCC I was held between 28<sup>th</sup> April to 6<sup>th</sup> June 2003 while NCC II was from 18<sup>th</sup> August to 26<sup>th</sup> September 2003. NCC III commenced on 12<sup>th</sup> January 2004 and ended on 23<sup>rd</sup> March 2004. This report attempts to explain the department's role and tasks performed during the conference. It incorporates reports from the Department's Programme Officers who were in charge of specific sections and functions.

The M & O Committee of the Constitution of Kenya Review Commission (CKRC) consists of seven Commissioners who were instrumental in providing policy guidance to the Department throughout the Conference. The Commissioners are:

- |                             |               |
|-----------------------------|---------------|
| • Prof. Wanjiku Kabira      | - Chairperson |
| • Paster Zablon Ayonga      | - Member      |
| • Mr. Ibrahim Lethome       | - Member      |
| • Dr. Mohammed Swazuri      | - Member      |
| • Dr. Abdirizak Nunow       | - Member      |
| • Bishop Bernard N. Kariuki | - Member      |
| • Mr. Ahmed Issack Hassan   | - Member      |

The Deputy Secretary M & O, Col. (Rtd) James P. Gichuhi coordinated the work of all sections of the Department during the conference. The following members of staff made important input in compiling this report and their efforts are acknowledged.

- |                        |                           |
|------------------------|---------------------------|
| • Mr. Solomon Anampiu  | - Programme Officer       |
| • Mr. John P. Watibini | - Programme Officer       |
| • Mr. Hassan Mohammed  | - Programme Officer       |
| • Ms. Maimuna Mwidau   | - Programme Officer       |
| • Ms. Fatuma Jama      | - Programme Officer       |
| • Mr. Collins Mukewa   | - Programme Officer       |
| • Ms. Rose Langat      | - Asst. Programme Officer |
| • Ms. Lilian Udoto     | - Secretary               |

#### **19.2 Introduction**

M & O is one of the four departments established by CKRC for ensuring efficiency and speed in discharging the Commission's mandate as spelt out in the Constitution of Kenya Review Act Chapter 3A section 19 sub-section 1 and 2. The other departments are:

- Research, Drafting and Technical Support Committee (RDTS)

- Finance and Administration (F&A)
- Civic Education, Publicity, Information and Communication Committee (CEPIC)

M & O Department Programme Officers were allocated specific duties to be carried out prior to the commencement and throughout the conference.

The Delegates booked into the assigned hotels as had been planned in advance. The original number of delegates assigned to each hotel kept on changing as the delegates requested to be moved from one hotel to another for various reasons. Movement from one hotel to another was however closely monitored and authority in writing was mandatory before such move was implemented. The Commission spent Kshs. 107,954,015/= on hotel accommodation.

Transport for delegates, staff and equipment was planned and sourced accordingly. Minor adjustments were made as necessary in order to cater for breakdowns, routing changes and additional changes of transporting delegates to other meeting venues. The Commission spent Kshs. 13,857,508/= on hired transport.

Daily registration of delegates was a major task for M & O as it formed the basis for the payment of allowances. Overall delegates' attendance for NCC showed a general decline among all categories during NCC III. This may be attributed to the long duration of this phase, which was fifty two working days as opposed to twenty eight and twenty one working days for NCC I and NCC II respectively.

Allowances were paid to the delegates and staff on a weekly basis. The actual payments for NCC by the Commission were a total of Kshs. 269,193,610/= to delegates and Kshs. 97,461,700/= to staff members. These figures did not include payment to Commissioners, Drafters and Resource Personnel whose payments were not under the department's control.

Catering was also a major activity under the M & O Department. On average, nine hundred people were served daily. The department's tasks in catering included booking of meals, issue of meal vouchers, accounting for all food and drinks taken and other related functions. The Commission spent Kshs. 85,956,990/= on catering.

Security of the NCC was a core business under M & O. No major security concerns were reported or experienced as the security alert remained high and tight. Broadly, security was organized in six echelons, namely: traffic control, general security and guarding of facilities and equipment, Criminal Detection and Surveillance, National Security Intelligence Services (NSIS) and Explosives Surveillance Unit. A total of sixty-two officers were engaged in this exercise.

M & O had produced a detailed projection of the overall NCC Programme, including weekly programmes. However, these were not followed. M & O ended up making daily programmes as discussed by the Steering Committee and dictated by circumstances on the ground.

### **19.3 Responsibilities of the M & O Department During The National Constitutional Conference**

The principal responsibility of the department is the mobilization of the public to participate in the Commission's activities. The department is responsible for providing logistics for all movements, workshops, seminars and conferences organized by CKRC. The department compiles, maintains and updates statistics and data on all persons, institutions, equipment and stores relevant to the review process.

In line with the broad mandate given to the department, M & O was charged with responsibilities covering the following areas at the NCC:

- Daily accreditation of delegates and observers under the Accreditation Committee and registration of delegates, observers and secretariat staff;
- Accommodation of delegates and some members of staff;
- Transport of delegates and staff;
- Catering for the Conference;
- Conference programme and time-table under the Steering Committee's sub-committee on the programme;
- Technical Working Committee's tents and plenary hall management;
- Management of general security for the Conference;
- Preparation of secretariat staff payment schedules;
- Preparation of delegates payment schedules;
- General management, provision and supervision of facilities, services, equipment and personnel for the NCC.

### **19.4 Advance Preparations for NCC**

#### **19.4.1 Choice and Preparation of Venue.**

CKRC did some groundwork to determine the best venue for holding the NCC. Several places were proposed and checked out among them Moi International Sports Centre – Kasarani, Kenyatta International Conference Centre, Safari Park hotel and Bomas of Kenya (BOK). Officers from this department visited all the proposed venues to examine the suitability of the facilities required for hosting such a conference, which was the first of its kind in Kenya and made recommendations to the Commission.

After several deliberations, the Commission decided that the best venue would be BOK. This however involved construction of additional facilities to accommodate the large number of people that was expected to attend the conference. Construction of additional offices and a car park was undertaken. Tents and concrete slabs were purchased for use of various activities. The Slabs were used to build floors for some of the tents and make walkways. BOK purchased new chairs for the delegate's with a facility for writing on for the conference. In summary, a lot was done at BOK to bring the venue to a sufficiently higher standard than it was before the commencement of the conference.

#### **19.4.2 Routine pre-conference preparations**

Before the commencement of each phase of the NCC a number of activities had to be undertaken.

- Identifying transport for delegates, selection of bus companies and finalization of agreements with the companies;
- Identifying the hotels for resident delegates, negotiating with the hotels and concluding contracts with the individual hotels. Allocation of delegates to different hotels was also undertaken prior to the commencement of each phase of the conference;
- Preparation of the NCC venue;
- Relocation of secretariat staff from Kencom house to BOK one week before commencement of each phase of the conference;

#### **19.4.3 Setting up of Conference Facilities**

The department undertook several activities to improve the working facilities for NCC. Work on pitching and preparing the tents started two weeks prior to the commencement of each phase of the conference. Casual workers were hired to lay slabs, pitch and clean the tents and generally prepare BOK for the NCC. Additional slabs were purchased to replace the broken ones during NCC II and III. A total of thirty-five tents were pitched.

Initially a dummy run was conducted to ascertain if all the delegates' seats could fit in one TWC tent of 30 feet by 20 feet. After the dummy run, it was decided that each Committee tent required extension by four meters to accommodate a maximum of ninety seats each.

Notwithstanding the extensions to all the TWC tents when the TWC work commenced it was found that four of the committees were so popular with delegates from other committees as the influx was such that all delegates could not be accommodated in TWC tents. The affected tents were: -

- Committee Tent No. 4  
**TWC "D" the EXECUTIVE**
- Committee Tent No. 6

## **TWC “E” the JUDICIARY**

- Committee Tent No. 10

## **TWC “J” the LAND RIGHTS AND ENVIRONMENT**

- Committee Tent No. 7

## **TWC “G” the DEVOLUTION**

Under the circumstances it was decided to hire additional tents from Tent Masters Limited, which were pitched alongside existing CKRC tents to provide additional space.

During NCC III three large tents for the feeding area for staff were purchased to replace the hired tents in order to reduce costs. Following the decision to have tea served close to the TWC’s tents to save time one-tent 28 feet X 18 feet was purchased. Youth tent and visitors lounge, which were not being fully utilized, were converted to become tea-serving tents. The “Bomas of Kenya NCC layout of facilities plan” is attached as *Appendix 10*.

CKRC contracted an electrician to connect power to the tents. All the tents were duly wired and the electrician was available on call throughout the NCC. The arrangement to have electricity maintenance people readily available was very reliable and convenient for effective power supply to the conference because of the continuous heavy use of computers and public address recording equipments.

The Commission paid Bonar (East African) Limited Kshs. 2,148,207/= and Goldwings Investments Kshs. 342,500/= for the purchase of tents that were used at the conference. Kshs. 369,000/= was paid Tent Masters for hire of additional tents. Paving stones and stone dust were purchased from National Concrete Company at a cost of Kshs. 964,350/=.

Applicants for space at the grounds set aside for lobby and vendor tents were given permission subject to rules and regulations guiding their respective activity. We had seven lobby groups and seven vendors operating in the designated grounds. Some vendors who applied were turned away as they were dealing in items that were similar to those being displayed by other vendors. Vending of foodstuff and drinks of any kind was not permitted within the grounds of BOK. The vendor and lobby groups were cooperative throughout the Conference period.

### **19.4.4 Notification to delegates**

As per the requirements of the NCC Regulations, invitation letters were sent to all delegates before commencement of each phase notifying them of the starting date and the hotels where each would reside. Similarly notices were placed in the Nation, Standard and People, Kenyan daily newspapers with the highest daily circulation informing them of the commencement dates.

### **19.5 Other Activities**

The M & O Department ensured that BOK maintained a high standard of cleanliness and hygiene in the main plenary hall. This included painting the walls and where necessary

repairing any damaged electrical connections. Seats and tables to the plenary hall and the tents were checked for damage and cleanliness and replaced where necessary.

M & O undertook the sourcing and setting up of other venues for the Conference Consensus Building Group (CCBG) and other ad hoc committees. These included AFC College, K.C.B Management Training Center - Karen, and Kenya Wildlife Services and other venues as and when it became necessary.

### **19.5.1 Transport Arrangements**

Buses, vans, cars lorries and pick-ups were necessary for the successful transport needs of such a massive conference. As such the M & O Department planned to have vehicles to do these works.

Firms contracted to undertake the transport were – Holiday Plus, Tropical Nature and Cultural Safaris, M/S Payless Car Hire (Budget Car Hire), Budget Communications, Capital Resources, Express Kenya Limited, The Messenger Services, Samsy International, Brusen Investments and M/s Joseph A. Opilla.

### **19.5.2 Construction of Additional Office Accommodation**

Office accommodation at BOK was not sufficient to meet all the needs of the NCC. Additional office facilities were created by the purchase of two 40-foot containers from Express Anchor Line Services at a cost of Kshs. 294,000/=. These were erected side by side and converted into offices for M & O department before NCC II. The departments office used during NCC I was taken over by CEPIC department who had in turn released their former offices to the RDTS department.

During NCC III additional office accommodation was also required particularly for the RDTS Department. To facilitate this, CKRC was required by BOK to construct a separate food distribution centre adjacent to the main dining Hall. The additional office accommodation was created in the ground floor of the main BOK Office Block where food was being held before it is served in the dining hall. The drafting team used this office and the Assistant Programme Officers attached to each TWC. An additional office was also constructed within the main auditorium for the Braille transcribers and another office for the Minister for Justice & Constitutional Affairs. These works cost the Commission a total of Kshs. 168,400/=.

All these offices and facilities were left intact when CKRC vacated BOK. This also applied to the container office set up for M & O Department of CKRC at BOK before NCC II. Arrangements will be made to dispose off the facilities following existing procedure.

## **19.6 Accreditation and Registration of Delegates and Observers**

### **19.6.1 Accreditation Committee, Membership and Meetings**

The Conference regulations provided for the establishment of the Conference Accreditation Committee composed of seven members chosen from amongst the Commissioners.



In line with the above mandate, the following Commissioners were appointed in March 2003 to establish the Accreditation Committee of the Conference.

- Dr. Mohamed Swazuri - Chairperson
- Hon. Mrs. Phoebe Asiyu - Member
- Mr. Ibrahim Lethome - Member
- Mr. Pastor Zablon Ayonga - Member
- Mr. Keriako Tobiko - Member
- Mr. Domiziano Ratanya - Member
- Mrs. Alice Yano - Member

The Committee remained in place throughout the conference. A Programme Officer from the M & O Department worked with the Committee and provided research and other secretarial support services. The Programme Officer was responsible for taking minutes of the Committee meetings held at BOK and followed up the implementation of resolutions agreed upon.

During NCC I and II, the committee met almost daily. However in NCC III the committee had fewer meetings as a result of the increased workload in the TWC's and the plenary and at the same time problems regarding accreditation had considerably reduced. All the committee's decisions were made by consensus and at no time was it necessary to put any issue to a vote.

#### **19.6.2 Accreditation of Delegates**

Accreditation of delegates and Secretariat staff began immediately before NCC I. There were a number of registration hitches on the first three days of NCC I. Copy Cat Ltd., which had been contracted to supply badges, came with only one set of equipment, which proved inadequate to process badges for the large number of delegates and observers. The queues were long and slow especially on the first day. A second company contracted on an *ad hoc* basis after the problems experienced by Copy Cat Ltd., led to more errors such as insertion of wrong delegates' numbers and mismatch of photographs and delegate' names.

There were fewer problems in NCC II because many of the delegates, observers and secretariat staff badges had already been processed and issued in NCC I. Delegates and staff used white budes, observer's retained yellow badges, the press / media persons retained sky blue badges and guests and visitors red budes. The use of different colours of budes for the various categories brought in efficiency, as it was easier to identify various participants due to the distinct colour of their badges.

Copy Cat Limited was contracted to issue badges for phase III. A total of two hundred and thirty two (232) badges were issued to new delegates and observers, and new members of staff and as replacements for the lost ones. Owners of the lost badges met replacement cost for new ones.

During NCC I the Accreditation committee held meetings to consider replacements for two (2) delegates, while in NCC II and III the number replaced was seven (7) and eight (8)

respectively. Most vacancies arose as a result of resignations and deaths. The committee liaised with the respective nomination panels and organisation to fill up the vacancies that arose during the NCC.

*Appendix 11* shows the accredited delegate's list for the NCC, while *Appendix 12* shows the list of delegates' replacements and the reasons for their replacement during NCC. Replacements delegates were issued with new badges with the same number as the former delegate. New staff members were given new conference identification numbers and badges.

### **19.6.3 Vacancies in the Delegates List by the End of NCC III**

At the end of the Conference, two delegate positions were vacant.

- Justice Richard Kwach, representing Other Interests Group was suspended from the Judiciary by the Government. The Commission wrote to the Chief Justice to requesting for replacement. By the time the Conference adjourned its proceedings sine die, the Commission had not received a replacement for the vacancy.
- Hon. Job Omino, MP for Kisumu West died while in office in March 2004. The resulting by-election was yet to be held by the time the Conference ended.

### **19.6.4 Accreditation of Observers**

The registration of observers faced the same problems experienced in registration of delegates.

These problems included delays, double registration, badges with incorrect information and even fraud. In the initial days of the Conference, some of the problems arose from lack of proper communication from the accreditation committee to the registration team.

At the beginning of NCC I, two hundred and twenty eight (228) observers were registered. This number was revised downwards to one hundred and fifty (150) by the time NCC I adjourned. The revision was aimed at dropping observers who among other reasons had obtained registration and accreditation badges fraudulently, and those from organizations with over representation.

New accreditation badges with different colours were issued to all genuine Observers and Press in NCC II. This action led to the 'weeding' out observers who had obtained badges irregularly during the confusion at the onset of NCC I.

By end of NCC III, a total of three hundred and twenty three (323) observers had been accredited. They included the following categories.

- Two hundred and forty four local observers;
- Eight members of the East African Legislative Assembly;
- Twelve Lancaster house veterans;
- Six international organizations representatives;
- Forty-one representatives of diplomatic missions.

- Twelve persons manning the lobby tents were also given badges;

A full list of accredited observers who attended NCC is shown in appendix 4.

The Commission issued temporary accreditation to eighty-nine (89) members of the public and foreign nationals who had requested to attend the Conference temporarily. A full list of temporary observers and Guests, both local and foreign nationals accredited to attend NCC are shown in *Appendix 13*.

### **19.6.5 Registration of Delegates**

M & O staff did daily registration of delegates and observers. The staff were divided into teams that registered delegates and observers according to their categories. The attendance records were used to compute delegates' allowances.

Anomalies were detected in registration of MP's by parliamentary staff during NCC I. It was suspected that some parliamentary staff that were responsible for registration of MP's may have colluded with some MP's to show that they were present at the conference on those days when they were not present. This suspicion led to a decision to have CKRC personnel assume the responsibility of registering the MP's.

During NCC, I the delegates' attendance averaged four hundred and twenty (420) per day. The district delegates had the best attendance while MP's had the worst.

During NCC II, the delegates' attendance averaged five hundred and thirty (530) per day. Here again, the best attendance was by the district delegates while the poorest was the MP's. An analysis of delegates' attendance for NCC I and II is shown in *Appendix 14*.

An analysis of the attendance records shows that attendance of all other categories had improved in NCC II except that of professional bodies. Attendance records for NCC III (*Appendix 15*) indicate a general decline in the attendance of delegates among all categories. For example, whereas twenty-eight (28) MP's attended all the sessions in NCC I, only five (5) attended all sessions in NCC III. Even district delegates, whose attendance was generally high, showed a significant decline. For example whereas one hundred and eight nine (189) delegates attended all sessions in NCC II, only one hundred and fifty-five (155) did so in NCC III. This decline may have been caused by the long duration of this phase. There were fifty two (52) working days in NCC III as opposed to twenty one (21) and twenty eight (28) working days in NCC I and II respectively.

There was a higher turn out of MP's during NCC II as opposed to NCC I but the attendance by parliamentarians remained very poor between 13% and 14%. The marginal improvement may have been due to our strict registration requirements as well as the intervention of the speaker of the National Assembly together with the Chief Whip. The group of delegates with the highest attendance was district delegates with 83% in NCC I, 90% in NCC II and 74% in NCC III.

The non-attendance of delegates may be attributed to the following reasons: -

- Humiliation of some delegates by others;

- Lack of seriousness by some delegates;
- Reluctance to sign the attendance register on the part of some delegates, particularly the MPs;
- Luck of firm rules to govern attendance;

### **19.6.6 Registration of Observers**

The observers' attendance records show that the daily attendance was about seventy-five (75) persons. This was about 31% of the total observers group. This indicated a reduction in the attendance by observers. Observers' attendance analysis for NCC III is shown in *Appendix 16*.

Due to better coordination between the Accreditation committee and registration section there was improved efficiency in monitoring the attendance and participation of the observers in the proceedings.

Control of the public wishing to attend the Conference was ensured by issuance of guest badges that were carefully monitored by M & O. This also ensured that security was maintained and monitored. The Programme Officer in charge of accreditation was assisted by other staff members to ensure the smooth registration of each category of those who were accredited to attend the Conference.

The registration section had a total of eleven (11) members of staff. Three (3) secretariat staff registered district delegates, two (2) registered MP's, two (2) registered Civil Society representatives and one (1) registered observers. Two (2) officers were stationed at the main entrance to monitor the entrance of participants and guests, and also to handle inquiries.

Three tents were used for the registration exercise, which was divided as follows:

- Tent 1 - All District Delegates
- Tent 2 - NGOs, Trade Unions, Political Parties, Religious Leaders, Women Organizations and Other Interest Groups, Civil Society Delegates
- Tent 3 - Members of Parliament

## **19.7 Delegates Accommodation**

### **19.7.1 Hotels Contracted to Offer Accommodation**

Majority of the delegates during NCC I stayed at Six Eighty Hotel while the rest were accommodated at Hotel Boulevard, Meridian Court and Bounty Hotel. Some members of the secretariat staff like the former District Coordinators were also accommodated at the hotels. These hotels were chosen for convenience of access, relatively low rate, adequate number of rooms, availability and standard of cleanliness. All the contracted hotels were easily accessible and had the capacity to accommodate delegates throughout the conference.

During NCC II Hotel Boulevard was unavailable, while some delegates declined to be accommodated at Six Eighty Hotel. Six Eighty Hotel, Lenana Mount Hotel, Meridian Court Hotel, Panafric and Oriental Palace off Tom Mboya Street provided accommodation for

NCC II. The later hotel was identified by a group of delegates the majority of whom hailed from Nyanza Province.

During NCC III the Commission did not book any delegates to Lenena Mount Hotel. The other hotels were retained to offer accommodation to delegates during this phase. Appendix 12 shows the full hotel accommodation lists indicating the names of delegates and the hotel they were accommodated. The overall accommodation list of delegate's is shown in *Appendix 17* and the list of non-resident delegates is shown in *Appendix 18*.

### **19.7.2 Hotel Rates**

The hotels were contracted on half-board basis, offering bed, breakfast and dinner. On the weekends and public holidays, the hotels charged lunches taken by the delegates and staff who remained in the hotel. The rates negotiated per person per day were as follows: -

<u>Hotels.</u>	<u>Rates Kshs.</u>	<u>Lunches Kshs.</u>
• Six Eighty Hotel	3,000/=	500/=
• Pan Afric Hotel	3,000/=	500/=
• Hilton Hotel	3,000/=	1,350/=
• Meridian Court Hotel	3,000/=	500/=
• Bounty Hotel	2,900/=	500/=
• Oriental Palace	2,800/=	500/=
• Lenena Mount Hotel	3,000/=	500/=

### **19.7.3 Resident Delegates**

Out of a total of six hundred and twenty nine (629) delegates attending NCC I two hundred and ten (210) were representing various districts from all over the republic. For proper attendance and management of the conference CKRC decided to offer free accommodation and daily transport to and from BOK the venue of the conference to all district delegates. Twelve (12) other delegates from other categories who were not resident in Nairobi were also provided with these services.

The other delegates, outside this category were three hundred and ninety seven (397) whom as a rule were not provided with free accommodation but made their own arrangement for accommodation and transport.

These numbers differed slightly during NCC II and III because some non-resident delegates, on application were allowed resident status for various reasons. This resulted in resident delegates in NCC II being two hundred and forty two (242) and three hundred and eighty seven (387) non-residents. In NCC III there were two hundred and eighty seven (287) resident delegates and three hundred and forty two (342) non-residents.

Prior to reporting for the NCC delegates were informed of the hotel that was allocated to them, through their letter of invitation to attend NCC. The number of delegates accommodated at each hotel varied during the three phases of the NCC.

#### **19.7.4 Accessibility and Transport**

All hotels were easily accessible and were located within the CBD with the exception of Oriental Palace, which was not easily accessible due to traffic around Tom Mboya Street. The hotel provided its own transport for delegates to BOK. Delegates who stayed at Oriental Palace had opted to be accommodated at this hotel since NCC II.

Bounty hotel, which is located in South C, was the only hotel outside the CBD. CKRC also provided transport for delegates who stayed at this hotel.

#### **19.7.5 Resident Officers**

Each hotel was allocated a Resident Officer who also served as a CKRC Transport Officer. The Officer consulted with the Conference Transport Programme Officer as necessary. The Resident Officers were responsible for making sure that the hotel accounts were proper, took care of the needs of the delegates in case of emergencies and served as liaison officers between the hotel management and the delegates at the hotel.

Resident Officers did a commendable job during the NCC. They worked at odd hours of the night and sorted out delegate's problems such as taking delegates to hospitals at night and other emergency cases at the hotels.

#### **19.7.6 Langata Rented House**

Special arrangements were made for two delegates who attended the conference with newborn babies. In order to make their stay more comfortable and to take care of their special needs, it was agreed that they be allocated accommodation close to BOK. This would enable them to easily return to their residence to attend to the babies as required. A house was rented in Langata to accommodate the delegates. Kshs. 329,000/= was paid as rent for the period of hire for the house.

#### **19.7.7 Hotel Payments**

Hotel Payments were prepared by M & O. The Hotel expenses for the two phases - NCC I and II was Kshs. 50,588,325.00. A total of Kshs. 62,527,950 was paid out to hotels that hosted both delegates and Commission staff during NCC III.

The payment process involved verification and certification of invoices and receipts from hotels where delegates and staff were accommodated. Payments to all hotels was done fortnightly with the exception of Oriental Palace who were paid on a weekly basis.

The processing of invoices from hotels was rigorous. It entailed several steps. First, the invoices were checked by Resident Officers then handed over to Assistant Programme Officers for verification before being certified by the Programme Officer. With regard to weekend lunches, signed receipts by delegates were required as proof of correct billing before such claims would be passed.

## **19.8 Transport**

### **19.8.1 Transport During the Conference**

The duties of the transport section were to organize transport for, delegates and staff, furniture, equipment and materials and to manage CKRC's pool vehicles. The Programme Officer in charge of this section organized and managed all transport requirements during the conference. He had under his control buses, vans, saloons and special vans for the PWSN group. He was assisted by an Assistant Programme Officer and supported by the Procurement Officer. One of the major challenges that sometimes proved to be a logistical nightmare were requests from many groups at a time and at short notice. Even under those circumstance transport for those groups who needed special consideration like the PWSN and those whose work was very crucial to the Conference got priority over other routine tasks.

Movement of equipment, furniture and materials to BOK from Kencom house and back for NCC I was carried out by firm known as "The Messenger". During NCC II and III transportation of these items was undertaken by Express Kenya Limited.

The National Assembly released a van to CKRC on loan to assist in transportation of the conference during NCC II. The number of vehicles in the pool transport increased in NCC III with the surrender into the transport pool of one Nissan Patrol by Commissioner Ms. Nancy Baraza and the receipt of the van from the National Assembly once again. The additional vehicle released by Commissioner Ms. Nancy Baraza was stationed at Kencom House during the day and reported at BOK every evening to assist in the evening duties. Both the van and the additional Nissan Patrol contributed to the easing of transport problems experienced in NCC I.

During NCC I the CKRC Nissan van was used to transport PWSN in addition to carrying out other routine duties. It was however realized that the sharing of transport subjected the delegates to delays. Consequently special transport was secured for delegates with special needs. One van was hired in NCC I. An additional van was hired for PWSN during the NCC III. This was necessitated by the enforcement of new traffic regulations, which limited the number of passengers to fourteen (14) persons per van instead of eighteen (18). Considering the number of delegates with special needs together with their aides' one (1) van used in Bomas II was inadequate. The two (2) vans for PWSN were hired from M/S Capital Resource Services and Budget Communication Limited

CKRC hired buses for the delegates and for secretariat staff from Tropical Nature and Cultural Safaris during NCC I. Unfortunately, the company supplied buses whose condition was not satisfactory. This issue was raised by most delegates in the evaluation forms at the end of NCC I. As a result of the complaints it was decided that another firm be given the task of daily transportation. A new company, M/S Payless Car Hire (Budget Car Hire) was contracted to provide the services in NCC II. However the latter company could not supply all the buses required. As a result CKRC was compelled to take on board Tropical Nature and Cultural Safaris once again to provide the additional buses on condition that the company brings in newer buses.

During NCC I five buses were hired for delegates' and only one bus for secretariat staff. Two buses were hired for transportation of secretariat staff, one mini bus for the drafting team, one mini bus for steering committee members as well as four sixty two-seater buses and one mini bus for resident delegates' during NCC II and III.

The delegates' buses only served persons residing at Six Eighty, Hilton, PanAfric, Meridian Court and Bounty hotels. Delegates residing at Oriental Palace hotel as stated above were provided with transport by the hotel. The accommodation charges negotiated earlier with the hotel were inclusive of transport costs.

Implementation of the night shift for transcribers in NCC II and III necessitated the hire of an additional secretariat bus. The night shift was, however, terminated on 28<sup>th</sup> February 2004 when it was felt that the day shift was able to cope with the remaining workload. Occasionally, the Commission hired a pick up for transporting small items.

The amount paid for transportation during NCC I and II was Kshs. 6,624,070/=. This includes cost of transportation of delegates and staff for these phases at Kshs. 5,540,382/= while equipment, furniture and materials was Kshs. 1,083,688/=.

During NCC III Kshs. 7,233,461/= was paid for transport services. Out of this amount Kshs. 6,947,782/= was paid for transportation of delegates and staff and Kshs. 287,131/= for equipment, furniture and materials. Details of these costs are shown in *Appendix 19* together with the charges for hire of the vehicles.

## **19.9 Catering**

### **19.9.1 Provision of Catering Services**

Bomas of Kenya (BOK) provided catering services for the Conference. This activity was closely supervised by personnel representing CKRC, firstly, to ensure that quality and standards were adhered to and secondly to keep proper data on the basis of which payment was to be made to BOK.

An Assistant Programme Officer assisted by eleven other staff performed various duties that included: - issuance of meal vouchers, registration of those taking meals, accounting and general supervision of service provision.

Meals included tea and snacks served at 10.00 am and 4.00 pm and lunch. Due to the nature of the work, some sections of the NCC participants were served with tea or meals at other times outside those hours.

Lunch for most delegates, observers and secretariat staff, was provided in the main dining hall. The "Nyama Choma Restaurant" area served mainly MP's, Commissioners and guests. Drivers and bodyguards were served in a tent specifically designated for them.

The provision of catering services was satisfactory considering the large number of persons catered for. People served were on average between six hundred (600) and one thousand persons (1,000) per day.



BOK charged Kshs. 825/= for each person served lunch on weekdays. Evening meals and weekend lunches for secretariat staff were charged at Kshs. 250/= per person.

Appendices 18, 19 and 20 show statistics that give an indication of the magnitude of the catering exercise during NCC I, II and III. The amounts paid for the meals are also shown in these appendices. The commission paid the following amounts of money for meals during NCC: -

NCC I Kshs. 23,532,600/=  
NCC II Kshs. 18,515,875/=  
NCC III Kshs. 43,575,215/=

Each person taking lunch regardless of category was supplied with a bottle of mineral water. Grange Park water costing Kshs. 20/= was supplied in the initial stages but this was replaced by Dasani costing Kshs. 25/= whose quality was deemed to be better than that of Grange Park according to the delegates.

Complaints regarding quality of food were dealt with promptly. Once when there was a generalized complaint of abdominal pains the management of BOK took remedial measures to improve food handling. Food samples were sent to a laboratory for analysis and a public health officer was consulted to carry out an on site inspection and provide advice and make recommendations.

PWSN were served meals in a tent set aside for them. Their tent was located next to the auditorium and was allocated staff by the BOK who were supervised by officers from this department.

### **19.9.2 Catering Staff**

CKRC deployed sufficient staff to ensure that quality and standards were adhered to. Accounting / expenditure control was a major responsibility of the CKRC staff attached to this section.

The staff deployed to oversee catering was under the supervision of a former District Coordinator who had at one time served in the Catering Department of Kenyatta University.

## **19.10 Conference Programmes and Steering Committee Logistics**

### **19.10.1 Programme Sub-Committee**

On 2<sup>nd</sup> May 2003, the NCC Steering Committee formally set up the Programme Sub-Committee and mandated it to monitor and schedule the specifics of the NCC Programme. The Committee consisted of seven delegates as listed below:

- |    |                         |   |             |
|----|-------------------------|---|-------------|
| 1. | Bishop Phillip Sulumeti | - | Chairperson |
| 2. | Hon. Uhuru Kenyatta     | - | Convener    |
| 3. | Prof. Yash Pal Ghai     | - | Member      |

- |    |                       |   |        |
|----|-----------------------|---|--------|
| 4. | Prof. Wanjiku Kabira  | - | Member |
| 5. | Comm. Issack Hassan   | - | Member |
| 6. | Prof. Wangari Maathai | - | Member |
| 7. | Mrs. Joyce Umbima     | - | Member |

In line with the directions of that Committee, the staff of the M & O department prepared a detailed programme, which they updated regularly in conjunction and in consultation with the programme sub-committee of the Steering Committee.

The Programme sub-committee held meetings weekly to give guidance on the programme and approve its contents before release. The Committee followed a consistent procedure of discussing various possible options for the NCC Programme (prepared by M & O Department staff). Prof. Wanjiku Kabira formally presented the options to the Steering committee and they were given due consideration. During NCC III the Programme Sub-Committee reduced its activities and the NCC Steering Committee monitored the programme.

### **19.10.2 Working Programme**

There was no Committee work during NCC I. The delegates were confined to the Plenary Hall where groups of Commissioners made presentations on the Draft Bill chapter by chapter for the period 7<sup>th</sup> May to 6<sup>th</sup> June 2003. The presentations were followed by plenary discussions. Discussions ranged from one day for most chapters to three days for chapters that were contentious. *Appendix 20* shows the actual programme that was followed during NCC I.

In NCC II, the delegates were in the plenary hall for the first week. They then started committee work after the burial of the late Vice President Michael Kijana Wamalwa on 6<sup>th</sup> September 2003. It was observed that during NCC I a lot of time was wasted during and after tea breaks. During NCC II, it was decided to serve tea in the tents to reduce time wastage. *Appendix 21* is the actual programme for NCC II.

M & O prepared two options for the NCC III Programme, which it presented to the Commissions Plenary prior to the reconvening of the Conference.

OPTION I – 12<sup>th</sup> January to 24<sup>th</sup> March 2004 (without referendum)

OPTION II – 12<sup>th</sup> January to 10<sup>th</sup> June 2004 (with referendum)

The first option was endorsed by the Commission Plenary and presented to the Programme Sub-Committee on Thursday, 15<sup>th</sup> January 2004. At the same meeting, the Commission Chairman Prof. Yash Pal Ghai presented an alternative version of the NCC III working Programme, (12<sup>th</sup> January 2004 to 12<sup>th</sup> March 2004). The latter version was approved by the Programme Sub-Committee and selected for presentation to the NCC Steering Committee.

The NCC Steering Committee endorsed the programme presented and adopted it as a working guide for the Conference activities. A tabular representation of the NCC III Programme illustrating the sections of main activities is attached as *Appendix 22*. The NCC reconvened for Phase III on Monday, 12<sup>th</sup> January 2004.

The Thirteen TWCs were in session for two (2) weeks (between Tuesday, 13<sup>th</sup> and Friday, 30<sup>th</sup> January 2004). The individual timetables for each TWC were considerably different. Work within the various Committees was at different stages at all times and progress made on discussion and resolution differed between all the Committees.

A period of two (2) weeks was allocated for harmonizing and consolidating of the Draft Bill into one logically structured and reasoned text. There were Thirteen (13) TWC reports, which needed to be consolidated into one coherent document – the Draft Bill. After two and half (2½) weeks of deliberations, work was completed and the Zero Draft Bill produced.

In order to undertake the a forementioned work without distraction this exercise took place in Mombasa at Leisure Lodge, from Monday, 2<sup>nd</sup> to Friday, 13<sup>th</sup> February 2004. The retreat was attended by Rapporteurs, Conveners and members of the Drafting Team. This exercise cost the Commission Kshs. 2,717,215/= which was paid to Leisure Lodge.

During this period the delegates who had remained at BOK, were involved in various plenary proceedings and training sessions. Guest speakers were invited to make thematic presentations on Rules, Regulations and Procedures for the Consideration Stage of the Committee of the whole Conference, Consensus Building and Negotiation Skills.

The weeks commencing Monday 16<sup>th</sup> February and ending Friday 27<sup>th</sup> February 2004 were allocated to TWC's to separately scrutinize and debate the Zero Draft Bill (compiled at Mombasa) and to finalize reports for presentation to the Committee of the Whole Conference.

TWC's presented individual reports to the Committee of the Whole Conference for one (1) week from Monday, 1<sup>st</sup> to Thursday, 4<sup>th</sup> March 2004.

The Committee of the whole Conference discussed, amended and adopted the Articles in the order stipulated in the Zero Draft Bill from Monday, 8<sup>th</sup> March to Monday, 15<sup>th</sup> March 2004.

The period from Tuesday, 16<sup>th</sup> to Monday, 22<sup>nd</sup> March 2004 was reserved for technical drafting revisions on the adopted Draft Bill by the Drafting team.

The NCC formally adopted the Zero Draft Bill and the Conference was officially adjourned sine die on Tuesday, 23<sup>rd</sup> March 2004.

### **19.10.3 Conference Consensus Building Group (CCBG)**

The Steering Committee of the NCC set up the Conference Consensus Building Group (CCBG) as an informal group on 2<sup>nd</sup> February 2004 to facilitate consensus building on outstanding contentious issues and report its decision to the Plenary of the NCC. This initiative was taken in order to carry out the mandate of the NCC under the Constitution of Kenya Review Act to attempt and reach a consensus in its decisions on adoption of a new constitution.

The M & O Department was charged with logistics, documentation and reporting for the CCBG. The Department also arranged the venues for their meetings. The Group held meetings in two phases during NCC III.

#### **Phase I (Monday, 2<sup>nd</sup> – Monday, 24<sup>th</sup> February 2004)**

The CCBG was launched on 2<sup>nd</sup> February 2004. Attached, as *Appendix 23* is the list of members of CCBG phase I elected from all constituencies of the NCC.

The inaugural meeting was held in the Plenary Hall at BOK. Thereafter, the group relocated its proceedings to Agricultural Finance Corporation (AFC) training centre, Karen. Four (4) meetings were held at AFC, but due to poor acoustics there, the group transferred its activities to Kenya Commercial Bank (KCB) Management Centre, Karen. Eight (8) meetings were held at KCB, bringing the total number of meetings of CCBG Phase I to thirteen (13).

On Tuesday, 25<sup>th</sup> February 2004 the Chief Moderator Bishop Philip Sulumeti presented the Final Report to the Steering Committee and copies were distributed to TWC's for discussion.

#### **Phase II (Wednesday, 10<sup>th</sup> – Friday, 12<sup>th</sup> March 2004)**

Due to pending unresolved contentious issues, the Plenary of the NCC, on recommendation from the Steering Committee, mandated the CCBG to further negotiate these issues. A nine (9) man panel was elected to monitor these discussions. Attached, as *Appendix 24* is the list of members of the CCBG Phase II.

The main political protagonists were invited to make submissions to the CCBG, detailing their respective political parties' positions. A list of these political parties' leaders is attached as *Appendix 25*.

The group held a total of four (4) meetings in Phase II. The inaugural meeting was held on Wednesday, March 10<sup>th</sup> 2004 at BOK, followed by a meeting at Grand Regency Hotel, Nairobi on the same date. The remaining two (2) meetings were held at BOK.

The Chief Moderator, Bishop Phillip Sulumeti, presented the final CCBG recommendations to the Plenary on Friday, 12<sup>th</sup> March 2004.

#### **19.10.4 Steering Committee Logistics**

M & O was in charge of organizing for the Steering Committee logistics. This included preparations of documents for daily meetings, catering, and report writing for the Conference Steering Committee. Members of this Committee are shown in *Appendix 26*. The NCC Steering Committee consisted of members representing each organization and institutional body in the Conference. It was mandated to effectively manage the Conference. CKRC Commissioners were ex-official members of this Committee.

M & O personnel were required to prepare the general files, distribute materials and avail documents. The Steering Committee held its meetings from 8.00 a.m. to 9.00 a.m. daily. There were a total number of eighteen (18) meetings in NCC I, while in NCC II there were

twenty-five (25) meetings. During NCC III forty-nine (49) meetings were held bringing the total number of meetings held during NCC to ninety-four (94). A Programme Officer was assigned to be in charge of these activities.

An Assistant Programme officer attached to this department took minutes of the Steering Committee Meetings.

#### **19.10.5 Privileges, Discipline and Welfare Committee**

This Committee was set up under Article 48 of the Constitution of Kenya Review (National Constitutional Conference) (Procedure) Regulations 2003. The Committee included three Commissioners as ex-officio members – Bishop B. N. Kariuki, Abida Ali-Aroni and Commission Secretary Dr. P. L. O Lumumba and ten NCC Delegates representatives. The ten delegates were;

1.	Baldip S. Rihal	-	Chairperson
2.	Salim Ibrahim	-	Member
3.	Hezekiah Wathanje	-	Member
4.	Abdullahi Haji	-	Member
5.	Francis Wangara	-	Member
6.	Miriam Muto Malogo	-	Member
7.	Joel Kipyegon Sang	-	Member
8.	Kamta Sikand	-	Member
9.	Francis Kaparo	-	Member
10.	Shakeel Shabir	-	Member

The Deputy Secretary F & A assisted by a Programme Officer from M & O were always in attendance at the committees meetings and provided secretariat services. The committee discussed matters concerning delegates' welfare, hotel accommodation, food, transport and delegates allowances.

The Chairman reported to the NCC Steering Committee the P. D. & W. Committee's recommendations and also liaised with the CKRC's secretariat on implementation of decisions agreed upon.

### **19.11 Twc's and Plenary Hall Management and Equipment**

#### **19.11.1 TWC's Management**

The formation of the TWC's took a long time. Even when the committees were fully constituted, there were cases of members being assigned to more than one committee while a few others were not assigned to any committee at all.

A need arose of having workers to be deployed in each TWC tent. Thirteen (13) people were hired and stationed at the tents to maintain cleanliness and various other duties. These people worked under the supervision of the ushers.

It is worth noting that once the TWC were constituted, they settled down to serious business and the pace of work of the conference improved day by day.

The name of convenors and distribution of delegates per TWC's were as follows: -

<b>Tent Identity Letter</b>	<b>Technical Working Committees Description</b>	<b>Name of Convener</b>	<b>Number of Delegates</b>
A.	Preamble, Supremacy of the Constitution, Republic and National Goals, Values and Principles.	Mr. Billy N. Omwonga	33
B.	Citizenship and the Bill of Rights.	Ms. Cecily Mbarire	53
C.	Representation of the People.	Ms. Caroline Ng'ang'a	45
D.	The Executive.	Mr. John Emukule (Subsequently replaced by Mr. Martin Shikuku).	60
E.	The Judiciary.	Prof. Kivutha Kibwana (later replaced by Bishop Philip Sulumeti)	56
F.	The Legislature.	Mr. Samuel arap Ng'eny	45
G.	Devolution of Powers.	Dr. Adhu Awiti (replaced the late Dr. Crispin O. Mbai)	59
H.	Public Finance, Public Service, Leadership and Integrity.	Mr. Kerrow Billow Adams	47
I.	Defence and National Security.	Major (Rtd.) Marsden Madoka.	38
J.	Land Rights and Environment.	Prof. Saleh Saad Yahya	57
K.	Constitutional Commissions and Amendments to the Constitution.	Mr. Kiriro wa Ngugi	25
L.	Transitional Consequential Arrangements.	Ms. Joyce Majiwa	52
M.	Culture.	Mr. Paul Nakitare	23

The full list of delegates in each committee is attached as *Appendix 27*. Another presentation of the overall delegates list indicating the TWC's against their names is shown in appendix 30.

The BOK auditorium was available for use for short plenary sessions while the TWCs were in session. BOK steel chairs were used in the plenary hall during those brief sessions as the more comfortable delegates' chairs were in use at the TWC tents.

### **19.11.2 Plenary Hall Management**

#### **Seating arrangements**

Seating arrangement for the delegates that had been made during NCC I was retained throughout the conference. The delegates seating was arranged in an alphabetical block order starting from A – Z according to their surnames. The plenary hall was divided into eleven blocks i.e. A – K. Delegates sat in nine blocks (A – I.) The observers used Block J while K was reserved for representatives of Diplomatic Missions. The auditorium seating arrangement is shown in *Appendix 28*. This contains schedules indicating the delegates' names and number as they were allocated in the auditorium for each block i.e. A – L.

Seating arrangements in the TWC tents were made in accordance with the number of members in each committee. The size of the tents was determined by the numbers of delegates', which differed from one committee to the other. The delegate's seats, fitted with the armrest extensions for writing on were provided in each tent. The press and observers were also catered for.

At the end of the TWCs work the normal delegates chairs were relocated back to the Plenary Hall. The original seating plan in the Auditorium Hall was retained throughout the conference. Some delegates complained that they were seated in a "blind" area and they could not "catch the eye of the Chair". The affected delegates were shifted to Block B where they could see the chairpersons.

### **Ushering Services**

Ushering in the plenary hall and in the TWCs tents and the other meeting venues and attendance to delegates was a major function of the department. The ushers were in attendance everywhere and at all times as they were in direct contact with the delegates through out the life of the NCC. Each usher was allocated a tent to manage. Delegate's seats were relabeled on several occasions and transferred from the plenary hall appropriately to the thirteen (13) TWC Tents. NCC II and III involved the shifting of the operations from the plenary hall to the thirteen (13) TWC committee tents and vice-versa, severally.

A Programme Officer was in-charge of the above-mentioned activities. Three Assistant Programme Officers assisted him. During Plenary Meetings the ushers were stationed at designated sections in the auditorium.

In NCC I there were ten ushers and two supervisors. The number of ushers was increased from ten (10) to thirteen (13) during NCC II and III, in order to cover the TWC's tents.

All ushers performed their duties well throughout NCC. They coped with the delegates' needs, which included distribution of materials, registration of delegates in TWC's and supplying drinking water. Ushers also supplemented the catering staff at the main Dining Hall.

### **19.11.3 Additional equipment**

#### **Photocopiers**

Due to the pressure in conference documentation requirements, which exceeded the apathy of CKRC's photocopying facilities, it became necessary to hire an additional two photocopiers

from M/s GENO-GARDE Enterprises. These machines were used for two (2) weeks from 8<sup>th</sup> to 23<sup>rd</sup> March 2004 and handled a total of 237,920 pages of various documents. The two (2) hired machines had a backup an additional two (2) machines in event of a breakdown. CKRC paid hire charges for the two photocopiers at a rate of Kshs. 30,000/= per machine per working day. Total cost was Kshs. 696,000/= for the period of hire which included the cost of GENO-GARDE personnel to operate their machines.

Two photocopying machines were purchased at a cost of Kshs. 3,016,000/= during NCC III to replace the old ones that were used in NCC I and II, as they had outlived their copying life and could not cope with the photocopying conference materials bring produced.

### **Voltage stabilizers**

Due to frequent erratic voltage fluctuations in the supply of electricity at BOK, the use of computers for NCC work was frequently interrupted. A decision was made to hire five MGE UPS Systems stabilizers after KPLC made it clear to CKRC that they would not be able to correct the problem in time to meet the needs of the conference. The five units of the equipment were distributed as follows: -

- Two units in KWS Clubs for use by Hansard.
- One Unit at M & O Offices.
- One Unit in CEPIC Offices.
- One Unit in CKRC Chairman/Commission Secretary's Offices.

The cost to CKRC was Kshs. 15,000/= per unit per fortnight. Total cost of hire was Kshs. 435,000/=. The owner at the end of NCC III collected all equipment in good condition at the end of the NCC III.

## **19.12 Security**

### **19.12.1 Overview**

Fifty-five (55) officers under the command of the Officer Commanding Police Division (OCPD), Lang'ata were deployed for NCC. There were also officers from the National Security Intelligence Service (NSIS), Criminal Investigation Department (CID) and other specialized units such as the explosive detachment and dogs unit.

The Conference security was structured in three echelons: -

- Delegates security in the Plenary Hall and TWC's committee meeting tents was provided by parliamentary staff under the Sergeant at Arms;
- General Conference/installation security under the OCPD – Lang'ata. A police post was established in one of the tents and manned throughout by duty officers under the command of a Police Inspector. A riot squad was brought in on standby for a time after the death of Dr. Crispine Mbai the Chairman of the Devolution Committee during NCC II and;
- Traffic control detachment under Lang'ata Division Traffic Officer (DTO) was consistently faced with the problem of haphazard parking. MP's and Commissioners insistence to park near the plenary hall made creating orderliness in parking difficult.



The tent serving as a police post remained operational throughout the NCC. There was an Inspector in charge during daytime on all working days. An officer below the rank of inspector was in charge in the evenings and on weekends due to reduced activities.

The security situation remained under control throughout the period of the conference. There were no major incidents worth reporting except the loss of two laptops from the RDTS Offices. No recovery was made although several houses of some staff members were searched. The Commission later took administrative action by surcharging the officers who were issued with the laptops for being negligent. Occasionally additional security officers were required for escort of allowances paid to delegates and staff. The additional manpower was provided by the Security of Government Buildings, a unit under the Administration Police based at Uhuru Camp.

The traffic division appeared to have brought under control haphazard parking, which had been prevalent in the early days of the conference. However the final stages of the conference attracted a large number of MP's, the majority of whom were Cabinet Ministers whose drivers were not willing to park the vehicles far from the plenary hall.

### **19.12.2 Security Officers**

The following officers were deployed on security duties during the NCC.

CKRC Security (Administration Police Officers)	4
Officers from the Sergeant at Arms department of the National Assembly	20
General Duties Police & Criminal Investigation Officers	36
National Security Intelligence Service	11
Traffic Police Officers	7
Dog Unit Officers	4
Explosives Unit	4
<b>Total</b>	<b><u>86</u></b>

### **19.13 Secretariat Staff Registration and Budgets**

#### **19.13.1 Conference Secretariat Staff**

M & O carried out registration of all staff contracted by CKRC, including temporary staff and those deployed from Parliament, Kenya Police, Ministry of Health and the preparation of payment schedules.

A Programme Officer assisted by one (1) Assistant Programme Officer and two (2) registration clerks, all three (3) hired on temporary basis worked in the section.

The department was responsible for daily registration of all the secretariat staff working at the Conference. Signing in took place daily between 7.30 a.m. – 9.00 a.m. and signing off between 5.00 p.m. – 6.30 p.m. respectively. Weekly attendance records were then compiled from the daily registration forms.

The duties of the registration clerks were to ensure that daily registration commenced and ended at set times for all days including weekends. They were also expected to carefully monitor and identify those who signed for their colleagues. The Officer in charge then tabulated the attendance records, which later formed the basis for preparing weekly allowance payment schedules for each staff member.

There were three hundred and fifty seven (357) members of staff deployed at NCC I, four hundred and ninety seven (497) staff during the NCC II, and five hundred and fifty two (552) in NCC III. The increase in numbers was necessitated by the formation of thirteen (13) TWC's. This inevitably meant that more staff were needed to cover all TWC committees.

The RDTS Hansard staff worked in two shifts due to the increased workload occasioned by the activities of the TWC's. The night shift worked for a total duration of five (5) weeks out of the seven (7) weeks during NCC II. In NCC III the night shift worked seven (7) weeks out of the fourteen-week (14) duration of this phase of the conference.

### **19.13.2 Staff Registration and Preparation of the Budget**

The staff were paid on a weekly basis. Preparation of the weekly allowance payment schedules for staff involved an analysis of the daily attendance lists and calculating them on the basis of approved rates per category of staff based on the individual officers' attendance. The weekly payment period was from Monday to Sunday and facilitation of staff was done on Wednesdays.

The total allowances paid out to the Secretariat Staff during NCC I was Kshs. 18,714,000/= divided into seven weekly payment periods from 26<sup>th</sup> May to 17<sup>th</sup> June 2003.

During NCC II Secretariat Staff total weekly allowance payment was Kshs. 25,084,550/=. This was once more divided into seven payment periods covering the period 13<sup>th</sup> August to 3<sup>rd</sup> October 2003.

The amount of total allowances paid to the Secretariat Staff during NCC III was Kshs 53,663,150/=. This was divided into fifteen (15) payment periods. Some Temporary staff were retained to complete some tasks and their payment from 1<sup>st</sup> – 31<sup>st</sup> April 2004 is also reflected in appendix 36. The full list of all the secretariat staff, their Conference identification numbers and designation at the NCC is shown in *Appendix 29*.

### **19.14 Delegate's Budget**

#### **19.14.1 Delegates' Allowances**

The delegate's budget preparation was under the supervision of a Programme Officer assisted by two temporary Assistant Programme Officers.

For the purpose of payment all delegates for whom the commission provided accommodation were categorized as resident delegates' and paid Kshs. 3,500/= per day. Those making their own accommodation arrangements (referred to as non-resident delegated) were paid Kshs.

5,000/= per day.

The total amount of money paid out during NCC I for the period 28<sup>th</sup> April to 6<sup>th</sup> June 2003 was Kshs. 78,311,659/=. Allowances for NCC II for the period 17<sup>th</sup> August to 26<sup>th</sup> September 2003 were Kshs. 57,250,870/= .

A total of Kshs. 133,631,081 was paid out to delegates during NCC III. Allowances to members of devolution committee on study tour of Kilifi district on 24th January 2004, are also included.

The Kilifi District Development Programme organized the visit to Kiiumbi, Mgandamwani in Ganze and Mwakuhenga in Kiwandani. This provided an opportunity for members to view development activities and discuss with community members the role of the communities in development of the new constitution. A seminar with selected members of the community on devolution also took place at Kilifi Institute of Agriculture on the same day from 2.30 p.m.

Delegates' allowances did not include the cost of hotel accommodation, which was paid directly by CKRC. The allowances for the three phases of the conference included transport reimbursement for expenses incurred by delegates to come to the conference. The Commission also provided transport from the hotels to the venue of the Conference every morning and back to the hotels in the evenings for resident delegates.

Payments of delegate's allowances were done on a weekly basis except for Week One, Ten and Eleven during NCC III. During these weeks blanket payments were made to delegates. In Week One, all delegates were paid three (3) days in advance (to enable them settle down) irrespective of attendance record while in Week Ten delegates were paid for nine (9) days (two days blanket) since that was meant to be the last week. However, following the extension of the conference from 19<sup>th</sup> March to 23<sup>rd</sup> March 2004, delegates were again given a blanket payment for four (4) days for resident delegates and two (2) days for non-resident delegates.

In all cases, except for the last week, attendance records were analyzed and any overpayment noted was recovered in the subsequent payments. Correct allowances based on proof of the Conference attendance was always an issue of complain amongst the delegates especially MP's.

### **19.15 Assistance to Persons with Special Needs**

Special consideration was given to persons with special needs to enable them participate effectively alongside their other colleagues. They were seated in a most accessible row in the main auditorium. If the criteria of the alphabetical order was followed some of these delegates would have ended down stairs which would have been an inconvenience and bordered on impassibility for others.

The deaf delegates and observers were seated in a strategic position where it was easy for them to see the actions of the sign language interpreters. In order to avoid walking long distance meals for this category of delegates were served in a tent close to the auditorium

Two temporary Assistant Programme Officers were hired to attend to the delegates and observers with special needs. The officers made sure that meals for this category of delegates were delivered to their designated tent, transport was available at the departure times and their other special requirements were attended to. The officers served as a link between the delegates and the M & O Office.

These officers although reporting to M & O department, worked under the direct supervision of a Programme Officer from CEPIC department.

In total, sixteen (16) delegates had one form of disability or another. CKRC also allowed the delegates to come with aides who were paid allowances and their accommodation catered for by CKRC. Each of the aides was paid Kshs. 1,500/= daily allowance

## **19.16 Challenges and Constraints**

### **19.16.1 Effects of Various Breaks During the Conference.**

The Conference suffered temporary setbacks because of two major events touching on persons who were also delegates.

- The death of the Vice President Hon. Michael Wamalwa Kijana led to an unscheduled break in the conference activities for two weeks between 25<sup>th</sup> August 2003 and 7<sup>th</sup> September 2003 when the conference was adjourned for national mourning.
- The conference suffered intermittent interruptions following the death of Dr. Crispin Odhiambo Mbai who was the Chairman of Devolution TWC on 14<sup>th</sup> September 2003. Delegates took many hours off to attend activities related to the funeral such as Requiem Mass and fundraising functions. The death also brought about acrimony and suspicion between delegates a situation that was not conducive for proper debate.

### **19.16.2 Challenges and Constraints Experienced**

The different sections of the M & O Department faced several challenges and problems as outlined below: -

#### **Conference facilities and logistics**

- BOK was not endowed with adequate facilities for a conference of such a magnitude as the NCC. A lot of inconveniences were experienced in the process of improvising the non-existent facilities. Office accommodation was inadequate leading to a lot of congestion during NCC I;
- Due to the inadequacy of facilities at BOK, CKRC was compelled to rent facilities for the RDTS Hansard staff in the adjacent premises of the Wildlife Clubs of Kenya;
- The relocation of some of the staff to Wildlife Clubs of Kenya premises however,

created constant logistical problems. Vehicles had to be used every now and then to transport 10.00 a.m and 4.00 p.m Tea, as well as stationery requisitioned from the store, which was located at BOK;

- There were a number of mishaps, such as the breaking of plastic seats especially those used by observers in the auditorium. The weak plastic seats were replaced in NCC II;
- The new car park was not ready, to the required standard, by the time NCC I commenced and;
- Electricity was unreliable at BOK. Outages caused damage to equipment and delays in writing of reports.

### **Accreditation and registration of delegates and observers**

- The process of registration of delegates and issuing of badges was slow at the commencement of NCC I. Copy Cat Ltd., the company contracted to issue Conference identification cards was overwhelmed due to its limited capacity. A second company contracted to assist Copy Cat Ltd led to more errors and mistakes. The process was poorly managed and lacked proper supervision;
- The list of observers kept on increasing and changing in NCC I. Controls instituted by M & O were often ignored resulting in many identification badges being issued without proper consideration;
- There was a lot of anomaly and dishonesty in the recording of MP's attendance in NCC I. Technical appearances were prevalent for clocking in to earn allowances. MPs' and Nairobi based delegates were particularly noted for this behavior;
- A number of delegates signed for their colleagues. This was definitely aimed at ensuring that they got their allowances even when they were not present;
- Nominating panels, particularly political parties petitioned the Commission to change their earlier nominees despite clear regulations that set out reasons for replacement;
- Some delegates failed to sign the attendance registers. This resulted in complaints on the inaccuracy when compared with records of the Votes and Proceedings, where they were listed as absent though they attended;
- There was a high number of applications from those interested in observing proceedings of the NCC. Most of those applying were doing so with the hope of getting some form of payment in the long run;

- There were constant requests and demands for allowances to be paid to observers. This was not provided for in the Conference budget and, therefore not paid;
- Accreditation Committee members had a busy schedule with the Conference proceedings thereby leaving very little time to consider observers applications as they were received.

### **Delegates and staff accommodation**

- Delegates did not adhere to the allocation of accommodation as conveyed in the letter sent to them from the Commission. There was a lot of movement in NCC II with some delegates identifying their own preferred accommodation and entering into negotiations with the hotel;
- Lenena Mount hotel and Meridian Court hotel proved very difficult on accounting for delegates' expenditure. They were uncooperative; sometimes insisting on payment based on the original number of rooms booked by the Commission even when delegates had vacated some. Delegates complained of mistreatment by the owner of Lenana Mount hotel and as a result, a number of them moved out to other hotels. Meridian Court Hotel insisted on charging for the two (2) weeks when the conference was adjourned to mourn the death of the Vice President Hon. Kijana Wamalwa. The Commission declined to pay for the two (2) weeks break.
- The Commission blacklisted Lenana Mount hotel and stopped booking delegates' there.
- Meddling in accommodation matters by some delegates who assumed the role of persons responsible for the welfare of delegates. In particular, the behavior of one (1) of the delegate was noted and the matter was resolved;
- Incidences of delegates misbehaving after consuming too much alcohol were reported from Panafric and Oriental Palace Hotels. For example, one delegate at Panafric had on various occasions abused the hotel staff and caused a lot of commotion in the night. He also had a fight with a security officer and ended up at Milimani Police Station for a night. The Resident Officer in charge of Panafric Hotel reported the incident. Finally, it was resolved that for his own security the delegate be made non-resident;
- Hilton Hotel resident delegates complained about the behavior of their Resident Officer. They accused her of being unable to handle their problems and on several occasions they complained that the officer left behind some delegates at the hotel on departure to BOK. The delegates requested that a new officer be assigned to their hotel to avoid unnecessary confrontation with them;
- Quality of food was one of the major concerns in all the phases of the NCC. Hilton Hotel received a number of complaints about the quality and varieties of food

at different times. According to the delegates, the food was sometimes stale, there was too much starch, no varieties of vegetables and the quantity of food served was wanting. On one occasion the food and pastries in the hotel were badly tainted with odor of paint that had been used in the redecoration of the food preparation area. The management of Hilton Hotel was informed and the situation was rectified to the satisfaction of the delegates;

- Other complaints on food were received from Meridian Court Hotel. Once again the quality, quantity and variety of food served was an issue with the delegates. The hotels were able to make the necessary changes after consulting with the Resident Officers;
- Problems arising at the hotels were frequently raised and discussed between the hotels and the Deputy Secretary M & O, respective Resident Officers, and/or Officer in Charge of accommodation and at the various meetings of the P. D. & W. Committee at BOK;
- Some hotels delayed in submitting their invoices and receipts for analysis and in making corrections on invoices whenever anomalies were detected. This, at times, hampered progress in preparation against the payments.

### **Conference transport**

- Some resident delegates who had the habit of waking up late attempted to delay departure of buses from the hotels in the morning but the Resident Officers were firm insisting on departure at the stipulated times. The few delegates who had this habit changed after realizing that the Commission's agents were not giving in to their individual needs as opposed to those of the larger group, who preferred to depart on time;
- Different categories of delegates made requests for transport especially for meetings / caucuses in the evenings. Requests were made at short notices thus giving very little time for proper planning or adequate time for negotiations with the transport firms. These occasional needs were however satisfactorily attended to;
- There were a number of complaints from delegates about the condition of the buses used in NCC I. This problem was addressed in NCC II when the Commission contracted another firm with relatively newer buses;
- Pool drivers endured long working hours. They were compensated with Kshs. 500/= over and above the allowances given to non-pool drivers;
- The number of vehicles for Ministers and Assistant Ministers increased considerably especially in the last two weeks of NCC III. Most of them were not willing to use the main car park and the vehicles shared the small spaces near the auditorium resulting in traffic jams and increased possibility of accidents;

- Challenges were posed by activities going on in several venues simultaneously e.g. TWC's work at BOK and the CCBG at KCB Management Center, Karen and other ad hoc meetings at different venues outside BOK;

### **Conference Programmes and Steering Committee logistics**

- The programme endorsed by the NCC Steering Committee was rarely followed. This necessitated the Secretariat to prepare daily programmes, which required time and constant consultations with the Commission Secretary, NCC Chairperson and M & O Chairperson;
- The CCBG was a demanding task, due to the intensity of the workload and the limited time available to accomplish it. Numerous documents had to be availed at short notice. The deliberations of the CCBG often went late into the night, resuming early the following morning. This required the minutes to be prepared and filed at odd hours;
- Time management among delegates remained a major concern. This was worse in the morning before the sessions began. Another weakness was the inability of delegates to follow the laid down programme consistently necessitating frequent change of the programme;

### **The Conference secretariat staff registration and budgets**

- A number of employees were discovered to be signing in and out for absent members of staff. Disciplinary action was taken on those caught;
- Adjustments of staff allowances sometimes resulted in delays in the preparation of payment schedules;
- Late signing was a constant problem, as the official signing-in time ended at 9.00 a.m. Some members of staff insisted on disrupting activities at the M & O office by requesting permission to sign in as late as 12 noon;
- Head of Departments provided lists of personnel required to report to work on weekends and public holidays. Numerous staff whose names were excluded from the lists reported to work and;
- Staff arriving late, or coming early only to sign-in constantly corrupted weekend attendance lists after which they would leave and return in the afternoon to sign out. Disciplinary action was taken to those involved.

### **Delegates budget**

- There were cases of delegates claiming that they had forgotten to sign the attendance registers after the close of such registers. Unless there was proof of attendance, such cases were not approved. This was common among MP's.



## **Catering**

Ad Hoc meetings were organized in tents where serving of meals was demanded. This overstretched catering services and subsequently led to deterioration of services to unacceptable levels. The matter was adequately dealt with.

## **19.17 Achievements and Lessons Learnt**

Despite several challenges and problems faced by different sections during the Conference, there were many achievements, some of which are outlined below:

- The registration and accreditation process was a challenging task to the department and the Commission during NCC I. The experience gained from NCC I proved useful in ensuring that NCC II and III was smoothly and efficiently managed.
- In NCC I, observers' attendances were strictly controlled; observers were allowed in only after thorough vetting by the staff, under the direction of the Accreditation Committee. The exercise recovered from the confusion suffered in the initial stages;
- Staff registration and signing in NCC II and III were more stringent and fraudulent activities were quickly detected and acted upon unlike NCC I.
- The department was efficient in processing delegates' allowances. Genuine complaints from delegates were on average below five (5) per payment period. There were many times, however, when there were no complaints at all.
- The department was able to complete working on the delegates' budget in time throughout NCC. The section concerned was also able to prepare envelopes for the payment of Delegates with the result that a lot of valuable time was saved by the F & A department during payments.
- Staff allowances were prepared in time and paid out accurately, with minimal errors.
- There were noticeably fewer complaints with regard to transport, accommodation and the general welfare of the delegates in NCC II and III as a result of experiences gained from NCC I.
- The Commission did well by allocating transport to certain categories of delegates such as the Steering Committee and the delegates with special needs. Hiring of transport for the drafters also took away some pressure from the pool transport and also gave the drafters the necessary independence to plan their own movement times.
- Arrangements for Steering Committee meetings were commendable. This was due to hard work and dedication of staff assigned.

- The problem of electricity surge eased after the concerted and joint efforts of CKRC, BOK Management in consultation with Kenya Power and Lighting Company personnel, coupled with the hiring of independent UPS's.
- Despite the many handles many delegates' and other stockholders regarded the performance of the secretariat staff as satisfactory.

### **19.18 Conclusion**

The NCC is one of the organs of the constitutional review process. The conference was convened to discuss, debate, amend and adopt the Draft Bill and Commission report. The conference was the biggest of its kind in Kenya and indeed in Africa to date. The challenges in organizing it were enormous as will be noted from the proceeding chapters of this report but the Mobilization and Outreach department of CKRC lived up to these challenges in organizing the event.

CKRC had initially planned for the NCC to be held on 28<sup>th</sup> October 2002. The Conference was however postponed on 25<sup>th</sup> of October 2002 with the dissolution of the National Assembly by then President Daniel Arap Moi.

The conference was later rescheduled and successfully completed in three different phases. NCC I was held from April 28<sup>th</sup> to 6<sup>th</sup> June 2003, NCC II was held between 18<sup>th</sup> August to 26<sup>th</sup> September 2003 while NCC III was held from 12<sup>th</sup> January to March 23<sup>rd</sup>, 2004.

The first phase of the conference was preceded by nomination and election of delegates. The three District Delegates were elected by a panel consisting of all county councillors as provided for under the Constitution of Kenya Review Commission (National Constitutional Conference Regulations 2002.)

All Commissioners and MP's became delegates automatically as per section 27 of the Review Act. Other categories of delegates were drawn from representatives of political parties, professional bodies, religious organizations, trade-unions, non-governmental organisations, women's organisation and a last category referred to as special interest group consisting of representatives of sectors not adequately covered in any of the groups. The delegates were selected by nominating panels from those categories appointed in consultation with the Constitution of Kenya Review Commission.

In total there were six hundred and twenty nine (629) delegates who were accredited to attend the conference.

The conference also had three hundred and eleven (311) observers accredited under Section 8 of the Constitution of Kenya Review Commission (National Constitutional Conference Procedure Regulations 2003). The observers monitored the proceedings of the conference including the committees and plenary deliberations but were not allowed to vote.

CKRC selected Bomas of Kenya as the venue for hosting the conference after thorough scrutiny of a number of other competing venues/conference sites. The venue was however given a face-lift before the conference and additional facilities were constructed to cater for

the conference. A new car park was prepared, slabs were laid to provide walkways in case of rain and tents were purchased by the Commission, pitched and used for other activities and to serve as committee meeting places.

District delegates and delegates of other categories who hailed from outside Nairobi were accommodated in hotels in Nairobi. Transport from the hotels to the conference venue in the form of buses was also provided to the delegates on each of the days the conference was in session. All delegates were also paid a daily allowance of Kshs. 3,500/= for the resident delegates and Kshs. 5,000/= for non-resident delegates payments were compiled from attendance records. The delegates were paid weekly.

CKRC utilized the services of its own permanent staff, staff employed on temporary basis and other personnel deployed from the Kenya Police, National Security Intelligence Service, National Assembly and the Ministry of Health. NCC I had three hundred and fifty seven (357) number of staff while NCC II had four hundred and ninety-seven (497). NCC III had and five hundred and fifty two (552) staff members.

Despite several challenges and problems faced the conference was concluded successfully. These successes may be attributed to the handwork and diligence on the part of the secretariat.

## **CHAPTER TWENTY:**

### **CIVIC EDUCATION, PUBLICITY, INFORMATION AND COMMUNICATION**

#### **20.1 Introduction**

The National Constitutional Conference was the most representative body assembled in Kenya for the function of agreeing on the Constitution. During this period, it was very important that civic education, publicity, information and communication of the Conference proceedings and resolutions were disseminated to enable the public to objectively evaluate the proceedings. Consequently to fulfill its mandate, the Commission through CEPIC (Civic Education, Publicity, Information and Communication), the committee charged with the function of civic education, ensured that during the period of the NCC: the following Civic Education Programmes were undertaken: -

- Airtime with media houses, particularly the Kenya Broadcasting Corporation (KBC) and that of the print media was negotiated and utilized to disseminate and transmit the Conference deliberations.
- Facilities and materials were equitably provided and distributed to enable Kenyans to actively, freely and meaningfully participate in the Conference proceedings.
- Commission website was fully accessible with all the necessary information on the entire review process to the publics both within and abroad.
- Consultations and negotiations were encouraged among various donors and partner organizations for support in print/electronic programmes and facilities as well production of materials, etc.
- Information processed, public relations and media relations kept alive, management of the website regularly updated, coordination of civic education programmes carried and production and dissemination of materials among other interdepartmental functions.

#### **20.2 CEPIC Structure at NCC**

At the Conference, CEPIC divided its task into various sections namely, Civic Education, Press and Public Relations (Press Centre, Press Gallery, Information Centre), Special Abilities, Stores & Materials for efficient and effective coordination and management. These tasks were fully realized effectively and inefficiently at the Conference under the supervision and direction of CEPIC whose membership composes of the following:

##### **20.2.1 Composition of CEPIC at NCC**

- |                                      |   |  |
|--------------------------------------|---|--|
| 1. Comm. Prof. A. Idha Salim         | - | CEPIC Chair & 1 <sup>st</sup> Vice Chair, CKRC |
| 2. Comm. Dr. Charles Maranga Bagwasi | - | Member   |
| 3. Comm. Ms. Kavetsa Adagala         | - | Member   |
| 4. Comm. Mr. Abubakar Zein Abubakar  | - | Member   |
| 5. Comm. Ms. Salome Wairimu Muigai   | - | Member   |
| 6. Comm. Mr. Paul Musili Wambua      | - | Member   |
| 7. Comm. Mrs. Abida Ali-Aroni        | - | Ex-Officio Member & CKRC Chair                 |

The following were the staff members-

NO.	TASK DESCRIPTION	IN-CHARGE	STAFF	FUNCTIONS
1.	Overall in-Charge	Irene Masit	1. Jane Mbau	<ul style="list-style-type: none"> <li>▪ Secretarial backup for all CEPIC activities</li> </ul>
2.	Press and Public Relations (Press Centre & Press Gallery)	1. Teresa Apondi 2. Irungu Ndirangu	1. Nicholas Gichubiri 2. Vivian Ntimama 3. Millicent Nakholi	<ul style="list-style-type: none"> <li>▪ Handling of complaints/ suggestions from the media houses.</li> <li>▪ Ensuring that all media houses have access to Internet to enable them transmit news.</li> <li>▪ Vetting of journalists at the main gate.</li> </ul>
3.	Press Gallery	Esther Walya	1. Lucy Mbithe 2. Patricia Lukalo	<ul style="list-style-type: none"> <li>▪ Manning the Gallery.</li> <li>▪ Photocopying and distribution of all reference materials in the gallery.</li> </ul>
4.	Civic Education Coordination Office	Samuel Wanjohi	1. Helen Nyakoni 2. Irene Surtan	<ul style="list-style-type: none"> <li>▪ Secretarial duties, receiving incoming and outgoing telephone messages for the department.</li> <li>▪ Manning CEPIC Office.</li> </ul>
5.	Special Need (Sign Language, Braille etc.)	George Nakholi	<p><b>Special Needs</b></p> <ol style="list-style-type: none"> <li>1. Zacharia Molla</li> <li>2. Harry Otieno</li> <li>3. Margaret Nduku</li> <li>4. Josephine Ndungu</li> </ol> <p><b>Sign language Interpreters</b></p> <ol style="list-style-type: none"> <li>1. Lucy F. Atieno</li> <li>2. Eunice Agunda</li> <li>3. David M. Agandoa</li> <li>4. Nancy Odipo</li> <li>5. Peninah Vulimo</li> <li>6. Anne Mwenesi</li> </ol> <p><b>Braille</b></p> <ol style="list-style-type: none"> <li>1. Nicholas Mutua</li> </ol>	<ul style="list-style-type: none"> <li>▪ Assisting persons with disabilities.</li> <li>▪ Running errands for the said delegates e.g. collecting and distribution of materials</li> <li>▪ Sign Language interpretation for the Observers</li> <li>▪ Braille transcription for the visually impaired delegates and for documentation i.e. libraries.</li> </ul>
6.	Information Centre	Walinywa Wabwobwa	1. Joseph Ndegwa	<ul style="list-style-type: none"> <li>▪ Analyzing media and press reports on the NCC and preparing a</li> </ul>

NO.	TASK DESCRIPTION	IN-CHARGE	STAFF	FUNCTIONS
			2. Johnson Okumu 3. Christine Kathambi 4. Herman Kingori	summary of the same. <ul style="list-style-type: none"> <li>▪ Advising the delegates and the public at large on matters pertaining to the Conference.</li> <li>▪ Handling opinion and suggestions and channeling peoples concerns to the relevant authorities, and giving feedback to those who make enquiries.</li> </ul>
7.	Information Technology Section	1. Anthony Mwamunga 2. Richard Maranga 3. Jacob Ondara	1. Somoe S. Athman 2. Richard Onyango 3. Hamisi Mohammed 4. Caroline Wambui	<ul style="list-style-type: none"> <li>▪ Assisting in the movement of audio-visual equipment at the Conference.</li> <li>▪ Live coverage of the Conference.</li> <li>▪ Taking of still pictures during the NCC</li> <li>▪ Ensuring all the microphones are in working condition</li> </ul>
8.	Stores/Materials	1. Solomon Mukenion 2. Leonard Gayoye	52 Temporary Staff	<ul style="list-style-type: none"> <li>▪ Manned the CEPIC stores and kept record of all documents therein.</li> <li>▪ Manned all Technical Working Groups tents and distribution of materials therein.</li> <li>▪ All other miscellaneous duties during the Conference</li> </ul>

TECHNICAL WORKING COMMITTEE	TITLE OF DOCUMENT	TEMPORARY STAFF MANNING THE P. A. SYSTEM	TEMPORARY STAFF IN-CHARGE OF DOCUMENTS
A	PREAMBLE, SUPREMACY OF THE CONSTITUTION	1. Richard Nyakundi 2. Ikoo Cornelius	1. Nimo Billow
B	CITIZENSHIP AND BILL OF RIGHTS	1. Harvey Kiplangat 2. Tony Otim	1. Maurine Akoth
C	REPRESENTATION OF THE PEOPLE	1. Erick Nthiwa 2. Julius Lasoi	1. Fatuma Omar
D	EXECUTIVE	1. Peter Manono 2. Samuel Ogada	1. Ben Onyango
E	JUDICIARY	1. Albert Oirere 2. Kennedy Kidali	1. Peter Opiyo
F	LEGISLATURE	1. Victor Nginga 2. Oliver Wandera	1. Grace Barganda
G	DEVOLUTION	1. Paul Binyenya 2. Elijah Ndiema	1. Shem Nyandika
H	PUBLIC FINANCE & DEV. MANAGEMENT, LEADERSHIP & INTEGRITY	1. Kennedy Otieno 2. Leonard Kavili	1. Rose Bullut
I	DEFENSE & NATIONAL SECURITY	1. David Bundi 2. Simon Gatambia	1. Doreen Jimmy

TECHNICAL WORKING COMMITTEE	TITLE OF DOCUMENT	TEMPORARY STAFF MANNING THE P. A. SYSTEM	TEMPORARY STAFF IN-CHARGE OF DOCUMENTS
J	LAND AND PROPERTY RIGHTS	1. Paul Otieno 2. Amos Okwero	1. Susan Muya
K	CONSTITUTIONAL COMMISSIONS	1. Raphael Kapkama 2. Zipporah Kiprator	1. James Yongo
L	TRANSITIONAL & CONSEQUENTIAL PROVISIONS	1. Rose Chepkemai 2. David Lokorcholia	1. Dorcas Anyango
M	CULTURE	1. Tony Rono 2. George Ochieng	1. Ruth Akinyi

## 20.3 Information Technology

### 20.3.1 Mandate

All throughout the National Conference, the Information Technology Section (I.T.) played a major role to ensure complete coverage of every single event steady and uninterrupted flow of information. Information Technology Section ensured that all machines and equipments breakdown were repaired within the shortest time possible. This was successfully done through repair work and liaising with suppliers and vendors to make sure that these equipments were in good working condition.

The mandate of the I.T. Section:

- Ensure quick and responsive repair of all IT equipment;
- Ensure smooth flow of information through website updates on the proceedings of the Conference and Internet/email facilities;
- Ensured complete coverage of the conference proceedings through video recording; still photography, and extension of speakers to Tents;
- Ensured accurate backup of data generated in the Conference;
- Liaised with equipment suppliers to ensure that the audiovisual equipment were in good working condition;
- Minimized and isolated equipment breakdowns so as to ensure smooth proceedings of the Conference;
- Mobilized other support staff in ensuring that there was full power backup incase of power blackout;
- The section recorded and produced audio/visual copies of draft documents and still photographs for the inclusion in the Sauti ya Katiba.

### 20.3.2 Work Accomplished

#### *Steering Committee*

The I.T. Section on any weekday-commenced work at 7.00 am to enable staff record the Steering proceedings, install the public address systems and ensure audiovisual equipments were in working order.

### ***Plenary/Technical Committee***

These meetings often began at 9.00 am and ended at 6.00 pm. The I.T. Section ensured that management of the video covering, taking of still photographs, and projections of the proceedings in the auditorium were up to date.

### ***Wiring***

- Maintenance of all electrical wiring for the NCC including the maintenance of the power generator in Hansard Section to ensure that there was stand by power incase of blackouts;
- Networking of the speakers to all offices adjacent to the Auditorium including all the technical Working Committee tents.

### ***Backup to Computers and Maintenance***

- The I.T. Section was directly involved with repairing of the computers, printers, fax machines and transcribing machines;
- Backing up of date in all departments to ensure that no information got lost.

### ***Internet and Website***

- The I.T. Section worked in coordination with the Press Office to ensure that all Journalists had easy access to the Internet to enable them send information to their various media houses and at the same time receive information and download.

Some of the information generated included that of: -

- All technical working committee reports and proceedings
- Plenary reports and proceedings
- Public hearings
- All Constitutional Committee reports
- The Draft Bill
- The Zero Draft
- The Adopted Draft Constitution

### ***Editing to Videotapes and Synopsis***

- All tapes for the National Constitutional Conference were edited and a synopsis of the same done as annexed.

### ***Backups of Hansard Reports***

- At the end of each phase of the Conference, the I.T. Section undertook the burning of all Hansard Reports into CDs and copies thereof made for the Archives, Library and for all the Delegates and Commissioners.

### ***Other Tasks Accomplished***

During the entire period of the NCC, the I.T. Section managed to accomplish other tasks, which included: -

- Regularly updating the commission website: [www.kenyaconstiturtion.org](http://www.kenyaconstiturtion.org);
- Developing photos that were used in the production of Sauti Ya Katiba news;
- Maintained a steady flow of information in Bomas;
- Handled impromptu printer and computer trouble shooting;
- Produced slides for all technical working committees reports-these slides are



- much more long lasting than the paper based reports;
- Made Backup of data in almost all the Computers that were used in Bomas III;
- Configurations of Internet settings for dial up access;
- Departmental realignment and teamwork were the key factors in ensuring that everything was done well and work was accomplished within tight deadlines. There were clear duties and responsibility descriptions for every staff in the department. Work for this department could sometimes begin as early as 7am and this was handled pretty well. Clear instructions were given to the support staff that enabled them to perform better. We believe in consultation and be able to work as a team on for the success of the whole department;
- Maintenance of Computer systems.

The Section was able to finish the work within the scheduled timeframes because we had a dedicated and strong workforce capable of handling the work professionally.

We were able to get support from the other commission department to enable us purchase all other equipment and materials we needed to accomplish our work.

With the help of the other departments, we were able to accomplish the following: -

- Effectively covered up Bomas III Conference to completion;
- Effectively recorded tapes and write synopsis for the videos so covered;
- Updated all files generated in Bomas III;
- Updated our websites and ensuring that all online users can follow plenary proceedings on the internet;
- Managed the entire computer systems and printers in Bomas III;
- Produced copies of the Draft Constitution and making copies on CDs.

### **Audiovisual Equipment**

#### ***List of all Equipment under I.T. Section during the NCC***

- *Two video camera*
- *Still camera*
- *LCD projector*
- *Overhead projector*
- *Television*
- *CD/Radio cassette*
- *Two video deck*
- *Computer*
- *Printer*
- *Two DVD/VCD Recorder*
- *Two CD-RW Burner*

In conclusion, the NCC was a great success in that with all efforts from all quarters, we managed to produce a Draft Constitution that reflected and respected the views of Kenyans.

### **20.4 Press and Press Center**

The Press and Public Relations docket was split into three parts namely Press Centre, Press Gallery and Information Centre during the NCC for easier administrative purposes. Each part was headed by a Programme Officer and assisted by support staff.

#### **20.4.1 NCC I - Press Centre**

##### **Mandate**

The Press Centre, was envisaged as a working room for both Journalists and Delegates. This is where the press got their briefs e.g. on the daily programme, reference documents, information handouts. Etc. It was also the place where all enquiries on the media were made.

##### **What the Centre Provided**

The centre provided Computer facilities for the Journalists, Internet service for delegates and staff, Typing services for delegates who were not computer literate, Telephone services (reverse calls from the various media houses to their Journalists), Technical backup services for all users, Daily Newspapers and Files on articles on Constitutional Review Process and the National Constitutional Conference.

The Centre was in use from 8.00 a.m. to about 7.00 p.m. Monday to Friday and on Saturday and Sunday 9.00a.m-5.00pm. It was mostly full to capacity throughout the day allowing for easy posting of stories to the various news desks thus the avalanche of stories in the press. During the weekends, CKRC staff used the centre for preparation of their weekly reports. The Centre has proved to be a very valuable facility to the National Constitutional Conference.

##### **Television and Radio Programmes**

Arrangements were made for delegates and Commissioners to carry out civic education in the print and electronic media. These appearances were independent of the daily/live coverage by the various media houses. The calendar of programmes was as follows:

##### **Journalists**

- A number of the journalists sought assistance to post their stories via the Internet mainly in the mornings between 8.00 am and 8.30 am, over lunchtime and from 4.00 pm to 6.00 pm.
- The Internet proved a fantastic service as it enabled the Journalists to stay at the Conference and was therefore able to give sufficient coverage.
- The Journalists, however, complained that the number of computers were too few. In reaction to this CKRC acquired 2 more computers to ease the congestion at the Press Centre.

##### **Observers**

- There was a misunderstanding at the beginning; the most common visitors at the Press Centre were the Observers. The Observers were in the Press Centre at all times thus using up the computers to the annoyance of the Journalist and some of the delegates who could not access computers. To make room for the Journalists and Delegates, Observers were advised to utilize the business centre to avoid congestion.
- The Observers were not catered for sufficiently by Mobilization and Outreach. The Department and this responsible put some pressure on the Press Centre as most Observers could not understand why they for their needs could not access the facilities.

### **Delegates**

- A number of the delegates through with typing skills were provided guidance on how to operate the computers, typed lists of committees, proposals and motions.
- Most of the delegates that sought assistance were either not computer literate or had to be in the plenary and therefore had to have their reports or motions typed out for them.
- The delegates appreciated the services provided.

### **General**

- The Press Centre received two new and much needed computers. This lessened the jam at the Press Centre.
- The demand for the Internet was high and could not be met by one computer. The Delegates, the media and CKRC staff accessed the Internet.
- On the weekends the Press Centre CKRC staff that had reports to type and those who needed to access the Internet used facilities.
- Both delegates and members of the media accessed the dailies in the centre.

### **Press Briefings**

These were undertaken by the Chair of the National Constitutional Conference, Prof. Yash Pal Ghai and the Media Advisory Committee daily at 3.00 pm at the Press Tent, which was set up purposely for Press Conferences. The Briefings informed, clarified and summarized the issues of the day for the Journalists who mostly used the briefs verbatim. They also highlighted on the National Constitutional Conference daily activities.

### **Reference Materials**

Reference materials available at the Press Centre included: -

- (i) Working Document for the National Constitutional Conference (Volume 11 & 111` of the Commission's Report),
- (ii) Report of the Constitution of Kenya Review Commission (Volume Two of the

- Draft Bill to amend the Constitution),
- (iii) Constituency Constitutional Forum Reports,
- (iv) Volume one of the Main Report, Summary of key recommendations of the Commission (Document 1)
- (v) Copies of the monthly edition of Katiba News.
- (vi) Daily Newspapers and other relevant reference materials.

### **Temporary Staff**

The nature and enormous amount of work at the Press Centre necessitated the need for three temporary staff to have the place fully in operation. The General performance of this team was commendable taking into consideration the crowds they handled on a daily basis. The Press Office however engaged an assistant due to the workload.

### **Recommended**

*The recommendations of Bomas II were: -*

- CKRC provided documents to the Journalists for their references during the proceedings at the plenary hall.
- Accreditation Passes for Journalists sufficient and no additions to be made unless for unique cases.
- There should be some consistency in the issuing of materials to delegates. Many delegates had to use the reference materials at the Press Centre or Library because they did not get some documents.
- There was need to have an additional Internet line and UPS's to be ordered for all Computers to avoid the problem of computers blowing up due to faulty terminals and power surges.
- The Press Centre proved an excellent idea, which should be retained when the conference reconvenes in August.
- The Press Office to retain some of the assistants to help in the clearing up, collection of the Press Accreditation cards and tapes from the media houses.
- The Allowances paid to the Temporary staff should be based on output and not department, as has been the case.
- Security – there were a lot of theft cases reported but very few, if any, recoveries made despite the fact that we had a battery of police officers.

### **20.4.2 NCC II - Press Centre**

#### **Press Centre**

The Centre provided:

- Computer facilities for the Journalists, Delegates and CKRC staff;
- Internet service for Journalists, Delegates and Staff;
- Typing services for Delegates who are not computer literate;
- Telephone services - reverse calls from Journalists to their various media houses.
- Technical backup services for all users
- Daily Newspapers and weekly conference newsletters (Sauti ya Katiba and Yawezekana)

- Files on articles on the Review Process and the National Constitutional Conference

The Centre was in use from 7.30 a.m. to about 7.30 p.m. Monday to Friday and from 9.00a.m to 5.00 pm on the weekends. It was a hub of activity throughout the day with constant traffic of Journalists and delegates whilst during the weekends.

Due to the power fluctuations at the Bomas, two computers blew up and had to be replaced.

The Centre proved to be a valuable facility to the National Constitutional Conference and saw an increase in the number of journalists and delegates using its services in contrast to Bomas I.

### **Biographical Handbook**

CEPIC planned to publish a biography on participants of the National Constitutional Conference. This informative booklet will focus on the role and background of individual participants. In addition, as a historical document, this booklet will enhance future research on Constitution making.

The forms for the handbook were distributed from registration tents to all delegates and observers and returned to either the CKRC staff at the registration tents or at the Press Centre.

There was, however, a problem in retrieving biography forms from Members of Parliament since most MP's requested that their data be collected from Parliament.

### **Press Briefs**

The CKRC Chairman conducted daily Press Briefings at 3.00pm flanked by members of the Media Advisory Committee at the Press Tent. The briefs were summaries of the issues discussed at the National Constitutional Conference Plenary and progress made in all the thirteen Technical Working Committees.

In addition, the press tent hosted various press conferences by delegates and observers, of which Press Centre staff mobilized journalists to attend.

### **Telephonic Notice Board**

The Commission in conjunction with Interactive Media Services established a hotline to update delegates on the progress of all the thirteen Technical Working Group's, Chairman's press briefings and a Secretariat notice board.

The reaction to the telephonic notice board was slow, but proved to be a viable resource to the Conference. However, a recommendation had been made to the effect that the hotline should be advertised in the print and electronic media to enable the public access to the daily proceedings of the Conference as a Civic Education measure.

### **Accreditation**

CKRC decided to change the colour of badges for Journalists from white to sky blue, for security reasons and easier identification. Prior to reconvention of Bomas II, Copy Cat printed conference identification badges for all categories, including Journalists.

There was an increase in the number of Journalists from both local and international media houses. Additional passes were printed to cater for the increase. This brought the total number of passes to 60 from 50. Temporary passes were issued daily on a first-come-first-served basis.

A number of Journalists who were on the temporary list during Bomas I were promoted to the permanent list due to their consistent coverage of the Conference. This brought the total number of Journalist on the permanent list to 166 from 133. However, the total number of Journalists issued with permanent passes was 101, meaning that some Journalists had yet to have their badges printed as some media houses replaced accredited journalists.

A decision by the Media Advisory Committee rescinded accreditation of three Journalists from Pulse Media. CKRC staff established that they were not genuine Journalists.

### **Journalists**

Journalists complained that the numbers of computers were still too few and in reaction to this, the Press Centre was provided with two extra computers and an additional Internet lease line.

A registration file was opened for Journalist's attendance. Journalist's registration was open from 8: 00 am to 11:30 am.

Journalists complained that they could not access daily summaries from the 13 Technical Working Groups the Rapporteurs Daily Journal was only available during the last week of the Conference. Consequently, the Research and Drafting Department was required to generate documents to be easily accessible to the Press Centre and Journalists in order to enhance precise media coverage of the NCC.

### **Reference Materials**

Reference materials available at the Press Centre included: -

- (i) Working Document for the National Constitutional Conference (Volume 11 & 111` of the Commission's Report),
- (ii) Report of the Constitution of Kenya Review Commission (Volume Two of the Draft Bill to amend the Constitution),
- (iii) Constituency Constitutional Forum Reports,
- (iv) Volume one of the Main Report, Summary of key recommendations of the commission (Document 1)
- (v) Copies of the weekly editions (Sauti Ya Katiba and Yawezekana).
- (vi) Rapporteur Generals Report
- (vii) Report on Culture
- (viii) Report on Devolution

(ix) Daily Newspapers

A recommendation was made that the number of all reference documents be increased during NCC III

**Generally Recommended**

- There was need to have an additional Internet line and UPS to be ordered for all Computers to avoid the problem of computers blowing up due to faulty terminals and power surges.
- The Press Centre had proved an excellent idea, which had to be retained when the conference reconvened in November.
- Due to the heavy workload at the Press Office, there was need to retain temporary staff for collection of tapes from the various media houses and collecting and filing of biographies from Members of Parliament and Delegates.

**20.4.3 – NCC III - Press Centre**

The final leg of the National Constitutional Conference (NCC) or dubbed Bomas III commenced on January 12<sup>th</sup> – 23<sup>rd</sup> March 2004. During this period, the Press Centre established in Bomas I through II retained its character throughout all phases of the NCC. It served as a co-ordination office for all matters related to the Media.

The Centre was a workstation for Journalists, Delegates and the Secretariat that used the station due to limited facilities at the Conference. It was at this Centre that reference documents, handouts and information on the daily activities of the NCC were made available.

The Centre provided, Press Tent, Computer facilities, Internet service, Typing services, Telephone services (reverse calls from journalists to their various media houses), Technical backup services for all users, Daily Newspapers and weekly conference newsletters (Sauti ya Katiba and Yawezekana) and files on articles on the Review Process and the National Constitutional Conference

The Press Tent was a component of the Press Centre that was vibrant and always busy. It not only provided for space where delegates could air their views, but also ensured that all the press conferences were public and accessible by both the local and international journalists. A daily record of all the press conferences that took place was kept.

The Centre's working hours commenced at 7.30 a.m. and came to an end at 7.00 p.m Monday to Friday and 9.00a.m.-4.00pm on the weekends.

**Dissemination of Information – Focus on Print Media**

The Constitution of Kenya Review Act Cap. 3A, stipulates that the Constitution of Kenya Review Commission (CKRC) is mandated to conduct, facilitate and provide civic education

for constitutional review. Civic Education is not just a major component of the Constitutional Review but also a continuous exercise in the Process.

The National Constituency Conference, as one of the organs of the Constitutional Review, generated wide-ranging issues touching on various principles, values and rights on the CKRC Draft Constitution.

The Press Office in conjunction with the Research and Drafting Committee ensured that the public was constantly updated on the issues from the Conference by preparing and circulating information ready for consumption to all the print and electronic media, both local and international.

The rationale for this method of dissemination was to ascertain accurate, qualitative and quantitative media coverage of Bomas III.

As a follow-up and verification measure on the impact of this approach, the Press Centre kept records of the stories generated by the print media from the circulated documents. The same could not be achieved from the electronic media due to its high-speed mechanism. However, this information is archived by Roger Stedman and can be retrieved on request.

The Records were done per media house namely Nation Newspapers, Standard, The People and Kenya Times. Though the documents were sent to Taifa Leo they were in English (not translated) and therefore not widely used as in the other dailies.

## **Journalists**

The failure to equip the Press Centre with two additional computers and an Internet lease line, there were renewed complaints from the Journalists. The Centre was ever crowded and the Journalists had to take turns on the available facilities.

There was a general feeling that the Journalists were misrepresenting the Conference. This necessitated the issuance of guidelines to media by the Media Advisory Committee to give benchmarks for the coverage of the last phase of the Conference. Some Journalists reacted negatively and became uncooperative. A meeting called between the Conference Secretary, the Media Advisory Committee and the Journalists to iron out the matter. The meeting resolved that the guidelines to journalists be followed as they were and that all documentation given to delegates be availed to the Journalists.

These guidelines were: -

1. The media should rely on the official documentation as circulated to journalists by the Media Advisory Committee.
2. There will be a Spokesman of the Conference namely the Chair of the National Constitutional Conference who will inform the public on matters of the Conference by means that the Steering Committee, in consultation with Media Advisory Committee, may consider appropriate.
3. At the end of each day's proceedings the NCC Rapporteur General will give the



NCC position focusing on issues rather than historic and we request that this be given coverage by every media house covering the conference.

4. Media houses accredited to the Conference are requested to do all possible to fulfill their moral obligation to reach all parts of the country in the fairest way possible.
5. All media houses are expected to allocate broadcasting time and space in a manner that is fair to all positions taken on the floor.
6. Decisions of the National Constitutional Conference should not be used as fillers but rather made available fairly throughout plime time and given the seriousness they deserve.
7. Allocation of slots for discussion programmes will be enhanced a great deal if the media houses liaise with the Media Advisory Committee to ease the search for delegates to appear on these programmes.
8. Additional information sought from delegates, should always be put in the context of the official position of National Constitutional Conference.
9. Media houses accredited to the Conference shall be held responsible for any consequences brought about by misinformation, disinformation or biased reporting, and a redress mechanism is mandatory.
10. The National Constitutional Conference reserves the light of accreditation and can withdraw accreditation to cover the Conference in case of breach of the Conference guidelines.

Journalists were issued with all documents relevant to the Conference at the Press Tent and where the documents were not enough for each individual Journalist, each media house at least received copies.

### **Press Accreditation**

Reconvention of Bomas III saw an increase in the number of journalists from both local and international media houses.

A number of media houses requested to replace their Journalists who covered Bomas II. This meant that the Commission printed new badges for the new Journalists. The blue colour badges issued to Journalists in Bomas II was retained in Bomas III.

A registration file was maintained to show the daily attendance of all Journalists' covering the Conference. There were 60 Temporary passes issued daily on a first come, first served basis to those listed in the temporary list.

To curb unaccredited journalists from gaining access to the Conference, daily registration was conducted at the Main entrance to the Bomas of Kenya from 8: 00 am to 12:30 pm.

The total number of Journalist that held permanent accreditation were 172 while those with temporary accreditation were 110. There was also a total 45 Journalists issued with new permanent. During the Committee of the whole, the NCC became the focal point of news both nationally and internationally. This saw a sudden increase in the numbers of Journalists covering the Conference.

The officer in-charge of accreditation encountered a problem with one Journalist whose accreditation was withdrawn due to complaints of having used the accreditation outside Bomas. The case was tabled before the Media Advisory Committee, and it resolved that the Journalist in question should write an apology letter. His accreditation was reinstated a week after he wrote an apology letter.

### **Biography Handbook**

Civic Education, Publicity and Information Committee (CEPIC), in Bomas II proposed to publish a biography on participants of the National Constitutional Conference.

#### *The objective or aim of the handbook*

The biography was an informative document on delegates historic constitutional dispensation and served as a historical document which will enrich future research on Constitution-making in Kenya.

The work of collecting and collating the information from the delegates began in Bomas II and continued through to Bomas III. The Secretariat had formulated a questionnaire to collect the relevant data from all delegates and observers on their background, experiences and on their vision for the Republic of Kenya. The questionnaires were distributed from registration tents, at committee tents and at the entrance to the Plenary.

The gathering of this information proved a tedious task, as some Delegates lost their questionnaire while others would err in the filling of them. Towards the end of the Conference, Secretariat staffs were mobilized to issue the forms personally or make telephone calls to those who were not in attendance.

The Members of Parliament, as in Bomas II proved the most difficult group, as some were rude and uncooperative. In order to overcome this the Secretariat staff opted to liaise with the Clerk to the National Assembly to obtain information on the Legislators. This only proved fruitful to a certain extent, since not all MP's had handed in information to Parliament.

To date, the number of biographical questionnaires still to be submitted by MP's stands at 55 and while that of other delegates stands at 30.

The position on funding of the publication of the handbook by CKRC or any other donor has also not been confirmed hence the go-slow on this project.

### **Press Briefs**

The most important role of the Press Tent was that it acted as a Conference mouthpiece where the Conference Chairs' and Rapporteur-Generals kept the Public Updated on the Conference activities. The Press tent was also a host to a number of press conferences held by delegates and observers on issues touching on the Conference and other social, political and economic affairs in the country.

The Chairman of the Conference had frequent press briefings to highlight the daily progress of the Conference and to answer questions on the NCC process from the media and also. This was most critical when the Conference was divided into 13 Technical Working Committees.

His press briefs were held at 3.00 pm and he was flanked by Members of the Media Advisory Committee. When the Chairman was unable to attend, the Vice-Chair to the Conference, Mr. Koitamet Ole Kina stood in for him.

### **Media Event**

The Media Advisory Committee (MAC) of the National Constitutional Conference hosted an open day with the media at the Bomas of Kenya plenary hall on the 10<sup>th</sup> February 2004. The objectives of this event was to give the Delegates a deeper understanding on the role of the media in reporting on the Conference and to give the delegates a chance to communicate on a one on one basis with the media representatives.

Amongst the issues that were discussed in this event were:

- An overview of the Media Performance in Bomas III
- Understanding the Role of the Media on the NCC
- Misreporting, disinformation and subjective reporting
- What are the mechanisms for redress

The Media Advisory Committee also hosted a group (20 in number) of Journalists who were being trained by the British High Commission. The purpose of this visit was to give the Journalists a better insight on the National Constitutional Conference with a view to give better coverage.

The Press Centre kept files on all articles on the Review Process and the National Constitutional Conference, Correspondence, Photographs and Press Statements.

### **Reference Materials**

Reference materials available at the Press Centre included:-

- (i) Working Document for the National Constitutional Conference (Volume 11 & 111` of the Commission's Report),
- (ii) Report of the Constitution of Kenya Review Commission (Volume Two of the Draft Bill to amend the Constitution),
- (iii) Constituency Constitutional Forum Reports,
- (iv) Volume one of the Main Report, Summary of key recommendations of the commission (Document 1)
- (v) Copies of the weekly editions of Sauti Ya Katiba and Yawezekana newsletters.

- (vi) Rapporteur Generals Report
- (vii) Report on Culture
- (viii) Report on Devolution
- (ix) Reports from all the Technical Working Committees.
- (x) Rapporteur generals Report (Bomas II)
- (xi) Daily Newspapers i.e. Nation, Standard, Kenya Times and People.
- (xii) All communication Reports from the Chair
- (xiii) Consensus Report
- (xiv) Zero Draft
- (xv) Draft Constitution of The republic of Kenya

## **Conclusion**

The Press Centre proved to be an excellent facility to the National Constitutional Conference that enhanced the dissemination of information and the image of the Conference throughout Bomas I, II and III.

### **20.4.4 Press Gallery**

#### **Mandate**

The mandate of the Press Gallery was to manage the flow of information within the NCC and especially at the auditorium gallery.

#### **Press Briefings**

Daily press briefings were held at the Press Tent at 3.00 pm commencing 15<sup>th</sup> May 2003. Previously the press briefs would be held when the need arose. The objectives were to give a summary of the day's events to all media houses.

The NCC Chair briefed the press in the presence of member(s) of the Media Advisory Committee.

#### **Electronic Media Programming**

The Conference was covered fairly adequately in the main electronic media news, discussion channels and programmes as indicated below: -

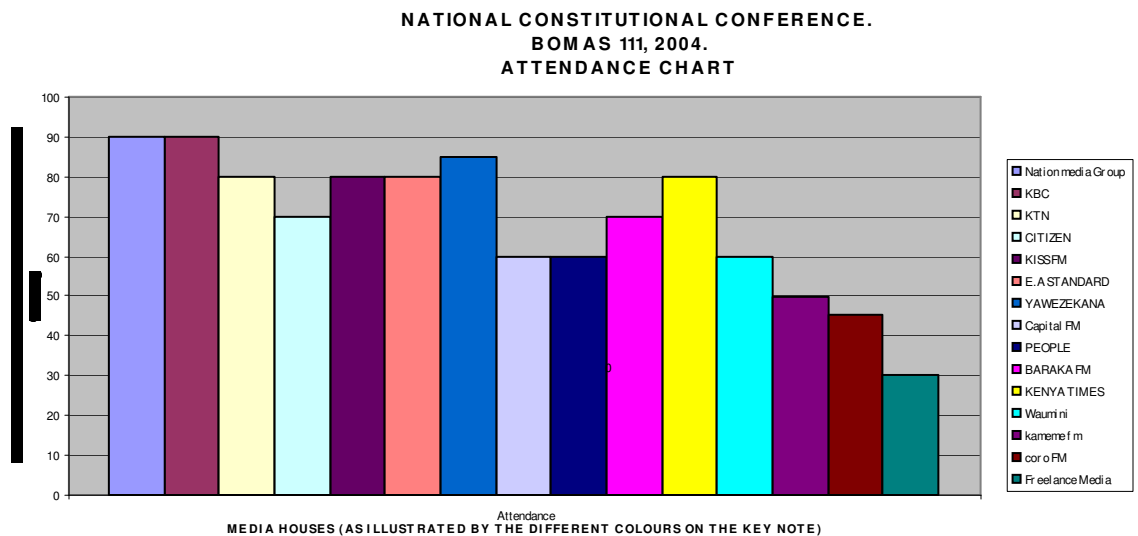
- Television
- Radio

#### **Sauti ya Katiba**

Publication of a Conference weekly newsletter, Sauti ya Katiba, began during Bomas II with two thousand (2000) copies of the eight-page tabloid newspaper being circulated to delegates, observers and a few externally. The issues came out at 8.00 am every Monday with four pages being dedicated to Kiswahili and another four to English. A total of ten issues had been printed by close of NCC III.

## Press Gallery at the Auditorium

- The Press Gallery was purposely reserved for the journalists to enable them record efficiently without distractions. At the Press Gallery seats were well arranged to accommodate all reporters but at times provision of extra seats was inevitable. Upon arrival at the press gallery, Journalists signed a daily register for both security purposes, attendance and to ensure that all documents issued to them were well accounted for.
- The average attendance by journalists who occupied the Press Gallery was about 15 at any given time of the day. However, the numbers varied depending on the issues being discussed. The media houses represented were: -
  - Nation Media Group
  - Kiss FM
  - Family TV
  - The People Newspaper
  - The East African Standard
  - KTN among others



The graph above represents daily attendance by the different media houses at the National Constitutional Conference. (NCC).

The Y-axis represents: -

- The number of days attended by members of the respective media houses for approx 18 weeks (5 days a week);
- The respective media houses (value axis) as illustrated by the different colors on the keynote.

According to the graph some of the media houses like KTN, KBC - TV, Nation - TV, portrayed a lot of interest in coverage of daily events as they unfolded at the Conference (mostly the main-stream media houses).

The minimal difference in attendance by the media houses suggest that coverage and reporting of events at the National Constitutional Conference was done favorably with at least five to eight media houses covering daily events. This saw the successful coverage of Bomas III events to its finality.

- There were no extra materials (personal statements, speeches) given to the journalists apart from the information supplied at the entrance of the plenary hall, which normally comprised the order paper and the programme.
- When the conference broke into Committees, the sitting arrangement was well organized with the orange seats being clearly marked and reserved for the press. In some Technical Committees the media was provided with power to enable them charge their verbatim recorders. This was done with the assistance of the Information Technology section.
- During the entire conference period, journalists were required to sign an attendance list both at the entrance gate and at the Press Gallery. This caused some anxiety at first but this was resolved as the journalists were informed that this was purely for security purposes, catering and for issuance of conference documents.
- Alongside with the daily registration list, a documents register at the press tent to account for documents issued to journalists. The following is a table on documents issued to all journalists at the press gallery irrespective of the number of journalists per media house.

**i.e.:** Number of documents signed for at the CEPIC stores does not tally with number of documents accounted for in the report. This is because most of the documents were later photocopied to cover all journalists.

Due to the scarcity of the Zero Draft, mainstream journalists were all issued with a copy of the Zero Draft each while the representatives from other media houses were supplied with the Draft on behalf of the others journalists. '

Towards the end of NCC III, there was an increase in the number of journalists at the Press Gallery as they covered the completion of the Conference.

#### **20.4.5 Information Centre**

##### **Mandate**

The Information Centre facilitated the following: -

- Analyzing media and press reports on the NCC and preparing a summary of the same.
- Advising the delegates and the public at large on matters pertaining to the

Conference.

- Handling opinion and suggestions and channeling peoples concerns to the relevant actors, and giving feedback to those who made enquiries.
- Assisted in the effective and efficient dissemination of relevant information/material to delegates and observers.
- Acted as a help desk that on day-to-day basis handled cases such as lost and found property for the Conference delegates and messages to delegates and observers.
- Acted a guide to delegates to help them find their way around the conference area. The center placed notices to delegates and observers at strategic locations.

## **Work Completed**

During the entire period of the Conference, the center remained open from 7.30 am to 7.30 pm on weekdays and from 8.00 am to 5.00 pm on weekends and therefore managed to accomplish the following tasks: -

### **Coordination and Facilitation of Various Materials**

- On a daily basis the center ensured that delegates and observers obtained the Daily Order Paper to enable them follow the conference proceedings.
- Aailed documents among them; motions by delegates, the conference weekly newsletter, Sauti ya Katiba. Upon publication by the Press Section, the said documents would be brought to the Information Center for distribution to delegates, observers, the secretariat and visitors to the conference.
- Although most of the documents/materials distributed by the center originated from the Conference, there were also pamphlets, weekly newsletter “Yawezekana” and handbills from various interest group e.g. persons with disabilities, the youth and women groups.
- The center updated delegates/observers who joined the conference during the various stages and ensured that they had all the materials and documents required for the conference.
- Although this was not the mandate of the center, the center from time to time stored luggage for delegates/observers when the need arose.

### **Help Desk**

- The center ensured that all visitors to the conference were attended to. This included Diplomatic Missions that visited the conference occasionally.
- The Center also received and delivered messages/letters for and on behalf of delegates and observers to ensure that there were no disruptions of the conference.

### **Daily News Analysis**

- The center made a daily analysis of the news on the conference proceeding carried by all the local daily newspapers i.e. the Daily Nation, the East African Standard, the People and the Kenya times. The said analyses were supplied to CEPIC Commissioners and the Media Advisory Committee to enable them react during the Press Briefings held daily.

- There were also analyses on the electronic media carried out by the Information center. This was done through the use of a television set and a radio provided to the center.
- Videocassettes and audiocassettes on the daily proceedings of the conference were also analyzed and a synopsis of the same made. The cassettes were then stored at the CKRC archives but the same would be recalled on the request to counter check on a particular issue. The center also stocked cassettes from various media houses.

### **Challenges and Constraints Encountered**

- At the beginning of the Conference, the center experienced difficulty as some delegates demanded to get information from the center on what was being supplied by other departments e.g. the daily motions that were being supplied by the Research and Drafting Department and to counter this, the center liaised with all departments for the smooth running of the center.
- There were also many reports of loss of property during NCC I and the center had to put up notices to all delegates to take extra care of their belongings and security was also beefed up to counter this vice.
- Some members of the secretariat were not well informed on issues falling under other departments such as on welfare issues and called for further consultation.
- Delegates made demands that the secretariat could not meet. This included demands to make personal calls from the information center, which were not in accordance with the rules and regulations of the conference.
- Delay in distribution of materials due to delay by printers, power surge, break down of the photocopiers, computer and printers, due to short notices etc.

### **Achievements**

- Information, writing material and documents to delegates, observers was supplied efficiently.
- The secretariat was able by the end of the conference to curb the vice of pilfering.
- Delegates, observers, guests obtained information with ease.
- Notices were strategically placed in different places to avoid confusion as to those whom the message was intended for and to ensure a more efficient way of distributing materials.
- The Secretariat staff at the center also monitored and collected unofficial documents circulating the conference and reserve them at the CKRC archives.

### **General Assessment**

The Information Center came in handy in matters that would otherwise have disrupted the smooth running of activities at the conference.



## **20.5 Cultural Arrangements**

### **20.5.1 Mandate**

To conduct and facilitate civic education in order *to* stimulate public discussion and awareness in constitutional matters as per CKRC Act.

### **20.5.2 Work Completed**

#### **Cultural activities by: -**

Prior to each Plenary Sessions, the Secretariat organized diverse cultural troupes to entertain delegates. Regular groups included: -

- (i) Bomas of Kenya troupe;
- (ii) Kayamba Africa;
- (iii) Langata West Primary School;
- (iv) Samburu Primary School;
- (v) Pengele Group
- (vi) Delegates - Reciting of various poems.

## **20.6 Dissemination/ Distribution of Materials**

### **20.6.1 NCC I**

#### **Mandate**

To coordinate the printing and distribution of relevant materials to the Conference Delegates, Observers, Commissioners, Journalists and the public in general.

#### **Work Completed**

The section successfully distributed the following relevant materials at the Conference within the required time: -

##### *Statutory Documents*

- The Constitution of Kenya
- The Main Report of the Constitution of Kenya Review Commission (Volume 1)
- The Draft Bill to alter the Constitution (Volume 2)
- The Constitution of Kenya Review (National Constitutional Conference (procedure) Regulations.

##### *Working Documents*

- Summary of key recommendations of the Commission.
- Compendium of public comments on the Draft Bill.
- Annotated Version of the Draft Bill.
- Outline of legislation, which will require enactment, amendment, revision or repeal.
- The Independence Constitution.

### *Reference Materials*

- Constituency Constitutional Forum Reports (Volume 4)
- Technical Appendices (Volume 5) (Part 1 to 5)
- Short Version of the Main Report of the Commission.
- The Draft Constitution at a Glance.
- Taarifa ya Tume ya Kurekebisha Katiba.
- Taarifa ya Tume ya Kurekebisha Katiba – Toleo Fupi
- The Draft Constitution Report (Green Cover)
- Information Handbook for Delegates (Phase I)

### *Stationery*

- Box Files
- Conference umbrellas
- Conference T-Shirts
- Writing Pads
- Pens
- Green and black Delegates conference bags

### *Other Activities*

- Hoisting of NCC banners in all the designated places.
- Packaged all CKRC equipment, furniture and materials for transportation from Kencom House to the Bomas of Kenya and from the Bomas of Kenya to Kencom at the end of Phase I of the Conference. The CEPIC store also undertook the unpacking the said equipment organizing them in their respective offices.
- Distributed weekly conference newsletter “Katiba News” and other weeklies.

### **How Work was Accomplished**

- Recording and distribution to all Delegates, Staff and others all the required conference materials.
- CEPIC Temporary Staff attached to the store were instrumental in distributing materials.

### **Why Work was not Completed on Time**

- Sometimes delay by printers to deliver the materials.
- Short notice to print and deliver materials by CKRC.
- Frequent breakdown of the photocopiers due to the large volume of materials to be photocopied.
- Power surges at the conference thus delaying the production and of various materials.

### **Actors**

Actors involved in the completions of the above tasks of publishing and distribution of NCC materials were: -

- Printers
- Conference Steering Committee
- CKRC Secretariat Staff

- Conference Temporary Staff

### **Achievements**

- Materials were adequately distributed.

### **Overall Assessment**

- It was successful

## **20.6.2 NCC II**

### **Work Completed**

The following relevant materials were successfully distributed at the Conference within the required time: -

- Report on Devolution of Power
- Report on Culture
- Writing pads
- Pens
- Information Handbook for Delegates Phase II
- Rapporteur General's Report – NCC I

### *Statutory Documents*

Delegates and Observers who were not issued with materials during NCC I were issued with the following materials: -

- The Constitution of Kenya
- The Main Report of the Constitution of Kenya Review Commission (Volume 1)
- The Draft Bill to alter the Constitution (Volume 2)
- The Constitution of Kenya Review (National Constitutional Conference (procedure) Regulations.

### *Working Documents*

- Summary of key documents
- Reference Materials
- Stationery

### *Other Activities*

- Assist in putting up of 13 Technical Working Group (TWG) Tents
- Manning the Technical Working Group (TWG) Tents
- Manning the Public Address System at the Technical Working Group (TWG) Tents
- Daily distribution of materials in the TWG tents

### *Actors*

Actors involved in the completions of the above tasks of publishing and distribution of NCC materials were: -

- Printers (Colour Print Limited printed the bulk of the Conference material)

- Conference Steering Committee
- CKRC Secretariat Staff
- Conference Temporary Staff

### **Achievements**

- Materials were adequately distributed.

### **Overall Assessment**

- It was successful

## **20.6.3 NCC III**

### **Work Completed**

The following relevant materials were successfully distributed and activities accomplished: -

### **Materials Issued**

The CEPIC stores issued materials to new delegates (those replaced other delegates from various categories), additional Observers, visiting diplomats and replacement of lost materials as shown below:

1. Statutory documents
2. Working documents
3. Reference materials
4. Stationery (to all delegates on a weekly basis)
5. Distribution to all delegates the Daily Order Papers
6. Manning of the Press Tent at all times
7. Distribution of Rapporteur General's Report - NCC II;

### **Other Activities**

- Hoisting and removal of NCC banners in all the identified positions the along the highways and within the conference premises.
- Packaged all CKRC equipment, furniture and materials for transportation from Kencom House to the Bomas of Kenya and from the Bomas of Kenya to Kencom at the end of Phase I of the Conference. The CEPIC store also undertook the unpacking the said equipment organizing them in their respective offices.
- Distributed weekly conference newsletter "Katiba News" and other weeklies.

### **Summary**

The major players/actors of the distribution of Conference materials were the temporary staff attached to the material store. They ensured that right materials were issued to all the Delegates, Observers, Staff and all the Conference guests in time and were also humble in explaining for any delays especially when the photocopy breaks down or the printer delays Nevertheless, the materials used at the conference were successfully distributed.

## 20.7 Challenges and Constraints

### 20.7.2 Evaluation of the National Constitutional Conference;

#### *General Comments*

Overall assessment of the Conference indicated that the organization was excellent as reflected by the general comments/instruments outlined below. 629 delegates and 250 Observers attended the Conference. Over 400 staff members provided conference services. The Conference was a beehive of activity and it was a great complement to the staff that it ended on time and achieved the desired result of writing the Draft Constitution for the Republic of Kenya.

The Evaluation forms were widely circulated at the Conference and the respondents were from the two main categories as follows:

Delegates	-	282
Observers	-	35

The Evaluation report lists *specific* recommendations from each category, which have been listed after the highlights. Comments from the Media have, however, been only reflected in the Evaluation form given that one Media respondent filled the form.

*Highlights* from the tabulated Evaluation forms are listed under the above two categories. The tabulation rated the highest to lowest number of respondents in each category and the numbers of each respondent in response to a given question. The analyzed tabulation is self-explanatory and attached overleaf.

In general terms, the delegates and observers passed a vote of confidence in the Conference Management (i.e. Venue and Documentation) on all the issues under Evaluation. Some highlights and specific recommendations from the Evaluation forms by both the delegates and the observers were as follows:

#### *Delegates Highlights*

- They highly rated all aspects of programme management including presentation of Draft Bill/Report, Plenary discussion, documentation and progress of the Conference.
- However, many delegates were concerned about scheduling of activities and time management. They demand that a reasonable timetable be drawn and strictly followed without many undue interruptions and points of order.
- Session Chairs should be efficient and firm while an up to date record of speakers should be maintained to ensure fairness.
- The Conference venue was generally acceptable to delegates but some requested for improvement in the sitting arrangements, sound system and catering services.
- The delegates were generally appreciative of the staff support/attitude.
- The delegates were unhappy about hotel accommodation and transport and requested for improvement. Most requested that the Six-Eighty Hotel be abandoned when the Conference reconvenes.

- As expected, delegates requested for additional allowances. Non-resident delegates requested for payment of allowances during weekends and public holidays.
- Delegates were unhappy about media coverage/reporting and sought improvement of media/NCC relationship. Media should focus on Conference deliberations and not sideshows.
- Delegates were appreciative of cultural activities and weekend excursions but sought improvement and diversity.
- Delegates were happy about security arrangements but sought improvement.

#### *Delegates Specific Recommendations*

- Improve public address system.
- Provide better transport (minibuses).
- Improve hotel services. Change to better hotels and negotiate for half board.
- Better time management and punctuality.
- No repetition should be allowed.
- Provide live media coverage of deliberations.
- Non-resident delegates be paid on weekends and public holidays.
- Documents were duplicated.
- Session Chairs should be experienced and firm.
- Six-Eighty Hotel should be abandoned.
- Improve catering services at Bomas.
- Improve security to stop thefts.
- Commission should endeavour to maintain quorum.
- Bomas should improve sanitary facilities.
- Accommodation should be available for spouses of delegates.
- Medical Insurance should be comprehensive.
- Weekend excursions around the country should be organized.
- Improve chairs for persons with disability.
- Press should be neutral and not biased against delegates, regions and religions.
- Improve allowances of delegates.
- Have cultural performances daily and improve variety.
- Improve health services at Bomas.
- Allow delegates to arrange own accommodation.
- Have a specific timed schedule of work.
- All delegates should get a chance to contribute.
- Expand sitting arrangement to avoid squeezing.
- CKRC should be transparent on the issue of expenses.
- Pay Committee members some allowance.
- Tents are too small for technical working groups.
- Experts should assist technical working groups.
- CKRC should clarify media reports.
- Management was commendable.
- Check quality of observers and media personnel, as some are comen.
- Avail verbatim report to delegates before second session.
- Ban mobile phone communication in plenary.
- Include comparative constitutions during technical committees.
- Commissioners should be friendly.

- Ethnic lobbying should stop.
- Provide secretarial services to delegates.
- Ensure strict time management and work ethics.
- Well-planned conference. Keep it up.
- Plenary should respect technically competent delegates.
- Categories of delegates to sit together for easier identification.
- Entertainment only on weekends.
- Get insurance cover for all delegates.
- Tents may be unsatisfactory meeting points.
- Murram car park.
- Get qualified doctor and proper medicine.
- Find a way to ensure attendance.
- Commission commended for tolerance and resilience.
- Delegates should sign on arrival and departure daily.
- Technical Committees should work late.
- Medical cover should include pregnant women and hospitals outside Nairobi.
- Administrative services are too slow.
- Catering should provide food for diabetic delegates.
- Improve relations between Members of Parliament and District Delegates.
- Provide better chairs for next session.
- Provide reference materials in advance.
- Housekeeping issues should be resolved upfront.
- Generally, the Secretariat organized the conference well.
- Pay out-of-pocket allowance to observers.
- Steering Committee should meet at the end of each day to analyze the proceedings and plan for the next day.
- Have clear guidelines of the dynamics to be followed in technical committees.
- Improve registration process for second session.
- Keep it up CKRC.
- Rule on Points of Order should be revised to minimize them.
- Consensus building should be emphasized.
- Delegates who defy sessional chairs should be expelled temporarily.
- Improve CKRC/delegate relationship.
- Keep accurate records of proceedings and speakers.
- Delegates allowance is too low.
- An excellent set-up.
- CKRC should stick to Wananchi's views.
- Set timetable for each activity and stick to it.
- Conference should beware of external efforts to scuttle the process.
- Water points be available within plenary hall.
- Public telephone booths be maintained.
- General report of conference be available before reconvening.
- Steering Committee should not kill motions.
- Conclude conference before year-end.
- CKRC should prepare a Second Draft based on plenary discussions.
- Do not rush the process.

### *Observers Highlights*

- Observers requested for facilitation at the Conference in terms of payment of allowances and preparation of documents.
- Observers recommended that the reconvened Conference should ensure better time management and utilization.
- Delegates should be registered on arrival and departure to ensure punctuality.
- Delegates should be paid at 5.00 pm on Fridays and not earlier.
- Observers should be given slots in Technical Committees as participants.
- Observers request the Conference management to provide a daily rapporteurs report.
- Observers requested for installation of digital software in Press Centre for more efficiency.
- CKRC and Technical Experts should prepare the final Draft to be approved by Kenyans in a Referendum.

#### *Observers Specific Recommendations*

- CKRC welfare and Steering Committee to treat all conference participants equally.  
Assist Observers to prepare reports.
- Chairs should be experienced and in control to guide consensus.
- Recognize observers and facilitate them.
- Better time management and utilization.
- Reinstate observers whose names were struck off.
- Address technical appearances by Members of Parliament.
- Accreditation should be fast and strict.
- Pay delegates at 5.00 pm on Fridays.
- Senior staff should be courteous.
- Give observers slots in Technical Committees.
- Improve public address system.
- Children should be represented.
- Minimize points of order.
- Improve catering.
- Security at Hall entrance should be electronic screening.
- Provide a daily rapporteurs report.
- A second session is not necessary. CKRC and a few Technical Experts should draft a second Draft, which should be approved by Kenyans in a Referendum.
- Provide sufficient stationery and conference materials.
- Instill digital software in Press Centre and keep away intruders.
- Respect and acknowledge media.

### **20.7.3 Evaluation of the Media during the National Constitutional Conference;**

#### *General Comments*

The Media Advisory Committee conducted an evaluation of the media coverage during the NCC and a total of 115 delegates and 14 Observers completed the evaluation forms (See Annexure 2).

There was a general feeling among both delegates and Observers that media coverage of the NCC though given ample space by both print and electronic media had unfortunately



diverted from core issues to concentrate on wrangles between various political players. Bomas facilities and particularly the Press Centre had been hijacked by politicians to deliberate on issues unrelated to the constitutional making process, which is unfortunate.

#### *Specific Recommendations by Observers*

- Media should not concentrate only on politicians and their differences but on all delegates and constitutional review issues.
- Observers should be given press coverage.
- Media should stop inciting delegates against each other.
- Media should be constructive, report on the positive aspects, and not overplay the negatives.
- Media Advisory Committee should be proactive in managing media issues by releasing frequent media briefs on core issues.
- Media Advisory Committee should create a conducive atmosphere for media coverage.
- Media Advisory Committee should attempt to diffuse the very highly charged and ethnised climate at Bomas.
- Media Advisory Committee should strive to ensure more objectivity in media coverage.
- Press Centre briefings should be properly organized, managed, and focused.
- Delegates should behave responsibly by only discussing relevant issues with the Press while at Bomas.
- Hold regular seminars/workshops with pressmen to update them on core issues of the NCC.
- Media Advisory Committee should devise more civic education programmes through the media to keep the country informed of the progress of the NCC.

#### *Specific Recommendations by Delegates*

- Sauti ya Katiba has made a good start but should endeavour to cover views and photo-sessions with as many delegates as possible.
- Media should report on the many positive aspects of the Conference instead of concentrating on differences between politicians.
- Media should stop over-emphasizing politicians views at the expense of all other delegates.
- Media should cover all delegates and not only Members of Parliament.
- Delegates and Media Advisory Committee should confront media houses when they are wrong.
- Delegates should behave responsibly by concentrating on constitutional review issues while at Bomas.
- Politicians should stop abusing each other through the facilities available at Bomas.
- Media Advisory Committee and CKRC should ensure that media is provided with factual conference details to improve coverage and objectivity.
- Power struggles should be kept out of Bomas.
- Delegates should be cautioned by the Steering Committee to avoid issuing

inflammatory remarks during the NCC.

- Delegates and mainly MPs should weigh their statements to avoid acrimony at Bomas.
- Media Advisory Committee and Steering Committee should develop appropriate media policy for the conference.
- Media should report on substantive conference issues and avoid sideshows.
- Keep party politics out of Bomas.
- Cover issues from all Committees and not on Executive and Devolution only.
- Media Advisory Committee should cultivate a harmonious co-existence between the media and delegates.
- Media should work for the national welfare not sectional interests.
- Delegates should desist from concentrating on politics in order to ensure media focuses on core-issues.
- Media Advisory Committee should lobby media houses to ensure objectivity.
- Media should be stopped from extorting tips from delegates.
- Press center should be controlled by CKRC to stop misuse by politicians.
- The Media Advisory Committee should clear all press conferences at Bomas.
- Delegates should be persuaded to avoid discussing conference matters outside Bomas.
- Press should avoid sensational issues.
- Delegates should stop making reckless and irresponsible utterances from Bomas to Improve press coverage.
- Media Advisory Committee should advise the media to be objective for the sake of the country.
- Delegates should desist from seeking undue and unfair publicity by discussing issues irrelevant to the conference.
- Only conference Chair should speak on behalf of the NCC to avoid misreporting.
- Delegates should cultivate good relationship with the media to improve coverage.
- Media Advisory Committee should endeavour to ensure all parts of the country have access to information on the NCC.
- Delegates should go about their work with civility to ensure objective media coverage.
- Strengthen NCC public relations function to improve image and ensure conference is not media driven.
- Media Advisory Committee should ensure quality and balanced information reaches the public.
- Media briefings should be programmed to avoid sideshows.
- Regular dialogue between Media Advisory Committee and delegates.

#### **20.7.4 Delegates weekend excursions organized by CEPIC Coordination Office: -**

To break monotony and occupy delegates during the weekends, the Secretariat organized visits to interesting sites, which included: -

- Nairobi National Park
- National Museums of Kenya
- Kilifi District Study Tour
- Magadi Soda Company

#### **20.7.5 Proposals: -**

The Conference was supported by several donors amongst them UNDP and EEC. The following proposals to solicit for donor support were developed: -

- Fundraising for NCC News letter - Sauti ya Katiba;
- Fundraising for Kilifi Visit by the Devolution Committee;
- Funding for Culture visit to Lamu
- Fundraising for NCC: -
  - Video Cameras
  - Still Camera
  - LCD Projector
  - Over Head Projector

#### **20.7.6 How Tasks were Completed**

- Close coordination between all stakeholders at the NCC i.e. CKRC Commissioners, CKRC Staff, NCC delegates, Observers and the Media;
- Long working hours to accomplish the tight schedules.

#### **20.7.7 Why Projected Targets Were Not Met**

- Lack of simplified civic education documentation for publicity through the media;
- Tight schedules at Technical Committees; and
- Lack of funds for publication and for transporting provincial troupes.

#### **Actors Involved**

CEPIC Commissioners, CEPIC Staff, NCC delegates, NCC Observers and the Media

#### **20.8 Challenges & Constraints**

- 20.8.3 Tight schedule/time frame at Technical Committees did not allow for continued entertainment and weekend trips; and
- 20.8.4 Tight budget.

#### **20.9 Achievements**

- 20.9.3 Entertainment done during Plenary Sessions;
- 20.9.4 Questionnaires on media coverage administered and analysis done;
- 20.9.5 Evaluation of NCC and the analysis thereafter;
- 20.9.6 Proposals completed for UNDP support of NCC.

#### **20.8 Special Abilities**

### **20.8.1 Mandate**

It is stipulated in the Constitution of Kenya Review Act; Cap 3A emphasis will be given to Braille and Sign Language in the new constitutional dispensation. It states inter alia that publication of Commission records should be availed through provision of Sign Language inset or subtitles in all television programmes aired, all news casts, civic education programmes and in all other programmes covering the Constitutional Review Process (Regulation 22(2) b). So in line with these provisions, the department ensured that measures were put in place to provide Braille and Sign Language.

#### **Sign Language**

Sign Language Interpreters were sourced from Kenya Society for the Deaf to aid those with hearing impairment to participate in all discussions, proceedings and decisions of the National Constitutional Conference.

There were six (6) Sign Language Interpreters (the number having been increased from four (4)). Although there were no delegates with hearing impairment, the Sign Language Interpreters served the Observers with hearing impairment and for the whole Conference. Accordingly, the Sign Language Interpreters were kept busy throughout the Conference (i.e. Bomas I, II, and III) and this was reflected on the television whenever reports on NCC were being aired.

#### **Why Work was not Completed on Time during the Conference**

Due to the large amounts of work produced by way of reports at a retreat in Mombasa, the Braille transcribers could not cope with simultaneous brailing with the report writing, hence the delay. However, sign language progressed smoothly.

#### **Pending Work**

- (i) Brailing of Draft Bill - 5 copies per district for Civic Education
- (ii) Brailing of Constituency Reports - 2 copies per constituency for Civic Education.
- (iii) Brailing of (i) and (ii) above is now in progress.
- (iv) Induction of Sign Language Interpreters in preparation for and during Civic Education.

#### **Challenges and Constraints Encountered**

There were no major constraints or challenges during the NCC except for the enormous amount of work to be brailed resulting from the urgent reports. Some reports were to be brailed later after the Conference.

#### **Achievements**

On the whole, Conference was a success as the delegates in the Special Abilities fraternity got all their materials on time.

## **Overall Assessment**

Generally, Bomas I, II, and III were a great success from the point of view of Special Abilities. All the Braille work needed was brailled on time and there were enough Sign Language Interpreters-six (6) in total.

# **PART III -**

# **THE PERIOD AFTER THE NATIONAL CONSTITUTIONAL CONFERENCE**

## **CHAPTER TWENTY-ONE:**

### **CIVIC EDUCATION, PUBLICITY AND INFORMATION COMMITTEE**

#### **21.1 Civic Education for the Referendum**

##### **21.1.1 The Mandate of the Constitution of Kenya Review Commission (CKRC) in Civic Education for the Referendum**

Section 17 (a) of the Constitution of Kenya Review Act (CAP 3A) provides that: -  
*the Commission shall conduct and facilitate civic-education in order to stimulate public discussion and awareness of constitutional issues.*

Additionally, the Constitution of Kenya Review (Amendment) Act 2004 sets out the mandate of the CKRC for the referendum process. Section 28 of the amended Act mandates the Commission to:

*facilitate and coordinate civic education on the referendum*  
and section 17 also mandates the Commission to  
*monitor the conduct of the referendum*

In facilitating and promoting civic education, the Commission was obligated to discharge part of this responsibility through a combination of its own efforts and those of partners. In this regard, the Commission during phase one of civic education was mandated under section 20 of the Review Act to establish Constituency Constitutional Forums (CCFs) at the constituency level for the purpose of debate, discussion and collection of views of the members of the public on proposals to alter the Constitution. CKRC disseminated civic education through at least two public meetings per constituency, training of District Coordinators, and members of the Constitutional Constituency Forum (CCF) and Civic Education Providers. In exercising this mandate, the Commission adhered to the guiding principles of CAP 3A of:

##### **21.1.2 The Objective of Civic Education for the Referendum**

The objective of civic education for the Referendum was:

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

##### **21.1.3 Historical Background**

The Constitution of Kenya Review Commission (CKRC) came into being following lengthy consultations among various stakeholders. Its mandate was to coordinate and manage the constitutional review process. The agitation for a new constitution peaked in the early 1990s. The negotiations took place between 1997 and 2000 culminating in the enactment of the Constitution of Kenya Review Act 2001, which would lead to a merger

of the Parliamentary and Ufungamano initiatives in 2001. This merger is reflected in the membership of the Commission.

The Commission was mandated to guide the people of Kenya to review the current Constitution with a view to deciding on the values and systems of government they want for themselves and for future generations.

The Commission, as one of the principal organs of review, was required by law to consult closely and widely with other organs of review, which include: -

- 1) The Constituency Constitutional Forum (CCF), established in every constituency for the purpose of debate, discussion, collection and collation of views of members of the public on proposals to alter the Constitution.
- 2) The National Constitutional Conference (NCC) which convened and sat for three sessions from April 2003 to March 2004 during which time it debated, and amended the Draft Bill before its adoption by the delegates as the Draft Constitution;
- 3) Parliament as an organ of review was expected to debate and adopt the Draft Bill emanating from the NCC. The Draft Bill did not reach Parliament for adoption, since contestations that had developed at Bomas spilled into the political and judicial processes;
- 4) After attempts were made to develop consensus and following the court ruling in the Njoya Case, the final organ of review, a Referendum became mandatory.
- 5) To accommodate the ruling in the Njoya Case and deal with contentious issues, Parliament developed a the popularly referred to Consensus Bill to amend CAP 3A as amended in 2001 in order to provide the referendum. In essence, the Bomas Draft Bill would be debated and amended by Parliament before being subjected to ratification by Kenyans through a referendum.
- 6) The Consensus Bill was concretised through negotiations dubbed the Naivasha Accord.<sup>4</sup>
- 7) The Constitution of Kenya Review (Amendment) Bill, 2004 was passed in Parliament in August 2004, however, The President declined to sign the Bill into law and returned it to Parliament sighting its unconstitutionality as per section 54 of the current Constitution.
- 8) In December 2004, Parliament passed an amendment to accord with section 54 of the current Constitution thus substituting a two-thirds majority in the



August Bill with a simple majority. The President then gave this assent. The Act provides that a Referendum will be based on the entire Draft Constitution as debated, amended and passed by Parliament.

Given the foregoing developments on the legal instrument governing the Review Process; the Referendum had to be preceded by civic education. In this way, Kenyans would be ready to give an informed verdict on the Draft Constitution.

## **21.2 Preparation for the Civic Education for the Referendum**

### **21.2.1 The Civic Education Strategic Plan**

The Commission developed a detailed civic education strategic plan on the basis of the Draft Constitution of Kenya 2004. This essentially meant the dissemination of the Draft pending adoption by Parliament as anticipated in CAP 3A. However, as a result of the amendment to CAP 3A, the Commission reviewed the objectives of the draft strategic plan for civic education in anticipation of the amendments to the Draft Constitution of Kenya 2004 by Parliament. This involved putting on hold the development of civic education materials and revising the objectives and approaches to civic education earlier intended to be carried out on the Draft Constitution of Kenya 2004. It also meant review of budgetary provisions in the plan.

In late 2004, the Commission approved a reviewed strategic plan that contained detailed implementation programme of activities for the period January to October 2005. Although this plan was now contingent on the time frame of the amended CAP 3A, it was still subject to the final document that Parliament would avail for the referendum. Once Parliament voted for the Proposed New Constitution in August 2005, the Commission again reviewed the strategic plan in view of the impending National Referendum on Monday November 21, 2005. The civic education programme activities undertaken were:

- a) The completion of the verification and confirmation of the NCC Draft Bill as adopted by the National Constitutional Conference on 15<sup>th</sup> March 2004.
- b) The development of a strategic plan for Civic Education on the Draft Bill for Civic Education for the Referendum.
- c) The dissemination of the Verified Draft Constitution of Kenya 2004 to groups and to the public through the print and electronic media.

### **21.2.2 The Development of Civic Education Materials for the Referendum**

The Commission through its standing Civic Education, Publicity and Information Committee (CEPIC) set up a Technical Task Force on the Development of Materials. The Task Force had developed a draft civic education curriculum on the basis of the Draft Constitution of Kenya 2004. The Task Force reviewed the curriculum on the basis of the parliamentary Proposed New Constitution. This curriculum would act as the guide in the development and production of other materials critical to the provision of civic education for the Referendum. These included the following:

- i. Curriculum for Civic Education for the Referendum,
- ii. Source Book,
- iii. Trainers Manual,
- iv. Popular Version of the Proposed New Constitution,
- v. Toleo Jepesi la Katiba Kielelezo,
- vi. Katiba Mpya Iliyopendekezwa,
- vii. Audio tapes.

### 21.2.3 Pre-Testing and Peer Review of Materials

Under the strategic plan, it had been envisaged that all these materials would undergo pre-testing on a nationwide sample before being released for use by civic educators. However, the time frame within which this could be done was too limited. Nonetheless, the Curriculum for Civic Education for the Referendum, the Source Book and the Trainers Manual did undergo pre-test before production. This was carried out with CKRC District Coordinators, whose composition was thought to be representative of the national diversity. There then followed by a peer-review whose contents were abridged as A TRAINING GUIDE FOR CIVIC EDUCATION PROVIDERS ON THE USE OF CIVIC EDUCATION FOR REFERENDUM. The guide was used by the Commission in inducting civic education providers (CEPs) in the field.

### 21.2.4 Distribution and Circulation of Civic Education Materials

CEPIC developed methodologies and networks aimed at ensuring equitable and simultaneous distribution of materials for Civic Education for the referendum throughout the country.

**Table 16: Summary of Materials Distributed for Civic Education for the Referendum**

NO.	DESTINATION	POPULAR VERSION ENGLISH	POPULAR VERSION SWAHILI	PROPOSED VERSION ENGLISH	PROPOSED VERSION SWAHILI	CURRICULUM	MANUAL	SOURCE BOOK
1	Districts	482,938	49,000	15,975	5,000	4,362	5,000	4,400
2	Extra to Districts	65,000	30,500	9,686	4,430	3,135	3,000	3,000
3	Churches	10,790	12,300	2,150	2,000	110	530	180
4	NGO'S & Other Organizations	51,394	3,900	1500	4,500	824	2,000	1,600
5	Members of Parliament	6,730	900	3,490	3,540	825		
6	Issued at the Headquarters to Commissioners, Secretariat and Members of the Public	63,322	5,600	7,465	7,000	120	1,000	900

NO.	DESTINATION	POPULAR VERSION ENGLISH	POPULAR VERSION SWAHILI	PROPOSED VERSION ENGLISH	PROPOSED VERSION SWAHILI	CURRICULUM	MANUAL	SOURCE BOOK
7	Extra to Educational Institutions	1,679		20	400	9,375	300	120
<b>TOTAL</b>		<b>681,853</b>	<b>102,200</b>	<b>40,286</b>	<b>26,870</b>	<b>9,375</b>	<b>12,830</b>	<b>11,200</b>
<b>Balance as at 25<sup>th</sup> November 2005</b>		<b>NIL</b>	<b>NIL</b>	<b>NIL</b>	<b>NIL</b>	<b>1500</b>	<b>1000</b>	<b>1000</b>

**Table 17: Summary of the Materials Received and Issued as at 25<sup>th</sup> November 2005**

NO.	MATERIALS	RECEIVED	ISSUED	BALANCE
1.	Popular Version	681,853	681,853	NIL
2.	Katiba Iliyopendekezwa	26,870	26,870	NIL
3.	Toleo Jepesi	102,200	102,200	NIL
4.	Proposed New Constitution	40,286	40,286	NIL
5.	Curriculum	10,875	9,375	1,500
6.	Manual	13,830	12,830	1,000
7.	Tapes and CDs	3991	2470	1481
8.	Sourcebook	12,200	11,200	1,000

**Table 18: Braille productions report**

NO.	TITLE TRANSCRIBED	NO. OF COPIES	NO. OF VOLUMES	DDC'S	LIBRARY / ARCHIVES	OTHER ORGS
1	Verified Draft Constitution	100	200	74	2	24
2	Proposed New Constitution	176	352	131	2	43
3	Curriculum For Civic Education	100	100	66	2	32
4	Sourcebook	100	200	72	2	22
6	Training Manual	100	100	68	2	30
7	Popular Version	100	100	35	2	63
	<b>Total Amount</b>	<b>676</b>	<b>1052</b>	<b>446</b>	<b>12</b>	<b>214</b>

### **21.2.5 Recruitment and Training of National and Constituency - Based Civic Education Providers**

The Civic Education Strategic Plan identified the unit of civic education provision as the

parliamentary Constituency. The rationale was that this would ensure mass civic education for the referendum. CEPIC developed a comprehensive action plan concept paper to guide the Commission in identifying partner CEPs and the management structures.

### **21.3 Civic Education for the Referendum**

Mass civic education for the Referendum considered the sectorial aspects of all sectors of society and diversity in accordance with the principles of CAP 3A. Mass civic education for the Referendum was based at the constituency constitutional forum and conducted by locally based civic education providers while constituency constitutional committees mobilised Kenyans for civic education and for the referendum.

To ensure that Kenyans voted from an informed position during the Referendum, the Commission prepared the following materials for use:

#### ***Technical materials for use by trainers***

- The curriculum
- The source book
- Trainer's manual

#### ***Materials for mass dissemination to the public***

- Proposed new constitution; both in English and Kiswahili
- Popular version of the proposed new Constitution
- Specialized materials i.e. Braille
- Media programmes

#### **21.3.1 Civic Education Providers**

Civic Education Providers (CEPs) were drawn from registered organisations or organised groups engaged variously in the social-cultural, political and economic awareness creation for the empowerment of the populace. Some organisations carried out activities at a sectoral level while others were involved in a multiplicity of activities cutting across sectors and themes. Importantly, their physical and geographical areas of operation spread and concentration in Kenya, not only identified them but also placed them at an advantage for collaboration in accessing the grassroots.

CAP 3A of the Review Act mandated the Commission to manage civic education and empowered it to incorporate and co-opt such other stakeholders that may partner in fulfilling the civic education mandate. The civic education provision at the constituency forum and partnership with CEPs created awareness at the lowest possible level – the individual Kenyan.

The mass Civic Education approach for the Referendum entailed:

- Mass approach in the dissemination of the proposed new Constitution and the Report for the purpose of all-inclusiveness;

- Highlighting to Kenyans on their views as collected from them and as presented in the proposed Constitution;
- A first time experience for Kenyans to participate in a Referendum hence the need for every Kenyan to be sensitised;
- Knowledge by every Kenyan on the contents of what would become a new constitution;
- Ensuring the participation of all Kenyans in the civic education whether eligible or not to vote in the Referendum.

### **Criteria for the Selection of CEPS**

In order for any Civic Education Provider to qualify as a partner, had to fulfill the following criteria for which the Commission drew a framework for verification.

- (a) Be any registered group or organisation (i.e. with either the Ministry of Culture & Social Services) or any another recognised agency. Interested individuals to applied through the groups/organisations.
- (b) Have official physical address or field offices in the geographical area(s) of operation for a duration of at least (3) three years;
- (c) Provide evidence of working and Networking in the selected constituency/ district (preferably at constituency) level for duration of at least (3) three years;
- (d) Provide evidence of having been a facilitator of civic education in the area for at least (3) three-years prior to application in the designated area;
- (e) Provide evidence of experience of having undertaken civic education on constitutional review.
- (f) Abide by CKRC Code and Regulations that will cover various conditions of the partnership and the principles of CAP 3A;
- (g) Use the CKRC recommended materials for civic education for the referendum;
- (h) Be prepared to provide civic education on a voluntary basis and/or with limited facilitation.
- (i) Possess a history of sensitivity to the immediate community, gender, age, disability or interests of the other marginalized groups;
- (j) Have a non-partisan record;
- (k) Have personnel with 'O' Level education and above;
- (l) Have proven organizational capability;
- (m) Have a strong and well-defined management structure for ease of administration and self-regulation;
- (n) Possess a capacity for regular reporting to CKRC through the District Coordinators and the Constituency Constitutional Forum and/or as directed;
- (o) Possess an understanding of the Review process
- (p) Provide evidence, if any, of supplementary financing in collaboration with CKRC.

### **21.3.2 Management Structure for CEPS for Civic Education**

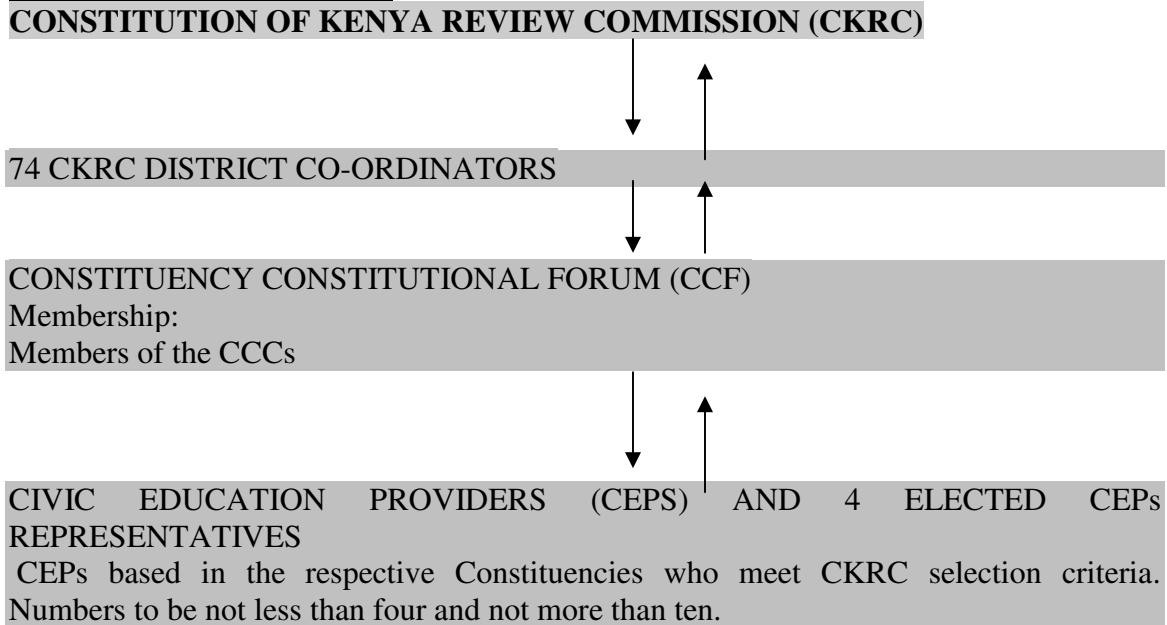
Whereas the CKRC had been conducting Civic Education throughout the duration of the review process, the following management structure was recommended for an intensive short-term phase and effective management of mass civic education provision, throughout the country.

- (a) The CKRC as the National Civic Education organ for the provision Mass Civic Education for the Referendum;
- (b) Constituency Constitutional Forum (CCC) the CCF as the organ of Review;
- (c) CEPs meeting CKRC criteria providing civic education within the Constituency Constitutional Forum (CCF);

It was recommended that Four (4) CEPs representatives be elected from CEPs existing in the CCF area and meeting CKRC criteria in the following manner;

- a. CEPs were to be subjected to the CKRC criteria in their respective CCF for activation;
- b. CEPs meeting CKRC criteria were to elect (4) four CEPs representatives for reporting on Civic Education.
- c. All other CEPs meeting the criteria were to provide Civic Education in their respective CCFs;
- d. CKRC criteria was to take into account diversity in accordance with the principles of CAP 3A.

The following four (4) level management structure was recommended



### 21.3.3 Functions and Responsibilities of each level of the Management Structure

LEVEL	MEMBERSHIP	FUNCTIONS AND RESPONSIBILITIES
LEVEL (1)  Constitution of Kenya Review commission (CKRC)	All the Commissioners provided for by the Review Act Commission and the secretariat	The overall body responsible for promulgating guidelines for: I.Policy; II.Conduct and Facilitate Civic Education; III.Monitor and Evaluate Referendum; IV.Develop civic education work plans and monitoring and evaluation tools. V. General administration of Civic Education and direction, Rules and Regulations for all organs and management structures for the administration of civic education; VI.Terms of Reference (TOR) for the CEPs and MOU for CEPs; VII.TORs for all management structures and organs identified; VIII.Funding modalities, Logistics modalities, networking with the public and private sectors and other National/International Institutions; IX.Accreditation of all CEPs offering mass

LEVEL	MEMBERSHIP	FUNCTIONS AND RESPONSIBILITIES
<p>LEVEL (2) CKRC District Co-ordinators</p>	<p>All the 74 Coordinators interviewed and engaged by CKRC</p>	<p>civic education for the Referendum.</p> <p><i>District coordinators were to: -</i></p> <ul style="list-style-type: none"> <li><i>(i) Perform all the duties as outlined in the employment contract and Civic Education job description and responsibilities</i></li> <li><i>(ii) Implement the CKRC policies and ensure all that CEPs providing civic education under the auspices of the Commission adhere to the Guidelines, Regulations and Terms of Reference.</i></li> <li><i>(iii) Ensure that quality education, in liaison with CCCEC'S, is provided in the Constituencies by the CEPs</i></li> <li><i>(iv) Monitor and Evaluate Civic Education in the districts on an on-going basis</i></li> <li><i>(v) Disburse payment to CEPs as instructed by the CKRC.</i></li> <li><i>(vi) Keep the Commission updated regularly on the provision of civic education matters in the district.</i></li> <li><i>(vii) Ensure that all CEPS providing Civic Education at Constituency level have borne fide registration and track record in the CFF;</i></li> <li><i>(viii) Act as Secretaries to the CCCEC.</i></li> </ul>
<p>LEVEL (3) Constituency Constitutional Forum (CCF)</p>	<p>Composed of: I. CKRC District Co-ordinators II. Members of Constitutional Constituency Committees (ccc)</p>	<p>In consultation with CKRC;</p> <ul style="list-style-type: none"> <li><i>(i) Mobilise for and coordinate civic education throughout the CCF;</i></li> <li><i>(ii) Form the horizontal link and networks between the CCFs;</i></li> <li><i>(iii) Identify problems and challenges unique to the CCF and bring these to the attention of the CKRC through the district coordinator;</i></li> <li><i>(iv) Ensure provision of even spread and quality mass Civic education throughout the CCFs;</i></li> <li><i>(v) Submit to CKRC regular reports, through the CKRC district coordinators with regard to mobilization and Civic education provision.</i></li> </ul>



LEVEL	MEMBERSHIP	FUNCTIONS AND RESPONSIBILITIES
LEVEL (4) Civic Education Providers (CEPS)	Composed all of CEPs accredited by CKRC in the CCF.	<p>(i) Develop work-plans for approval by the Commission through the District Coordinator in a bottom-up process.</p> <p>(ii) Ensure equitable and adequate provision of mass civic education throughout the CCF.</p> <p>(iii) Elect 4 members to represent their respective constituencies. In these elections, sensitivity must be exercised in regard to the diversity as per the principles of CAP 3A</p> <p>(iv) Enter into MOU with CKRC</p> <p>(v) Abide by CKRC Code and Regulations the will cover conditions for partnership.</p>

The idea of inclusiveness and ownership was inbuilt into the choice of the constituency, and the principle was that, as much as possible, it would be local based organizations (CBOs) that would conduct civic education within the constituency. The Commission later varied the local CBO criterion and introduced additional category of ‘national’ CEPs. The Commission was thus able to advertise, select and recruit civic education providers at both the Constituency and National levels to ensure provision of civic education for the Referendum across the country.

#### 21.3.4 Consultative Meetings

The Commission embarked on consultations with stakeholders in the Constitutional Review Process in an attempt to reach consensus on the way forward on contentious issues. Meetings were held with various groups, among them:

- Parliament through the Parliamentary Select Committee (PSC) on the Constitution Review;
- Political Parties;
- Religious leaders;
- Law Society of Kenya;
- Women Groups;
- Professional Groups;
- Electoral Commission of Kenya;
- Civil Society;
- Donors;

- The Media.

### **21.3.5 Media Mapping for Civic Education for the Referendum**

CEPIC held several brainstorming meetings to map out strategies for civic education through the media.

### **21.3.6 Seminars and Workshops for Consensus Building**

The Commission held the following seminars and workshops after the adjournment of the National Constitutional Conference: -

1. Journalists Workshop on Wednesday 18<sup>th</sup> May 2005 at Nairobi Safari Club.
2. Media Owners Breakfast at the Nairobi Safari Club on Wednesday 27<sup>th</sup> April 2005.
3. Women's Organizations Workshop on 30<sup>th</sup> and 31<sup>st</sup> March 2005 at KCCT, Mbagathi.
4. Muslim Leaders Workshop at Hilton Hotel on 11<sup>th</sup> April 2005.
5. Civic Society Organizations Workshop at the KCB Training Centre on 19<sup>th</sup> and 20<sup>th</sup> April 2005.
6. Professional Societies Workshop at the Stanley Hotel on 20<sup>th</sup> May 2005.
7. Private Sector Workshop at Hilton Hotel on 19<sup>th</sup> July 2005.
8. Trade Unions Workshop at KCCT Mbagathi 16<sup>th</sup> to 17<sup>th</sup> May 2005.
9. Consultative meetings with the leadership of major political parties at Nairobi Safari Club as follows: -

(ii)	NAK	-	18 <sup>th</sup> June 2005
(iii)	LDP	-	19 <sup>th</sup> June 2005
(iv)	KANU	-	20 <sup>th</sup> June 2005
(v)	FORD People	-	21 <sup>st</sup> June 2005
(vi)	Non-Parliamentary Parties	-	22 <sup>nd</sup> June 2005
(vii)	FORD Kenya	-	25 <sup>th</sup> June 2005
(viii)	NDK	-	26 <sup>th</sup> June 2005

### **21.3.7 Workshops in Preparation for the Referendum**

New District Coordinators Workshop at KCCT Mbagathi 20<sup>th</sup> to 24<sup>th</sup> March 2005.

1. District Coordinators Workshop at KCCT Mbagathi 24<sup>th</sup> to 30<sup>th</sup> July 2005.
2. 2<sup>nd</sup> District Coordinators Workshop at KCCT Mbagathi 25<sup>th</sup> September to 30<sup>th</sup> October 2005.
3. Provincial Launch Workshops for Civic Education from 18<sup>th</sup> to 21<sup>st</sup> September 2005.
4. Induction Workshop for CCCs and CEPs in all district headquarters from 25<sup>th</sup> September to 7<sup>th</sup> October 2005.

5. Induction Workshop for National Civic Education Providers at Nairobi Safari Club on 11<sup>th</sup> October 2005.
6. CKRC/ECK Workshop at Leisure Lodge from 14<sup>th</sup> to 17<sup>th</sup> August 2005
7. CKRC Workshop to finalize preparation of civic education materials at Leisure Lodge from 2<sup>nd</sup> October to 6<sup>th</sup> October 2005.

## **21.4 Conduct and National Launch of Civic Education for the Referendum**

After the release of the Proposed New Constitution and the development of materials by CEPIC, the Commission embarked on a comprehensive dissemination of the contents of this document to enable Kenyans make an informed choice during the Referendum. The national launch was done at the KICC in Nairobi on September 18, 2005, during which the Commission released its Civic Education programme and materials for Civic Education for the Referendum.

### **21.4.1 Provincial Launch of Civic Education for the Referendum**

The Commission conducted provincial launch workshops in all the eight provinces from 18<sup>th</sup> to 21<sup>st</sup> September 2005. This launch included sensitizing stakeholders on the civic education programme and also acted as a testing board for the Commission on viability of the programme from a local perspective. The Commission also distributed its materials for Civic Education for the Referendum.

### **21.4.2 Training of Civic Education Providers and Constituency Constitutional Committees**

The Commission conducted an induction programme for both the Civic Education Providers, (CEPs) and Constituency Constitutional Committee (CCC) members in all districts from 25<sup>th</sup> September to 7<sup>th</sup> October 2005. The induction programme included ensuring that they understood the contents of the Proposed New Constitution and utilization of the CKRC civic education materials for the Referendum.

### **21.4.3 Civic Education at Constituency Level**

From 13<sup>th</sup> October 2005 to 12<sup>th</sup> November 2005, the Commission conducted civic education for the Referendum in all the 210 Constituencies in conjunction with the CEPs. The objective was to ensure that all Kenyans were adequately prepared to make informed decisions during the referendum. Civic education was conducted at two venues in each of the 210 constituencies. Simultaneously, the Commission Through the District Coordinators and the CCCs supervised the provision of civic education by the CEPs.

The Commission through District Coordinators and Constituency Constitutional Committees supervised the provision of civic education by the civic education providers.

### **21.4.4 Civic Education for the Referendum through the Media.**

## **Public Relations (PR) and Protocol**

The Press and PR Office was the link to the Media and the Public in general and was in-charge of coverage of all Civic Education activities of the Commission in relation to the Media fraternity and Kenya as a whole.

In this connection, the Commission held:

- (i) Media Owners Breakfast Consultative meeting was held on 27<sup>th</sup> April 2005; and,
- (ii) Journalists Workshop on 18<sup>th</sup> May 2005 at The Nairobi Safari Club

## **Electronic Media Programmes and Coverage**

The following were carried out: -

- (i) Radio Programmes sponsored by the Governance Justice Law and Order Sector (GJLOS) Ministry of Justice and Constitutional Affairs and implemented by CKRC.

The Commission embarked on phase four of Civic Education on KBC Radio, which began on 8<sup>th</sup> May, 2005, and ended on 3<sup>rd</sup> July 2005.

- (ii) Gratis (Free) Electronic Programmes
  - a) Prior to the release of the Proposed New Constitution, CEPIC undertook Civic Education on issues of public interest arising from the Bomas Draft bill. It also updated the public on CKRC activities on the remaining phase of the process on National TV and Radio.
  - b) Following the release of the Proposed New Constitution, The Commission the launched the documents on National Television and Radio stations. All the media stations in Nairobi were approached, and majority participated.

## **Print Media Coverage**

In collaboration with other Committees of the Commission, adverts, write-ups, and clarification/corrections on matters of the Proposed New Constitution and the activities of the Commission got space and place in the Print media for information to the public.

Through the Committee Tapes and Compact Discs on the Proposed New Constitution for Civic Education were developed and produced purposes of dissemination. The tapes were produced at Kenya Broadcasting Corporation (KBC) studios in 18 various languages. The reproduction, including labeling and packaging of the tapes and CDs was undertaken by the Commission's IT Office.

## **Infomercials**

CEPIC laid down guidelines for the production of Infomercials( short messages) for radio broadcast. The purpose of the One Minute Infomercials was to remind and encourage Kenyans to read the Proposed New Constitution and vote with their conscience.

The infomercials targeted all classes of Kenyans and were aired in most radio stations countrywide at the most appropriate times. The production including quality assurance was done through competitive bidding, which was overseen by media consultants. The placement and airing of the infomercials was guided by guidelines issued by CEPIC

## **Information Technology**

This section involved the establishment and management of communication and information systems for the entire commission. The Commission used the Website as a dissemination tool, and members of the public accessed the website and were able to download the Proposed New Constitution, the Source Book, Trainers Manual, Toleo Jepesi and Katiba Mpya Iliyopendekezwa, among other documents.

Specifically, the IT department entailed:

- Software and Hardware validation in the Commission, validated of all soft and hardware used.
- Wireless Internet connectivity, whereby the Commission Kshs 80,000.00 monthly.
- Systems backup for all Computers in the Commission involved the carrying out routine backup for all computer systems in order to guarantee data integrity and avoid data loss.
- Network management and administration, which involved configuring and managing the 40-plus computers network. This was achieved by creating user profiles and allocating user accounts for all the network users. This was necessary so as to provide for optimal network performance.
- Website management, which carried the daily updates and maintenance of the website, renewal of the domain and website hosting. During the Civic Education period, the Commission's website received hit rate of 100,000 per day.
- Management of Government accounting software used by the Accounts department in CKRC namely, the Vote book and imprest.
- Keeping of inventory control of all hardware and software, and maintaining a database of the Personal Computers, laptops, scanners and printers.  
Reproduction of audio and video tapes Audio and Videotapes, reproduction and editing of video coverage and still camera

## **21.5 Challenges of Civic Education for the Referendum**

### **21.5.1 Legal Framework**

The legal framework for the Referendum did not provide for a specific period for civic education. Also, the civic education programme coincided with the political and other interest campaigns, thereby compromising the process. By the time CKRC Civic Education for the Referendum took off, proponents of the YES and NO campaigns had gained momentum in marketing their perceptions and views on the Proposed New Constitution.

### **21.5.2 Political Challenges**

Due to the fact that campaigns for or against the Proposed New Constitution coincided with Civic Education for the referendum, political challenges were encountered as follows:

- a) Members of the public took sides for or against, before even being informed through Civic Education.
- b) Members of the public in some areas lost interest in Civic Education for the referendum due to political propaganda by interest groups, and,
- c) In some given instances there were hostility and interference with CKRC-established structures for Civic Education for the Referendum.

### **21.5.3 Shortage of Time and Funds**

The time and funds allocated for the Civic Education for the Referendum programme were limited. While the Attorney General released the Proposed New Constitution on 22<sup>nd</sup> August 2005, the Electoral Commission of Kenya set the date for the Referendum on 21<sup>st</sup> November 2005. This left the CKRC with a period of only three months to review, revise and develop Civic Education materials, recruit and train civic education providers, and conduct civic education for the Referendum across the entire country.

### **21.5.4 Public Apathy**

The constraint of time to prepare for civic education played into public apathy about the intent of the government and by extension, CKRC on the proposed new constitution. There was general apprehension on the part of the citizenry on the objective of civic education for the Referendum especially since the exercise dove tailed interest campaigns which had already made people take positions for or against the proposed new Constitution.

### **21.5.5 Media Challenges**

- Lack of objectivity of Media Houses and inadequate knowledge of constitutionalism among media practitioners.
- Shortage of funds to sponsor programmes;
- Lack of Commission capacity to monitor and evaluate what was being aired the media.
- Over-reliance on commercially driven media houses;

- Interference by other national events on media house programming.

### **21.5.6 Information Technology Challenges**

- a) The biggest challenge in this area was that IT infrastructure in Kenya is highly concentrated in the urban areas, therefore accessing the rural areas was almost difficult.
- b) Illiteracy levels in Kenya are too high, therefore to implementing effective IT policies is complicated.
- c) There was time to implement some IT strategies.
- d) The other challenge was that IT seemed to be a new discipline to many people and therefore its implementation was limited by the resources that needed to be in place to enable performance of the effective IT strategies.

## **21.6 Evaluation and Monitoring Instruments and Resources**

Section 17 of the Constitution of Kenya Review (Amendment) Act 2004 mandated CKRC to “*monitor the conduct of the referendum*”. However, the CKRC was accorded only observer status work under the Electoral Commission of Kenya (ECK). In the event, it was able to play a peripheral role on the voting day in some constituencies.

The change of status from a referendum monitor to observer also meant that the CKRC did not monitor the campaigns and other preparations preceding the vote.

## **21.7 Lessons Learnt**

The country needed more time for Civic Education for the Referendum to enable the public understand the contents of the Proposed New Constitution prior to the Vote.

- Civic Education for the referendum should have preceded the political campaigns for or against the Proposed New Constitution.
- There was need for wider consultations among the political players to build consensus on the contentious issues emanating from the NCC.
- Funding of Civic Education needed to have been increased to facilitate a wider reach to the Kenyans.

## **21.8 Conclusion and Way Forward**

1. It is clear that the people of Kenya still need a new constitution and there is need for all stakeholders to consult soberly and honestly for the country to realize this long time dream.
2. When similar exercise is held in the future, adequate time shall be needed for Civic Education for the referendum.

3. In strategizing for the completion of the constitution making process, the Nation could greatly benefit from utilizing the vast experience of the Constitution of Kenya Review Commission (CKRC), in interlia, Civic Education for the Constitution and the Referendum.
4. To achieve success, the political interest must be strictly separated from Civic Education for Referendum. In this connection, an appropriate referendum Law must be enacted.



## **CHAPTER TWENTY-TWO:**

### **MOBILISATION AND OUTREACH COMMITTEE**

The activities of the Committee post the National Constitutional Conference revolved around the referendum.

#### **22.1 Preparations for the Referendum**

Various activities were undertaken by CKRC in preparation for the referendum. Consultations between CKRC and ECK were mounted in December 2003 with the establishment of a joint task force to prepare for the event. A workshop on the referendum for CKRC and ECK Commissioners and Secretariat staff was held at White Sands hotel Mombasa from 7<sup>th</sup> to 10<sup>th</sup> December 2003. It was conducted with the provision of Cap 3A in mind. It considered the intertural and practical intricacies of running a referendum should one become necessary. It recommended that a checklist based on the report of the workshop be developed. The key facilitators were drawn from Canada, Uganda and Rwanda who have had referenda in their countries. The then draft CKRC referendum regulations were discussed.

Two meetings between the two commission's secretariat staff were held on 15<sup>th</sup> December 2003 and 6<sup>th</sup> January 2004. Six task forces were formed to start contingency plans for holding of the referendum. They were personnel, civic education, finance and budgeting, mobilization and logistics, timetabling and election materials and voter registers. The Commission held a joint Workshop with the ECK at Leisure Lodge between the 14<sup>th</sup> and 17<sup>th</sup> Aug. 2005. Contingency plans for the M & O Department's involvement in a referendum were done. This included the development of a work plan (attached as appendix 36) that outlines the sequence of events (with a time frame) leading to a referendum. Tentative programmes and budgets were developed. Implementation of these programmes commenced once the Constitution of Kenya Review (Amendment) Bill 2004 was enacted into law.

A chronological overview of the steps that CKRC in consultation with the ECK undertook in the planning and holding of the National Referendum is outlined in this report.

CKRC district offices and documentation centres were re-activated. About fifty (50) former District Coordinators took up their former jobs. The remaining twenty four (24) had to get new District Coordinators, a process that took about three weeks to finalize.

In the past, CCC, members were identified as suitable replacements for the vacancies that arose from time to time in different districts. In five districts, CCC members were hired, Nakuru, Tana River, Marakwet, Mwingi and Makueni. Active Office Assistants in places with vacancies were also considered and in Lugari- Malava and Transmara, those hired did a commendable job. CKRC used the same method to replace the existing vacancies.

A three (3)-day workshop for the District Coordinators was conducted after their recruitment and before they re-established their offices. The main objectives of this workshop was to familiarize the District Coordinators with the contents of the draft bill, develop strategies for its dissemination, develop clear plan of action for civic education process and develop a training module for the CCC members. Other objectives were to identify materials to be used by the CEP's, identify target groups that the CCC would deal with and develop tools for monitoring and evaluation of civic education.

The District Coordinators had to reconstitute the CCC's. They were expected to use knowledge gained from the workshop to train the CCC's and other leaders in the constituencies who will be the eventual providers of civic education. The Commissioners assisted by Programme Officers supervised this exercise.

Objectives of this training was to familiarize the CCC members with the contents of the Draft Bill, develop a plan of action for civic education in each constituency and division and develop a training module for different target groups in the district. The opportunity was also used to identify materials to be used by the CEPs, identify target groups that the CCC will deal with and launch the constituency civic education programme countrywide.

## **22.2 Consultative Workshops with Stakeholders**

The Commission organised a multi-stakeholder workshops aimed at building consensus on the contentious issues and on the process. These consultations were held with leaders from across the country some with past involvement in the process.

Despite providing logistic support for all the consensus-building workshops, M&O was given the specific task of organising the following workshops whose activities and strategies are as follows:

### **22.2.1 Civil Society Organisations**

The meeting was held at the KCCT Mbagathi on 19<sup>th</sup> and 20<sup>th</sup> March 2005. The workshop aimed at discussing the contentious issues of both substance and process and to brainstorm on the possible strategies for resolution of the impasse. It also aimed at discussing the gains and highlights in the Bomas draft, and strategise on the role the civil society can play in building consensus.

### **22.2.2 Women's Organisations Workshop**

The meeting was held at the KCCT Mbagathi on 30<sup>th</sup> and 31<sup>st</sup> March 2005. The workshop aimed at discussing the contentious issues of both substance and process. It also aimed at discussing the women's gains in the Bomas draft, and strategise on how the women could protect these gains.

### 22.2.3 Muslim Leaders Workshop

The meeting was held at the Hilton Hotel on April 11<sup>th</sup>, 2005. The workshop aimed at discussing the contentious issues of both substance and process. It also aimed at discussing the highlights of gains of Kenyans in the Bomas draft, the Kadhi and other religious courts.

### 22.2.4 Other Workshops

M&O provided logistic support for the following consultative workshops which other Commission departments had a lead role.

<b>Workshop</b>	<b>Date</b>	<b>Venue</b>
Media Owners Workshop	27 <sup>th</sup> April 2005	Nairobi Safari Club
Trade Unions Workshop	16 <sup>th</sup> – 17 <sup>th</sup> 2005	AFC Karen
Journalists Workshop	18 <sup>th</sup> May 2005	Nairobi Safari Club
Professional Societies Workshop	20 <sup>th</sup> May 2005	The Stanley Hotel
Private Sector Workshop	19 <sup>th</sup> July 2005	The Stanley Hotel

The consultative meetings with leadership of political parties aimed at understanding the fears and suspicions among the different political parties, to mediate with political parties with a view of finding a middle path on the contentious issues and on the conclusion of the review process, and to disseminate information and to drum support for the gains of the Bomas Draft. These Consultative meetings were held on various dates as shown below.

<b><u>Party</u></b>	<b><u>Date of Meeting</u></b>
NAK	- 18 <sup>th</sup> June 2005
LDP	- 19 <sup>th</sup> June 2005
KANU	- 20 <sup>th</sup> June 2005
FORD People	- 21 <sup>st</sup> June 2005
Non-Parliamentary Parties	- 22 <sup>nd</sup> June 2005
Ford Kenya	- 25 <sup>th</sup> June 2005

### 22.3 Filling of Vacant District Coordinators' Positions

The Commission held interviews on 1<sup>st</sup>, 2<sup>nd</sup> and 15<sup>th</sup> of March 2005 for twenty-one new district coordinators to fill the vacant positions.

### 22.4 Workshops in Preparation for the National Referendum

The Committee organized three District Coordinators' Workshops in preparation for the National referendum and played a key role in several other workshops organized by other departments in the Commission.

### **22.4.1 Capacity Building Workshops for District Coordinators**

Mobilization & Outreach Committee organized a workshop for the twenty-one newly recruited District Coordinators between March 20<sup>th</sup> – 24<sup>th</sup>, 2005. The workshop was aimed at ensuring that the new coordinators are introduced to the general review process and the Commission’s activities.

The workshop also inducted the Coordinators on the review process, organs of review, and the general principles and guidelines governing the review process. They were also introduced to their terms of reference, the duties and responsibilities of the CCCs, financial management and civic education.

The Committee also organized the second and third capacity building workshops for the coordinators. These workshops were held between 24<sup>th</sup> and 30<sup>th</sup> July 2005 and September 25<sup>th</sup> to 30<sup>th</sup> September 2005 respectively. The workshops aimed at providing skills on reactivation and mobilization of the CCCs, capacity building for planning civic education and mobilizing the people for the same, and for the referendum.

Other objectives of the workshops included:

- a) Familiarize the district coordinators with the contents of the proposed new constitution;
- b) Develop strategies for its dissemination;
- c) Develop clear plan of action for civic education process;
- d) Identify target groups that the CCC and CEPs were to deal with;
- e) Develop tools for monitoring and evaluation of civic education; and
- f) Financial management and accounting procedures

The cost of holding the first, second and third District Coordinators Workshops was Kshs. 875,581.50, Kshs. 3,929,222.20 and Kshs. 2410486.20

### **22.4.2 Other Workshops in Preparation for the Referendum**

M&O Committee participated in logistical coordination for the following workshops.

<b><u>Workshop</u></b>	<b><u>Dates</u></b>
1. CKRC/ECK Workshop at Leisure Lodge	- 14 <sup>th</sup> -17 <sup>th</sup> Aug. 2005
2. Provincial Launch Workshops for Civic Education	- 18 <sup>th</sup> -21 <sup>st</sup> , Sept. 2005
3. Induction Workshop for CCCs and	

- CEPs in all Districts - 25<sup>th</sup> Sept. - 7<sup>th</sup> Oct. 2005
4. CKRC Workshop to finalize preparation of civic education materials at leisure lodge - 2<sup>nd</sup> – 6<sup>th</sup> Oct. 2005
5. Induction Workshop for National CEPs at Six-Eighty Hotel - 11<sup>th</sup> Oct. 2005

## **22.5 Re-establishing District Offices & Documentation Centres**

In August 2005, the Commission re-established the district offices and documentation centers in all the seventy-four (74) districts. The district Coordinators and office assistant were engaged in August 2005 to coordinate the process in the districts.

The Documentation Centres were stocked with materials and literature necessary for the review exercise. These materials included the Proposed new constitution, both in English and Kiswahili versions, the Constitution of Kenya Review Act, Civic Education Curriculum, Popular Version of the proposed new Constitution, the source book and the trainer’s manual.

## **22.6 Reconstituting and Training of CCCs**

The Committee carried out a process to obtain crucial information and data on the CCCs. The information obtained was used in planning for civic education and mobilization of the people. The information collected included: postal, courier and telephone contacts, physical address, academic and professional qualifications, previous experience in mobilization and previous experience in conducting of civic education.

Constituencies with vacant CCCs positions were identified and the coordinators mandated to work with their respective members of parliament (MPs) to fill the existing vacancies.

A two–day workshop at each district headquarter was held for the purpose of inducting new CCC members, building capacity of all the CCCs, helping them understand their roles and responsibilities in the current phase of the review process, equip them with relevant skills to mobilize and provide meaningful and relevant civic education.

A total of Kshs. 35,852,434 was spent in the training of CCCs and CEPs at the district level.

## **22.7 Re-establishing Linkage with the Provincial Administration and the Police Force**

Commission renewed the partnership with the provincial administration and the Kenya police which contributed greatly to the success of the process. These organs contributed towards security and mobilization of the public to participate in civic education and voting during the referendum. Provision of security during the civic education and the campaigns was critical particular after the initial cases of violence.

## **22.8 Mobilizing Commissioners for Conduct and Monitoring of Civic Education**

Commissioners were paneled into twenty-three groups to visit constituencies to conduct civic education on the proposed new constitution. Apart from conducting civic education, the commissioners also carried out an evaluation of the training carried out by the local and national civic education providers. The evaluation / monitoring process involved meetings with CEPs and CCCs to gauge the progress, address emerging challenges and issues and chart the way forward.

## **22.9 Mobilizing Kenyans for Civic Education**

The M&O Committee provided a lead role in planning the logistics and mobilizing the people to participate in civic education and the national referendum on the proposed new constitution.

CCCs and CEPs were trained by the Commission to mobilize the public to attend civic education meetings at grassroots level. Strategies were developed that ensured adequate meetings were held in each constituency. An average of fifteen meetings were held per constituency and efforts were made to see that these meetings were equitably spread to ensure maximum coverage of the constituency.

CKRC conducted and facilitated civic education to support the referendum while the ECK carried out voter education and conducted the referendum. Civic education for the referendum included the provision of information and education on the proposed new constitution. The context that explained the process of referendum was a major component of the civic education as it prepared and empowered Kenyans to actively and voluntarily participate in the referendum. CKRC therefore needed a deliberate process of information dissemination, education instruction and awareness to enable Kenyans understand and appreciate the issue(s) and question(s) to vote on and procedures for participation. Civic education by Commissioners and secretariat staff at the constituency level was divided into two phases; phase I of civic education that took three weeks and phase II that took one week. The cost for this was Kshs. 21,270,312 and Kshs. 6,848,200 for phase I and phase II respectively.

Voter education which included provision of information and education on the rules and regulations governing the referendum including voting procedures was provided in conjunction with civic education. It also included question which the Kenyans would vote on.

Several strategies were developed for conducting civic education. These strategies included; debate in local (vernacular) media - both electronic and the print media (e.g. Pwani FM, Baraka FM, Sayare, Cioro, Kameme, Taifa Leo, and other regional papers), institutions (Churches, Mosques, Schools, Colleges), organized groups (women, youth, professionals etc). Other strategies were involving the Provincial Administration, displaying the proposed new constitution at the administrative offices and other strategic places, documentation centres, religious groups (reaching their faithful), involving the opinion leaders, local authorities, use of social functions (e.g. weddings, fund raising etc), convene forums at the lowest levels possible (e.g. sub locations, villages), publicising availability of the for people to reach and read them.

Civic education to to grassroots levels took a total of thirty days. Mobilising of Kenyans at the constituencies cost a total of Kshs. 1,050,000.

### **22.10 The Campaigns and National Referendum**

ECK organized the campaigns and conducted the referendum. Three weeks were set aside for the campaigns. Despite the ECK having published the referendum regulations, campaigners to a large extent iflouted the rules. The campaig sides, dubbed the banana side for the YES side and orange sides for the NO side were expected to carry out their campaigns in a peaceful manner, ensure there was no intimidation or violence against the opposing camps.

### **22.11 Monitoring of the National Referendum**

This was the last statutory requirement for the Commission. Being the first time this activity was being organized in the country, the Commission was faced with daunting challenge to ensure that it was well organized and conducted. Mobilisation paneled commissioners and staff to visit different parts of the country to observe the referendum. Roll out plans, logistic support and obtaining accreditation from the Electoral Commission of Kenya for all the Commission's representatives taking part in the referendum as monitors/observers were some of the most important responsibilities discharged by M&O Committee.

Commissioners, members of staff and members of the CCCs were stationed in all the constituencies to observe the exercise. Each constituency had an average of seven observers who visited an average of three polling stations in their area. This resulted in approximately four thousand stations being observed by the Commission personnel.

The issues that the CKRC bservers looked at were as follows:

- Preparedness at the polling station
- Turn out of voters and atmosphere around polling station
- Agents
- Counting and announcing of results and management of polling station
- Overview of the activity

A total of Kshs. 4,437,500 was spent in the referendum observing by the Commission.

In overall, Kshs. 96,176,303.40 was spent in preparation and observing of the referendum on the proposed constitution by commissioners and members of secretariat staff. This budget however do not include the expenses incurred by CCCs and CEPs in mobilizing, conducting and monitoring of civic education.

### **22.12 Winding up of the Commission**

The Committee was involved in the winding up of the Commission according to the Constitution of Kenya Review Act (Cap 3 A). This was done in collaboration with other departments in the Commission.

The main roles of the Committee included the following:

- Clearing the returns from district offices – This involved receiving, registering, forwarding to accounts department;
- Facilitating the closure of district offices – involved ensuring organized closure by terminating the leases, payment of outstanding dues, handing over of materials and assets to other government departments;
- Clearing the district coordinators and district office assistants
- Mobilizing other departments to surrender the assets in their possession
- Logistics for handing over of the Commission assets to the relevant ministries



## **CHAPTER TWENTY-THREE:**

### **RESEARCH, DRAFTING AND TECHNICAL SUPPORT COMMITTEE**

#### **23.1 Mandate**

After the conclusion of the National Constitutional Conference, the Constitution of Kenya Review (Amendment) Act (the Act) required the Commission, in exercising its mandate to perform the following tasks-

- (i) to facilitate and promote civic education in order to stimulate public discussion and awareness of constitutional issues – section 24;
- (ii) to facilitate and coordinate civic education on the referendum – section 28(7);
- (iii) to monitor the conduct of the referendum – section ???

In fulfillment of this general mandate, the Research, Drafting and Technical Support Committee conducted several activities-

- (i) verification of the Draft Bill as adopted by the National Constitutional Conference;
- (ii) Preparation of the Popular Version of the Proposed New Constitution;
- (iii) Preparation of Volume VI of the Commission's Report – Voices of the Nation;
- (iv) Training of staff engaged in provision of civic education;
- (v) Provision of civic education;
- (vi) Training of staff engaged in monitoring the referendum;
- (vii) Monitoring the referendum;
- (viii) Preparation of a referendum report;
- (ix) Preparation of the Method of Work report;
- (x) Winding up activities – archiving and other distribution of the Commission's documents and material; and
- (xi) Other routine activities.

Details on each of these activities are given herebelow.

#### **23.2 Verification of the Draft Bill Adopted by the National Constitutional Conference**

The National Constitutional Conference held three sessions, between 28<sup>th</sup> April to 23<sup>rd</sup> March 2004. Following consideration of the Draft Bill by the Technical Working Committees a Revised Zero Draft Bill dated 26<sup>th</sup> February 2004 was developed together with corrigenda dated 8<sup>th</sup> March 2004. These documents were presented to the Conference for discussion, debate, amendment and adoption which took place from 8<sup>th</sup> to 15<sup>th</sup> March 2004.

The Draft Bill was finally adopted on 15<sup>th</sup> March and circulated to the delegates on 23<sup>rd</sup> March 2004.

Thereafter, the Commission was, under section 28, required, on the basis of the decision of the people at the referendum and the draft Bill as adopted by the National Constitutional Conference, to prepare the final report and draft Bill. In exercise of this mandate, the Commission undertook a verification exercise between 16<sup>th</sup> August and 16<sup>th</sup> September 2004 both at Leisure Lodge in Mombasa and at the Commission's Offices at Kencom House, Nairobi. Overall responsibility for the organization and management of this exercise rested with the Research, Drafting and Technical Support Committee. The purpose of the exercise was to ensure that the provisions of the Draft Bill as circulated on 23<sup>rd</sup> March 2004 faithfully reflected the decisions of the Conference.

The Draft Bill was verified against the following documents-

- The Revised Zero Draft dated 26<sup>th</sup> February, together with the accompanying corrigenda;
- The summary decisions made by the Conference from 8<sup>th</sup> to 15<sup>th</sup> March 2004;
- References were also made, where necessary, to verbatim and video records of the Conference proceedings of 8<sup>th</sup> to 15<sup>th</sup> March 2004.

The Commission verified each provision of the Draft Bill against these documents to ascertain whether-

- (a) a provision had been omitted from, relocated within or added to the Draft Bill or merely recast;
- (b) the omission, relocation, addition or recasting in (a) added value to the Draft Bill and that the substance of the Draft Bill was not lost.

The Rapporteurs (Commissioners) of the Technical Working Committees led the verification of the provisions under their respective Committees. The Drafting Team was called upon, from time to time to explain, on behalf of the Drafting Team, the reason for any variance in the Draft Bill.

At the Conclusion of the exercise, the Commission published the Verified Draft Bill.

### **23.3 The Popular Version of the Proposed New Constitution**

As mentioned above, the Commission was required, throughout the process to facilitate and promote civic education in order to stimulate public discussions and awareness of constitutional issues. In relation to the referendum, the Commission was specifically required to facilitate and coordinate civic education.

In exercise of its mandate under the Act, the Commission proposed that a "Popular Version" of the Proposed New Constitution be prepared. The Research, Drafting and Technical Support Committee was given the primary responsibility for the preparation of

the Popular Version. The Committee established an Inter-Agency Task Force with the mandate to prepare the Popular Version. The members of the Task Force were-

1. Prof. Wanjiku Kabira – Co-Convenor
2. Dr. K. Mosonik arap Korir – Co-Convenor
3. Mrs. Abida Ali-Aroni
4. Prof. H.W.O. Okoth Ogendo
5. Ms. Kavetsa Adagala
6. Mr. John Mutakha Kangu
7. Mr. Ahmed Issack Hassan
8. Mr. Paul Musili Wambua
9. Ms. Salome Wairimu Muigai

The following members of the secretariat participated in the preparation of the booklet-

1. Ms. Pauline Nyamweya
2. Mr. Harrison Gicheru
3. Mr. Jeremiah Nyegenye
4. Ms. Eunice Gichangi
5. Ms. Selina Achieng' Olende
6. Ms. Noor Awadh Ghalgan

In preparing the Popular Version the Task Force was required to prepare a summarized, condensed, concise, portable and yet easy to read booklet. The Task Force was required to summarise the contents of the Draft Bill in a language that was comprehensible and easily accessible to the average member of the general public, including primary school children.

In preparing the Popular Version of the Draft Bill, the Task Force was also required to take the following, among other factors, into consideration-

- It should be drafted in simple and plain language
- It should be precise, concise and yet comprehensive
- It should remain faithful to the letter and spirit of the of the Draft Bill as approved
- It should be accessible to different sections and its in Kiswahili, Braille and where possible indigenous languages should be considered
- Its print should be legible and reader-friendly
- It should contain appropriate illustration using different media
- It should be adequately directive to the whole Draft Bill

For comparative purposes, other “Popular Versions” of Constitutions were looked at. These included: the Pocket Version of the current Constitution as prepared by the Public Law Institute and Popular Versions of the South African and Indian Constitutions.

By way of methodology, The Task Force, with the assistance of the secretariat members, commenced by preparing drafts for each chapter. These drafts were considered, amended

and approved at various meetings of the Task Force. In preparing these drafts, The Task resolved that the Popular Version would not deviate from the format of the Proposed New Constitution; such that the chapters and articles would as far as possible follow the arrangement in the Draft Bill. The challenge for the Task Force was therefore to ensure that the content of the Proposed New Constitution remained intact, albeit in a simpler and more concise version.

The final draft was submitted to the Research, Drafting and Technical Support Committee for consideration and approval. The Committee approved the text of the draft and proposed that-

- (i) the text be submitted to editing by an expert to ensure that the factors outlined above had been taken into account; and
- (ii) Where appropriate, illustrations and graphics be incorporated. Following a resolution by the Committee.

Following this resolution, the draft was submitted to Prof. Okoth-Okombo for plain language editing and to Communicating Artists who added illustrations and graphics to the draft.

The final draft was approved at the 109<sup>th</sup> Plenary Meeting of the Commission held on Thursday 1<sup>st</sup> September 2005 and subsequently published in both English and Kiswahili.

This document was one of the key materials used during civic education for the referendum. It proved to be useful due to its simple and plain language and was easily understood by the ordinary Kenyan.

### **23.4 Volume VI – Voices of the People**

The Constitution of Kenya Review Act requires the organs of review to be accountable to the people of Kenya and to ensure that the review process accommodates the diversity of the Kenyan people including the socio-economic status, race, ethnicity, gender religious faith, age, occupation, learning, persons with disability and the disability and the disadvantaged, ensure that the review process, provides the people of Kenya with an opportunity to actively, freely and meaningfully participate in generating and debating proposals to alter the constitution is conducted in an open manner and is guided by respect for the universal principles of human rights, gender equity and democracy. Central to the foregoing is the demand that the final outcome of the review process faithfully reflects the wishes of the people of Kenya.

The people of Kenya participated at various levels, directly and through their elected representatives, in the constitution making process. The Commission therefore proposed to acknowledge and record the participation of the people of Kenya in the constitution review process. The primary responsibility for the writing of the volume was allocated to the Research, Drafting and Technical Support Committee. At its >>> meeting, the Committee appointed a Task Force to prepare the report comprising of the members-

1. Prof. Wanjiku Kabira
2. Dr. Mohammed Swazuri
3. Ms. Kavetsa Adagala
4. Mr. Zein Abubaker Zein
5. Dr. Charles Maranga
6. Dr. Abdirizak arale Nunow
7. Mr. Mutakha Kangu
8. Bishop Bernard Njoroge
9. Dr. Mosonik arap Korir

The following members of the secretariat assisted in preparation of the volume-

1. Ms. Pauline Nyamweya
2. Mr. Peter Kanyi
3. Mr. Charles Oyaya
4. Ms. Jane Kibiru
5. Mr. Fredrick Oundo
6. Ms. Jackie Obiero
7. Mr. Geoffrey Mosoti
8. Ms. Leah Symekher
9. Mr. Evans Menach
10. Ms. Noor Awadh
11. Mr. Stanley Munene
12. Mr. Henry Oduor

The Task Force was required to perform the following tasks-

- (a) Reconfiguration of the database to conform with the contents of Volume VI;
- (b) Translation of Matrix C of the database into a quantitative database, including data coding and entry;
- (c) Quantitative analysis of the data generated ;
- (d) Qualitative analysis of the data runs, verbatim reports and memoranda;
- (e) Writing and production of all the chapters of Volume VI.

In a nutshell, the Task Force was required to provide an in-depth quantitative and qualitative analysis of the views the Commission received from the public, which had been reported in summary form in Volume One of the Commission's reports. To this end, a draft chapter outline for the report was prepared as follows-

*Chapter One: Background*

*1.1 The struggle for review of the Constitution – A Historical Perspective*

*1.2 Negotiating for the framework of the review of the Constitution 1997 legislation and 1998 legislation*

*1.3 Initial Bomas consultations with stakeholders*

*1.4 Safari Park Consultations*

- 1.5 People's Commission of Kenya*
- 1.6 Parliamentary Commission*
- 1.7 Negotiating the merger*
- 1.8 Legislative framework for the review process – 2001*

*Chapter Two; Institutional framework for mobilizing the people to participate in the review*

- 2.1 Standing committees of the Commission*
- 2.2 Role of mobilization and outreach in the review process*
- 2.3 The role of District Coordinators in mobilization of the people*
- 2.4 Establishment and management of Constituency Constitutional Committees*
- 2.5 Civic education for people participation*
- 2.6 Conduct of civic education*

*Chapter Three: Mobilising the people to give views*

- 3.1 Pilot phase constituency hearings*
- 3.2 Constituency hearings*
- 3.3 Provincial hearings*
- 3.4 Head office hearings with organized groups and professional bodies*
- 3.5 Meetings with special groups*

*Chapter Four: Mobilising for the national Constitutional Conference (NCC) and Referendum*

- 4.1 Appointment and training of district delegates*
- 4.2 Capacity building for NCC delegates*
- 4.3 Seminars and workshops for delegates in preparation of the NCC*
- 4.4 Appointment of observers*
- 4.5 Mobilising people to participate in a referendum*

*Chapter Five: People's perspectives and expectations*

- 5.1 Women*
- 5.2 The elderly*
- 5.3 The youth*
- 5.4 People with special needs*
- 5.5 The marginalized groups*
- 5.6 Political parties*
- 5.7 Civil society groups*
- 5.8 Religious organizations*

*Chapter Six: Conclusion*

The Task Force accomplished the following tasks-

- (a) reconfiguration of the database;
- (b) translation of matrix C of the database into a quantitative database;
- (c) Data coding; and
- (d) Data entry into the revised matrix C.

Due to time constraints, the Task Force did not meet its other objectives.

### **23.5 Civic Education for the Referendum**

Within the Commission's structure, the Civic Education, Information and Publicity Committee was charged with the responsibility of making the necessary logistical and administrative arrangements for civic education. The Research, Drafting and Technical Support Committee provided technical assistance at various stages of the civic education process.

(i) Preparation of Civic Education Materials – The Commission prepared several civic education materials for purposes of training the civic education providers and for use in provision of civic education. These were: The Curriculum for Civic Education, the Source Book and the Manual. Overall responsibility for the preparation of these documents lay with the Civic Education, Publicity and Information Department. However, the following staff members from the Research, Drafting and Technical Support Committee were involved in the preparation of the documentation-

1. Leah Symekher;
2. Geoffrey Mosoti
3. Jane Kibiru
- 4.

(ii) Training of Secretariat Staff Engaged in Civic Education –The Research, Drafting and Technical Support Committee was, together with the other committees of the Commission, involved in training and preparing the Commission's staff for civic education. The training dealt with matters such as: the role of different staff members in civic education for the referendum, the content of civic education, the modalities for the conduct of civic education and report writing.

(iii) Provision of Civic Education – The Committee was involved in provision of civic education at the district and constituency levels under the structure prepared by the Civic Education, Publicity and Information Committee. In addition, members of the Committee were also invited by different organizations and stakeholders to facilitate civic education. These included various forums with churches and church organizations – The Anglican Church of Kenya, The Catholic Church, The Baptist Church, The Seventh Day Adventist Church.

### **23.6 The Referendum**

#### **23.6.1 Consultations between the Electoral Commission of Kenya and the Constitution of Kenya Review Commission**

In terms of the Consensus Act, a referendum was conducted by the Electoral Commission. The Commission was, under the Act, required to “monitor” the referendum. In order to understand the role of each Commission, several consultative

meetings were held between the Electoral Commission of Kenya and the Constitution of Kenya Review Commission. These culminated in a joint workshop which was held between 13<sup>th</sup>- 16<sup>th</sup> June 2005 at Leisure Lodge Hotel, Mombasa. The Research, Drafting and Technical Support Committee was charged with the responsibility of preparing the programme and making other necessary administrative and logistical arrangements for the workshop. The objectives of the workshop were as follows-

- To understand the mandate of both Commission under the Constitution of Kenya Review (Amendment) Act
- To discuss and establish whether the existing laws are adequate to move the review process forward
- To agree on the way forward under the existing laws
- To consider the timing of the referendum
- To discuss the required resources to hold the referendum
- To deliberate on the rules and regulations for the referendum
- To discuss areas of mutual interest and cooperation especially in civic and voter education, mobilization of the people, logistics and legal interpretation.

The meeting was attended by commissioners and staff from both ECK and CKRC. The following presentations were made at the workshop-

	<b>Topic of Presentation</b>	<b>Presenter</b>	<b>Date</b>
1	Overview of the History of the Referendum in the Constitutional Review Process	Prof. H.W.O. Okoth-Ogendo	14 <sup>th</sup> June 2005
2	Comparative Referendum Experiences	Dr. Mosonik arap Korir Mr. Kihara Muttu	14 <sup>th</sup> June 2005
3	The Referendum Law: A Review of the Constitution of Kenya Review (Amendment) Act 2004 and the Draft Referendum Regulations	Hon. Samuel Kivuitu Mr. Ahmed Issack Hassan	14 <sup>th</sup> June 2005
4	The Mandate of ECK	Mr. G.K. Mukele	15 <sup>th</sup> June 2005
5	The Mandate of CKRC	Mr. Riunga Raiji Dr. Mohammed Swazuri Dr. Charles Maranga Dr. Abdirizak Arale Nunow	15 <sup>th</sup> June 2005
6	Emerging Issues and the Way Forward	Hon. Samuel Kivuitu Mrs. Abida Ali-Aroni	15 <sup>th</sup> June 2005

### **23.6.2 Training of Secretariat Staff engaged in monitoring the referendum -**

Following consultations between the Electoral Commission of Kenya and the Constitution of Kenya Review Commission, it was agreed that in fulfilling its mandate of “monitoring the referendum” under the Act, the Electoral Commission of Kenya would accredit the Commissioners and staff of the Commission as “election observers.” The Research, Drafting and Technical Support Committee, in conjunction with the other departments of the Commission, enlightened the Commission’s staff on their role as election observers during the referendum.



### **23.6.3 Monitoring the referendum**

The Commissioners and staff of the Committee were involved in monitoring the referendum under the general structure prepared by the Mobilisation and Outreach Committee.

### **23.7 Winding up Activities**

Sections 33(2) and 33(3)(a)&(b) required that within thirty days of the conclusion of the referendum the Commission wind up in an orderly manner and ensure that-

- (a) those aspects of its work that will be of value to other institutions are preserved, documented and transferred to the relevant Ministry; and
- (b) its files and records are preserved and transferred to the relevant Ministry.

The Research, Drafting and Technical Support Committee set up a sub-committee on archiving with the mandate to guide, design and implement policies on commission documentation that would need to be prepared for subsequent archiving as the Commission winds up its work. The Committee held several consultative meetings with the Director and staff of the Kenya National Archives. Following this, the sub-committee proceeded to identify the material for archiving.

### **23.8 Other Routine Activities**

#### **(i) Legislative Drafting**

Activities under this section revolved around-

- Editing and publication of the Kiswahili Draft of the Constitution of Kenya 2004
- Provision of legislative and legal advice

#### **(ii) Finalisation of the Database**

Work on the database continued as follows-

- Cleaning of the database
- Preparation of database for access through spreadsheets and word processors
- Translation of the database into quantitative format using SPSS software
- Preparation of data backups for subsequent Commission work and possible transmission to the public
- Copywriting of the database

#### **(iii) Hansard**

The Hansard Section continued to provide the following services-

- Finalization of verbatim reports
- Recording of meetings
- Dubbing and printing for archiving
- Migration of audio and audio visual data to suitable formats for archiving
- Checking that all tapes and reports are properly dubbed, printed and labeled

(iv) Library

The library section continued to provide the following services-

- Inventory and stock taking of library materials
- Identification and verification of materials for archiving and distribution
- Maintaining a data base of the committee meetings
- Provision of research, information and other library services
- Updating and arranging verbatim reports
- Identifying, maintaining and arranging relevant newspaper cuttings and clips

## **CHAPTER TWENTY-FOUR:**

### **RESOURCE DEVELOPMENT AND BUDGETING COMMITTEE**

*Note: Activities not covered here or those not explained here but were detailed in Part I of this Report (Chapter Four) were presumed to have been carried out in the same manner as before i.e. there was no change in the method of handling them.*

#### **24.1 Mandate**

The mandate of the Resources Development and Budgeting Committee remained the same throughout the lifespan of the CKRC as described in Chapter four of Part I of this report.

#### **24.2 Human Resource Management**

##### **24.2.1 Recruitment and Selection Process for Employees.**

The same criteria established in the beginning of the Commission's work was the same used for hiring staff even after Bomas. Three types of staff were involved, namely permanent staff, contracted staff and temporary or casual staff.

Recruitment was normally based on need and once that was established, potential employees were notified of the existing vacancies through advertising. Short listing would be done by an appointed sub-committee of the parent committee in which vacancies for employment arose. Interviews were done and results communicated to the parent committee before being tabled in the Plenary of the Commission for decision-making.

##### **24.2.2 Appointments**

Following the resignation of the then Chairperson of the Commission, Prof. Yash Pal Ghai on 30<sup>th</sup> June 2004, the CKRC as usual followed the same steps to fill his position as a Commissioner. Several candidates were interviewed and although one was successfully selected, he was never to be appointed to the Commission. There were a number of reasons for this, top of which was the uncertainty over the remaining lifespan of the Commission and indeed the entire review process.

Instead, the President invoked the powers conferred to him by the Constitution of Kenya Review Act and appointed Comm. Mrs. Abida Ali-Aroni, one of the Vice-Chairpersons of the Commission as the Chairperson in July 2004.

Other subsequent appointments to the categories of staff positions mentioned above were carried out in the aforesaid manner.

### **24.2.3 Contract Appointments**

Quite a number of contractual appointments were made in respect of specialized staff in accounting, technical editing of documents, translators (Kiswahili and Braille) replacement of district coordinators, national provincial coordinators and others.

### **24.2.4 Temporary Appointments**

Many of these were engaged for very short term durations for the purposes of report writing during civic education, dissemination of the PNC between October and November 2005. Others were required for packaging, packing and dispatching civic education materials to the districts and constituencies and for other incidental jobs.

### **24.2.5 Termination of Appointments**

As a result of the completion of the National Constitutional Conference in March 2004, there was a marked reduction in the workload of the Commission thereafter. Between March 2004 and June 2004, majority of the temporary staff were dismissed for lack of work and for the mere fact that the limited funds of the Commission could not sustain such a large work force, especially in the face of uncertainty regarding the future of the review process.

Even after the Constitution of Kenya Review (Amendment) Act, the so called “Consensus Act” was passed in August 2004 to lay down the stages for the next phase of the review and the durations ensuing, CKRC felt that there was still excess staff that had no relevance. The Staff Rationalization Committee of the Commission was given the mandate to look into the matter. It recommended the retrenchment of several staff based on:

- the work load remaining in each department
- the funds available to the Commission
- date of employment of the retrenchee
- qualifications, where necessary

The affected retrenches were sent home in November/December 2004 but some were re-hired in early 2005 after workload tremendously increased in the Commission.

## **24.3 Salary Structures**

These remained as determined by the Commission Secretary and the Finance Department mainly for Commission staff. Salary levels for Commissioners remained unchanged from inception of the Commission upto its end and those were determined by the Minister for Finance.

## **24.5 Transport Management**

The CKRC had a fleet of vehicles numbering about 26. After the NCC, the Commission decided to recruit a full-time Transport Manager to ensure the smooth and efficient control and management of the fleet. The Transport Manager was hired in February 2005 in the same recruitment procedure mentioned earlier. His responsibilities included overseeing general repairs and regular maintenance of the Commission vehicles, allocating duties to drivers and distribution of work amongst them and the overall operation of all the vehicles. The Transport Manager reported directly to the Deputy Secretary, Finance and Administration.

By the end of the CKRC's mandate in December, 2005 all the vehicles in the custody of CKRC were in excellent and serviceable condition.

## **24.6 Tendering and Procurement Procedure**

As mentioned in Chapter Four of Part I tendering for procurement of goods and services was done through the approved government procedures and terms and conditions.

The Tendering Committee actively participated in this process whenever there were goods to be procured. The Committee used to meet at least once a month or as need demanded.

During this phase of the review process, the Commission continued to tender for all office consumables, regular services and purchases required for its operations. The bulk of the procurement was, however, on printing materials and services and media services for civic education. A number of motor vehicles were also hired to supplement CKRC's fleet during dissemination of the Proposed New Constitution and for civic education.

## **24.7 Disposal of Plant and Equipment**

Towards the end of the life of CKRC, several options of disposal of the plant and equipment in the hands of CKRC were forwarded to the government.

Indeed, several meetings took place between CKRC and officials of the Ministry of Justice & Constitutional Affairs, Office of the President, Ministry of Finance, and Ministry of Public Works. The better option, according to the advice and decision of the said meetings, was to hand over all the assets, plant, equipment and property of the Commission to the government.

This was duly and orderly done after ascertainment of the assets, inspection by auditors and various groups of government inspectors, audit of the accounts and clearance given by the said authorities. By December 31, 2005, all the property owned by the CKRC had been transferred to the relevant government ministries and departments.

## **APPENDICES**

### **Appendix 1:**

#### **Staff of the Commission**

	<b>DEPUTY SECRETARIES</b>	<b>POSITION</b>	<b>DATE COMMENCED</b>
1. 2002	Gichuhi, Col. (Rtd) James P.	Deputy Secretary	27/08/01
2. 2003	Karisa, Edward Kenga	Deputy Secretary	27/08/01
3. 2004	Nyamweya, Pauline	Deputy Secretary	27/08/01
4. 2063	Masit, Irene	Deputy Secretary	18/03/02
	<b>PROGRAMME OFFICERS</b>		
5. 2006	George Francis Nakholi	Programme Officer	3/9/01
6. 2008	Teresia J. Apondi	Programme Officer	1/10/01
7. 2009	Roslyn Nyamato	Programme Officer	1/10/01
8. 2010	Samuel Kingori Wanjohi	Programme Officer	3/9/01
9. 2011	Solomon Anampiu	Programme Officer	6/9/01
10. 2012	Irungu Ndirangu	Programme Officer	1/10/01
12. 2014	Jeremiah Nyegenye	Programme Officer	3/9/01
13. 2015	Solomon Pseret Mukenion	Programme Officer	8/10/01
14. 2016	Ismail Aden Yussuf	Programme Officer	1/11/01
15. 2017	Maimuna Abdalla Mwidau	Programme Officer	1/11/01
16. 2018	Hellen Makone	Programme Officer	2/11/01
17. 2019	John Watibini	Programme Officer	23/10/01
18. 2056	Harrison Bismarch Ndoria Gicheru	Programme Officer	1/3/02
19. 2057	Peter Kanyi Maina	Programme Officer	1/3/02
20. 2058	Walter Owuor Odera	Programme Officer	1/3/02

21. 2059	Charles O. Oyaya	Programme Officer	1/3/02
22. 2061	Hassan S. Mohamed	Programme Officer	1/3/02
23. 2060	Joash S. Aminga	Programme Officer	1/3/02
24. 2062	Fatuma Jama Issa	Programme Officer	1/3/02
25. 2070	Eunice W. Gichangi	Programme Officer	2/4/02
26.2075	Selena Olende Arungu	Programme officer	01/05/02
27. 3077	Collins M. Mukewa	District Coordinator and later Assistant Programme Officer	08/11/01
	<b>SECRETARIES</b>		
28. 2021	Mrs. Patricia Mwangi	Secretary, Hansard and later Programme Officer	6/7/01
29. 2022	Mrs. Sarah K. Murithi	Secretary	9/7/01
30. 2023	Mrs. Evelyn Oballa	Secretary	16/07/01
31. 2024	Ms. Lucy Wachera Karanja	Secretary	5/9/01
32. 2025	Ms. Millicent Achieng	Secretary	2/11/01
33. 2026	Ms. Lilian Udoto	Secretary	6/11/01
34. 2027	Ms. Jane Irene Mbau	Secretary	8/11/01
35. 2028	Beatrice Wanjiru Mwangi	Secretary	9/11/01
36. 2140	Saida Abdalla	Secretary	1/11/02
37. 2029	Fatuma Montet	Secretary	26/11/01
	Mary A. Rado	Secretary (Research & Drafting)	22/07/02
	<b>TELEPHONE OPERATOR</b>		
38. 2030	Wamalwa, Fredrick Wasonga	Telephone Operator	7/9/01
	<b>REGISTRY</b>		
39. 2064	Stanley Munene	Registry Assistant	15/03/02
	<b>FILING CLERKS</b>		
40. 2071	Henry Oduor John	Filing Clerk	16/04/02
41. 2072	Shem Bosire	Filing Clerk	01/04/02

	<b>CLERKS</b>		
42. 2035	Chistopher Ivita	Clerk	01/11/01
43. 2031	Benedict B.E. Odhiambo	Clerk	01/11/01
44. 2032	Peter Kariuki Kinuthia	Clerk	01/11/01
45. 2033	John A. Evans	Clerk	01/11/01
46. 2034	Stella Kongani	Clerk	01/11/01
47. 2036	Noah Odhiambo Tacko	Clerk	01/2/02
48. 2044	Lawrence Kasungi	Clerk	
49.	Richard Maranga	IT	4/12/01
50.	Willis Agalo	Messenger	5/12/01
	<b>CATERING</b>		
51. 2037	Catherine Kagendo Muchai	Catering Assistant	01/11/01
52. 2028	Bernadette Chetambe	Catering Assistant	01/11/01
53.	Joan Achieng Omwandho	Catering Assistant	19/10/01
	<b>ACCOUNTS</b>		
54. 2040	Jane Acholla	Cashier	01/11/00
55. 2041	Chrispine Oracha	Accounts Assistant	02/07/01
56.	Crispine Kiruga	Procurement Officer	
57.	Njeri Kangata	Procurement Officer	
58. 2043	Daniel Karao	Accountant	28/12/01
59. 2074	Joseph Simba	Accountant	
	<b>DRIVERS</b>		
60. 2055	Fredrick Kipchirchir Kemboi	Driver	06/11/01
61. 2045	Benson King'oo Nzungu	Driver	20/11/00
	<b>SECURITY OFFICERS</b>		
1.	Insp. Peter Oduori	Security officer	31/7/2002
2	Cpl.Gerald Ndwiga	Security Officer	8/04/02
3	Cpl. Jackson Nzuki Munyasya	Security Officer	12/11/03
4	Ernest M. Nyakundi	Security Officer	2/3/03
5	James Ngonjo	Security Officer	2/3/03
6	Joseph Mitoka	Security Officer	2/3/03
7	Lucas Komen	Security Officer	2/3/03
8	Shadrack Kipchirchir	Security Officer	30/11/03



9	Pauline Njeri Mureithi	Security Officer	26/10/03
10	Benjamin Obote	Security Officer	2/3/03
	<b>DRIVERS</b>		
1	Nathan Zakayo Makokha	Driver	23/10/01
2	Henry Nyabuto Orangi	Driver	19/10/01
3	Joshua Odayo Owich	Driver	16/1/02
4	Paul N. Lenaula	Driver	23/10/01
5	Samwel Boby Anditi	Driver	22/10/01
6	Mohamed Abdi Korio	Driver	1/11/01
7	Tom Nyandika	Driver	19/11/01
8	Andrew K. Sawe	Driver	11/10/01
9	Edwin Kanda Kibet	Driver	20/02/02
10	Josphat O. Abuje	Driver	12/11/01
11	Atrash Ahmedin Gulu	Driver	22/10/01
12	Samuel Onyango	Driver	
13	Peter Ndabi Rebo	Driver	24/10/01
14	Abraham Muthe M'theiba	Driver	24/10/01
15	Daniel Seleon Wuapari	Driver	22/03/01
16	Ondumbu Chitechi	Driver	19/11/01
17	Richard Mwalimu Maingi	Driver	20/11/01
18	Ugas Arale Nuno	Driver	22/10/01
19	Ismail Sirona Asmani	Driver	21/11/01
21	Ronald Songore	Driver	1/5/02
22	John Ndungu Mbuthia	Driver	22/10/01
23	Edward Onsoti	Driver	22/10/01
24	Samson Onsando	Driver	11/1/02
25	Andrew Ngatia	Driver	1/2/02
26	Eli Otieno Ogalloh	Driver	1/5/02
27	Fuadi Mohamed	Driver	1/12/04
28	Erick Keittany Cheruiot	Driver	
1	Robeste Wasike	Accounts	
2	Rose Langat	Mobilization and later Assistant Programme Officer	
5	Jacob Ondara Nyabwogi	IT	15/01/01
	<b>RESEARCH ASSISTANTS</b>		
1	Stephen Mukaindo	Research Assistant	26/6/02
2	Sylvia Kawira Nyagah	Research Assistant	1/7/02
3	Noor Awadh Ghalgan	Research	1/7/02

		Assistant and later Programme Officer	
6	Wycliff Owade	Assistant Programme Officer	
7	Geoffrey N. Mosoti	Assistant Programme Officer	
8	Jackline Obiero	Assistant Programme Officer	
9	Catherine Mburu	Research Assistant	26.6.02

	<b>RESEARCH ASSISTANTS</b>		<b>Date Commenced</b>
1	Stephen Mukaindo	Research Assistant and later Programme Officer/Personal Assistant to the Chairperson	26/6/02
2	Sylvia Kawira Nyagah	Research Assistant and later Assistant Programme Officer	1/7/02
3	Nixon Omondi Ogira	Research Assistant	26/6/02
4	Grace Kadziche Karisa	Research Assistant	26/6/02
5	Isabel Kambua Munandi	Research Assistant	4/7/02
6	Catherine Njeri Mburu	Research Assistant	26/6/02
	<b>ASST. PROG. OFFICER-EDITING</b>		
7	Elijah Bosire Nyairo	Asst. Prog. Officer-Editing	1/7/02
	<b>SUPERVISOR /EDITOR</b>		
8	Charles Ooga Mwamba	Prog. Officer Night Shift	2/7/02
	<b>CONSTITUENCY FILING CLERKS</b>		
1	Hellen C. Ronoh	Filing Clerk	26/6/02
2	Kenneth Odary	Filing Clerk	4/7/02

3	Dorine B. Mayaka	Filing Clerk	26/6/02
4	Gail Nyango	Filing Clerk	26/6/02
5	Isaiah Miyungo	Filing Clerk	15/7/02
6	Robester Wasike	Filing Clerk	11/7/02
	<b>MEMORANDUM TRANSCRIBERS</b>		
1	Gloria A. Otieno	Memorandum Transcriber	14/5/02
2	Maurice Kepoi Raria	Memorandum Transcriber and later Assistant Programme Officer	21/5/02
3	William Opili	Memorandum Transcriber and later Assistant Programme Officer	15/5/02
4	Anne W. Miki	Memorandum Transcriber	16/5/02
5	Titus Masha K.	Memorandum Transcriber	16/5/02
6	Margaret Nduku	Memorandum Transcriber and later District Coordinator	17/5/02
7	Alfred Mayaka	Memorandum Transcriber	16/5/02
8	Liz Ranji Kingi	Memorandum Transcriber and later Assistant Programme Officer	22/5/02
9	Jackline Obiero	Memorandum Transcriber and later Assistant Programme Officer	13/5/02
10	Mary Gathigia Kanyiha	Memorandum Transcriber	1/7/02
11	Leah J. Symekher	Memorandum Transcriber and later Assistant Programme Officer	7/6/02
12	Rozina Mngola	Memorandum Transcriber and later Assistant Programme Officer	7/6/02
13	John Kennedy Okada	Memorandum Transcriber and later Assistant Programme Officer	7/6/02
14	Kimathi Edwin Kithinji	Memorandum Transcriber and later Assistant Programme	6/7/02

		Officer	
15	Nicholas K. Gichubiri	Memorandum Transcriber and later Assistant Programme Officer	7/6/02
16	Dennis Mutula	Memorandum Transcriber	7/6/02
17	Jennifer Chepkemoi	Memorandum Transcriber	7/6/02
18	Titoyia Oloitiptip	Memorandum Transcriber	7/6/02
19	Abdikadir Omar Aden	Memorandum Transcriber	11/6/02
20	Zachayo Ouma	Memorandum Transcriber	21/06/02
21	Jane Kibiru Wangechi	Memorandum Transcriber and later Assistant Programme Officer	6/7/02
22	Gerald Matoke Manwa	Memorandum Transcriber	4/7/02
23	Yaye Shosi Ahmed	Memorandum Transcriber	1/7/02
24	Noor Awadh Ghalgan	Memorandum Transcriber and later Programme Officer	1/7/02
25	Evelyne Okwach	Memorandum Transcriber	26/6/02
26	Vivian T. Ntimama	Memorandum Transcriber	2/7/02
27	Kenneth K. Oluoch	Memorandum Transcriber	12/7/02
28	Evans Pkemoi Menach	Memorandum Transcriber and later Assistant Programme Officer	30/7/02
29	Tirop Japheth Kipnetich	Memorandum Transcriber and later Assistant Programme Officer	30/7/02
30	Rukia Abdikadir Mohamed	Memorandum Transcriber and later Assistant Programme Officer	30/7/02
31	Dan Juma	Memorandum Transcriber and later Assistant Programme Officer	31/7/02
32	George Mukundi Wachira	Memorandum Transcriber and later	31/7/02

		Assistant Programme Officer	
33	Daniel Owino Konyango	Memorandum Transcriber and later Assistant Programme Officer	31/7/02
34	Waindi Lucky Lavendar	Memorandum Transcriber and later Assistant Programme Officer	31/7/02
35	Wangata Fedelis Wambwire	Memorandum Transcriber and later Assistant Programme Officer	31/7/02
36	Mariaria Kemunto Alyne	Memorandum Transcriber and Assistant Programme Officer	31/7/02
37	Lydia Kemunto Manyoni	Memorandum Transcriber	31/7/02
38	Vincent Mulondo Watako	Memorandum Transcriber	31/7/02
39	Ng'etich Kiprop David	Memorandum Transcriber	31/7/02
40	Koceyo Otieno Titus	Memorandum Transcriber	31/7/02
	<b>DATA ENTRY CLERKS(NIGHT)</b>		
1	Chrispin J. Omollo	Data Entry Clerk	11/7/02
2	Pamela Beldine Obala	Data Entry Clerk	5/7/02
3	Bob Odhiambo	Data Entry Clerk	26/6/02
4	Betty Alexandra Malamba	Data Entry Clerk	10/7/02
5	Richard Mutisya	Data Entry Clerk	10/7/02
6	Hellen Muthoni Irungu	Data Entry Clerk	6/8/02
7	Millicent Akoth	Data Entry Clerk	6/8/02
8	Erick Mwangi Karaba	Data Entry Clerk	6/8/02
9	Valentine Eugene	Data Entry Clerk	6/8/02
10	Fred Kiplagat	Data Entry Clerk	6/8/02
1	Lucy Mbithe	Editor	24/4/02
2	Mwangi Macharia	Editor	24/4/02
3	Christine Malamba	Editor	24/4/02
4	Carolly Okeyo	Editor	25/6/02
5	Geoffrey N. Mosoti	Editor	30/5/02

6	Anne Chivatsi	Editor	24/4/02
7	Everleen Nekesa	Editor	
9	Elizabeth Atemi	Editor	
10	Gitau Muthuma	Editor	
	<b>EDITORS</b> <b><u>NIGHT SHIFT</u></b>		
1	Abubakar Shamte	Editor	
2	Maria Njoka	Editor	
3	Richard Mose	Editor	
4	Martin Kimathi	Editor	
5	Lilian Nyaga	Editor	
6	Benard Kenduiwa	Editor	
7	Weche Haggai	Editor	
8	Joseph Oluoch Odhiambo	Editor	
9	Irene Gicheru	Editor	
1	Nathan Zakayo Makokha	Driver	23/10/01
2	Henry Nyabuto Orangi	Driver	19/10/01
3	Joshua Odayo Owich	Driver	16/1/02
4	Joseph Lenaula	Driver	23/10/01
5	Samwel Boby Anditi	Driver	22/10/01
6	Mohamed Abdi Korio	Driver	1/11/01
7	William Ombati A. Onduko	Driver	19/11/01
8	Andrew K. Sawe	Driver	11/10/01
9	Philip Nzuki Mbatha	Driver	26/10/01
10	Edwin Kanda Kibet	Driver	20/02/02
11	Josphat O. Abuje	Driver	12/11/01
12	Atrash Ahmedin Gulu	Driver	22/10/01
13	Onesmus Mutua Mwololo	Driver	22/10/01
14	Peter Ndabi Rebo	Driver	24/10/01
15	Abraham Muthe M'theiba	Driver	24/10/01
16	Daniel Seleon Wuapari	Driver	22/03/01
17	Ondumbu Chitechi	Driver	19/11/01
18	Richard Mwalimu Maingi	Driver	20/11/01
19	Ugas Arale Nuno	Driver	22/10/01
20	Ismail Sirona Asmani	Driver	21/11/01
21	Ronald Songore	Driver	1/5/02
22	John Ndungu Mbuthia	Driver	22/10/01
23	Edward Onsoti	Driver	22/10/01
24	Samson Onsando	Driver	11/1/02
25	Andrew Ngatia	Driver	1/2/02
26	Eli Otieno Ogalloh	Driver	1/5/02

27	Mulindi Akoto	Driver	8/7/02
28	David Kamau	Driver	11/5/02
		<b>DUTY STATION</b>	
1	Michael Juma Otwaro	Accounts	29/10/01
2	Joan Achieng Omwandho	Kitchen	19/10/01
3	Willis Agalo	Administration	5/12/01
4	Richard Maranga	IT	4/12/01
5	Edward Amufa Sikuku	Chairman's Gardener	
1	Bobby Gichohi	Dispatch	23/11/01
2	Lilian Mwaura	Library	13/11/01
3	Bellice Rabach	Secretary	21/11/01
4	Mary Nyauchi	Reception	22/11/01
5	Millicent Nakholi	Press	30/11/01
6	Jacob Ondara Nyabwogi	IT	15/01/01
7	Christine Okello	Hansard	16/04/02
8	Brenda Cherotich	Stores	6/2/02
9	Christine Sagini	Registry	16/4/02
10	Alphayos Elijah Ondara	Administration	8/3/02
11	Cynthia Akeyo	Library	19/7/02
	<b>LEGISLATIVE SECRETARY</b>		
1	Mary A. Rado	Research & Drafting	22/07/02
	<b>VERBATIM TRANSCRIBERS</b>		
	<b>DAY SHIFT</b>		
1	Hellen Kanyora	Verbatim Transcriber and later Assistant Programme Officer	30/11/01
2	Regina Obara	Verbatim Transcriber	30/11/01
3	Jacquiline Nyamoo	Verbatim Transcriber	30/11/01
4	Grace Gitu	Verbatim Transcriber	22/02/02
5	Regina Mwachi	Verbatim Transcriber	13/04/02
6	Josephine Ndungu	Verbatim Transcriber	13/04/02
7	Vivian Muli	Verbatim Transcriber	13/04/02
8	Susan Mutile	Verbatim Transcriber	13/4/02
9	Gladys Osimbo	Verbatim Transcriber	13/04/02

10	Alice Thuo	Verbatim Transcriber	13/04/02
11	Asha Boru	Verbatim Transcriber	13/04/02
12	Flora Wafula	Verbatim Transcriber	13/04/02
13	Zipporah Wambua	Verbatim Transcriber	13/04/02
14	Mary Babu	Verbatim Transcriber	13/04/02
15	Marion Nekesa	Verbatim Transcriber	13/04/02
16	Martina Odhiambo	Verbatim Transcriber	8/04/02
17	Lydia Moraa	Verbatim Transcriber	13/04/02
18	Emma Kaga	Verbatim Transcriber	13/04/02
19	Elizabeth Keingatti	Verbatim Transcriber	July 2002
20	Victoria Mwakio	Verbatim Transcriber	15/7/02
21	Caren Asimba	Verbatim Transcriber	18/7/02
1	Teresiah Ntheya Musyoki	Verbatim Transcriber	02/07/02
2	Lilian Momanyi	Verbatim Transcriber	02/07/02
3	Susan Waithera	Verbatim Transcriber	02/07/02
4	Asenath Kanga	Verbatim Transcriber	02/07/02
5	Abigael Nyakundi	Verbatim Transcriber	02/07/02
6	Salma Mwangi	Verbatim Transcriber	02/07/02
7	Mercy Ngugi	Verbatim Transcriber	02/07/02
8	Catherine Chepkemoi	Verbatim Transcriber	02/07/02
9	Saida Abdalla	Verbatim Transcriber	02/07/02
10	Olga Bosibori	Verbatim Transcriber	02/07/02
11	Joan Kamondia	Verbatim Transcriber	02/07/02
12	Caroline Adino	Verbatim Transcriber	08/07/02
13	Halima Amran Adam	Verbatim Transcriber	08/07/02
14	Irene Ratemo	Verbatim Transcriber	08/07/02
15	Posio Shein	Verbatim Transcriber	08/07/02
16	Bilha W. Githinji	Verbatim Transcriber	08/07/02
17	Rose Kagure Kimani	Verbatim Transcriber	08/07/02
18	Farhia Dekow	Verbatim Transcriber	08/07/02
19	Sophie Ntore	Verbatim Transcriber	08/07/02
20	Elizabeth Wangui	Verbatim Transcriber	08/07/02
21	Nancy Githuka	Verbatim Transcriber	08/07/02

### **CASUALS**

- |    |                     |   |          |   |                     |
|----|---------------------|---|----------|---|---------------------|
| 1. | Michael Juma Otwaro | - | 29/10/01 | - | Accounts            |
| 2. | Edward Amufa Sikuku | - |          | - | Chairman's Gardener |

### **INTERNS**

- |    |                   |   |          |   |           |
|----|-------------------|---|----------|---|-----------|
| 1. | Bobby Gichohi     | - | 23.11.01 | - | Dispatch  |
| 2. | Lilian Mwaura     | - | 13.11.01 | - | Library   |
| 3. | Bellice Rabach    | - | 22.11.01 | - | Secretary |
| 4. | Millicent Nakholi | - | 30.11.01 | - | Press     |
| 5. | Christine Akello  | - | 05.02.02 | - | Hansard   |
| 6. | Brenda Cherotich  | - | 06.02.02 | - | Stores    |
| 7. | Christine Sagini  | - | 16.04.02 | - | Registry  |



8.	Alphayos Elijah Ondara	-	8.03.02	-	Adminstration
9.	Ronoh Hellen Cheptum	-	26.06.02	-	Registry – Constituency Filing
10.	Bob Odhiambo	-	26.06.02	-	Registry– Constituency Filing
11.	Dorine Bosibori Mayaka	-	26.06.02	-	Registry– Constituency Filing
12.	Gail Nyango	-	26.06.02	-	Registry– Constituency Filing

## **DATA ENTRY CLERKS**

### **Night Shift**

1.	Bob Odhiambo	-	26.6.2002
2.	Pamela Beldine Obala	-	05.7.2002
3.	Betty Alexander Malamba	-	10.7.2002
4.	Richard Mutisya	-	11.7.2002
5.	Chrispine J. Omollo	-	11.7.2002

## **DATA TRANSCRIBERS**

### **Panel 1**

1.	Liz W. Kingi	-	22.05.02
2.	Mary Gathigia Kanyiha	-	01.06.02
3.	Titus M. Kiringongo	-	16.05.02
4.	Anne Wairimu Miki	-	26.05.02
5.	Opili O. William	-	15.05.02
6.	Jackline Obiero	-	13.05.02
7.	Maurice R. Kepoi	-	21.05.02
8.	Margaret Nduku	-	17.05.02
9.	Alfred Mayaka	-	16.05.02
10.	Gloria Otieno	-	14.05.02

### **Panel 2**

1.	Denis Mutula	-	07.06.02
2.	Leah Joyce	-	07.06.02
3.	Mwanaisha Oloiptip	-	07.06.02
4.	Jeniffer Chepkemoi	-	07.06.02
5.	Rozina Mngola	-	07.06.02
6.	Gichubiri Nicholas	-	07.06.02
7.	John Okada	-	07.06.02
8.	Abdikadir Omar Aden	-	11.06.02
9.	Zachayo Ouma	-	21.06.02
10.	Evans Pkemoi Menach	-	30.0.7.02

### **Panel 3**

1.	Yaye Shosi Ahmed	-	01.7.2002
2.	Noor Awadh Chalgan	-	01.7.2002
3.	Evelyne Okwach	-	26.6.2002
4.	Vivian T. Ntimama	-	02.7.2002

- |    |                          |   |           |
|----|--------------------------|---|-----------|
| 5. | Gerald Matoke Manwa      | - | 04.7.2002 |
| 6. | Jane Kabiru Wangechi     | - | 05.7.2002 |
| 7. | Kimathi Edwin Kithinji   | - | 06.7.2002 |
| 8. | Tirop Japheth Kipngetich | - | 30.7.2002 |
| 9. | Rukia Abdikadir Mohamed  | - | 30.7.2002 |

**Panel 4**

- |     |                         |   |           |
|-----|-------------------------|---|-----------|
| 1.  | Dan Juma                | - | 31.7.2002 |
| 2.  | George Mukindia Wachira | - | 31.7.2002 |
| 3.  | Daniel Owino Konyango   | - | 31.7.2002 |
| 4.  | Waindi Lucky Lavender   | - | 31.7.2002 |
| 5.  | Wangata Fidelis Wabwire | - | 31.7.2002 |
| 6.  | Mariaria Kemunto Alyne  | - | 31.7.2002 |
| 7.  | Lydia Kemunto Manyoni   | - | 31.7.2002 |
| 8.  | Vincent Mulondo Watako  | - | 31.7.2002 |
| 9.  | Ng'etich Kiprop David   | - | 31.7.2002 |
| 10. | Koceyo Otieno Titus     | - | 31.7.2002 |

**EDITORS**

1. Mwangi Macharia
2. Christine Malamba
3. Geoffrey Mosoti
4. Everleen Nekesa
5. Carolly Okeyo
6. Anne Chivatsi
7. Elizabeth Atemi
8. Gitau Muthuma

**Night Shift(Supervisor/Editor)**

1. Mr. Charles Mwamba

**Night Shift – but working during the day for the time being**

1. Maria Njoka
2. Irene Gicheru
3. Mumbi Mahindu
4. Abubakar Shamte
5. Joseph Oluoch Odhiambo
6. Richard Mose
7. Martin Kimathi
8. Lilian Nyaga
9. Weche Hagai

### **VERBATIM TRANSCRIBERS**

1.	Hellen Kanyora	-	30.11.01
2.	Regina Obara	-	30.11.01
3.	Jacquiline Nyamoo	-	30.11.01
4.	Grace Gitu	-	22.02.02
5.	Regina Mwachi	-	13.04.02
6.	Josephine Ndungu	-	13.04.02
7.	Vivian Muli	-	13.04.02
8.	Susan Mutile	-	13.04.02
9.	Gladys Osimbo	-	13.04.02
10.	Alice Thuo	-	13.04.02
11.	Asha Boru	-	13.04.02
12.	Flora Wafula	-	13.04.02
13.	Zipporah Wambua	-	13.04.02
14.	Mary Babu	-	13.04.02
15.	Marion Nekesa	-	13.04.02
16.	Martina Odhiambo	-	8.0.402
17.	Lydia Moraa	-	13.04.02
18.	Emma Kaga	-	13.04.02
19.	Elizabeth Keingatti	-	July 20002
20.	Victoria Mwakio	-	15.7.2002
21.	Caren Asimba	-	18.7.02

### **Night Shift**

1.	Teresia Ntheya Musyoki	-	02.07.02
2.	Lilian Momanyi	-	02.07.02
3.	Susan Waithera	-	02.07.02
4.	Asenath Kanga	-	02.07.02
5.	Salma Mwangi	-	02.07.02
6.	Mercy Ngugi	-	02.07.02
7.	Catherine Chepkemoi	-	02.07.02
8.	Olga Bosibori	-	02.07.02
9.	Joan Kamondia	-	02.07.02
10.	Caroline Adino	-	08.07.02
11.	Irene Ratemo	-	08.07.02
12.	Posio Shein	-	08.07.02
13.	Bilha W. Githinji	-	08.07.02
14.	Rose Kagure Kimani	-	08.07.02
15.	Farhia Dekow	-	08.07.02
16.	Sophie Ntore	-	08.07.02
17.	Elizabeth Wangui	-	08.07.02
18.	Nancy Githuka	-	08.07.02

### **Assistant Programme Officers**

1.	Elijah Bosire Nyairo	-	01.07.02
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**Appendix 2:****Full List of NCC Staff**

<b>MOBILIZATION AND OUTREACH</b>			
<b>NO</b>	<b>NAME</b>	<b>STAFF NO</b>	<b>POSITION</b>
1	Col. (Rtd) J P Gichuhi	C01	D/Secretary
2	Hassan Mohamed	C05	P/Officer
3	Maimuna Mwidau	C06	P/Officer
4	Collins Mukewa	C07	P/Officer
5	Fatuma Jama	C08	P/Officer
6	John Watibini	C09	P/Officer
7	Solomon Anampiu	C10	P/Officer
8	Karina Besleaga	T112	Ass. P/Officer
9	George Kimathi Samuel	C125	D/Coordinator
10	Mwero Wa Mkalla	C143	D/Coordinator
11	John S. Wanyoike	C83	D/Coordinator
12	Agnes Ayuma Otukho	C86	D/Coordinator
13	Julius K. Barno	C124	D/Coordinator
14	Alex Maina	C87	D/Coordinator
15	Elizabeth Mumbe	C89	D/Coordinator
16	Lawrence Odira	C90	D/Coordinator
17	Emmanuel Satia	C93	D/Coordinator
18	Rose Okemwa	C92	D/Coordinator
19	Kenneth Kipro Bii	T280	Usher
20	Robert Katina	C95	D/Coordinator
21	Antony N. Muverethi	C133	D/Coordinator
22	Mohammed H. Gabbow	C134	D/Coordinator
23	Eluid Mwangi Karuiki	C135	D/Coordinator
24	Catherine Rimberia	C94	D/Coordinator
25	Khalif H. Hirey	C144	D/Coordinator
26	Bernard Saidimu	C136	D/Coordinator
27	Njuguna Wa Gikonyo	C85	D/Coordinator
28	Ben Ole Mollel	C137	D/Coordinator
29	Rose Kimeu	C152	D/Coordinator
30	David Mathew Chacha	C139	D/Coordinator
31	Stephen Mwaniki	T01	Senior Clerical Officer
32	Salma Ali	T02	Registration Secretary
33	Gerard Manwa	T03	Registration Clerk
34	Angela Auma Obama	T04	Registration Clerk

35	Hellen Cheptum	T05	Registration Clerk
36	Mildred Patience Odaya	T291	Registration Clerk
37	Doreen Mayaka	T06	Registration Secretary
38	Margaret Nduku	T07	Ass. P/Officer
39	Catherine K. Mbobwa	T113	Usher
40	Lucy Waititu	T114	Usher
41	Farah Abdinoor Ahmed	T253	Usher
42	Michael Sagini	C131	Usher
43	Christine Kasaine	T116	Usher
44	Fredrick Komen	T117	Usher
45	Irene Chebet Yego	T118	Usher
46	Hellen Olwal	T84	Usher
47	Catherine Kagendo	C66	Cateress
48	Lilian Anyango	T103	Waiter
49	Joan Omwando	T80	Waiter
50	Josephine Ndung'u	T08	Secretary
51	Rose Anyango	T09	Usher
52	Naswa Odinga	T10	Usher
53	Stephen Karanja Kabucho	T11	Ass. P/Officer
54	Jacqueline Abuga	T12	Secretary
55	Farhia Abdi	T284	Ass. P/Officer
56	Stephen Cheboi	T153	Usher
57	Lilian Udoto	C53	Secretary
58	Diana M' Anampiu	T100	Ass. P/Officer
59	Rose Langat	C54	Clerk
60	Kefa Osonga	C100	Clerk
61	Florence Mulei	T96	Other S/Staff
62	Cynthia Akeyo	T97	Other S/Staff
63	Brian Anguba	T81	Clerk
64	APC Pauline Murithi	C145	Security Off.
65	Insp. Peter Oduori	C76	Security Off.
66	Ernest Nyakundi	C78	Security Off.
67	CPL Jackson Nzuki	C146	Security Off.
68	Samson Onsando	C74	Driver
69	Fredrick Kemboi	C70	Driver
70	Richard Maingi	C73	Driver
71	Joshua Owich	C102	Driver
72	Benson Kingoo	C112	Driver
73	Andrew Ngatia	C122	Driver
74	Vincent Osundwa	T264	Driver

75	Linda Mariwa Shuma	T158	Registration Clerk
76	Frederick Mtula	T159	Usher
77	Jerusha Makumi	T160	Ass. P/Officer
78	Benard Otoro	P80	Driver
79	Judy Achieng Chivatsi	T270	Waiter
80	Wangari Chege	T271	Waiter
81	Pauline Njoki Njoka	T272	Waiter
82	Samuel Runya	T273	Waiter
83	Judy Thogori Muthee	T274	Waiter
84	Moses L Nkuya	T297	Ass. P/Officer
85	Anne W. Kinyua	T203	Waiter
	<b>CIVIC EDUCATION, PUBLICITY AND INFORMATION</b>		
86	Irene Masit	C03	D/Secretary
87	Teresa Apondi	C11	P/Officer
88	Irungu Ndirangu	C12	P/Officer
89	Samuel Wanjohi	C13	P/Officer
90	George Nakholi	C14	P/Officer
91	Kibisu Kabatesi	C156	P/Officer
92	Philomena Ikonya	C157	P/Officer
93	Anthony M. M. Mwamunga	C158	P/Officer
94	Solomon Mukenion	C15	Ass. P/Officer
95	Lenard Gayoye	C96	D/Coordinator
96	Wabwobwa M. Walinywa	C101	D/Coordinator
97	Esther Walya	C98	D/Coordinator
98	Nicholas Gichubiri	T13	Ass. P/Officer
99	Lucy Mbithe	T63	Ass. P/Officer
100	Jane Mbau	C55	Secretary
101	Carol Wambui	T57	Other S/Staff
102	Millicent Nakholi	T56	Clerk
103	Zacharia Molla	T58	Other S/Staff
104	Harry Otieno	T85	Other S/Staff
105	Lucy Flora Atieno	T59	Sign Language Translator
106	Eunice Agunda	T87	Sign Language Translator
107	David Muturi Agandoa	T61	Sign Language Translator
108	Nancy Odipo	T62	Sign Language Translator
109	Penina Vulimo	T204	Sign Language Translator
110	Anne Mwenesi	T205	Sign Language Translator
111	Nicholas Mutua	T88	Braille Transcriber
112	Ezekiel Mbiti	T237	Braille Transcriber
113	Christoper K. A. Maina	T282	Braille Transcriber

114	Johnson Okoth Okumu	T90	Other S/Staff
115	Christine Kathambi	T79	Other S/Staff
116	Jacob Ondara	C38	Other S/Staff
117	Richard Maranga	C37	Other S/Staff
118	Hamisi Mohamed	T65	Other S/Staff
119	Richard Onyango	T68	Other S/Staff
120	Richard Nyakundi	T91	Other S/Staff
121	Tony Otim	T70	Other S/Staff
122	Shem Nyandika	T71	Other S/Staff
123	Tony Kebet Rono	T72	Other S/Staff
124	Isiaih Juma	T74	Other S/Staff
125	Joseph Ndegwa	T75	Other S/Staff
126	Albert Oreire	T77	Other S/Staff
127	Herman King'ori	T78	Other S/Staff
128	Ikoo Cornelius	T93	Other S/Staff
129	Paul Binyenya	T94	Other S/Staff
130	Kenneth Otieno Adera	T95	Other S/Staff
131	Hellen Nyakoni	T86	Other S/Staff
132	Emily Ochieng	T111	Other S/Staff
133	Elijah Ndemia	T66	Other S/Staff
134	Vivian Ntimama	T108	Ass. P/Officer
135	Amos Okwero	T110	Other S/Staff
136	Somoe S. Athman	T109	Other S/Staff
137	Rose Bullut	T240	Other S/Staff
138	Eric Ndhiwa	T134	Other S/Staff
139	Paul Otieno	T135	Other S/Staff
140	Harvey Kiplangat	T136	Other S/Staff
141	Victor Nga'ng'a Mutinda	T241	Other S/Staff
142	Irene Chebet Lorot	T288	Other S/Staff
143	Maurine Akoth Opiyo	T281	Other S/Staff
144	Patricia Lukalo	T140	Clerk
145	Irene Surtan	T141	Other S/Staff
146	Ruth Akinyi	T239	Other S/Staff
147	David Lokorcho Lia	T165	Other S/Staff
148	Peter Manono	T166	Other S/Staff
149	Docars Anyango	T167	Other S/Staff
150	Simon Kihungu Gathambi	T168	Other S/Staff
151	Grace Barganda	T169	Other S/Staff
152	Peter Opiyo	T170	Other S/Staff
153	Doreen N. Jimmy	T171	Other S/Staff

154	Rapheal Kapakama	T172	Other S/Staff
155	Kennedy Kidali	T174	Other S/Staff
156	David Bundi Ikunyua	T175	Other S/Staff
157	Caroline J. Wanjala	T230	Other S/Staff
158	Abdullah Yussuf Nur	T231	Other S/Staff
159	Julius K. Lasoi	T232	Other S/Staff
160	Zipporah C. Kiprator	T233	Other S/Staff
161	Rose Chepkemoi	T234	Other S/Staff
162	Samwel Ochieng Ogada	T235	Other S/Staff
163	Ochieng M. Khairalla	T236	Other S/Staff
164	Oliver Wandera	T242	Other S/Staff
165	Fatuma Issaack Omar	T258	Other S/Staff
166	Nimo Billow Haji	T259	Other S/Staff
167	Leonard Dennis Kavili	T260	Other S/Staff
168	Susan Mutu Muya	T261	Other S/Staff
169	Fathiya Mahmoud Abanur	T262	Other S/Staff
170	Caleb Ben Onyango	T263	Other S/Staff
171	George Ochieng	T279	Other S/Staff
172	Leah Omollo	T131	Other S/Staff
173	Halima I. Ahmed	T294	Other S/Staff
174	Herzrom Oganda Mogere	T293	Other S/Staff
175	George Adoyo	T299	Other S/Staff
176	James Yongo	T300	Other S/Staff
177	Steve Okiri	T301	Other S/Staff
	<b>FINANCE AND ADMINISTRATION</b>		
178	Edward Karisa	C02	D/Secretary
179	Hellen Makone	C27	P/Officer
180	Daniel Karao	C28	P/Officer
181	Crispin Kiruga	C29	P/Officer
182	Hussein R. Khamisi	T119	Other S/Staff
183	Josphat Kiarie	T120	Other S/Staff
184	Fridah Mwadime	C97	D/Coordinator
185	Fredrick Wamalwa	C30	Ass. P/Officer
186	Sam Ombworo	T121	Other S/Staff
187	Jane Achola	C31	Ass. P/Officer
188	Joseph Simba	C32	Ass. P/Officer
189	George Ragui Kamoni	C156	Ass. P/Officer
190	Peter Kariuki	C34	Ass. P/Officer
191	Noah Tacko	C35	Ass. P/Officer
192	Robeste Wasike	C36	Ass. P/Officer



193	Lawrence Kasungi	C39	Ass. P/Officer
194	Stella Kongani	C40	Ass. P/Officer
195	Shem Bosire	C41	Ass. P/Officer
196	Benedict Odhiambo	C42	Ass. P/Officer
197	Fatuma Montet	C62	Secretary
198	Mary Nyauchi	C61	Secretary
199	Lucy Karanja	C59	Secretary
200	Evelyn Obala	C60	Secretary
201	CPL Gerald Ndwiga	C77	Security Off.
202	Lukas Komen	C79	Security Off.
203	Joseph Mitoka	C80	Security Off.
204	Benjamin Obote	C81	Security Off.
205	James Ngonjo	C82	Security Off.
206	Shadrack Kipchirchir	C147	Security Off.
207	Julius Otsieno Ouma	C154	Security Off.
208	Jeremiah Mutua Malila	C155	Security Off.
209	Simba Ali Hussein	C159	Security Off.
210	Christopher Ivita	C63	Other S/Staff
211	Evans Arek	C64	Other S/Staff
212	Willis Agalo	C65	Other S/Staff
213	Grace Mbogua	T122	Other S/Staff
214	Bernadette Chitambe	C67	Other S/Staff
215	Dida Tunje	T266	Other S/Staff
216	Susan Akinyi Wesonga	T185	Other S/Staff
217	Moses Okoth	T130	Other S/Staff
218	Faith Kananu	T129	Other S/Staff
219	Michael Juma Otwaro	C99	Other S/Staff
220	Brenda Cherotich	T64	Ass. P/Officer
221	Hillary Ochieng	T98	Other S/Staff
222	Victoria Mwakio	T82	Other S/Staff
223	Malit Lekishon	T83	Other S/Staff
224	Joshua Ogamba	TT296	Ass. P/Officer
225	Pauline Lovi	T265	Secretary
226	Alfyos Ondara	T104	Ass. P/Officer
227	Fiona Mandila	T125	Other S/Staff
228	Jasper Morara	T67	Other S/Staff
229	Easter Mwarua	T126	Other S/Staff
230	Jillo Falana	T161	P/Officer
231	Dr. J. Misoi	C129	P/Officer
232	Elisabeth Kirika	T162	Other S/Staff

233	Peter Ikonya Kangara	T251	Other S/Staff
234	Purity Nkirote Muguna	T238	Other S/Staff
235	Eunice Rotich	T173	Other S/Staff
236	Ann Chivatsi	C148	Ass. P/Officer
237	Sophie Chifuka	T268	Other S/Staff
238	Tom Nymba Aima	T269	Other S/Staff
<b>RESEARCH, DRAFTING AND TECHNICAL</b>			
239	Pauline Nyamweya	C04	D/Secretary
240	Eunice Gichangi	C16	P/Officer
241	Jeremiah Nyegenye	C17	P/Officer
242	Harrison B. N. Gicheru	C18	P/Officer
243	Charles Oyaya	C19	P/Officer
244	Achieng Olende	C20	P/Officer
245	Walter Owuor	C21	P/Officer
246	Peter Kanyi	C22	P/Officer
247	Roselyne Nyamato	C23	P/Officer
248	Joash Aminga	C24	Ass. P/Officer
249	Beatrice Mwangi	C25	P/Officer
250	Mary Rado	C56	Secretary
251	Sarah Murithi	C57	Secretary
252	Millycent Achieng	C58	Secretary
253	Saida Abdalla	T99	Secretary
254	Noor Awadh	C44	Ass. P/Officer
255	Sylvia Nyaga	C45	Ass. P/Officer
256	Wycliffe Owade	C46	Ass. P/Officer
257	Jackie Obiero	C48	Ass. P/Officer
258	Stephen Mukaindo	C49	Ass. P/Officer
259	Geoffrey Mosoti	C50	Ass. P/Officer
260	Henry Oduor	C51	Clerk
261	Stanley Munene	C52	Clerk
262	Dan Juma	T14	Ass. P/Officer
263	Leah Symekher	T17	Ass. P/Officer
264	Fidelis Wangata	T18	Ass. P/Officer
265	Gail Nyango	C126	Clerk
266	Pamela Obala	C127	Clerk
267	Jonuba Bekah	T101	Ass. P/Officer
268	John Kennedy Okada	T105	Ass. P/Officer
269	Grace Omega	T107	Secretary
270	Evans Menach	T102	Ass. P/Officer
271	John B. Adeya	T150	Clerk

272	Paul Wariua Munene	T163	Clerk
273	Pauline Kerubo	T152	Ass. P/Officer
274	Jane Kibiru	T 20	Ass. P/Officer
275	Tammy M. Washington	T157	Ass. P/Officer
276	Esther Mugo	T176	Ass. P/Officer
277	Grace Kamau	T177	Ass. P/Officer
278	Selinah J. Kandie	T178	Ass. P/Officer
279	Helen Namisi	T179	Ass. P/Officer
280	Rahma Jillo	T180	Ass. P/Officer
281	Daniel Konyango	T181	Ass. P/Officer
282	Fredrick Oundo	T183	Ass. P/Officer
283	Rozina Mngola	T186	Ass. P/Officer
284	Rosemary Mutheu	T187	Ass. P/Officer
285	Abdi Malik Ali	T227	Other S/Staff
286	Tom Oluoch	T267	Other S/Staff
287	Lynn Awino	T229	Clerk
288	Carol Ndindi Waguthi	T243	Ass. P/Officer
289	Lucky Lavender Waindi	T244	Ass. P/Officer
290	George Mukundi	T245	Ass. P/Officer
291	Joyce Wamucii Ndumia	T246	Ass. P/Officer
292	Keziah Wanjiku Kamau	T247	Ass. P/Officer
293	Metrine N. Wakhungu	T248	Ass. P/Officer
294	Sahara Dahir Ibrahim	T188	Ass. P/Officer
295	Hadi Hared Warfa	T115	Ass. P/Officer
296	Mohammed Ali Mohammed	T249	Ass. P/Officer
297	Grace Kaparo	T127	Ass. P/Officer
298	June Mutheu	T250	Clerk
299	Henry Waweru Njuru	T254	Ass. P/Officer
300	Antoney Amos King'uku	T275	Support Staff
301	Yakub Ali Mohammed	T276	Support Staff
302	Nkatha Kabira	T277	Clerk
303	Sarah Wambui	T278	Clerk
304	Steve Biko Wafula	T283	Ass. P/Officer
305	Catherine Mbai Adhiambo	T289	Ass. P/Officer
306	Robert Kibugi Machatha	T290	Ass. P/Officer
307	Johnson Ngitit	T288	Support Staff
308	Janda Tambirai	T298	Support Staff
	<b>HANSARD NIGHT SHIFT</b>		
309	Charles Mwamba	T191	Supervisor
310	Stephen Aburi	T192	Editor

311	Faith Omwenga	T193	Editor
312	Mwanakitina Saggaaf	T195	Editor
313	Jane Nairiantoi Muia	T196	Editor
314	Lucy Khavakali	T197	Editor
315	Jacob Ochieng	T200	Editor
316	Redempta Atieno	T295	Editor
317	Jane Mogire	T212	Editor
318	Nancy Oluoch	T213	Transcriber
319	Martha Wambui	T214	Transcriber
320	Christine Wayua	T215	Transcriber
321	Patricia Kioko	T216	Transcriber
322	Gladys Ndungu	T217	Transcriber
323	Annah Moikana	T218	Transcriber
324	Petronilla Wangia	T220	Transcriber
325	Lilian Kimani	T227	Transcriber
326	Grace Wambui	T252	Transcriber
327	Eunice Ajwang	T223	Transcriber
328	Ruth Mukuria	T224	Transcriber
329	Gladys Ngure	T225	Transcriber
330	Janet Ngure	T226	Transcriber
331	Caroline Adino	T202	Transcriber
332	Robert Simanto	T292	Editor
	<b>HANSARD DAY SHIFT</b>		
333	Patricia Mwangi	C 25	Programme Officer
334	Hellen Kanyora	T 32	Ass. P/Officer
335	Christine Malamba	T21	Editor
336	Carolly Okeyo	T23	Editor
337	Richard Mose	T24	Editor
338	Salome Kaminjuki	T198	Editor
339	Elijah Nyairo	T29	Editor
340	Edwin Kimathi	T189	Editor
341	Willam Mirara	T190	Editor
342	Joseph Ikunda Mureithi	T149	Editor
343	Yvonne Wanjiru	T142	Transcriber
344	Alice Thuo	T33	Transcriber
345	Lilian Momanyi	T34	Transcriber
346	Asenath Kanga	T35	Transcriber
347	Grace Gitu	T36	Transcriber
348	Halima Adan	T37	Transcriber
349	Regina Mwachi	T38	Transcriber

350	Emma Kaga	T39	Transcriber
351	Susan Mutile	T40	Transcriber
352	Asha Boru	T41	Transcriber
353	Flora Wafula	T42	Transcriber
354	Zipporah Wambua	T43	Transcriber
355	Mary Babu	T44	Transcriber
356	Martina Odhiambo	T45	Transcriber
357	Gladys Osimbo	T154	Transcriber
358	Eunice Chuma	T143	Transcriber
359	Lillian Bango	T48	Transcriber
360	Mercy Ngugi	T49	Transcriber
361	Sophie Ntore	T50	Transcriber
362	Valerie Wanja	T51	Transcriber
363	Joan Kamondia	T53	Transcriber
364	Josephine Orangi	T54	Transcriber
365	Farhia Dekow	T55	Transcriber
366	Anne Kiama	T155	Transcriber
367	Elizabeth Keingati	T145	Transcriber
368	Claudia Mari	T 156	Transcriber
369	Ruth Odera	T147	Transcriber
370	Vivian Muli	T148	Transcriber
371	Teresia Musyoki	T206	Transcriber
372	Consolata Kanene	T208	Transcriber
373	Linah Amimo	T209	Transcriber
374	Margaret Mutura	T210	Transcriber
375	Rachel Hiuhu	T256	Editor
376	Nancy Kariuki	T257	Transcriber
377	Lydia Moraa	T46	Transcriber
378	Sam Mayaka	T287	Editor
	<b>PARLIAMENT</b>		
379	Maj. Edward Waithaka	P01	Chief SAA
380	Capt. Mohamed	P02	Deputy SAA
381	Solomon Liria	P05	SAA
382	Mr. Haron Okal	P04	SAA
383	Pauline Nyambura	P43	S/Staff
384	Mr. Castrol Wendo	P06	Commissionares
385	Ms Abigael Olela	P08	Commissionares
386	David Mbija	P50	Security Warden
387	Rebecca Musungu	P60	Security Warden
388	Anthony M. Wamae	P61	Security Warden

389	Mr. George Otieno	P13	Commissionares
390	Simon M. Muinde	P62	Security Warden
391	Godana Mamo	P63	Security Warden
392	Milton Okello	P65	S/Staff
393	Anne Ruingu	P66	S/Staff
394	Lydia W. Mwangi	P69	S/Staff
395	Maureen Ochieng	P70	S/Staff
396	Billow Adan Abdi	P71	S/Staff
397	Sarah Rukwaro	P72	S/Staff
398	Timothy Leitiktik	P73	Security Warden
399	Samuel W. Ndindiri	P14	Clerk National Assembly
400	Patrick G. Gichohi	P15	Deputy Clerk
401	Omollo Owino	P16	Deputy Clerk
402	Murumba Werunga	P82	Deputy Clerk
403	Faith M. Njeru	P41	S/Staff
404	Millicent Odera	P42	S/Staff
405	Mary Kata Ndulu	P49	S/Staff
406	Freda Ngasura	P83	S/Staff
407	Easter Ngechu	P84	S/Staff
408	Eunice Sankona	P10	Secretary
409	Johnson Mwangangi	P44	S/Staff
410	Jonathan Kituli	P45	S/Staff
411	Charles Mulinge	P79	Driver
412	Gabriel Nyongesa	P94	Driver
413	Alphonse S. Akatsa	P55	Transport Officer
414	Mr. Justine N. Bundi	P17	Principal Clerk
415	Mr. James N. Mwangi	P18	Principal Clerk
416	Mrs. Consolata W. Munga	P19	Principal Clerk
417	Christine Mwambua	P03	Principal Clerk
418	Mr. Michael R. Sialai	P20	Senior Clerk Asst
419	Ms. Anita K. Thurania	P21	Second Clerk Asst
420	Mr. Andrew M. Mwendwa	P23	First Clerk Asst
421	Mr. Stephen R. Njenga	P25	Second Clerk Asst
422	Mrs. Florence Abonyo	P26	Second Clerk Asst
423	Mrs. Sarah Ndeto	P27	Second Clerk Asst
424	Miss Mary Chesire	P28	Second Clerk Asst
425	Mr. John G. Wanyoike	P29	Second Clerk Asst
426	Mrs. Peninah Maina	P30	Second Clerk Asst
427	Mrs. Caroline Ogutu	P31	Secretary
428	Mrs. Margaret Kanyuku	P32	Secretary

429	Mr. Joseph N. Kimani	P33	Secretary
430	Miss Margaret Onyango	P34	Secretary
431	Jane Mukindia	P74	Secretary
432	Miss Dinnah Munene	P36	Secretary
433	Alice Kitur	P54	Secretary
434	Grace Koros	P11	Secretary
435	Jacinta Njeri Mwangi	P37	S/Staff
436	Mary Otieno	P38	S/Staff
437	Stephen Gikonyo	P39	Secretary
438	Michael Lumwe	P40	Secretary
439	Esther Kamau	P56	Senior Clerk Asst(L)
440	Alice Wambui Thuo	P77	Secretary
441	Lucy W. Ngeche	P76	S/Staff
442	Sammy Kingori	P47	Driver
443	Farida Wangui	P85	Secretary
444	Sophie Salamba	P86	Secretary
445	Venessa Kinyua	P87	Secretary
446	Kenneth Wandera	P88	Sergeant at Arms
447	Wilson Bosmet	P89	Sergeant at Arms
448	Michael Nzioki	P90	Sergeant at Arms
449	Robert N. Kuria	P91	Security Warden
450	Peter Fred Iraya	P92	Senior Librarian
451	Liz Kingi	P93	Clerk Assistant
452	Rebecca Osore	P68	S/Staff
453	Asunta Wambui Miano	P67	S/Staff
454	Josephine Mwangusi	P95	S/Staff
455	Phostine Ouma	P96	S/Staff
456	Faith Makena	P97	S/Staff
457	Kipkemoi Arap Kirui	P98	Clerk Assistant
458	Rose Nafula Mudibo	P99	Secretary
	<b>MEDICAL</b>		
459	Dr. S. N. Vakil	M01	Doctor
460	Dr. Florence Wanjohi	M02	Doctor
461	Ebby M. L. Chanzu	M03	Nurse
462	Abigail N. Gitau	M04	Nurse
463	Eufrazia W. Kinyanjui	M05	Nurse
464	Charles Omedo	M07	Ambulance Driver
	<b>SECURITY - KENYA POLICE</b>		
465	Naftali Bett	S01	SSP OCPD

466	Jasper Reche	S02	SSP DCIO
467	Bernard Kibe	S03	SP
468	Joseph Kiarie	S04	Chief Inspector
469	Peter Nyongesa	S05	Inspector
470	Judith Adhiambo	S06	Chief Inspector
471	Philip Langat	S07	Inspector
472	Peter Njiru	S70	Inspector
473	Anne W. Kibue	S08	Inspector
474	Godfrey Wachira	S09	Inspector (Traffic)
475	Gerald Mwangi	S10	Inspector
476	Samson Chebotibin	S14	CPL
477	Philis Mutuku	S16	SGT
478	Norbert Mghanga	S17	CPL (Traffic)
479	Margaret Nderi	S18	CPL (Traffic)
480	Sammy Ngeiwa	S12	SGT
481	Patrick Wanjoi	S11	CPL
482	John Rutto	S13	Police Constable
483	Jonathan Risa	S26	Police Constable
484	Jackson Kathumbi	S28	Police Constable
485	Benson E'kitare.	S30	Police Constable
486	John Mundia	S37	Police Constable
487	Solomon Kimeli	S38	Police Constable
488	Ashford Gikundi	S15	Police Constable
489	Robert Muriithi	S19	Police Constable
490	Joshua Katumo	S22	Police Constable
491	Khadija Wario	S23	Police Constable
492	William Paramoya	S21	Police Constable
493	Joel Langat	S20	Police Constable
494	Terer Maluche	S24	Police Constable
495	Simon Ndoloi	S27	Police Constable
496	Naftali Wachira	S29	Police Constable
497	Josphat Muriuki	S31	Police Constable
498	Samuel Murei	S69	Chief Inspector
499	Gerald Kamwaro	S33	Police Constable
500	Damaris Kavena	S32	Police Constable
501	Ali Athman	S35	Police Constable
502	John Kimuyu	S36	Police Constable (D)
503	John Mutua	S39	Police Constable (D)
504	Paul Mirigu	S40	Police Constable (Traffic)
505	Wallace Chai	S41	Police Constable (Traffic)



506	Linah Cheserek	S42	Police Constable (Traffic)
507	Ese Alusiola	S43	Police Constable (Traffic)
508	David Kibetti	S44	Police Constable (Traffic)
509	Ernest Isigi	S54	NSIS
510	Eliud Juma Mafubo	S45	NSIS
511	John Kanyi Ndiritu	S46	NSIS
512	Ahmed Galgalo	S48	NSIS
513	Edward Ochola	S58	NSIS
514	Benjamin Mutua	S59	NSIS
515	Ali Robo	S60	NSIS
516	Justus Cheruyot	S62	NSIS
517	Joseph Moseti	S64	NSIS
518	Patrick Wanyika	S67	NSIS
519	Abdi Korane	S68	NSIS
520	Josiah Nyaga	S49	Inspector
521	Bonaface Mwaniki	S50	Police Constable
522	Chrispus Musomba	S51	Police Constable
523	James Muriuki	S57	Police Constable (D)
524	George Mulwa	S55	Police Sergeant (D)
525	Douglas Nzalla	S69	Police Constable
<b>COMMISSIONERS' DRIVERS</b>			
526	David Momanyi	C149	Driver
527	John Wakhungu Waswa	C150	Driver
528	Samwel Boby Anditi	C104	Driver
529	Mohamed Abdi Korio	C105	Driver
530	Eric Keittany Cheruiyot	C142	Driver
531	George O. Gaya	C108	Driver
532	Edwin Kanda Kibet	C109	Driver
533	Josphat O. Abuje	C110	Driver
534	Atrash Ahmedin Gulu	C111	Driver
535	Sgt. Kaskon Malova	C141	Driver
536	Peter Ndabi Rebo	C113	Driver
537	Abraham M. M'theiba	C114	Driver
538	Daniel Seleon Wuapari	C115	Driver
539	Ondumbu Chitech	C116	Driver
540	Ugas Arale Nunow	C117	Driver
541	Ismael Sironga Asmani	C118	Driver
542	Ronald Sangori	C119	Driver
543	Edward Onsoti	C121	Driver

544	Stanley Mwaniki	C151	Driver
545	Eli Otieno Ogalloh	C69	Driver
546	Nathan Z. Makokha	C72	Driver
547	John Maina Munyua	C120	Driver
548	Samuel Onyango	C106	Driver
	<b>BINDING STAFF</b>		
549	Kennedy Kyalo		
550	Joseph Karugu Ndukuru		
551	Erastus Mukabi		
552	Kennedy Ochieng		

**Appendix 3:****Overall Accomodation List of Delegates****NCC PHASE III DELEGATES' ACCOMMODATION LIST**

Ser No.	DEL. NO.	NAME	ACCOM.
1	10	Nakitare Davies	Hilton
All other 222 MP's were non - resident delegates			
2	224	Lung'ahi Nancy Kabeteka	N-R
3	225	Salim Ibrahim	N-R
4	226	Samuel Macharia Muchuga	N-R
5	227	Zuberi Amina Rajab	Bounty
6	228	Livu K. Raphael	Hilton
7	229	Mdahoma Farouk Said	PanAfric
8	230	Boy Fatuma Bakari	Bounty
9	231	Kitambi Mwalimu Digore	Hilton
10	232	Ndeme Raphael Bombo	680 Hotel
11	233	Mwaringa Beatrice Mwaka	Hilton
12	234	Haji Mwijaa Mwinyi	680 Hotel
13	235	Tsumah Reuben R.	Bounty
14	236	Zuhura Zukira Wanje	680 Hotel
15	237	Onotto Joshua Jilo	Bounty
16	238	Badawy Abdulrahman Ahmed	Bounty
17	239	Halako Fatuma Galgalo	Bounty
18	240	Abuti Mohammed Juma	Bounty
19	241	Golich Juma Wario	Bounty
20	242	Ahmed Amina Muhudhar	Meridian
21	243	Aboud Sheik Abdalla	Bounty
22	244	Omar Twalib Mzee	Bounty
23	245	Mwanyota S. Mariam	Hilton
24	246	Mwailengo Haji Joel	Meridian
25	247	Mnene J. Othiniel	Hilton
26	248	Asli Ibrahim Ali	680 Hotel
27	249	Abdirahaman Ali Abass	PanAfric
28	250	Abdullahi Haji Mohammed	680 Hotel
29	251	Hubbie Hussein Al-Haji	Hilton
30	252	Dubat Ali Amey	680 Hotel
31	253	Salah Arte Ahmed	PanAfric
32	254	Fatuma Sheikh Muhammed	Hilton
33	255	Ahmed Maalim Omar	Hilton
34	256	Nur Ibrahim Abdi	680 Hotel
35	257	Sahara Ahmed Hillow	680 Hotel
36	258	Isaack Derow Ibrahim	680 Hotel
37	259	Salah Maalim Ali	PanAfric
38	261	Khadija Fugicha Dabassa	Bounty
39	262	Abdikadir Guyo	Bounty

40	263	Kaaru Abdulkadir Guleid	Bounty
41	264	Eisintele Kureya	Hilton
42	265	Guracha Denge Wario	Bounty
43	266	Galgalo Adano Tuye	Bounty
44	267	Fatuma Boru Jaldesa	Bounty
45	268	Godana Doyo Adhi	N-R
46	269	Yusuf Wako Dogo	Bounty
47	270	Bariu Beatrice	Hilton
48	271	Amos Kuimo	Oriental Palace
49	272	Thimangu Jim Muketha	Oriental Palace
50	273	Muriuki Joyce Kagendo	680 Hotel
51	274	Victor P. Gituma	Oriental Palace
52	275	M'rinyiru Julis M'mworja	Oriental Palace
53	276	Ndeke Leah Ciamwari	Hilton
54	277	M'Thigaa Godfrey Mbuba	Hilton
55	278	Nkoro Peter Kang'ethe	Hilton
56	279	Nduyo Grace Ntembi	Meridian
57	280	Kaimba Bruno Kibaara	Bounty
58	281	Julius Mugao Mungania	Meridian
59	282	Kimani Lydia Wanjiru	Hilton
60	283	Njeru Abel Mwaniki	Bounty
61	284	Munyi John Gitari	Bounty
62	285	Naleah Gatiti Kithumbu	Meridian
63	286	Isa Ileri Ngunia	Oriental Palace
64	287	Nichasius Mugo Njoka	PanAfric
65	288	Mutunga Jane Mwikali	PanAfric
66	289	Maluki Robert M	PanAfric
67	290	Mutua Eric Kyalo	N-R
68	291	Jane Mwendu Pius	Hilton
69	292	Francis Nzuki Kaloki	Hilton
70	293	Justus Musyoki Mutweti	PanAfric
71	294	Victoria Mutheu Musyoka	N-R
72	295	Saipstone Ngalaatu Musau	Hilton
73	296	Stanislous Wambua Kasoka	Hilton
74	297	Wambua Praxedes Nzisa	Hilton
75	298	Maende Rhoda Ndumi	Hilton
76	299	Nduse William Matheka	PanAfric
77	300	Lydia Wambui Muriuki	Hilton
78	301	George Ndatho Muchiri	680 Hotel
79	302	Frederick Rukwaro Nderitu	680 Hotel
80	303	Margaret Nyathogora	680 Hotel
81	304	Hezekiah Waithanje Minjire	Oriental Palace
82	305	Dominic Muraguri Nderi	680 Hotel
83	306	Ngari Christine Nyawira	680 Hotel
84	307	Waruri John Nyaga	N-R
85	308	Mathenge James Stanley	N-R
86	309	Kirangari Jane Kamwaga	680 Hotel

87	310	Mwangi James Waweru	680 Hotel
88	311	Fr. Gitonga Joachim	680 Hotel
89	312	Mburu Muthoni Mary	Meridian
90	313	Simon Gathii Gachomo Gichuru	680 Hotel
91	314	Gacuru Wa Kareng'e	680 Hotel
92	315	Beatrice Wairimu Kamamia	Meridian
93	316	Gitu wa Kahengeri	680 Hotel
94	317	John Kinuthia Waitiki	Hilton
95	318	Hannah Nyambura Kimani	Hilton
96	319	James Kinuthia Mwangi	Meridian
97	320	Kiriro Wa Ngugi	Bounty
98	321	Rhoda A. Loyor	Oriental Palace
99	322	Lomorukai L. Emmanuel	Oriental Palace
100	323	Emase Peter Derick Ejore	Hilton
101	324	Koringura Hellen	Langata Flat
102	325	Lopetakou William	680 Hotel
103	326	Alew Simon	680 Hotel
104	327	Lepuchirit Sophia	680 Hotel
105	328	Lobuk Pius Leyaro	PanAfric
106	329	Julius Lalampaa	Oriental Palace
107	330	Nancy Iyadi	PanAfric
108	331	Bungei Isaack Kipkoskei	PanAfric
109	332	Nathaniel K. Tum	N-R
110	333	Emmy Jerono Kipsoi	PanAfric
111	334	Moses Kiplangat Keter	PanAfric
112	335	Julius Kipkurgat Sitienei	PanAfric
113	336	Mkawerweren B. Chebii	Meridian
114	337	Sengech Michael Kipkemoi	PanAfric
115	338	Kiptum Jane Jebiwott	680 Hotel
116	339	Caroline Chemursoi	Langata Flat
117	340	David K. Kuto	680 Hotel
118	341	Kaitany Ernest Kiprotich	PanAfric
119	342	Magut Felicity Irine	680 Hotel
120	343	Saina Augustine Kibet	PanAfric
121	344	Sego Kimaiyo Keroney	680 Hotel
122	345	Lekisemon Mariamu Ntausian	Meridian
123	346	Cheruiyot Isaiah Kiplabat	680 Hotel
124	347	Chelagat Naftali Kemboi	680 Hotel
125	348	Chepkoech Sally	PanAfric
126	349	Kigen David Kimaiywa	Meridian
127	350	Kiptingos Saul Kipkoech	Meridian
128	351	Pascalina Riwandi Lebarleiya	Meridian
129	352	John Muchai Kiniti	680 Hotel
130	353	Shuel Joseph Njalis	Hilton
131	354	Lizah Chepkorir Chelule	Hilton
132	355	Michael Githu	680 Hotel
133	356	Kesendany Ezekiel Kosgey	680 Hotel
134	357	Teclah Nairesiai Munkushi	PanAfric

135	358	Moses L. Naimadu	680 Hotel
136	359	David Mpilei Oloisa	680 Hotel
137	360	Lorna Timanoi Tetu	680 Hotel
138	361	William Ole Yiele	Oriental Palace
139	362	Wilferd Koitamet Ole Kina Nchoshoi	Hilton
140	363	Keko Somoina Margaret	680 Hotel
141	364	Osoi Kamwende Daniel	Oriental Palace
142	365	Sisika Leng'ete Moses	680 Hotel
143	366	Caroline Cherotich Ruto	Hilton
144	367	Alexander Kipnetich Chepkwony	680 Hotel
145	368	Joel Kipyegon Sang	Meridian
146	369	Christina Cherono Ngeno	680 Hotel
147	370	Joseph Maritim Soo	Meridian
148	371	James Kibii Koske	Meridian
149	372	Bornice Chelangat Soi	680 Hotel
150	373	Kiplangat Arap Koech	Hilton
151	374	Joseph Kipngeno Soi	680 Hotel
152	375	Nandako Jane Kauka	Meridian
153	376	Mafunga Chesmei Wambulwa	PanAfric
154	377	Nakalo David Okiya	Meridian
155	378	Dorcas N. Mbelersia	Oriental Palace
156	379	Levi Wangula Ahindukha	Oriental Palace
157	380	Charles Lwanga Lwole	PanAfric
158	381	Katamu Rita Ombito	Hilton
159	382	Aswani Sammy Amunga	PanAfric
160	383	Tsalwa Warrens Apollo	PanAfric
161	384	Jandeka Rebecca Evelia	680 Hotel
162	385	Jumba Caleb	Oriental Palace
163	386	Ohare Charles Edward	Meridian
164	387	Ngeywa Cherotich Nancy	Hilton
165	388	Chemwey Naibei Sammy	PanAfric
166	389	Kisiero Arap Wilberforce	N-R
167	390	Kellan Khaoma Wavomba	PanAfric
168	391	Oscar Zakayo Makokha	Meridian
169	392	Eliud Paul Nakitare	680 Hotel
170	393	Ashepete Barasa Roseline	680 Hotel
171	394	Adungo Asitaluko Mark	680 Hotel
172	395	Ajaa Olubai	N-R
173	396	Happy Gloria	Oriental Palace
174	397	Awillie David Lidbury Erulu	Hilton
175	398	Wesonga George Ojwang	N-R
176	399	Ogot Grace Emily Akinyi	N-R
177	400	Owino Rosemarie	Hilton
178	401	Awora Daniel Obare	PanAfric
179	402	Eve Akinyi Obara	N-R
180	403	Benta Auma Saoke	Hilton
181	404	Fares Ogada Aguo	Oriental Palace

182	405	Ochola Fibie Atieno	Hilton
183	406	Shakeel Shabbir	N-R
184	407	Kayila James Omolo	Oriental Palace
185	408	Judith Nam	Hilton
186	409	Attyang Joseph David	Bounty
187	410	Elphas Ombura	Oriental Palace
188	411	Ogutu Teresa Usunga	PanAfric
189	412	Odhiambo Ollunga Mark	N-R
190	413	Ogingo Otieno	Oriental Palace
191	414	Okelo Elizabeth Nyangetha	680 Hotel
192	415	Dache John Pesa	Bounty
193	416	Adundo Oyao	Oriental Palace
194	417	Gaudencia Atonga	Oriental Palace
195	418	Orwa George Ochieng	Meridian
196	419	Onyango Philip Romanus	Meridian
197	420	Susan Wambura Jackson	Bounty
198	421	Thomas Mosabi Merengo	Bounty
199	422	Maasai Maroa	680 Hotel
200	423	Clare Kwamboka Omanga	N-R
201	424	Thomas Nyabote Aburi	PanAfric
202	425	Sylvanus Onyambu Ogari	Bounty
203	426	Orwenyo Mary Obonyo	Hilton
204	427	Ogero Benson Kegoro	Hilton
205	428	Kibagendi Richard Ngoge	Bounty
206	429	Judith Magundho	N-R
207	430	Albert Onyango	Oriental Palace
208	431	Otieno Rose Adiana	680 Hotel
209	432	Rodah Gesare Kamanda	Hilton
210	433	David M. Rakamba	Oriental Palace
211	434	Peter G. Nyanducha	Meridian
212	435	John Katumanga	N-R
213	436	Francis Ng'ang'a	N-R
214	437	Zeruiya Otwani	Meridian
215	438	John Cheruiyot	Bounty
216	439	George Muchai	N-R
217	440	Rajab Mwondi	N-R
218	441	Joel Chebii	N-R
219	442	Francis Waweru	Bounty
220	443	Roselinda Simiyu	N-R
221	444	Maero Tindi	N-R
222	445	Esther Lelei	Hilton
223	446	Francis Wangara	Oriental Palace
224	447	Kennedy Kiliku	680 Hotel
225	448	Isaiah Kubai	N-R
226	449	Benson Okwaro	N-R
227	450	Francis Atwoli	N-R
228	451	Millie G. A. Odhiambo	N-R
229	452	Willy Mutunga	N-R

230	453	Elkanah Odembo	N-R
231	454	Kathurima M'Inoti	N-R
232	455	Lawrence Murugu Mute	N-R
233	456	Mohamed J. Nyaoga	N-R
234	457	Nyangau N. Onwonga	Meridian
235	458	Odenda Lumumba	Bounty
236	459	Oduor Ongwen	N-R
237	460	Gichira Kibara	N-R
238	461	Philip Ole Sironka	680 Hotel
239	462	Samuel Tororei	PanAfric
240	463	Suba Churchill Meshack	N-R
241	464	Singoei Korir Abraham	N-R
242	465	Beatrice Nduta Kiarie	N-R
243	466	Joyce Umbima	N-R
244	467	Mary Wambui Kanyi	N-R
245	468	Hellen Jepkerich Too – Yego	Hilton
246	469	Grace N. Githaiga	N-R
247	470	Sophia Abdi	Hilton
248	471	Rose Kasiala Lukalo – Owino	N-R
249	472	Miriam Muto	PanAfric
250	473	Pamela Arwa Mboya	N-R
251	474	Okoth Anne	Hilton
252	475	Anne Wairimu Njogu	N-R
253	476	Mohammed Jamila	N-R
254	477	Beryl Anyango Ouma	N-R
255	478	Sabenzia N. Wekesa	Hilton
256	479	Kavoo Kilonzo	680 Hotel
257	480	John Karimi Njiraini	N-R
258	481	Daniel W. Ichang'i	N-R
259	482	Isaac Ongumba Kibwage	N-R
260	483	Saleh Saad Yahya	N-R
261	484	Sylvester C.M. Wafula	N-R
262	485	Raphael G. Mwai	N-R
263	486	Daniel Njagi	N-R
264	487	Baldip Singh Rihal	N-R
265	488	James F.T. Foster	N-R
266	489	Jane Mumbi Kiano	N-R
267	490	Rose Waruhiu	N-R
268	491	Lillian Wanjira	N-R
269	492	Mercy Mwamburi	680 Hotel
270	493	Aisha C. Wanja	680 Hotel
271	494	Kauchi A. Chivumba	680 Hotel
272	495	Asenath Kaimuri Nyamu	PanAfric
273	496	Ann Mululu	N-R
274	497	Jillo Mumina Konso	Hilton
275	498	Kathini Maloba Caines	N-R
276	499	Lorna Laboso	N-R
277	500	Kamla Sikand	N-R



278	501	Joyce M. Majiwa	N-R
279	502	Rose A. Olende	N-R
280	503	Elizabeth Mayieka	Hilton
281	504	Rukia Subow	PanAfric
282	505	Fatuma Ali Saman	N-R
283	506	Fatuma Ibrahim Ali	N-R
284	507	Margaret Kamar	N-R
285	508	Mareso Agina	Hilton
286	509	Martha Rop	Hilton
287	510	Atsango Chesoni	N-R
288	511	Ruth N. Kibiti	N-R
289	512	Florence Machayo	N-R
290	513	Abuom, Agnes	N-R
291	514	Ajuoga, Milcah Aoko	680 Hotel
292	515	Ali, Shee Mohammed	Hilton
293	516	Bwana, Peter Ondari	N-R
294	517	El-Busaidy, Abdulghafur H.S.	N-R
295	518	Fadhil, Sultana	Meridian
296	519	Gacambi, Marie Therese	N-R
297	520	Gatiti, James Nthiga	680 Hotel
298	521	Wahu Kaara.	N-R
299	522	Gitari, David M.	PanAfric
300	523	Wanjiru, Margaret Muchai	N-R
301	524	Kapila, Neera Kent	N-R
302	525	Ibrahim Ahmed Yussuf	N-R
303	526	Kinyanjui, Rosemary, M.	680 Hotel
304	527	Njeru Wambugu	N-R
305	528	Mageria, James John	N-R
306	529	Maina, Patrick Musungu	Hilton
307	530	Mburugu, Florence W. Ruhiu	Meridian
308	531	Mustafa Ali Yussuf	Hilton
309	532	Muchai, Rogers Lumatete Walubengo	N-R
310	533	Mung'athia Hellen	680 Hotel
311	534	Musyimi, Mutava	N-R
312	535	Ojiambo Fred O. O. N'cruba	N-R
313	536	Mwaniki, Tabitha Mumbi	N-R
314	537	Mwanzi, Asiya Mahmood	N-R
315	538	Nge'ny, Samuel K. Arap	PanAfric
316	539	Njue, John	N-R
317	540	Nthamburi, Zablon	N-R
318	541	Okoth, Zacchaeus	N-R
319	542	Omondi, Ibrahim	N-R
320	543	Rashmin P. Chitnis	N-R
321	544	Sehmi, Rupinder Singh	N-R
322	545	Shitemi, Simeon	PanAfric
323	546	Sulumeti, Philip	N-R
324	547	Wandati, Abdulrahman Mirimo	N-R

325	576	Simon Mwai Gakuya	680 Hotel
326	577	George Kinyua	Oriental Palace
327	578	Jacob Ochino Ogundo	N-R
328	579	Daniel M. Rasugu	Hilton
329	580	Francis Carey Onyango	N-R
330	581	Yusuf Mahmoud Aboubakar	Hilton
331	582	Njuguna M. Kung'u	Meridian
332	583	Appolo Njonjo	N-R
333	584	Makau Mutua	N-R
334	585	Dennis Kodhe	N-R
335	586	George Mwaura Mburu	Bounty
336	587	Caroline Ng'ang'a	N-R
337	588	Francis Wabayale	N-R
338	589	Daniel Gachihi Njoroge	N-R
339	590	Patrick O. Onyango	N-R
340	591	Ogembo Masese	Meridian
341	592	Francis Kilemi	680 Hotel
342	593	Gervase A. Akhwabi	N-R
343	594	Orie Rogo Manduli	N-R
344	595	Joseph Martin Shikuku	Hilton
345	596	Hezron Manonda	N-R
346	597	Moses M. Wekesa	N-R
347	598	Kimani M. Ng'ang'a	N-R
348	599	Leslie Betawa Mwachiro	N-R
349	600	Zakayo M. Karimi	N-R
350	601	Luseno Hudson Liyai	Hilton
351	602	Benjamin Gitoi	680 Hotel
352	603	Winston Ogola Adhiambo	Oriental Palace
353	604	Samuel M. Mwaura	680 Hotel
354	605	Ngorongo Makanga	N-R
355	606	Phoebe Sikoya Kituyi	N-R
356	607	Nginyo L. Kariuki	N-R
357	608	Lihanda Kemen Savai	N-R
358	609	Kenneth N. Njiru	N-R
359	610	Justus M. Wekala	N-R
360	611	John P. Nyakundi	N-R
361	612	David Wakahu	N-R
362	613	Mike Oliewo	680 Hotel
363	614	Dalmas Anyango Otieno	N-R
364	615	George Omari Nyamweya	N-R
365	616	Were W. K. Domtila	N-R
366	617	Manu Chandaria	N-R
367	618	R. O. Kwach	N-R
368	619	Wilfred Kiboro	N-R
369	620	R. S. C. Omolo	N-R
370	621	Robert Rukunga	PanAfric
371	622	Bernadette Quadros	N-R

372	623	Murtaza Jaffer	N-R
373	624	King'ori Mwangi	N-R
374	625	Gilbert M. Omondi	N-R
375	626	Mamo Abudo Qonchoro	Hilton
376	627	Danny Irungu Mwangi	N-R
377	628	James Bwatuti	Hilton
378	629	T. K. Githiora	N-R

**Appendix 4:**

**Payments to Hotels/Institutions**

**A: NCC I & II**

<b>NAME OF HOTEL / INSTITUTION</b>	<b>AMOUNT KSHS.</b>
Agricultural Framers Cooperation	525,000.00
Bawan Ltd (High Point Hotel)	1,031,500.00
Boulevard Hotel	3,541,000.00
Bounty Hotel	7,781,000.00
Hilton Hotel	654,180.00
KCCT Mbagathi	2,239,085.00
Leisure lodge	2,158,175.00
Lenana Mount Hotel	1,800,000.00
Meridian Hotel	6,292,195.00
Methodist Guest House	753,200.00
Oriental Palace hotel	2,014,650.00
Pan Afric Hotel	7,130,790.00
Six Eighty Hotel	14,527,550.00
Wildlife Clubs of Kenya	139,500.00
<b>TOTAL</b>	<b>50,587,825.00</b>

**B: NCC III**

<b>HOTEL INVOICE ANALYSIS</b>				
<b>Period: January 11th to April 1st 2004</b>				
<b>HOTEL</b>	<b>INVOICE #</b>	<b>AMOUNT (KSHS.)</b>	<b>PERIOD</b>	<b>Forwarded Date</b>
<b>680 Hotel</b>	16	1,176,000	9 <sup>th</sup> to 16 <sup>th</sup> January '04	24-Jan-04
"	17	23,500	15 <sup>th</sup> to 18 <sup>th</sup> January '04	24-Jan-04
"	15	4,500	11 <sup>th</sup> January '04	30-Jan-04
"	18	1,530,000	16 <sup>th</sup> to 23 <sup>rd</sup> January '04	30-Jan-04
"	19	16,000	24 <sup>th</sup> & 25 <sup>th</sup> January '04	30-Jan-04
"	20	1,782,000	24 <sup>th</sup> to 31 <sup>st</sup> January '04	7-Feb-04
"	21	14,500	31 <sup>st</sup> Jan. & 1 <sup>st</sup> Feb. '04	7-Feb-04
"	22	22,500	7 <sup>th</sup> & 8 <sup>th</sup> Feb. '04	19-Feb-04
"	23	3,318,000	1 <sup>st</sup> to 15 <sup>th</sup> February '04	19-Feb-04
"	24	35,500	14 <sup>th</sup> , 15 <sup>th</sup> & 16 <sup>th</sup> Feb. '04	5-Mar-04
"	25	19,000	21 <sup>st</sup> & 22 <sup>nd</sup> Feb. '04	5-Mar-04
"	26	3,174,000	16 <sup>th</sup> to 29 <sup>th</sup> Feb. '04	5-Mar-04

“	27	11,000	27 <sup>th</sup> February ‘04	5-Mar-04
“	28	12,000	28 <sup>th</sup> & 29 <sup>th</sup> Feb. ‘04	5-Mar-04
“	29	8,800	6 <sup>th</sup> March ‘04	15-Mar-04
“	30	27,000	6 <sup>th</sup> & 7 <sup>th</sup> March ‘04	15-Mar-04
“	31	3,486,000	1 <sup>st</sup> to 14 <sup>th</sup> March ‘04	15-Mar-04
“	32	18,500	13 <sup>th</sup> & 14 <sup>th</sup> March ‘04	2-Apr-04
“	33	2,229,000	15 <sup>th</sup> to 23 <sup>rd</sup> March ‘04	2-Apr-04
“	34	57,000	17 <sup>th</sup> /18 <sup>th</sup> /20 <sup>th</sup> & 21 <sup>st</sup> March	2-Apr-04
“	35	108,000	24 <sup>th</sup> to 26 <sup>th</sup> March ‘04	6-Apr-04
“	36	27,000	29 <sup>th</sup> March & 1 <sup>st</sup> April ‘04	5-Apr-04
<b>SUB-TOTAL</b>		<b>17,099,800</b>		
<b>MERIDIAN</b>	-	588,700	7 <sup>th</sup> to 17 <sup>th</sup> January ‘04	30-Jan-04
“	-	22,000	10 <sup>th</sup> /11 <sup>th</sup> /17 <sup>th</sup> & 18 <sup>th</sup> Jan.	30-Jan-04
“	-	582,900	18 <sup>th</sup> to 24 <sup>th</sup> January ‘04	30-Jan-04
“	-	15,500	24 <sup>th</sup> & 25 <sup>th</sup> January ‘04	30-Jan-04
“	-	1,219,600	25 <sup>th</sup> Jan. to 7 <sup>th</sup> Feb. ‘04	11-Feb-04
“	-	1,264,550	8 <sup>th</sup> to 21 <sup>st</sup> February ‘04	28-Feb-04
“	-	1,288,700	22 <sup>nd</sup> Feb. to 6 <sup>th</sup> March ‘04	15-Mar-04
“	-	1,584,850	7 <sup>th</sup> Feb. to 23 <sup>rd</sup> March ‘04	29-Mar-04
“	-	10,200	24 <sup>th</sup> to 26 <sup>th</sup> March ‘04	2-Apr-04
<b>SUB-TOTAL</b>		<b>6,577,000</b>		
<b>ORIENTAL</b>	-	678,975	8 <sup>th</sup> to 18 <sup>th</sup> January ‘04	23-Jan-04
“	25992-8	562,825	19 <sup>th</sup> to 25 <sup>th</sup> January ‘04	29-Jan-04
“	26003	582,125	26 <sup>th</sup> Jan. to 1 <sup>st</sup> Feb. ‘04	4-Feb-04
“	26013	602,775	2 <sup>nd</sup> to 8 <sup>th</sup> February ‘04	10-Feb-04
“	26023	597,550	9 <sup>th</sup> to 15 <sup>th</sup> February ‘04	19-Feb-04
“	26030	617,025	16 <sup>th</sup> to 22 <sup>nd</sup> February ‘04	1-Mar-04
“	26044	597,300	23 <sup>rd</sup> to 29 <sup>th</sup> February ‘04	4-Mar-04
“	26050	581,350	1 <sup>st</sup> to 7 <sup>th</sup> March ‘04	9-Mar-04
“	26061	583,775	8 <sup>th</sup> to 14 <sup>th</sup> March ‘04	16-Mar-04
“	26062	588,100	15 <sup>th</sup> to 21 <sup>st</sup> March ‘04	23-Mar-04
“	26063	168,000	22 <sup>nd</sup> & 23 <sup>rd</sup> March ‘04	30-Mar-04
<b>SUB-TOTAL</b>		<b>6,159,800</b>		
<b>PANAFRIC</b>	N/A	1,041,000		27-Jan-04
“	N/A	13,000	11 <sup>th</sup> to 18 <sup>th</sup> January ‘04	27-Jan-04
“	N/A	1,014,000	18 <sup>th</sup> to 24 <sup>th</sup> January ‘04	29-Jan-04
“	N/A	17,500	24 <sup>th</sup> & 25 <sup>th</sup> January ‘04	29-Jan-04
“	N/A	1,029,000	25 <sup>th</sup> to 31 <sup>st</sup> January ‘04	7-Feb-04
“	N/A	13,500	31 <sup>st</sup> Jan. & 1 <sup>st</sup> Feb. ‘04	7-Feb-04
“	N/A	996,000	1 <sup>st</sup> to 7 <sup>th</sup> February ‘04	14-Feb-04

“	N/A	19,500	7 <sup>th</sup> & 8 <sup>th</sup> February ‘04	14-Feb-04
“	N/A	999,000	8 <sup>th</sup> to 14 <sup>th</sup> February ‘04	1-Mar-04
“	N/A	18,000	14 <sup>th</sup> & 15 <sup>th</sup> February ‘04	1-Mar-04
“	N/A	12,500	21 <sup>st</sup> & 22 <sup>nd</sup> February ‘04	1-Mar-04
“	N/A	2,016,000	5 <sup>th</sup> to 28 <sup>th</sup> February ‘04	4-Mar-04
“	N/A	17,500	28 <sup>th</sup> & 29 <sup>th</sup> February ‘04	4-Mar-04
“	N/A	2,014,000	29 <sup>th</sup> Feb. to 13 <sup>th</sup> March ‘04	24-Mar-04
“	N/A	1,468,500	14 <sup>th</sup> to 24 <sup>th</sup> March ‘04	29-Mar-04
<b>SUB-TOTAL</b>		<b>10,689,000</b>		
<b>OAKWOOD</b>	-	449,000	7 <sup>th</sup> to 31 <sup>st</sup> January ‘04	11-Feb-04
“	-	495,000	1 <sup>st</sup> to 26 <sup>th</sup> February ‘04	15-Mar-04
<b>SUB-TOTAL</b>		<b>944,000</b>		
<b>HILTON</b>	242866	893,400	9 <sup>th</sup> to 16 <sup>th</sup> January ‘04	24-Jan-04
“	243714	1,408,950	16 <sup>th</sup> to 22 <sup>nd</sup> January ‘04	29-Jan-04
“	244438	1,288,800	23 <sup>rd</sup> to 29 <sup>th</sup> January ‘04	30-Jan-04
“	245275	1,276,050	30 <sup>th</sup> Jan. to 5 <sup>th</sup> Feb. ‘04	12-Feb-04
“	246089	1,249,950	6 <sup>th</sup> to 12 <sup>th</sup> Feb. ‘04	21-Feb-04
“	246957	1,318,200	13 <sup>th</sup> to 19 <sup>th</sup> Feb. ‘04	4-Mar-04
“	247731	1,297,650	20 <sup>th</sup> to 26 <sup>th</sup> Feb. ‘04	4-Mar-04
“	248636	900	1 <sup>st</sup> & 3 <sup>rd</sup> March ‘04	19-Mar-04
“	248635	48,600	27 <sup>th</sup> to 5 <sup>th</sup> March ‘04	19-Mar-04
“	248633	1,269,600	27 <sup>th</sup> to 5 <sup>th</sup> March ‘04	19-Mar-04
“	249454	1,325,250	5 <sup>th</sup> to 12 <sup>th</sup> March ‘04	19-Mar-04
“	250645	1,471,950	12 <sup>th</sup> to 18 <sup>th</sup> March ‘04	14-Apr-04
“	250940	1,037,850	19 <sup>th</sup> to 26 <sup>th</sup> March ‘04	14-Apr-04
<b>SUB-TOTAL</b>		<b>13,887,150</b>		
<b>BOUNTY</b>	492	1,419,200	11 <sup>th</sup> to 25 <sup>th</sup> January ‘04	9-Feb-04
“	513	1,368,600	26 <sup>th</sup> Jan. to 8 <sup>th</sup> Feb. ‘04	27-Feb-04
“	521	1,404,600	9 <sup>th</sup> to 22 <sup>nd</sup> Feb. ‘04	19-Mar-04
“	537	1,377,200	23 <sup>rd</sup> Feb. to 7 <sup>th</sup> March ‘04	31-Mar-04
“	551	1,392,800	8 <sup>th</sup> to 21 <sup>st</sup> March ‘04	31-Mar-04
“	553	203,000	22 <sup>nd</sup> to 26 <sup>th</sup> March ‘04	31-Mar-04
“	558	5,800	27 <sup>th</sup> & 28 <sup>th</sup> March ‘04	6-Apr-04
<b>SUB-TOTAL</b>		<b>7,171,200</b>		
<b>GRAND-TOTAL</b>		<b>62,527,950</b>		

**Appendix 5:****Delegates Allowances – NCC I**

	<b>PERIOD</b>	<b>AMOUNT [KSHS.]</b>
	28 <sup>th</sup> – 30 <sup>th</sup> April, 2003	7,788,500.00
	1 <sup>st</sup> – 7 <sup>th</sup> May, 2003	10,014,000.00
	8 <sup>th</sup> – 14 <sup>th</sup> May, 2003	16,147,250.00
	15 <sup>th</sup> – 21 <sup>st</sup> May, 2003	13,722,708.00
	22 <sup>nd</sup> – 28 <sup>th</sup> May, 2003	13,264,080.00
	29 <sup>th</sup> May – 6 <sup>th</sup> June, 2003	17,375,121.00
	<b>TOTAL</b>	<b>78,311,659.00</b>

**Appendix 6:**

**Delegates Allowances – NCC II**

	<b>PERIOD</b>	<b>AMOUNT [KSHS.]</b>
	17 <sup>th</sup> – 20 <sup>th</sup> August, 2003	9,404,500.00
	21 <sup>st</sup> - 25 <sup>th</sup> August, 2003	8,835,238.00
	7 <sup>th</sup> – 10 <sup>th</sup> September, 2003	7,479,186.00
	11 <sup>th</sup> – 17 <sup>th</sup> September, 2003	12,547,040.00
	18 <sup>th</sup> – 26 <sup>th</sup> September, 2003	18,984,906.00
	<b>TOTAL</b>	<b>57,250,870.00</b>



**Appendix 7:****Payments to Delegates – NCC III**

<b>PERIOD</b>	<b>AMOUNT (KSHS)</b>
11 <sup>th</sup> – 14 <sup>th</sup> Jan	8,944,374.00
15 <sup>th</sup> – 21 <sup>st</sup> Jan	11,901,668.00
22 <sup>nd</sup> – 28 <sup>th</sup> Jan	12,550,920.00
29 <sup>th</sup> Jan – 4 <sup>th</sup> Feb	11,798,065.00
5 <sup>th</sup> – 11 <sup>th</sup> Feb	11,289,374.00
12 <sup>th</sup> – 18 <sup>th</sup> Feb	12,206,289.00
19 <sup>th</sup> – 25 <sup>th</sup> Feb	12,410,420.00
26 <sup>th</sup> Feb – 3 <sup>rd</sup> March	12,295,620.00
4 <sup>th</sup> – 10 <sup>th</sup> March	12,428,920.00
11 <sup>th</sup> – 19 <sup>th</sup> March	19,600,954.00
20 <sup>th</sup> – 23 <sup>rd</sup> March	6,498,568.00
Addendum	34,900.00
Convenors' Allowances	1,377,000.00
Delegates' Allowance on Tour to Kilifi	294,000.00
<b>TOTAL</b>	<b>133,631,081.00</b>

**Appendix 8:****Payments to Secretariat – NCC I**

	<b>PAYMENT PERIOD</b>	<b>AMOUNT [KSHS.]</b>
1	26 <sup>th</sup> – 4 <sup>th</sup> May, 2003	3,134,500.00
2	5 <sup>th</sup> – 11 <sup>th</sup> May, 2003	2,489,500.00
3	12 <sup>th</sup> – 18 <sup>th</sup> May, 2003	3,311,500.00
4	19 <sup>th</sup> – 25 <sup>th</sup> May, 2003	3,146,000.00
5	26 <sup>th</sup> May – 1 <sup>st</sup> June, 2003	2,844,000.00
6	2 <sup>nd</sup> – 10 <sup>th</sup> June, 2003	3,498,500.00
7	11 <sup>th</sup> – 17 <sup>th</sup> June, 2003	290,000.00
	<b>TOTAL</b>	<b>18,714,000.00</b>

**Appendix 9:**  
**Payment to Secretariat – NCC II**

	<b>PAYMENT PERIOD</b>	<b>AMOUNT [KSHS.]</b>
	13 <sup>th</sup> – 17 <sup>th</sup> August, 2003	1,622,100.00
	18 <sup>th</sup> – 27 <sup>th</sup> August, 2003	6,264,700.00
	28 <sup>th</sup> August – 10 <sup>th</sup> September, 2003	2,098,750.00
	11 <sup>th</sup> – 14 <sup>th</sup> September, 2003	3,230,100.00
	15 <sup>th</sup> – 21 <sup>st</sup> September, 2003	4,331,650.00
	22 <sup>nd</sup> – 20 <sup>th</sup> September, 2003	5,461,300.00
	1 <sup>st</sup> – 3 <sup>rd</sup> October, 2003	2,075,950.00
	<b>TOTAL</b>	<b>25,084,550.00</b>

**Appendix 10:****Payments to Secretariat – NCC III**

<b>NO</b>	<b>PAYMENT PERIOD</b>	<b>AMOUNT (KSHS.)</b>
1	5th - 11th January 2004	2,412,000.00
2	12th - 18th January 2004	4,392,600.00
3	19th - 25th January 2004	4,662,900.00
4	26th January - 1st February 2004	4,596,800.00
5	2nd - 8th February 2004	4,955,700.00
6	9th - 15th February 2004	4,663,300.00
7	16th - 22nd February 2004	4,512,950.00
8	23rd - 29th February 2004	4,744,650.00
9	1st - 7th March 2004	4,396,950.00
10	8th -14th March 2004	4,705,650.00
11	15th - 21st March 2004	4,739,550.00
12	22nd - 31st March 2004	3,778,250.00
13	1st - 2 April 2004	35,000.00
14	1st - 8 April 2004	89,400.00
15	1st - 2 April 2004	338,500.00
16	1 <sup>st</sup> – 30 <sup>th</sup> April 2004	638,950.00
	<b>TOTAL</b>	<b>53,024,200.00</b>

## Appendix 11

### NCC Accredited Delegates List

#### MEMBERS OF PARLIAMENT

DEL. NO.	NAME	CONSTITUENCY
001	KIBAKI H.E. Mwai	OTHAYA
002	AWORI Arthur Moody	FUNYULA
003	ABDIRAHMAN Ali Hassan	WAJIR SOUTH
004	ACHUKA Francis Igwaton	TURKANA SOUTH
005	AKARANGA Moses Epainitous	SABATIA
006	ALI Abdullahi Ibrahim	WAJIR NORTH
007	ANGWENYI Jimmy Nuru Ondieki	KITUTU CHACHE
008	ARUNGAH Julius Odenyo	KHWISERO
009	AWITI Adhu	KARACHUONYO
010	NAKITARE Davies	SABOTI
011	AYACKO George Mbogo Ochilo	RONGO
012	BAHARI Abdul Ali	ISIOLO SOUTH
013	BALALA Najib Mohamed	MVITA
014	BIFWOLI Sylvester Wakoli	BUMULA
015	BILLOW Adan Kerow	MANDERA CENTRAL
016	BIWOTT Nicholas Kiprono Kipyator	KEIYO SOUTH
017	BOIT William Kiplumbei	BARINGO NORTH
018	CHEBOI Moses Kipkemboi	KURESOI
019	CHELAITE Alicen Jematia Ronoh	RONGAI
020	CHEPKITONY Lucas Kipkosgei	KEIYO NORTH
021	CHOGE Jim	ALDAI
022	DAHIR Abdullahi Sheikh	LAGDERA
023	DZORO Morris Mwachondo	KALOLENI
024	ETHURO David Ekwee	TURKANA CENTRAL
025	GACHAGUA James Nderi	MATHIRA

026	GALGALLO Gurrach Boru	MOYALE
027	GITAU William Kabogo	JUJA
028	GITHAE Robinson Njeru	NDIA
029	GODANA Bonaya Adhi	NORTH HERR
030	GUMO Frederick Omulo	WESTLANDS
031	HAJI Yussuf Mohamed	IJARA
032	LVUTI Patrice Ezekiel Mwangi	KITUI SOUTH
033	KAGWE Mutahi	MUKURWEINI
034	KAGWIMA Francis Nyamu	THARAKA
035	KAINDI Peter Kyalo	KATHIANI
036	KAJEMBE Seif Ramadhan	CHANGAMWE
037	KAJW'ANG Gerald Otieno	MBITA
038	KAMAMA Asiman Abongotum	BARINGO EAST
039	KAMANDA Maina	STAREHE
040	KAMOTHO John Joseph	MATHIOYA
041	KARABA Daniel Dickson	KERUGOYA/KUTUS
042	KARIUKI Godfrey Gitahi	LAIKIPIA WEST
043	KARIUKI Mirugi	NAKURU TOWN
044	KARUA Martha Wangari	GICHUGU
045	KARUME James Njenga	KIAMBAA
046	KATUKU John Mutua	MWALA
047	KEMBI Gitura	KIHARU
048	KENNETH Peter	GATANGA
049	KENYATTA Uhuru Muigai	GATUNDU SOUTH
050	KETER Charles Cheruiyot	BELGUT
051	MOHAMED Ahmed Khalif	WAJIR WEST
052	KHALWALE Bonny Basiye	IKOLOMANI
053	KHAMASI Daniel Lyula	SHINYALU
054	KHAMISI Joseph Matano	BAHARI
055	KHANIRI George Munyasa	HAMISI
056	KIBUNGUCHY Enoch Wamalwa	LUGARI
057	KIBWANA Kivutha	MAKUENI

058	KIHARA Njeri Jayne	NAIVASHA
059	KILIMO Linah Jebii	MARAKWET EAST
060	KILONZO Julius Kiema	MUTITO
061	KIMATHI James Viscount	LARI
062	KIMETO Anthony Kipkosge	SOTIK
063	KIMUNYA Amos Muhinga	KIPIPIRI
064	KINGI Joseph Kahindi	GANZE
065	KIPCHUMBA Joseph Lagat	ELDORET EAST
066	KIRWA Kipruto Rono	CHERANGANY
067	KITUYI Mukhisa	KIMILILI
068	KIUNJURI Mwangi	LAIKIPIA EAST
069	KOECH John Kipsang Arap	CHEPALUNGU
070	KOECH Sammy Cheruiyot	KONOIN
071	KOFA Mugava Tola	GALOLE
072	KOMBE Harrison Garama	MAGARINI
073	KOMBO Musikari Nazi	WEBUYE
074	KONCHELLA Gideon Sitelu	KILGORIS
075	KORIR Joseph Kipkaptio	MOGOTIO
076	KOROS David Kiptanui	ELDORET SOUTH
077	KOSGEY Henry Kiprono	TINDERET
078	KULUNDU Newton Wanjala	LURAMBI
079	KURIA Simon Kanyingi	LIMURU
080	KUTI Mohamed Abdi	ISIOLO NORTH
081	LESHORE Prisa Sammy	SAMBURU EAST
082	LESIRMA Simeon Saimanga	SAMBURU WEST
083	LIGALE Andrew Ndooli	VIHIGA
084	MAATHAI Wangari Muta	TETU
085	MACHAGE Wilfred Gisuka	KURIA
086	MADOKA Marsden Herman	MWATATE
087	MAGARA James Omingo	SOUTH MUGIRANGO
088	MAGUGU Arthur Kinyanjui	GITHUNGURI
089	MAITHA Emmanuel Karisa	KISAUNI

090	MAITHA Moffat Muia	KANGUNDO
091	MAITHA Lucas Baya Mweni	MALINDI
092	MANDUKU Hezron	NYARIBARI MASABA
093	MANGO Christine Abungu	BUTULA
094	MANOTI Stephen Kengere	BOBASI
095	MAOKA Richard Maore	NTONYIRI
096	MARENDE Kenneth Otiato	EMUHAYA
097	MASANYA Godfrey Okeri	NORTH MUGIRANGO / BORABU
098	MBAI Benson Itwiku	MASINGA
099	MBAU Elias Peter	MARAGWA
100	MGANGA Boniface	VOI
101	MICHUKI John Njoroge	KANGEMA
102	MIDIWO Washington Jakoyo	GEM
103	M'MUKINDIA Kirugi Laiboni	CENTRAL IMENTI
104	M'NKIRIA Petkay Shell Miriti	NITHI
105	MOHAMED Hussein Maalim	DUJIS
106	MOHAMED Abdi Mahamud	WAJIR EAST
107	MOHAMED Abdi Haji Mohamed	MANDERA WEST
108	MOHAMED Abu Chiaba	LAMU EAST
109	MOI Gideon	BARINGO CENTRAL
110	MOROTO Samuel Chumel	KAPENGURIA
111	MUCHIRI Geoffrey Gachara	NDARAGWA
112	MUGO Beth Wambui	DAGORETTI
113	MUIRURI Patrick Kariuki	GATUNDU NORTH
114	MUITE Paul Kibugi	KABETE
115	MUKIRI Macharia	MOLO
116	MANHATTAN Damson Buy	GARDEN
117	MANIA Peter Gateau	TIRANA EAST
118	MANIA Joseph Console	MOONY
119	MONEYS John Keying	TURKANA NORTH
120	MURITHI Peter Gichuhi	NYERI TOWN
121	MARIACHI Karie	OLD' KAILUA



122	MOORING Raphael	GAMBLE
123	MUTUNGA Christopher Marathi	KEENE
124	MUTUNGA Krait	SOUTH IMENTI
125	MESILLA David	MWANGI SOUTH
126	MUSCODA Stephen Alonzo	MWANGI NORTH
127	KILONZO Charles Motive	YATTA
128	MUTISO John Melinda	KILO ME
129	MATURA Justin Bedpan Njoka	SOAKAGE
130	MAKER Chirrup Ali	MATURA
131	MWANDAWIRO Mghanga	WUNDANYI
132	MWANGI Onesmus Kihara	KIGUMO
133	MWANZIA Fredrick Daudi	MACHAKOS TOWN
134	MWENDWA Winfred Nyiva	KITUI WEST
135	MWENJE David Kamau	EMBAKASI
136	MWIRARIA Daudi	NORTH IMENTI
137	MWIRIA Valerian Kilemi	TIGANIA WEST
138	NDAMBUKI Gideon Musyoka	KAITI
139	NDERITU Alfred Mwangi	MWEA
140	NDILE Richard Kalembe	KIBWEZI
141	NDOLO Reuben Owino Nyanginja	MAKADARA
142	NDWIGA Peter Njeru	MANYATTA
143	NGILU Charity Kaluki	KITUI CENTRAL
144	NGOYONI Titus Lemusei	LAISAMIS
145	NGOZI Abdallah Jumaa	MSAMBWENI
146	NKAISSERRY Kasaine Joseph	KAJIADO CENTRAL
147	NTIMAMA William Rongora ole	NAROK NORTH
148	NTUTU Stephen Kanyinke	NAROK SOUTH
149	NYACHAE Simeon	NYARIBARI CHACHE
150	NYAGAH Norman Gathakari King'ang'i	KAMUKUNJI
151	NYAGAH Joseph William Nthiga	GACHOKA
152	NYAMUNGA Eric Opon	NYANDO
153	NYONG'O Peter Anyang'	KISUMU RURAL

154	OBWOCHA Henry Onyancha	WEST MUGIRANGO
155	ODINGA Raila Amolo	LANGATA
156	ODOYO Peter Ochieng'	NYAKACH
157	OGINGA Oburu	BONDO
158	OGUR Tobias Orao Ochola	NYATIKE
159	OJAAMONGSON Sospeter Odeke	AMAGORO
160	OJODE Joshua Orwa	NDHIWA
161	OKEMO Chrysanthus	NAMBALE
162	OKIOMA Samson Nyang'au	KITUTU MASABA
163	OKUNDI Philip Okoth	RANGWE
164	OLWENY Patrick Ayiecho	MUHORONI
165	OMAMBA Herman Odhiambo	URIRI
166	Deceased (Vacant by the time the Conference concluded its proceedings)	KISUMU TOWN WEST
167	OMONDI William Opondo	KASARANI
168	ONDIEK Stephen Alloys Oluoch	UGENYA
169	ONYANCHA Joel Omagwa	BOMACHOGE
170	OPARANYA Wycliffe Ambetsa	BUTERE
171	OPORE John Zebedeo	BONCHARI
172	OSUNDWA Wycliffe	MUMIAS
173	OWIDI Peter Otieno	KASIPUL-KABONDO
174	OWINO Charles Oyugi	MIGORI
175	METITO Katoo Ole	KAJIADO SOUTH
176	POGHISIO Samuel Losuron	KACHELIBA
177	RAI Samuel Gonzi	KINANGO
178	ROTINO Philip Ruto	SIGOR
179	RUTO William Samoei	ELDORET NORTH
180	RUTTO Sammy Kipkemoi	KIPKELION
181	SAITOTI George	KAJIADO NORTH
182	SALAT Nicholas Kiptoo Korir	BOMET
183	SAMBU John Kipkorir	MOSOP
184	SANG Kipkorir Marisin	BURET
185	SASURA Abdi Tari	SAKU

186	SERUT John Bomet	MT. ELGON
187	SHAABAN Ali Isaack	MANDERA EAST
188	SHABAN Naomi Namsi	TAVETA
189	SHAKOMBO Suleiman Rashid	LIKONI
190	SIRMA Musa Cherutich	ELDAMA RAVINE
191	SOITA Peter Shitanda	MALAVA
192	SUDI David Kiprono Sutter	MARAKWET WEST
193	SUGOW Aden Ahmed	FAFI
194	SUNGU Eric Gor	KISUMU TOWN EAST
195	SYONGOZ Zaddock Madiri	GWASI
196	TARUS Stephen Kipkiyeny	EMGWEN
197	TOO Nondin Noah Arap	AINAMOI
198	TORO Joshua Ngugi	KANDARA
199	TUJU Raphael	RARIEDA
200	TWAHA Fahim Yasin	LAMU WEST
201	WAITHAKA Mwangi	KINANGOP
202	WAMBORA Martin Nyaga	RUNYENJES
203	WAMUNYINYI Athanas Misiko Wafula	KANDUYI
204	WAMWERE Koigi	SUBUKIA
205	WANJALA Raphael Bitu Sauti	BUDALANGI
206	WARIO Ali	BURA
207	WEKESA Noah Mahalang'ang'a	KWANZA
208	WERE David Aoko	MATUNGU
209	WETANGULA Moses Masika	SIRISIA
210	WEYA Samuel Arthur	ALEGO/USONGA
211	ABDALLA Amina Ali	Nominated
212	ARINGO Peter Oloo	Nominated
213	BETT Franklin K.	Nominated
214	KEINO Esther C.	Nominated
215	KILONZO Mutula	Nominated
216	KONES Kipkalya	Nominated
217	MBARIRE Cecily M.	Nominated

218	MWAU Adelina Ndeto	Nominated
219	NDUNGU Njoki S.	Nominated
220	OJIAMBO Julia A.	Nominated
221	ONIANG'O Ruth K.	Nominated
222	TETT Betty N.	Nominated
223	KAPARO F. O.	Speaker of the National Assembly

## DISTRICT DELEGATES

### NAIROBI PROVINCE

224	Nancy Kabeyeka Lung'ahi	NAIROBI
225	Salim Ibrahim	NAIROBI
226	Samuel Macharia Muchuga	NAIROBI

### COAST PROVINCE

227	Amina Zuberi Rajab	MOMBASA
228	Livu K. Raphael	MOMBASA
229	Mdahoma Farouk Said	MOMBASA
230	Boi Fatuma Bakari	KWALE
231	Kitambi Mwalimu Digore	KWALE
232	Ndeme Raphael Bombo	KWALE
233	Mwaringa Beatrice Mwaka	KILIFI
234	Haji Mwijaa Mwinyi	KILIFI
235	Tsumah Reuben R.	KILIFI
236	Zuhura Zukira Wanje	MALINDI
237	Onotto Joshua Jilo	MALINDI
238	Badawy Abdulrahman Ahmed	MALINDI
239	Halako Fatuma Galogalo	TANA RIVER
240	Abuti Mohammed Juma	TANA RIVER
241	Golich Juma Wario	TANA RIVER
242	Ahmed Amina Muhudhar	LAMU
243	Aboud Sheikh Abdalla	LAMU
244	Omar Twalib Mzee	LAMU
245	Mwanyota S. Mariam	TAITA TAVETA

246	Mwailengo Haji Joel	TAITA TAVETA
247	Mnene J. Othiniel	TAITA TAVETA

### **NORTH EASTERN PROVINCE**

248	Asli Ibrahim Ali	GARISSA
249	Abdirahaman Ali Abass	GARISSA
250	Abdullahi Haji Mohammed	GARISSA
251	Hubbie Hussein Al-Haji	IJARA
252	Dubat Ali Amey	IJARA
253	Salah Arte Ahmed	IJARA
254	Fatuma Sheikh Muhammed	WAJIR
255	Ahmed Maalim Omar	WAJIR
256	Nur Ibrahim Abdi	WAJIR
257	Sahara Ahmed Hillow	MANDERA
258	Isaack Derow Ibrahim	MANDERA
259	Salah Maalim Alio	MANDERA

### **EASTERN PROVINCE**

261	Khadija Fugicha Dabassa	MOYALE
262	Abdikadir Guyo	MOYALE
263	Kaaru Abdulkadir Guleid	MOYALE
264	Esintele Kureya	MARSABIT
265	Guracha Denge Wario	MARSABIT
266	Galgalo Adano Tuye	MARSABIT
267	Fatuma Boru Jaldesa	ISIOLO
268	Godana Doyo Adhi	ISIOLO
269	Yusuf Wako Dogo	ISIOLO
270	Bariu Beatrice	NYAMBENE
271	Kiumo Amos	NYAMBENE
272	Thimangu Jim Muketha	NYAMBENE
273	Muriuki Joyce Kagendo	MERU CENTRAL
274	Gituma Paul Victor	MERU CENTRAL
275	M'Rinyiru Julius M'Mworia	MERU CENTRAL

276	Ndeke Leah Ciamwari	MERU SOUTH
277	M'Thigaa Godfrey Mbuba	MERU SOUTH
278	Nkoroi Peter Kang'ethe	MERU SOUTH
279	Nduyo Grace Ntembi	THARAKA
280	Kaimba Bruno Kibaara	THARAKA
281	Mungania Julius Mugao	THARAKA
282	Kimani Lydia Wanjiru	EMBU
283	Njeru Abel Mwaniki	EMBU
284	Munyi John Gitari	EMBU
285	Naleah Gatiti Kithumbu	MBEERE
286	Isa Ileri Ngunia	MBEERE
287	Nichasius Mugo Njoka	MBEERE
288	Mutunga Jane Mwikali	MWINGI
289	Maluki Robert M	MWINGI
290	Mutua Eric Kyalo	MWINGI
291	Jane Mwendu Pius	KITUI
292	Francis Nzuki Kaloki	KITUI
293	Justus Musyoki Mutweti	KITUI
294	Victoria Mutheu Musyoka	MACHAKOS
295	Saipstone Ngalaatu Musau	MACHAKOS
296	Stanislous Wambua Kasoka	MACHAKOS
297	Wambua Praxedes Nzisa	MAKUENI
298	Maende Rhoda Ndumi	MAKUENI
299	William Nduse Matheka	MAKUENI

## CENTRAL PROVINCE

300	Lydia Wambui Muriuki	NYANDARUA
301	George Ndatho Muchiri	NYANDARUA
302	Frederick Rukwaro Nderitu	NYANDARUA
303	Margaret Nyathogora	NYERI
304	Hezekiah Waithanje Minjire	NYERI
305	Dominic Muraguri Nderi	NYERI
306	Ngari Christine Nyawira	KIRINYAGA

307	Waruri John Nyaga	KIRINYAGA
308	Mathenge James Stanley	KIRINYAGA
309	Kirangari Jane Kamwaga	MURANGA
310	Mwangi James Waweru	MURANGA
311	Fr. Gitonga Joachim	MURANGA
312	Mburu Muthoni Mary	MARAGUA
313	Simon Gathii Gachomo Gichuru	MARAGUA
314	Gacuru Wa Kareng	MARAGUA
315	Beatrice Wairimu Kamamia	THIKA
316	Gitu wa Kahengeri	THIKA
317	John Kinuthia Waitiki	THIKA
318	Hannah Nyambura Kimani	KIAMBU
319	James Kinuthia Mwangi	KIAMBU
320	Kiroo Wa Ngugi	KIAMBU

### **RIFT VALLEY PROVINCE**

321	Loyor Rhoda Arupe	TURKANA
322	Lomorukai L. Emmanuel	TURKANA
323	Emaase Peter Derick Ejore	TURKANA
324	Koringura Hellen	WEST POKOT
325	Lopetakou William	WEST POKOT
326	Alew Simon	WEST POKOT
327	Lepuchirit Sophia	SAMBURU
328	Lobuk Pius Leyaro	SAMBURU
329	Julius Lalampaa	SAMBURU
330	Nancy Iyadi	TRANS NZOIA
331	Bungei Isaac Kipkosgei	TRANS NZOIA
332	Nathaniel K. Tum	TRANS NZOIA
333	Emmy Jerono Kipsoi	UASIN GISHU
334	Moses Kiplagat Keter	UASIN GISHU
335	Julius Kipkurgat Sitienei	UASIN GISHU
336	Mkawerweren B. Chebii	MARAKWET
337	Sengech Michael Kipkemoi	MARAKWET

338	Kiptum Jane Jebiwott	MARAKWET
339	Caroline Chemursoi	KEIYO
340	David K. Kuto	KEIYO
341	Kaitany Ernest Kiprotich	KEIYO
342	Magut Felicity Irine	NANDI
343	Saina Augustine Kibet	NANDI
344	Kimaiyo Keroney Arap Sego	NANDI
345	Lekisemon Mariamu Ntausian	BARINGO
346	Cheruiyot Isaiah Kiplabat	BARINGO
347	Chelagat Naftali Kemboi	BARINGO
348	Chepkoech Sally	KOIBATEK
349	Kigen David Kimaiywa	KOIBATEK
350	Kiptingos Saul Kipkoech	KOIBATEK
351	Pascalina Riwandi Lebarleiya	LAIKIPIA
352	John Muchai Kiniti	LAIKIPIA
353	Shuel Joseph Njalis	LAIKIPIA
354	Lizah Chepkorir Chelule	NAKURU
355	Mwangi Michael Githu	NAKURU
356	Kesendany Ezekiel Kosgey	NAKURU
357	Teclah Nairesiai Munkushi	TRANSMARA
358	Moses L. Naimadu	TRANS MARA
359	David Mpilei Oloisa	TRANS MARA
360	Lorna Timanoi Tetu	NAROK
361	William Salaon Ole Yiaile	NAROK
362	Wilfred Koitamet Ole Kina Nchoshoi	NAROK
363	Keko Somoina Margaret	KAJIADO
364	Osoi Kamwende Daniel	KAJIADO
365	Ole Sisika Lengete Moses	KAJIADO
366	Caroline Cherotich Ruto	BOMET
367	Alexander Kipngetich Chepkwony	BOMET
368	Joel Kipyegon Sang	BOMET



369	Christina Cheronon Ngeno	KERICHO
370	Joseph Maritim Soo	KERICHO
371	James Kibii Koske	KERICHO
372	Bornice Chelangat Soi	BURET
373	Kiplangat Arap Koech	BURET
374	Joseph Kipngeno Soi	BURET

## WESTERN PROVINCE

375	Nandako Jane Kauka	LUGARI
376	Mafunga Chesmei Wambulwa	LUGARI
377	Nakalo David Okiya	LUGARI
378	Dorcas N. Mbelesia	KAKAMEGA
379	Levi Wangula Ahindikha	KAKAMEGA
380	Charles Lwanga Lwole	KAKAMEGA
381	Katamu Rita Ombito	BUTERE - MUMIAS
382	Aswani Sammy Amunga	BUTERE - MUMIAS
383	Tsalwa Warrens Apollo	BUTERE - MUMIAS
384	Jandeka Rebecca Evelia	VIHIGA
385	Caleb Kisato Jumba	VIHIGA
386	Ohare Charles Edward	VIHIGA
387	Ngeywa Cherotich Nancy	MT. ELGON
388	Chemwey Naibei Sammy	MT. ELGON
389	Kisiero Arap Wilberforce	MT. ELGON
390	Kellan Khaoma Wavomba	BUNGOMA
391	Oscar Zakayo Makokha	BUNGOMA
392	Eliud Paul Nakitare	BUNGOMA
393	Ashepete Barasa Roseline	TESO
394	Mark Asitaluko Osilli Adungo	TESO
395	Ajaa Olubai	TESO
396	Akhayalu Happy Gloria Wabwire	BUSIA
397	Awillie David Lidbury Erulu	BUSIA
398	Wesonga George Ojwang	BUSIA

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## NYANZA PROVINCE

399	Ogot Grace Emily Akinyi	SIAYA
400	Owino Rose Marie	SIAYA
401	Awora Daniel Obare	SIAYA
402	Eve Akinyi Obara	KARACHUONYO
403	Benta Auma Saoke	KARACHUONYO
404	Fares Ogada Aguo	KARACHUONYO
405	Ochola Fibie Atieno	KISUMU
406	Shakeel Shabbir Ahmed	KISUMU
407	Kayila James Omolo	KISUMU
408	Nam Judith Achieng' Oyalo	NYANDO
409	Attyang Joseph David	NYANDO
410	Ombura Elphas Odhiambo	NYANDO
411	Ogutu Teresa Usunga	HOMABAY
412	Odhiambo Ollunga Mark	HOMABAY
413	Ogingo Otieno Kevin Mathew	HOMABAY
414	Okelo Elizabeth Nyangetha	MIGORI
415	Dache John Pesa	MIGORI
416	Oyao David Adundo	MIGORI
417	Atonga Gaudentia Agoko	SUBA
418	Orwa George Ochieng	SUBA
419	Onyango Philip Romanus	SUBA
420	Susan Wambura Jackson	KURIA
421	Thomas Mosabi Merengo	KURIA
422	Maasai Maroa	KURIA
423	Clare Kwamboka Omanga	KISII
424	Thomas Nyabote Aburi	KISII
425	Sylvanus Onyambu Ogari	KISII
426	Orwenyo Mary Obonyo	NYAMIRA
427	Ogero Benson Kegoro	NYAMIRA
428	Kibagendi Richard Ngoge	NYAMIRA
429	Judith Magundho	BONDO

430	Mitere Albert Onyango	BONDO
431	Otieno Rose Adiana	BONDO
432	Rodah Gesare Kamanda	GUCHA
433	David Marcos Rakamba	GUCHA
434	Peter G. Nyanducha	GUCHA

### TRADE UNION REPRESENTATIVES

DEL. NO.	NAME	ORGANISATION
435	John Katumanga	KNUT
436	Francis Ng'ang'a	KNUT
437	Zeruiya Otwani	KNUT
438	John Cheruiyot	Union of Kenya Civil Servants
439	George Muchai	COTU
440	Rajab Mwondi	COTU
441	Joel Chebii	COTU
442	Francis Waweru	COTU
443	Roselinda Simiyu	COTU
444	Maero Tindi	COTU
445	Esther Lelei	COTU
446	Francis Wangara	COTU
447	Kennedy Kiliku	COTU
448	Isaiah Kubai	COTU
449	Benson Okwaro	COTU
450	Francis Atwoli	COTU

### NON GOVERNMENTAL ORGANIZATIONS REPRESENTATIVES

DEL.NO.	NAME
451	Millie G. A. Odhiambo
452	Maurice Odhiambo Makoloo
453	Elkanah Odembo
454	Kathurima M'Inoti
455	Lawrence Murugu Mute
456	Mohamed J. Nyaoga
457	Onwonga Nyangau Billy
458	Odenda Lumumba

459	Oduor Ongwen
460	Gichira Kibara
461	Philip Ole Sironka
462	Samuel Tororei
463	Suba Churchill Meshack
464	Singoei Korir Abraham
465	Beatrice Nduta Kiarie
466	Joyce Umbima
467	Mary Wambui Kanyi
468	Hellen Jepkerich Too - Yego
469	Grace N. Githaiga
470	Sophia Abdi
471	Rose Kasiala Lukalo - Owino
472	Miriam Muto
473	Pamela Arwa Mboya

### **PROFESSIONAL ORGANIZATIONS REPRESENTATIVES**

<b>DEL. NO.</b>	<b>NAME</b>	<b>ORGANISATION</b>
474	Okoth Anne Ochien'g	NNAK
475	Anne Wairimu Njogu	ICPSK
476	Mohammed Jamila	CIAK
477	Beryl Anyango Ouma	LSK
478	Sabenzia N. Wekesa	KVA
479	Kavoo Kilonzo	KMA
480	John Karimi Njiraini	ICPAK
481	Daniel W. Ichang'i	GSK
482	Isaac Ongumba Kibwage	PSK
483	Saleh Saad Yahya	ISK
484	Sylvester C.M. Wafula	AAK
485	Raphael G. Mwai	APSEA
486	Daniel Njagi	ACEK
487	Baldip Singh Rihal	APSEA
488	James F.T. Foster	ICPSK

### **WOMEN ORGANIZATIONS REPRESENTATIVES**

<b>DEL. NO.</b>	<b>NAME</b>
489	Jane Mumbi Kiano
490	Rose Waruhiu
491	Lillian Wanjira
492	Mercy Mwamburi
493	Aisha Chiku Wanje
494	Kauchi A. Chivumba
495	Asenath Kaimuri Nyamu
496	Ann Mululu
497	Jillo Mumina Konso
498	Kathini Maloba Caines
499	Margaret Hutchinson
500	Kamla Sikand
501	Joyce M. Majiwa
502	Rose A. Olende
503	Elizabeth Mayieka
504	Rukia A. Subow
505	Fatuma Ali Saman
506	Fatuma Ibrahim Ali
507	Margaret Kamar
508	Mareso Agina
509	Martha Rop
510	Atsango Chesoni
511	Ruth N. Kibiti
512	Florence Machayo

### **RELIGIOUS ORGANIZATIONS REPRESENTATIVES**

<b>DEL. NO.</b>	<b>NAME</b>	<b>ORGANIZATION</b>
513	Abuom, Agnes	NCKK
514	Ajuoga, Milcah Aoko	OAIC
515	Ali, Shee Mohammed	SUPKEM
516	Bwana, Peter Ondari	SDA
517	El-Busaidy, Abdulghafur H.S.	SUPKEM

518	Fadhil, Sultana	MCC
519	Gacambi, Marie Therese	Kenya Episcopal Conference
520	Gatiti, James Nthiga	Kenya Episcopal Conference
521	Wahu Kaara.	PCEA
522	Gitari, David M.	NCKK
523	Wanjiru, Margaret Muchai	Evangelical Fellowship of Kenya
524	Kapila, Neera Kent	Hindu Council of Kenya
525	Ibrahim Ahmed Yussuf	MCC
526	Kinyanjui, Rosemary, M.	Anglican Church of Kenya
527	Njeru Wambugu	OAIC
528	Mageria, James John	PCEA
529	Maina, Patrick Musungu	Church of God in East Africa
530	Mburugu, Florence W. Ruhiu	Kenya Episcopal Conference
531	Ali Mustafa Yussuf	SUPKEM
532	Muchai, Rogers Lumatete Walubengo	Kenya Episcopal Conference
533	Mung'athia, Hellen	Methodist Church of Kenya
534	Musyimi, Mutava	NCKK
535	Ojiambo Fred O. O. N'cruba	Evangelical Fellowship of Kenya
536	Mwaniki, Tabitha Mumbi	SDA
537	Mwanzi, Asiya Mahmood	SUPKEM
538	Ng'eny, Samuel K. Arap	Anglican Church of Kenya
539	Njue, John	Kenya Episcopal Conference
540	Nthamburi, Zablon	Methodist Church of Kenya
541	Okoth, Zacchaeus	Kenya Episcopal Conference
542	Omondi, Ibrahim	Evangelical Fellowship of Kenya
543	Rashmin P. Chitnis	Hindu Council of Kenya
544	Sehmi, Rupinder Singh	Hindu Council of Kenya
545	Shitemi, Simeon	Joint Religious Leaders
546	Sulumeti, Philip	Kenya Episcopal Conference
547	Wandati, Abdulrahman Mirimo	MCC

**COMMISSIONERS OF THE CONSTITUTION OF KENYA REVIEW  
COMMISSION**

DEL. NO.	<u>NAME</u>
548	Yash Pal Ghai

549	Ahmed Idha Salim
550	Abida Ali-Aroni
551	H. W. O. Okoth-Ogendo
552	Phoebe Asiyu
553	M. A. Swazuri
554	Charles Maranga Bagwasi
555	Salome Wairimu Muigai
556	Alice Yano
557	Wanjiku Kabira
558	Abdirizak Arale Nunow
559	Bishop Bernard Njoroge Kariuki
560	Pastor Zablon Ayonga
561	Nancy Makokha Baraza
562	Mutakha Kangu
563	Kavetsa Adagala
564	Paul Musili Wambua
565	Abubakar Zein Abubakar
566	Ahmed Issack Hassan
567	Riunga Raiji
568	Ibrahim Lethome
569	Keriako Tobiko
570	Githu Muigai
571	Isaac Lenaola
572	K. Mosonik arap Korir
573	Domiziano Ratanya

574	Andronico O. Adede
575	Amos Wako
260	PLO- Lumumba

### **POLITICAL PARTY REPRESENTATIVES**

<b>DEL. NO.</b>	<b>NOMINEE</b>	<b>PARTY</b>
576	Simon Mwai Gakuya	Chama Cha Uma Party (CCU)
577	George Kinyua	United Agri Party
578	Jacob Ochino Ogundo	Reform Party of Kenya
579	Daniel Mokaya Rasugu	National Party (Labour)
580	Francis Carey Onyango	Social Party for Advancement and Reforms - Kenya
581	Yusuf Mahmoud Aboubakar	Shirikisho Party of Kenya
582	Njuguna M. Kung'u	United Patriotic Party of Kenya
583	Appolo Njonjo	Social Democratic Party of Kenya (SDP)
584	Makau Mutua	Safina Party
585	Dennis Kodhe	Liberal Democratic Party
586	George Mwaura Mburu	Peoples Party of Kenya
587	Caroline Ng'ang'a	Labour Party of Kenya
588	Francis Wabayale	New People's Democratic Party
589	Daniel Gachihi Njoroge	Kenya Nationalist People Democratic Party
590	Patrick O. Onyango	Kenya National Democratic Alliance
591	Ogembo Masese	Kenya National Congress
592	Francis Kilemi	Green African Party
593	Gervase A. Akhwabi	Forum for Restoration of Democracy (FORD Kenya)
594	Orie Rogo Manduli	Forum for Restoration of Democracy (FORD People)
595	Joseph Martin Shikuku	Forum for Restoration of Democracy (FORD Asili)
596	Hezron K. N. Manonda	Democratic Assistant Party
597	Moses M. Wekesa	Kenya Socialist Party
598	Kimani M. Ng'ang'a	United Kenya Citizen
599	Leslie Betawa Mwachiro	Chama Cha Majimbo na Mwangaza



600	Zakayo M. Karimi	Sisi Kwa Sisi Party of Kenya
601	Lus'eno H. Liyai Indembukhani	Peoples Solidarity Union
602	Benjamin Gitoi	National Conservative Party of Kenya
603	Winston Ogola Adhiambo	Federal Party of Kenya
604	Samuel M. Mwaura	Mass Party of Kenya
605	Ngorongo Makanga	Liberal Greens Party of Kenya
606	Phoebe Sikoya Kituyi	Reform of Political Kenya Union
607	Nginyo L. Kariuki	National Alliance Party of Kenya
608	Lihanda Kemen Savai	Kenya Republican Reformation Party
609	Kenneth N. Njiru	United Democratic Peace Integrity Kenya
610	Justus M. Wekala	People's Democratic Union of Kenya
611	John P. Nyakundi	Kenya Social Congress
612	David Wakahu	UMMA Patriotic Party
613	Mike Oliewo	Party of Independent Candidates of Kenya (PICK)
614	Dalmas Anyango Otieno	Kenya African National Union (KANU)
615	George Omari Nyamweya	Democratic Party of Kenya
616	Were W. K. Domtila	Economic Independence Party

### SPECIAL INTERESTS GROUPS

DEL NO.	NAME	
617	Manu Chandaria	Industry / Business Community
618	VACANT	Judiciary
619	Wilfred Kiboro	Media
620	R. S. C. Omolo	Judiciary
621	Robert Rukunga	Cultural Arts
622	Bernadette Quadros	Hindu
623	Murtaza Jaffer	Hindu
624	King'ori Mwangi	Police
625	Gilbert M. Omondi	Prisons
626	Mamo Abudo Qonchoro	Students/Youth
627	Danny Irungu Mwangi	Youths
628	James O. Bwatuti	Informal Sector / Jua Kali
629	T. K. Githiora	Armed Forces

## Appendix 12

### List of Replaced Delegates during the NCC

<b>DELEGATES REPLACED DURING THE CONFERENCE DUE TO VARIOUS REASONS</b>						
<b>MEMBERS OF PARLIAMENT</b>						
	<b>DEL. NO.</b>	<b>NAME</b>	<b>CONSTITUENCY</b>	<b>ATTENDED</b>	<b>REPLACED BY</b>	<b>REASON FOR REPLACEMENT</b>
1	002	WAMALWA Michael Christopher	SABOTI	NCC I, NCC II	Capt. Davies Nakitare	Death
2	127	MUTISO James Philip	YATTA	NCC I	Charles Kilonzo	Death
3	166	OMINO Joab Henry Onyango	KISUMU TOWN WEST	NCC I, NCC II, NCC III	Vacant	Death
4	175	PARPAI Geoffrey Mepukori	KAJIADO SOUTH	NCC I, NCC II	Katoo Ole Metito	Death

#### **DISTRICT REPRESENTATIVES**

	<b>DEL. NO.</b>	<b>NAME</b>	<b>DISTRICT</b>	<b>ATTENDED</b>	<b>REPLACED BY</b>	<b>REASON FOR REPLACEMENT</b>
5	395	Emukule Anyara John Mathew	TESO	NCC I, NCC II	Ajaa Olubayi	Resigned on appointment as Judge
6	412	Mbai Crispin Odhiambo	HOMABAY	NCC I, NCC II	Prof. Odhiambo Olunga	Death

#### **TRADE UNION REPRESENTATIVES**

	<b>DEL. NO.</b>	<b>NAME</b>	<b>ORGANIZATION</b>	<b>ATTENDED</b>	<b>REPLACED BY</b>	<b>REASON FOR REPLACEMENT</b>
7	450	James Ngusi	COTU	NCC I, NCC II	Francis Atwoli	Death

#### **NON GOVERNMENTAL ORGANIZATIONS**

	<b>DEL. NO.</b>	<b>NAME</b>	<b>ORGANIZATION</b>	<b>ATTENDED</b>	<b>REPLACED BY</b>	<b>REASON FOR REPLACEMENT</b>
8	452	Willy Mutunga		NCC I, NCC II, NCC III	Maurice Odhiambo Makoloo	Resignation
9	460	Patrick O. Kiage		NCC I, NCC II, NCC III	Gichira Kibara	Resignation

#### **PROFESSIONAL ORGANIZATIONS REPRESENTATIVES**

	<b>DEL. NO.</b>	<b>NAME</b>	<b>ORGANIZATION</b>	<b>ATTENDED</b>	<b>REPLACED BY</b>	<b>REASON FOR REPLACEMENT</b>
10	477	Raychelle Awuor Omamo	LSK	NCC I, NCC II	Beryl Ouma Anyango	Resigned on appointment as Ambassador to France

#### **WOMEN ORGANIZATIONS REPRESENTATIVES**

	<b>DEL. NO.</b>	<b>NAME</b>	<b>ORGANIZATION</b>	<b>ATTENDED</b>	<b>REPLACED BY</b>	<b>REASON FOR REPLACEMENT</b>
11	493	Amina H. Soud	Muslim Sisters Network	NCC I	Asha Wanje	Resigned
12	495	Martha Koome		NCC I	Asenath Nyamu	Resigned on appointment as Judge
13	498	Maria Nzomo	MYWO	NCC I	Kathini Maloba-Caines	Resigned on appointment as High Commissioner to Zimbabwe
14	499	Tabitha Seii	ECWD	NCC I	Lorna Laboso	Resigned on appointment as High Commissioner to South Africa
15	499	Lorna Laboso	ECWD	NCC II, NCC III	Dr. Margaret Hutchingson	Resigned
16	504	Aweis Nasra Abubakar	Muslim Sisters Network	NCC I, NCC II	Rukia Subow	Replaced by nominating panel

#### **RELIGIOUS ORGANIZATIONS REPRESENTATIVES**

	<b>DEL. NO.</b>	<b>NAME</b>	<b>ORGANIZATION</b>	<b>ATTENDED</b>	<b>REPLACED BY</b>	<b>REASON FOR REPLACEMENT</b>
17	523	Ruth Kamau	Happy Church Nakuru	NCC I	Margaret Muchai	Resignation
18	543	Shashikant Raval	Hindu Council of Kenya	NCC I, NCC II	Rashmin Chitnis	Replaced by nominating panel

#### **POLITICAL PARTY REPRESENTATIVES**

	<b>DEL. NO.</b>	<b>NAME</b>	<b>PARTY</b>	<b>ATTENDED</b>	<b>REPLACED BY</b>	<b>REASON FOR REPLACEMENT</b>
19	584	Farah Maalim Mohamed	Safina Party	NCC I	Prof. Makau Mutua	Resigned
20	607	Wangui Kimani	National Democratic Independent Union	NCC I	Nginyo Kariuki	Resigned

#### **SPECIAL INTERESTS GROUPS**

	<b>DEL. NO.</b>	<b>NAME</b>	<b>SECTOR</b>	<b>ATTENDED</b>	<b>REPLACED BY</b>	<b>REASON FOR REPLACEMENT</b>
21						
22	618	R. O. Kwach	Judiciary	NCC I, NCC II	Vacant	Suspended from Judiciary

## Appendix 13:

### List of Observers

#### A: Local Observers

OBS. NO.	NAME OF OBSERVER	ORGANIZATION / REMARKS
1	Usha Shah	Hindu Council of Kenya
2	Elisha Daniel Godana	Burji Community
3	Moses Leleu Laima	Sengwer Community
4	Medina Ibrahim	Nubian Community
5	Agnes McAnthony	National Focal Point on FGM Eradication
6	Fatuma H. Ahmed	Watta Community
7	Jacinta Nyokabi	Young Political Party of Kenya
8	Bernard Chahilu	Vihiga Cultural Festival
9	Burudi Nabwera	NARC
10	Hon. Josephine O. Sinyo	UDPK, and former nominated MP
11	Fatuma Yusuf	UDPK Wajir
12 (a)	KHRC (Card for rotation)	Kenya Human Rights Commission (KHRC)
12 (b)	KHRC (Card for rotation)	Kenya Human Rights Commission (KHRC)
13	Dr. Jacinta Khasiala Muteshi	Kenya Human Rights Commission (KHRC)
14	Peter Kiama	Kenya Human Rights Commission (KHRC)
15	Jane Ogot	Kenya Women Political Caucus
16	Charles K. Wambugu	Ufungamano
17	Okeru Otieno	Daystar University
18	Josephine N. Sane	KWADA
19	Simeon Mauncho	Mauncho & Co. Advocates
20	Dr. Mitch Medina	Clik. Org
21	Charles Kanjama	Strathmore University
22	Charles Kamuren	Endorois
23	Lt Col Benjamin Muema	Retired Military Officers
24	Anne Gathumbi	COVAW
25	Umami Mwavumba	Muslim Women Forum
26	Amina Hersi Ali	Kenya Women Political Caucus
27	Rosemary Bensina	Samburu S. C. S. P
28	Dr. Josephine Ojiambo	Kenya Medical Women Association
29	Faith Kasiva	WPA-K
30	Prof. Jacqueline A. Oduol	Kenya Women Political Caucus
31	Rose Mary Moraa	MYWO Programme Manager
32	John Ngene Muniu	Kenya African Mau Mau Union (KAMMU)
33	Mary Okumu	WPA-K
34	Mumbi Ngaru	NARC
35		
36	Beatrice K. Elachi	NCWK

37	Ida Odinga	KLWV
38	Khatib Hudson	Kenya United Christian Churches
39	Gibson Kamau Kuria	NCEC
40	Patrick Onyango Sumba	Sports
41	Peter Wango Opany	UDPK
42	Isaac Waweru Karanja	Kenya Assoc. of Retired Officers
43	Dr. Katini-Nzau Ombaka	Kenya Medical Women Association
44	Mwanashehe S. Mohamed	Information Technology
45	Fatuma Alhad Hyder	Bankers Assoc.
46	Rose Nekesa M.	Langata Women's Prison
47	Beatrice A. Ouma	Voice of Youth
48	Evans Gor	Coalition of Youth Against Violence
49	Eleanor Muthoni	Youth Agenda
50	Kepta Ombati	Youths
51	Elizabeth Mwakelemu	KAAC and Youth Agenga
52	Benedict Kinuthia	Kenya Youth Parliament
53	Peter Ligale Khalekha	Youth Rights Forum
54	Cornelius W. Lupao	University of Nairobi Students Organization
55	Monica Opole	CIKSAP
56	Moses Maranga	Nyaribari Masaba Development Support Organization (NMDSO)
57	Mohamed Khatib	Muslim Lawyers Trust
58	Bernard Mucheke	Shelter Forum
59	Litha Musyimi Ogana	African Centre for Empowerment Gender and Advocacy (AC-EGA)
60	Kathini Maloba-Caines	Kenya Women Workers Organization
61	Stephen S. Ole Timoi	Pastoralists & Hunter Gatherers Network
62	Amina Sheikh Kassim	Woman Concern
63	Hilda Agola Orimba	WOWESOCK
64	Judith Loesia Mahindu	Kenya Deaf Assoc.
65	Ochieng' Khairalla	Minority Rights
66	Gordon Muga	Langata CCC
67	Julius Musandu	Kamkunji Jua Kali Assoc
68	James Wanjeru	Complementary / Alternative Medicine
69	Joseph K. Waweru	Muungano Wa Wanavijiji
70	Zachary Momanyi Matayo	Kenya Republican Reformation Party
71	Davinder Singh Lamber	Mazingira Institute / NCEC
72	Betty Chemutai Maina	Policy Solutions
73	Churchil Omondi Owino	United Disabled Caucus
74	Jael Mbogo	Kenya Tuitakayo, Citizens Coalition for Constitution Change
75	Rebecca Kitana	Maendeleo ya Wanawake Organisation
76	Hassan Omar Hassan	Youth Forum
77	Rev. Timothy Njoya	Member, NCEC
78	Josephine Aska Odera	UDPK
79	Abdullahi Slatch	SUPKEM

80	Peter Agweli Onalo	Assoc. of Legal Authors, advocate
81	Lena A. Omondi	St. Judes Counseling Centre
82	Loise Towon	Samburu Girl Child Educ. Support Prog.
83	Asca Kwamboka	Activist
84	Beatrice Njeri Njoroge	IRRP
85	Fatuma Hassan	Woman Kind
86	Immaculate M. Njenge	FIDA
87	Charles K. Kimani	C.E.P.S.
88	John Okoyo	NARC Youth Congress
89	Susan Ngugi Wangui	Youth for Review Forum
90	Jennifer Masiz	Tears of Women Organisation
91	Victoria Mambo	Civic Education Provider
92	Nasra Aweis Abubakar	KHRC
93	Dr. Kithure Kindiki	Moi University
94	Prof. Nick Wanjohi	Jomo Kenyatta University of Agriculture and Technology
95	Miriam Kamau	
96	Prof. Rosalind Mutua	Kiriri Women's University for Sci. & Tech.
97	Samuel Ongoro	COVAW
98	Prof. J.P. Marangu	Nazarene University
99	Prof. Paul A. Ogula / F. B. Macharia	Catholic University
100	Dr. Mitei Kiprono Richard	Kenyatta University
101	George Mirie	NCEC / Citizens Coalition for Constitutional Change
102	Prof. Macharia Munene,	
103	Prof. Crispus Kiamba / Donald O. Okonjo	University of Nairobi
104	Prof. Patrick Kenya	NGO Council
105	Dr. Wilson Nguyo	Egerton University
106	Wilson Siambi	Public Service Commission
107	James Kamau Mwangi	DAU
108	Sarah Muyonga	Cradle - The Children Foundation
109	Carren Angara	SWAI
110	Daniel Odhiambo O.	L.D.P.Y.C.
111	David Orechi K.	Catholic Vocation
112	Joseph M. Mutuma	CBO, Akithii R .C.
113	Dr. Pamela Kola	CRECHE / YWCA/NGO Council
114	Dr. Pius Sylvester Achola	NGO Council
115	Muga Alfred N. Owira	Individual
116	Fredrick Ochieng Olendo	SWAI
117	Kevin Wanyama	Youth For Development & Democratic Governance
118	Haron M. Ndubi	Kituo Cha Sheria / LSK
119	Michael Manana	UN Habitat
120	Jane Kiragu	FIDA Representative
121	Rosemary Sawe	Maendeleo ya Wanawake Organisation

122	Stanley Wanyeki Kahahu	USIU
123	Victor Kariithi Mutuma	Kuani Biodiversity Programme
124	Kipkemoi Nimrod	Hepr of Educ. Centre
125	Omar Al. Kamanda	Chairman Muslim Deaf Association
126	Hassan Wako Wario	Northern NGO Forum
127	Adan Jirma Duba	Northern NGO Forum
128	Margaret Mutoka	Kenya Magistrates & Judges Association
129	Nyabonyi Kazungu	CJPC
130	Halima Ismail Ahmed	Anisaa Women Group
131	Karanja John Njoroge	ACK
132	Wycliffe Muema Maithya	KEDU (Kenya Entrepreneurs Devt. Org)
133	Atieno Ndomo	Panos Eastern Africa
134	Njee Muturi	KANU
135	Wanjala Welime	NARC
136	<i>Card for Rotation</i>	Dialogue Africa
137	Linda Agalochieng	Nyanza Professional Caucus
138	Washington O. Kalee	NARC
139	Christopher Lonyala	Kenya Land Alliance
140	Chris Oyucho	NGO COUNCIL
141	Abdullahi Abdi	Supkem Representative
142	Al - Hajj Yusuf Murigu	Supkem
143	David Malaba	Computer Society of Kenya
144	Ahmed Nasir	LSK Chairman
145	Ng'ang'a James Mburu	Global Visions International
146	Johnson Awuor	Help Age Kenya
147	Cecilia Kimemia	Kenya League of Women Voters
148	Wairimu Mungai	AMKA
149	Aisha Mumbua Omar	Muslim Deaf Women Organization
150	Mona Muthengi	WOWESOK
151	Zipporah Kittony	Mandeleo Ya Wanawake Org, Former nominated MP
152	Hon. Muruthi Mureithi	Former Parliamentarians Association
153	Paul Simba Arati	National Polytechnics Students Association
154	Mohammed Omar	Muslim Task Force on Constitutional Review
155	Gedion Changole	Kenya Human Rights
156	Julius Sunkuli	KANU Secretary General
157	Rose Ogega	ICPAK
158	Edla Atieno Muga	League of Women Voters
159	Cleophas Nyangiro	Nyakach CCC
160	Waithera Ndungu	Abantu for Development
161	Rachel Shebesh	League of Women Voters
162	Jane Nakodony	MYWO
163	Francis Angila	NGO Council, CEO
164	Papias Gitahi	Green Belt Movement
165	Donald Omondi Deya	East Africa Law Society
166	(Card for Rotation)	ALGAK
167	Kang'ethe Kimani	Kenya National Chamber of Commerce

168	Edward Kings O. Maina	Kenya National Chamber of Commerce
169	Dr. Christine Sadia	UNIFEM
170	Dr. Abdullahi Wako	Pastoralist Parliamentary Group
171	Cathreen Nyamato	Individual
172	To Provide One Name	Jaramogi Oginga Odinga Foundation
173	Alice Kagunda	Kenya Police
174	Lawrence Mwadime	Kenya Police
175	Asenath Bole Odaga	Writer
176	Eunice Marima	NARC
177	Brian Weke	The Cradle
178	Rose W. Waruinge	East Africa Law Society/ Wosesok
179	Mithamo Kariuki	Release Political Prisoners
180	Capt. L. M Sande	Department of Defence
181	Francis Atwoli	COTU
182	Joseph Chillumoh	Friends of Norway Development. Agency
183	James Orengo	Social Democratic Party (SDP)
184	Moses Muihia	Social Democratic Party (SDP)
185	Israel Agina	Ex-Political Detainee
186	Daniel Kotut	Teachers Service Commission
187	(Rotation)	Administration Police
188	(Rotation)	Administration Police
189	Peterson Nyanchongi	Individual
190	Grace Okello	The League of Women Voters
191	Koki Muli	IED
192	Francis Austin Njiri	Rotary Club of Nairobi
193	Robert Kiptoo Kipkorir	Former MP, Marakwet East
194	Yusuf Sheikh	SUPKEM
195	Rev. Julius Murang'a	Catholic Church / Grace Centre Int'l
196	Charles Saina Sena	Ogiek Rural Integral Projects
197	Phitallis Masakhwe	UDPK
198	Prof. Walter Oyugi	Nairobi University
199	Beatrice Opany	KWPC
200	Silvance Onyango Abeka	Egerton University
201	Stephen Muthiani Malului	Kenya Entrepreneurs Devevelopment. Org
202	Solomon Kaiya	KNAD
203	Nuria Gollo	Borana Community (SNV)
204	Alice Kirambi	KWPC
205	Gen.(Rtd) Augustine Cheruiyot	Retired Army Commander/ Director, KENGEN
206	Muthoni Kihara	Nairobi City Council
207	(Card for Rotation)	Kenya National Commission on Human Rights
208	(Card for Rotation)	Kenya National Commission on Human Rights
209	Ken Karanja	Children's Cabinet
210	Joseph Mwawasi	Individual
211	Peter O. Maanya	Individual
212	Dr. Daniel K. Tuitoek	Kabarak University
213	Salome Kimatta	UDEK



214	Khadijah Mzee	Kibokoni Self Help Group
215	Said Athman	SUPKEM
216	Philip Kisia	NCBDA
217	Sarah Muyonga	The Cradle
218	Paul M'Ethingia	Njuri - Nceke
219	Phares Rutere	Njuri - Nceke
220	Mathias Keah	Individual
221	Solomon K. Thanje	Individual
222	Card for Rotation	Tachoni Cultural Society (TACUSO)
223	Card for Rotation	TSC 1998 Nairobi American Embassy Bomb Blast Assoc.
224	Card for Rotation	Sportswomen & Administrators Int'l
225	Abdul Asiz Ahmed	Nubian Constitutional Review Forum
226	Salma Ahmed	The League of Muslim Women of Kenya
227	Fatuma Yusuf	The League of Muslim Women of Kenya
228	Dr. George K. Njiru	University of Nairobi (Dept. of Economics)
229	Jebet Kibogy	Individual
230	Rose Menin	Individual
231	Dr. Tom Wolf	Individual
232	Card for Rotation	Ministry of Local Government
233	Card for Rotation	Ministry of Local Government
234	Ochieng Osano Lawrence	SWAI
235	Christine Nyagitha Miller	Individual
236	Gichane Muraguri	Kenya Community Abroad
237	Card for Rotation	NGO Council
238	Luke Oduyo	NGO Council
239	John O, Oduor	U.D.P.I.
240	Card for Rotation	FIDA
241	Naomi Wangai	Ministry of Education
242	Ali Bashir	Africa Planning & Design Consultants
243	Mary Ariviza Mwami	The Kenya Church
244	Card for Rotation	Isahakia Community

### **B: The Lancaster Group**

	<b>NAME</b>	<b>CATEGORY</b>
<b>L. 01</b>	Hon. George Nthenge	Lancaster Conference Group
<b>L. 02</b>	Hon. R. Achieng' Oneko	Lancaster Conference Group
<b>L. 03</b>	Hon. Jeremiah Nyagah	Lancaster Conference Group
<b>L. 04</b>	Hon. Taitta arap Towett	Lancaster Conference Group
<b>L. 06</b>	Hon. Dennis Akumu	Lancaster Conference Group
<b>L. 07</b>	Hon. Robert Matano	Lancaster Conference Group

<b>L. 08</b>	Hon. Priscilla Abwao	Lancaster Conference Group
<b>L. 09</b>	Hon. John Keen	Lancaster Conference Group
<b>L. 10</b>	Hon. Fritz R. S. de Souza	Lancaster Conference Group
<b>L. 11</b>	Hon. Sheikh A. Nassir	Lancaster Conference Group

### **C: The Electoral Commission of Kenya**

<b>ECK NO.</b>	<b>NAME</b>
SD 1	Comm. S. M. Kivuthu
SD 2	Comm. G. K. Mukele
SD 3	Comm. Kihara Muttu
SD 4	Comm. Rachel Mzera
SD 5	Comm. Wangui Karanja
SD 6	Comm. Anne Wambaa
SD 7	Comm. Nathaniel Chebelyon
SD 8	Comm. Amb. J. B. Tumwa
SD 9	Comm. Justice William Mbaya
SD 10	Comm. Habel Nyamu

### **D: The East African Legislative Assembly**

<b>REG NO.</b>	<b>NAME</b>	<b>CATEGORY</b>
<b>EA 1</b>	Hon. Jared Kangwana	East African Legislative Assembly (EALA)
<b>EA 2</b>	Hon. Ochieng Mbeo	East African Legislative Assembly (EALA)
<b>EA 3</b>	Hon. J. Shamalla	East African Legislative Assembly (EALA)
<b>EA 5</b>	Hon. Rose Waruhiu	East African Legislative Assembly (EALA)
<b>EA 6</b>	Hon. Calista Mwatela	East African Legislative Assembly (EALA)

### **E: Diplomats**

<b>DIP. NO.</b>	<b>NAME</b>	<b>EMBASSY / HIGH COMMISSION</b>
D1	Hugh Evans Political Advisor	British High Commission
D2	Ian Peterson 2nd Secretary	British High Commission
D3	Paul Harvey Deputy High Commissioner.	British High Commission
D4	Mark Norton	British High Commission
D5	Mark Norton Press, Public Affairs.	British High Commission

D6	Maria Okong'o Political Officer	British High Commission
D7	Stella Ondimu Political Officer	British High Commission
D8	Harriet Wanjohi DFID	British High Commission
D9	Matthew Wyatt Head, DFID	British High Commission
D10	Walter Pflaumer Political Counselor	US Embassy
D11	Nathan Holt Political Officer	US Embassy
D12	Fatuma Sanneh Political Officer	US Embassy
D13	Nancu Gitau USAID	US Embassy
D14	Kevin Borher USAID	US Embassy
D15	Michael Kamau Political Specialist	US Embassy
D32	Julius B. Okara	COMESA
D33	Hendrica Okondo	UNIP
D34	John Mugerwa	Uganda High Commission
D35	William Brencick	US Embassy
D37	HE L. M. Makhubela	South African High Commission
D38	G. P. Setlhoke	South African High Commission
D39	N. S Tshivhula	South African High Commission
D40	Keith Lewis	Canadian Embassy
D41	Immanuel Chileshe First Sec,	Zambian High Commission
D43	Matti Kaariainen Pertti	Finish Embassy
D44	Timo Olkkonen	Finish Embassy
D45	Antoine Anfre	French Embassy
D46	Thirote Louis - Xavier	French Embassy
D47	H.E. Edward Clay	British High Commission
D48	Dorothy Nachilongo	Zambian High Commission
D49	Lydia Mapusha	Zambian High Commission
D50	Erin Tarion	US Embassy
D51	Issack Bernard	South African High Commission
D52	Craig Olson	US Embassy
D53	Bernd Braun	German Embassy
D54	Michael Hoffman	German Embassy
D55	Kathrin Bauch	German Embassy

## **F: International Organizations**

<b>INTERN ORG</b>	<b>NAME</b>	<b>INTERNATIONAL ORGANIZATION</b>
<b>CD 4</b>	Nicholas Taylor	European Union
<b>CD 13</b>	Dr. Schwartz Roland	H. Stiftung
<b>CD 21</b>	Card for Rotation	National Democratic Institute
<b>CD 22</b>	Card for Rotation	National Democratic Institute
<b>CD 24</b>	Anne Wanjiru Muragu	Heinrich Boll Foundation
<b>CD 26</b>	George Okoth_Obbo	United Nations High Commission for Refugees
<b>CD 27</b>	Emmanuel Nyabera	United Nations High Commission for Refugees (UNHCR)
<b>CD 28</b>	Sue Tatten	USAID

### **G: Lobby Tents**

<b>LOBBY ORG</b>	<b>ORGANIZATION</b>	<b>NAME</b>
<b>RT. 01</b>	KWPC 1	Anymba Perez
<b>RT. 02</b>	KWPC 2	Husna Hassan
<b>RT. 03</b>	IED 1	Eric Okelo
<b>RT. 04</b>	FIDA 1	
<b>RT. 05</b>	CRECO 1	Wambua Kituku
<b>RT. 06</b>	CRECO 2	Antony Mwangi
<b>RT. 07</b>	KHUC 1	
<b>RT. 08</b>	KHUC 2	
<b>RT. 09</b>	NGO Council 1	Eusebio Wanyama
<b>RT. 10</b>	NGO Council 2	George Gathuru
<b>RT. 11</b>	ALGAK 1	Mark Osiche
<b>RT. 12</b>	ALGAK 2	A. M. K Odipo
<b>RT. 13</b>	NCEC 1	Ndungu Wainaina
<b>RT. 14</b>	NCEC 2	Cyprian Nyamwamu
<b>RT. 15</b>	Cradle 2	Milly Odongo
<b>RT. 16</b>	Cradle 2	Justus Kivindy
<b>RT. 17</b>	NARC 1	Phyllis Mramko
<b>RT. 18</b>	NARC 2	Evelyne Makori
<b>RT. 19</b>	NCEC	
<b>RT. 20</b>	NCEC	
<b>RT. 21</b>	SUPKEM	A. A. Nassaer
<b>RT. 22</b>	SUPKEM	Al-Amin Kimathi
<b>RT. 23</b>		F. Abdalla
<b>RT. 24</b>	IED 1	Mary Ndinda
<b>RT. 23 224</b>	NGO Council	Luke Odoyo Akech
<b>RT. 24</b>	CRECO 2	Boniface Kilonzo
<b>RT. 25</b>	Kenya Alliance for Advancement Children (KAACR)	Anthony Muchiri
<b>RT. 26</b>	NGO Council	Mary Ndinda

<b>RT. 27</b>	National Youth Movement	Benson Nganga
<b>RT. 28</b>	Kenya Alliance for Advancement Children (KAACR)	Careen

### H: Temporary Observers and Guests

NAME	ORGANIZATION	DATE (S) ATTENDED	TOTAL DAYS ATTENDED
Dr. H. K Rono	Kenyatta Un	15/1/2004	2
Kimaiyo Kiptanui	Individual	15/1/2004	2
Stephen K. Kiplagat	Individual	16/1/2004	1
John Oduor	UDPI	16, 20/1/2004	3
Lawrence Ochieng	SWAI	20/1/2004	3
Wasilwa Sewekesa	TACUSO	22/1/2004	3
E. K Holi	TACUSO	22/1/2004	3
Tom Wolf	ETP CONSULTANTS	22/1/2004	1
Francis Nalwa	TACUSO	22/1/2004	2
Tom M. Mboya	AG Chambers	26/1/2004	1
M. J Gitau	Kenya C. institute	30/1/2004	1
Mishi Juma	Individual	17/2/2004	1
Fatuma Ahmed	Individual	17/2/2004	1
Bernard Liyoodi	Individual	18/2/2004	1
Samuel N.	Data Sect	18/2/2004	2
D. Mutuma	Private	19/2/2004	1
Gaita Baikiao	Njuri Nceke	25/2/2004	1
Alois Miliuntu	Njuri Nceke	25/2/2004	1
M'Inanga Cipriano	Njuri Nceke	25/2/2004	1
G Arithi Mbaabu	Njuri Nceke	26/2/2004	1
Zakaria Mweria	Njuri Nceke	26/2/2004	1
Ruth Kabogy	Private	2/3/2003	2
Sharon Kabogy	Private	2/3/2004	1
Sheikh H. A Banda	CIPK	2/3/2004	1
Michael Lokudopus	Private	3/3/2003	1
E. K Njogu	Private	10/3/2004	3
Elijah K. Rono	Private	10/3/2004	1
Japheth Isanyinya	Private	11/3/2004	1
Momanyi Gisaniro	Private	11/3/2004	1
Mary Michieka	Private	11/3/2004	1
Noor Abdi	Mandera Dist	11/3/2004	1
Abron Yusuf	Mandera Dist	11/3/2004	1
Alex Magelo	Private	11/3/2004	1
Peter Muchiri	Private	11/3/2004	1
Kevin Malinga	Private	11/3/2004	1
Paul Mutungi	Private	11/3/2004	1
Rose Chepkwony	Baringo	11/3/2004	1
Njambi Ndekei	NASWEK	11/3/2004	1
Angeline Mutesi	NASWEK	11/3/2004	1

Wasilwa	TACUSO	12/3/2004	1
John Ole Sett	Private	12/3/2004	1
Winston H.	Private	12/3/2004	1
Geofrey M. Mwangi	Ruiru M. Council	3-Apr	1
Mary W. Mungai	Ruiru M. Council	4/3/2004	1
Samuel Karanja	Ruiru M. Council	4/3/2004	1
Morrison M. Muriuki	Ruiru M. Council	4/3/2004	1
Jackson N. Karanja	Ruiru M. Council	4/3/2004	1
Wilfred N. Wamuya	Ruiru M. Council	4/3/2004	1
Rose W. Mwangi	Ruiru M. Council	4/3/2004	1
Joseph K. Kiruthi	Ruiru M. Council	4/3/2004	1
Fridah L. Kisoya	KENWO	4/3/2004	1
Francis A. Soi	Bomet elder	9/3/2004	1
Cllr Chelule	Kericho elder	10/3/2004	1
Elizabeth Hooker	CFSIA	10/3/2004	1
Caroline Morissette	CFSIA	10/3/2003	1
Julie Champagne	CFSIA	10/3/2004	1
Sarah Elder	CFSIA	10/3/2004	1
Andrew Banner	CFSIA	10/3/2004	1
Kara O. Brien	CFSIA	10/3/2004	1
Jah Galaty	CFSIA	10/3/2004	1
Amina Bashir	LSK	12/3/2004	1
Angeline Muteshi	NASWEK	12/3/2004	1
Njambi Ndekei	NASWEK	12/3/2004	1
Fridah Lois	KWVO	12/3/2004	1
Ntoros Senten	KKERIN PROJECT	15/3/2004	1
Sewekesa	TACOSO	15/3/2004	1
Muchi Ndungu	Private	15/3/2004	1
Lucy Francis	Pokot County con.	15/3/2004	1
Mohamed Ahmed	Private	15/3/2004	1
Julius Thautumu	Private	15/3/2004	1
Christina M. Njagi	Private	15/3/2004	1
Martha M Ratanya	Private	15/3/2004	1
Quresh Hussein	Private	15/3/2004	1
Pierre Comb	Switz Embassy	15/3/2004	1
Hendrica Okondo	UNIFEM	15/3/2004	1
Gumbozianda N.	UNIFEM	15/3/2004	1
Alix Marete	Private	15/3/2004	1
Lynda Kahigu	U.O.N	16/3/2004	1
Bertha M J	NCWK	16/3/2004	1
Lucy C. F	Pokot County con.	16/3/2004	1
Janice Mwongera	NCWK	16/3/2004	1
Amina Bashir	LSK	19/3/2004	1
Leslie Bowe	US Embassy	23/3/2004	1
Oguk S. O	Ex Judiciary	23/3/2004	1
Vincent Kanyango	Grand Regency	23/3/2004	1
Mohamud Ahmed	Private	23/3/2004	1
Tom Mboya	Private	23/3/2004	1

Alice Muhunja	Observer	23/3/2004	1
Pierre Comb	Switz Embassy	23/3/2004	1

## **Appendix 14**



## Appendix 15:

### Delegates Attendance – NCC III

	CATEGORY OF DELEGATES	TOTAL IN CATEGORY	100% Attendance	75% Attendance	50% Attendance	25% Attendance	0% Attendance
			(52 Days)	(39 Days)	(26 Days)	(13 Days)	(< 12 Days)
1	MEMBER OF PARLIAMENT	222 Delegates	2% (5 MPs)	45% (99 MPs)	24% (54 MPs)	14% (32 MPs)	14% (32 MPs)
2	DISTRICT REPRESENTATIVES	210 Delegates	74% (155 Del.)	25% (53 Del.)	1% (2 Del.)	0%	0%
3	TRADE UNIONS	16 Delegates	38% (6 Del.)	56% (9 Del.)	0%	0.5% (1 Del.)	0%
4	NGOs REPS.	23 Delegates	13% (3 Del.)	61% (14 Del.)	13% (3 Del.)	4% (1 Del.)	4% (1 Del.)
5	PROFESSIONAL BODIES	15 Delegates	27% (4 Del.)	47% (7 Del.)	27% (4 Del.)	0%	0%
6	WOMEN ORGANIZATIONS	24 Delegates	38% (9 Del.)	46% (11 Del.)	13% (3 Del.)	4% (1 Del.)	0%
7	RELIGIOUS BODIES	35 Delegates	17% (6 Del.)	71% (25 Del.)	0%	9% (3 Del.)	3% (1 Del.)
8	POLITICAL PARTIES	41 Delegates	39% (16 Del.)	54% (22 Del.)	2% (1 Del.)	0%	5% (2 Del.)
9	SPECIAL INTEREST GROUPS	12 Delegates	25% (3 Del.)	42% (5 Del.)	17% (2 Del.)	0%	17% (2 Del.)

Bomas III 12<sup>th</sup> January 2003 – 23<sup>rd</sup> March 2003 - 52 working days (All days 72)

**Appendix 16:****NCC Observers Attendance Analysis**

<b>OBSERVER NO</b>	<b>NAME OF OBSERVER</b>	<b>TOTAL DAYS ATTENDED FOR NCC III (FROM JANUARY 12 - MARCH 23, 2004)</b>
1	Usha Shah	3
2	Elisha Daniel Godana	31
3	Moses Leleu Laima	37
4	Medina Ibrahim	46
5	Agnes McAnthony	3
6	Fatuma H. Ahmed	33
7	Jacinta Nyokabi	5
8	Bernard Chahilu	39
9	Burudi Nabwera	1
10	Hon. Josephine O. Sinyo	0
11	Fatuma Yusuf	38
12 (a)	KHRC (Card for rotation)	22
12 (b)	KHRC (Card for rotation)	4
13	Dr. Jacinta Khasiala Muteshi	6
14	Peter Kiama	1
15	Jane Ogot	17
16	Charles K. Wambugu	8
17	Okero Otieno	3
18	Josephine N. Sane	16
19	Simeon Mauncho	20
20	Dr. Mitch Medina	21
21	Charles Kanjama	1
22	Charles Kamuren	4
23	Lt Col Benjamin Muema	13
24	Anne Gathumbi	3
25	Ummi Mwavumba	29
26	Amina Hersi Ali	38
27	Rosemary Bensina	21
28	Dr. Josephine Ojiambo	5
29	Faith Kasiva	1
30	Prof. Jacqueline A. Oduol	1
31	Rose Mary Moraa	32
32	John Ngene Muniu	2

33	Mary Okumu	19
34	Mumbi Ngaru	17
35	David Oginge	7
36	Beatrice K. Elachi	2
37	Ida Odinga	0
38	Khatib Hudson	48
39	Gibson Kamau Kuria	0
40	Patrick Onyango Sumba	4
41	Peter Wango Opany	8
42	Isaac Waweru Karanja	0
43	Dr. Katini-Nzau Ombaka	0
44	Mwanashehe S. Mohamed	13
45	Fatuma Alhad Hyder	9
46	Rose Nekesa M.	4
47	Beatrice A. Ouma	19
48	Evans Gor	20
49	Eleanor Muthoni	18
50	Kepta Ombati	2
51	Elizabeth Mwakelemu	1
52	Benedict Kinuthia	7
53	Peter Ligale Khalekha	38
54	Cornelius W. Lupao	12
55	Monica Opole	23
56	Moses Maranga	9
57	Mohamed Khatib	0
58	Bernard Mucheke	0
59	Litha Musyimi Ogana	6
60	Kathini Maloba-Caines	0
61	Stephen S. Ole Timoi	20
62	Amina Sheikh Kassim	0
63	Hilda Agola Orimba	19
64	Judith Loesia Mahindu	21
65	Ochieng' Khairalla	32
66	Gordon Muga	46
67	Julius Musandu	18
68	James Wanjeru	24
69	Joseph K. Waweru	46
70	Zachary Momanyi Matayo	47
71	Davinder Singh Lamber	1
72	Betty Chemutai Maina	4

73	Churchil Omondi Owino	0
74	Jael Mbogo	1
75	Rebecca Kitana	40
76	Hassan Omar Hassan	9
77	Rev. Timothy Njoya	5
78	Josephine Aska Odera	15
79	Abdullahi Slatch	1
80	Peter Agweli Onalo	4
81	Lena A. Omondi	8
82	Loise Towon	45
83	Asca Kwamboka	40
84	Dr. Gibson Kamau Kuria	0
85	Fatuma Hassan	0
86	Immaculate M. Njenge	6
87	Charles K. Kimani	2
88	John Okoyo	6
89	Susan Ngugi Wangui	38
90	Jennifer Masiz	7
91	Victoria Mambo	34
92	Nasra Aweis Abubakar	4
93	Dr. Kithure Kindiki	0
94	Prof. Nick Wanjohi	0
95	Miriam Kamau	0
96	Prof. Rosalind Mutua	0
97	Samuel Ongoro	46
98	Prof. J.P. Marangu	3
99	Prof. Paul A. Ogula / F. B. Macharia	3
100	Dr. Mitei Kiprono Richard	48
101	George Mirie	20
102	Prof. Macharia Munene,	1
103	Prof. Crispus Kiamba / Donald O. Okonjo	6
104	Prof. Patrick Kenya	1
105	Dr. Wilson Nguyo	0
106	Wilson Siambi	0
107	James Kamau Mwangi	8
108	Sarah Muyonga	11
109	Carren Angara	48
110	Daniel Odhiambo O.	7

111	David Orechi K.	41
112	Joseph M. Mutuma	41
113	Dr. Pamela Kola	43
114	Dr. Pius Sylvester Achola	28
115	Muga Alfred N. Owira	32
116	Fredrick Ochieng Olendo	4
117	Kevin Wanyama	44
118	Haron M. Ndubi	6
119	Michael Manana	3
120	Jane Kiragu	3
121	Rosemary Sawe	35
122	Stanley Wanyeki Kahahu	5
123	Victor Kariithi Mutuma	11
124	Kipkemoi Nimrod	42
125	Omar Al. Kamanda	50
126	Hassan Wako Wario	43
127	Adan Jirma Duba	42
128	Margaret Mutoka	0
129	Nyabonyi Kazungu	46
130	Halima Ismail Ahmed	0
131	Karanja John Njoroge	0
132	Wycliffe Muema Maithya	11
133	Atieno Ndomo	0
134	Njee Muturi	20
135	Wanjala Welime	5
136	<i>Card for Rotation</i>	1
137	Linda Agalochieng	37
138	Washington O. Kalee	0
139	Christopher Lonyala	9
140	Chris Oyucho	34
141	Abdullahi Abdi	4
142	Al - Hajj Yusuf Murigu	2
143	David Malaba	45
144	Ahmed Nasir	0
145	Ng'ang'a James Mburu	0
146	Johnson Awuor	2
147	Cecilia Kimemia	0
148	Wairimu Mungai	3
149	Aisha Mumbua Omar	41
150	Mona Muthengi	34

151	Zipporah Kittony	4
152	Hon. Muruthi Mureithi	12
153	Paul Simba Arati	24
154	Mohammed Omar	15
155	Gedion Changole	16
156	Julius Sunkuli	5
157	Rose Ogega	0
158	Edla Atieno Muga	2
159	Cleophas Nyangiro	31
160	Waithera Ndungu	3
161	Rachel Shebesh	33
162	Jane Nakodony	0
163	Francis Angila	3
164	Papias Gitahi	41
165	Donald Omondi Deya	0
166	(Card for Rotation)	7
167	Kang'ethe Kimani	1
168	Edward Kings O. Maina	0
169	Dr. Christine Sadia	0
170	Dr. Abdullahi Wako	0
171	Cathreen Nyamato	0
172	To Provide One Name	0
173	Alice Kagunda	0
174	Lawrence Mwadime	0
175	Asenath Bole Odaga	0
176	Eunice Marima	33
177	Brian Weke	46
178	Rose W. Waruinge	0
179	Mithamo Kariuki	0
180	Capt. L. M Sande	0
181	Francis Atwoli	2
182	Joseph Chillumoh	1
183	James Orengo	0
184	Moses Muihia	0
185	Israel Agina	0
186	Daniel Kotut	9
187	(Card for Rotation)	16
188	(Card for Rotation)	10
189	Peterson Nyanchongi	2
190	Grace Okello	0

191	Koki Muli	14
192	Francis Austin Njiri	23
193	Robert Kiptoo Kipkorir	1
194	Yusuf Sheikh	23
195	Rev. Julius Murang'a	1
196	Charles Saina Sena	1
197	Phitallis Masakhwe	3
198	Prof. Walter Oyugi	0
199	Beatrice Opany	23
200	Silvance Onyango Abeka	12
201	Stephen Muthiani Malului	40
202	Solomon Kaiya	0
203	Nuria Gollo	35
204	Alice Kirambi	7
205	Gen.(Rtd) Augustine Cheruiyot	23
206	Muthoni Kihara	25
207	(Card for Rotation)	0
208	(Card for Rotation)	0
209	Ken Karanja	8
210	Joseph Mwawasi	2
211	Peter O. Maanya	44
212	Dr. Daniel K. Tuitoek	3
213	Khadijah Mzee	0
214	Salome Kimatta	12
215	Said Athman	6
216	Philip Kisia	15
217	Sarah Muyonga	3
218	Paul M'Ethingia	3
219	Phares Rutere	3
220	Mathias Keah	0
221	Solomon K. Thanje	7
222	Card for Rotation	8
223	Card for Rotation	0
224	Card for Rotation	8
225	Abdul Asiz Ahmed	0
226	Salma Ahmed	0
227	Fatuma Yusuf	0
228	Dr. George K. Njiru	0
229	Jebet Kibogy	0
230	Rose Menin	0
231	Dr. Tom Wolf	2

232	Card for Rotation	0
233	Card for Rotation	0
234	Ochieng Osano Lawrence	22
235	Christine Nyagitha Miller	26
236	Gichane Muraguri	31
237	Card for Rotation	17
238	Luke Odoyo	33
239	John O. Oduor	33
240	Card for Rotation	2
241	Naomi Wangai	0
242	Ali Bashir	3
243	Mary Ariviza Mwami	7
244	Card for Rotation	0



**Appendix 17:**

**Delegates Accommodation during NCC**

**A: NCC I**

	<b>NAME OF HOTEL</b>	<b>N<sup>o</sup>. OF PERSONS</b>
	Six-Eighty Hotel	130
	Meridian Court Hotel	45
	Hotel Bounty	45
	Hotel Boulevard	35
	<b>TOTAL</b>	<b>255</b>

**B: NCC II**

<b>HOTEL</b>	<b>NO. OF DELEGATES</b>	<b>NO. OF STAFF</b>	<b>PWSN AIDES</b>	<b>OBSERVERS</b>	<b>TOTAL</b>
680	78	2	3	1	84
Panafric	49	3	9	1	62
Bounty	30	2	-	-	32
Meridian	29	1	-	-	30
Lenana Mt.	22	1	-	-	23
Oriental Palace	35	1	-	-	36
High Point	-	11	-	-	11
Langata [Rented House]	1	-	-	-	1
<b>TOTAL</b>	<b>244</b>	<b>21</b>	<b>12</b>	<b>2</b>	<b>279</b>
<b>HOTEL</b>	<b>NO. OF DELEGATES</b>	<b>NO. OF STAFF</b>	<b>PWSN AIDES</b>	<b>OBSERVERS</b>	<b>TOTAL</b>
<b>680</b>	<b>78</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>84</b>
<b>Panafric</b>	<b>49</b>	<b>3</b>	<b>9</b>	<b>1</b>	<b>62</b>
<b>Bounty</b>	<b>30</b>	<b>2</b>	<b>-</b>	<b>-</b>	<b>32</b>
<b>Meridian</b>	<b>29</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>30</b>
<b>Lenana Mt.</b>	<b>22</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>23</b>
<b>Oriental Palace</b>	<b>35</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>36</b>
<b>High Point</b>	<b>-</b>	<b>11</b>	<b>-</b>	<b>-</b>	<b>11</b>
<b>Langata [Rented House]</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>
<b>TOTAL</b>	<b>244</b>	<b>21</b>	<b>12</b>	<b>2</b>	<b>279</b>

**C: NCC III**

<b>HOTEL</b>	<b>NO. OF DELEGATES</b>	<b>NO. OF STAFF</b>	<b>PWSN AIDES</b>	<b>OBSERVERS</b>	<b>TOTAL</b>
<b>680 HOTEL</b>	64	12	4	3	<b>83</b>
<b>HILTON HOTEL</b>	59	2	-	-	<b>61</b>
<b>PANAFRIC</b>	37	2	8	-	<b>47</b>
<b>BOUNTY</b>	31	2	-	-	<b>33</b>
<b>MERIDIAN</b>	29	1	1	-	<b>31</b>
<b>ORIENTAL PALACE</b>	26	1	2	1	<b>30</b>
<b>LANGATA (RENTED HOUSE)</b>	2	-	-	-	<b>2</b>
<b>TOTAL</b>	<b>248</b>	<b>20</b>	<b>15</b>	<b>4</b>	<b>287</b>

**Appendix 18:**

**Non-Resident Delegates**

**NCC PHASE III DELEGATES' NON-RESIDENT DELEGATES**

<b>Ser No.</b>	<b>DEL. NO.</b>	<b>NAME</b>	<b>ACCOM.</b>
1	224	Lung'ahi Nancy Kabeteka	N-R
2	225	Salim Ibrahim	N-R
3	226	Samuel Macharia Muchuga	N-R
4	268	Godana Doyo Adhi	N-R
5	290	Mutua Eric Kyalo	N-R
6	294	Victoria Mutheu Musyoka	N-R
7	307	Waruri John Nyaga	N-R
8	308	Mathenge James Stanley	N-R
9	332	Nathaniel K. Tum	N-R
10	389	Kisiero Arap Wilberforce	N-R
11	395	Ajaa Olubai	N-R
12	398	Wesonga George Ojwang	N-R
13	399	Ogot Grace Emily Akinyi	N-R
14	402	Eve Akinyi Obara	N-R
15	406	Shakeel Shabbir	N-R
16	412	Odhiambo Ollunga Mark	N-R
17	429	Judith Magundho	N-R
18	435	John Katumanga	N-R
19	436	Francis Ng'ang'a	N-R
20	439	George Muchai	N-R
21	440	Rajab Mwondi	N-R
22	441	Joel Chebii	N-R
23	443	Roselinda Simiyu	N-R
24	444	Maero Tindi	N-R
25	448	Isaiah Kubai	N-R
26	449	Benson Okwaro	N-R
27	450	Francis Atwoli	N-R
28	451	Millie G. A. Odhiambo	N-R
29	452	Willy Mutunga	N-R
30	453	Elkanah Odembo	N-R
31	454	Kathurima M'Inoti	N-R
32	455	Lawrence Murugu Mute	N-R
33	456	Mohamed J. Nyaoga	N-R
34	459	Oduor Ongwen	N-R
35	460	Gichira Kibara	N-R
36	463	Suba Churchill Meshack	N-R
37	464	Singoei Korir Abraham	N-R
38	465	Beatrice Nduta Kiarie	N-R
39	466	Joyce Umbima	N-R

40	467	Mary Wambui Kanyi	N-R
41	469	Grace N. Githaiga	N-R
42	471	Rose Kasiala Lukalo - Owino	N-R
43	473	Pamela Arwa Mboya	N-R
44	475	Anne Wairimu Njogu	N-R
45	476	Mohammed Jamila	N-R
46	477	Beryl Anyango Ouma	N-R
47	480	John Karimi Njiraini	N-R
48	481	Daniel W. Ichang'i	N-R
49	482	Isaac Ongumba Kibwage	N-R
50	483	Saleh Saad Yahya	N-R
51	484	Sylvester C.M. Wafula	N-R
52	484	Raphael G. Mwai	N-R
53	486	Daniel Njagi	N-R
54	487	Baldip Singh Rihal	N-R
55	488	James F.T. Foster	N-R
56	489	Jane Mumbi Kiano	N-R
57	490	Rose Waruhiu	N-R
58	491	Lillian Wanjira	N-R
59	496	Ann Mululu	N-R
60	498	Kathini Maloba Caines	N-R
61	499	Lorna Laboso	N-R
62	500	Kamla Sikand	N-R
63	501	Joyce M. Majiwa	N-R
64	502	Rose A. Olende	N-R
65	505	Fatuma Ali Saman	N-R
66	506	Fatuma Ibrahim Ali	N-R
67	507	Margaret Kamar	N-R
68	510	Atsango Chesoni	N-R
69	511	Ruth N. Kibiti	N-R
70	512	Florence Machayo	N-R
71	513	Abuom, Agnes	N-R
72	516	Bwana, Peter Ondari	N-R
73	517	El-Busaidy, Abdulghafur H.S.	N-R
74	519	Gacambi, Marie Therese	N-R
75	521	Wahu Kaara.	N-R
76	523	Wanjiru, Margaret Muchai	N-R
77	524	Kapila, Neera Kent	N-R
78	525	Ibrahim Ahmed Yussuf	N-R
79	527	Njeru Wambugu	N-R
80	528	Mageria, James John	N-R
81	532	Muchai, Rogers Lumatete Walubengo	N-R
82	534	Musyimi, Mutava	N-R
83	535	Ojiambo Fred O. O. N'cruba	N-R
84	536	Mwaniki, Tabitha Mumbi	N-R
85	537	Mwanzi, Asiya Mahmood	N-R

86	539	Njue, John	N-R
87	540	Nthamburi, Zablou	N-R
88	541	Okoth, Zacchaeus	N-R
89	542	Omondi, Ibrahim	N-R
90	543	Rashmin P. Chitnis	N-R
91	544	Sehmi, Rupinder Singh	N-R
92	546	Sulumeti, Philip	N-R
93	547	Wandati, Abdulrahaman Mirimo	N-R
94	578	Jacob Ochino Ogundo	N-R
95	580	Francis Carey Onyango	N-R
96	583	Appolo Njonjo	N-R
97	584	Makau Mutua	N-R
98	585	Dennis Kodhe	N-R
99	587	Caroline Ng'ang'a	N-R
100	588	Francis Wabayale	N-R
101	589	Daniel Gachihi Njoroge	N-R
102	590	Patrick O. Onyango	N-R
103	593	Gervase A. Akhwabi	N-R
104	594	Orie Rogo Manduli	N-R
105	597	Moses M. Wekesa	N-R
106	598	Kimani N. Ng'ang'a	N-R
107	599	Leslie Betawa Mwachiro	N-R
108	600	Zakayo M. Karimi	N-R
109	605	Ngorongo Makanga	N-R
110	606	Phoebe Sikoya Kituyi	N-R
111	607	Nginyo L. Kariuki	N-R
112	608	Lihanda Kemen Savai	N-R
113	609	Kenneth N. Njiru	N-R
114	610	Justus M. Wekala	N-R
115	611	John P. Nyakundi	N-R
116	612	David Wakahu	N-R
117	614	Dalmas Anyango Otieno	N-R
118	615	George Omari Nyamweya	N-R
119	616	Were W. K. Domtila	N-R
120	617	Manu Chandaria	N-R
121	618	R. O. Kwach	N-R
122	619	Wilfred Kiboro	N-R
123	620	R. S. C. Omolo	N-R
124	622	Bernadette Quadros	N-R
125	623	Murtaza Jaffer	N-R
126	624	King'ori Mwangi	N-R
127	625	Gilbert M. Omondi	N-R
128	627	Danny Irungu Mwangi	N-R
129	629	T. K. Githiora	N-R

**Appendix 19:****Hire of Vehicles, Meals etc.****A: Charges for Hire of Vehicles**

NAME OF FIRM	CHARGES		
	62 seater	37 seater	14 seater van
Payless Car Hire	12,760/=		
Tropical Nature & Cultural Safaris	13,500/=	8,000/=	
Budget Communication			6,800/=(excluding VAT)
Capital Resources Services			6,800/= (excluding VAT)

**B: NCC I & II**

NAME OF FIRM	AMOUNT KSHS.
Payless Car Hire (Budget Car Hire)	1,954,369.00
Tropical Nature & Cultural Safaris	3,160,500.00
Holiday Plus	260,500.00
Capital Resources Services	165,000.00
The Messenger	491,189.00
Samsy International	58,750.00
Brusen Investments	333,200.00
Express Kenya Limited	191,539.00
Joseph A. Opilla	9,000.00
<b>TOTAL</b>	<b>6,624,047.00</b>

**C: NCC III**

<b>NAME</b>	<b>AMOUNT KSHS.</b>
Budget Communication	316,448.00
Capital Resources Service	1,005,580.00
Payless car hire (Budget Car Hire)	3,059,552.00
Tropical Nature & Cultural Safari	2,565,250.00
Express Kenya Limited	261,631.00
Joseph A. Opilla	25,000.00
<b>TOTAL</b>	<b>7,233,461.00</b>

**D: Meal Costs – NCC I**

<b>TYPES OF SERVICES</b>	<b>NO. OF MEALS</b>	<b>UNIT COST [KSHS.]</b>	<b>TOTAL AMOUNTS</b>
Lunch supplied to Delegates & Staff	28348	750.00	21,261,000.00
Lunch supplied to Secretariat Staff on weekends, public holidays	2160	250.00	540,000.00
Lunch supplied to Drivers & Police	2822	250.00	705,500.00
Supper supplied to Secretariat Staff & Police on night duty	667	200.00	133,400.00
Water	40875	20.00	817,500.00
Others	-	-	75,200.00
		<b>TOTAL</b>	<b>23,532,600.00</b>

**E: Meal Costs – NCC II**

<b>TYPES OF SERVICES</b>	<b>NO. OF MEALS</b>	<b>UNIT COST [KSHS.]</b>	<b>TOTAL AMOUNTS</b>
Super for Secretariat Staff	772	250.00	193,000.00
Lunch supplied to Delegates & Staff	20429	750.00	15,321,750.00
Lunch supplied to Secretariat Staff on weekends, public holidays	4128	250.00	1,032,000.00
Lunch supplied to Drivers	2769	250.00	692,250.00
Lunch supplied to Police	1148	250.00	287,000.00
Supper supplied to Police on night duty	319	200.00	63,800.00
Water – Grange Park	5560	20.00	111,200.00
Water - Dasani	32595	25.00	814,875.00
		<b>TOTAL</b>	<b>18,515,875.00</b>

**F: Meal Costs – NCC III**

<b>CATEGORY</b>	<b>AMOUNT</b>
Lunch for Langata west primary school	7,990.00
Pre-Conference	40,585.00
Steering Committee Meeting Breakfast	440,700.00
CKRC Staff & Police Lunch	1,170,125.00
Mineral Water	1,521,340.00
Lunch for Bodyguards, Drivers and Aides	2,087,250.00
Lunch for Delegates	37,950,000.00
CKRC Staff Super	534,875.00



Police Super	155,650.00
<b>TOTAL</b>	<b>43,908,515.00</b>

**Appendix 20:**

**Programme for NCC I**

**MONDAY, 28 APRIL 2003**

9.00 a.m. – 9.30 a.m.	WELCOME REMARKS AND BRIEF TO DELEGATES ON REGISTRATION  <b>Presenter: PLO-Lumumba</b>
9.30 a.m. – 1.00 p.m.	REGISTRATION, ACCREDITATION OF DELEGATES AND ALLOCATION OF ACCOMMODATION  <b>Secretariat</b>
2.30 p.m. – 4.00 p.m.	REGISTRATION AND DOCUMENTATION

**TUESDAY, 29 APRIL 2003**

9.00 a.m. – 5.00 p.m.	REGISTRATION AND ACCREDITATION OF DELEGATES (Cont.)  SWEARING IN CEREMONY
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**WEDNESDAY, APRIL 30 2003**

9.00 a.m. – 12 noon	OFFICIAL OPENING OF THE NCC BY H.E THE PRESIDENT
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**THURSDAY, MAY 01 2003**

9.00 a.m. – 4.00 p.m	PRESENTATION OF RULES AND REGULATIONS OF THE NCC <b>Presenters Issack Lenaola and Harrison Gicheru</b>
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**FRIDAY, MAY 2 2003**

9.00 a.m. – 4.00 p.m.	CONSTITUTION OF NCC STEERING COMMITTEE
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**MONDAY, MAY 5 2003**

10.45 a.m. – 5.00 p.m.	<p>PRESENTATION: SHARING THE LANCASTER HOUSE EXPERIENCE</p> <p><b>The Lancaster Team.</b> <b>Session Chair: Hon. Dr. Bonaya Godana</b></p>
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**TUESDAY, MAY 6 2003**

10.45 a.m. – 1.00 p.m.	<p>PRESENTATION OF RULES OF THE CONFERENCE PARTS 1 &amp; 2</p> <p><b>Presenter: Mr. Isaac Lenaola</b> <b>Session Chair: Dr. Githu Muigai</b></p>
2.30 p.m. – 5.00 p.m.	<p>TABLING OF THE CONFERENCE DOCUMENTS</p> <p><b>Presenter: Prof. Yash Pal Ghai</b> <b>Session Chair: Prof. Okoth-Ogendo</b></p>

**WEDNESDAY, MAY 7 2003**

9.45 a.m. – 10.30 a.m.	<p>PRESENTATION OF THE REPORT CHAPTER 7 – CONSTITUTIVE PROCESS DRAFT BILL – CHAPTERS 1 – 4 PREAMBLE SOVEREIGNTY OF THE PEOPLE AND SUPREMACY OF THE CONSTITUTION NATIONAL GOALS, VALUES AND PRINCIPLES</p> <p><b>Presenter: Dr. Githu Muigai and Ms. Kavetsa Adagala</b> <b>Session Chair: Hon. Otieno Kajwang'</b></p>
11.00 a.m. – 6.40 p.m.	<p>PLENARY DISCUSSIONS CHAPTERS 1 - 4</p>

**THURSDAY, MAY 08 2003**

9.50 a.m. – 11.00 a.m.	Motion passed by Hon. Mirugi Kariuki
11.00 a.m. – 1.00 p.m.	A. PRESENTATION OF THE REPORT CHAPTER 8 – BILL OF RIGHTS DRAFT BILL CHAPTER 5 - BILL OF RIGHTS  <b>Presenters: Ms. Nancy Baraza and Mr. Ibrahim Lethome</b> <b>Session Chair: Hon. Haji Mohammed</b>
2.00 p.m – 5.30 p.m	PLENARY DISCUSSIONS BILL OF RIGHTS

**FRIDAY, MAY 9, 2003**

9.45 a.m. – 2.40 p.m.	DISCUSSION ON CONSTITUTION OF CONFERENCE COMMITTEES  <b>Session Chairs: Prof. Yash Pal Ghai and PLO-Lumumba</b>
2.40 p.m. – 4.50 p.m.	PLENARY DISCUSSIONS BILL OF RIGHTS

**MONDAY, MAY 12 2003**

9.45 a.m. – 10.30 a.m.	<p>A. PRESENTATION OF THE REPORT  CHAPTER 9 – THE STATE AND THE POLITICAL SYSTEM  CHAPTER 10 – PARTICIPATORY GOVERNANCE  PRESENTATION OF DRAFT BILL  CHAPTER 6 - REPRESENTATION OF THE PEOPLE  Part I – The electoral System and Process  Part II – The Electoral Commission  Part III – Political Parties</p> <p><b>Presenters: Mr. Muthaka Kangu and Hon. Phoebe Asiyu</b>  <b>Session Chairs: Ms. Sultana Fadhil – Vice-Chair</b>  <b>Atsango Chesoni</b>  <b>(Western Representative)</b></p>
10.30 a.m. – 12.30 a.m.	PLENARY DISCUSSIONS ON REPRESENTATION OF THE PEOPLE
2.30 p.m. – 4.30 p.m.	DISCUSSION ON FINANCE AND ADMINISTRATION
4.30 p.m. – 6.00 p.m.	DELEGATES ADMINISTRATION <b>Finance and Administration</b> <b>(Tea available)</b>

**TUESDAY, MAY 13, 2003**

<p>9.00 a.m. – 10.30 a.m.</p>	<p>A. PRESENTATION OF THE REPORT  CHAPTER 11 SUB-SECTION 3  THE LEGISLATURE  B. DRAFT BILL  CHAPTER 7 - THE Legislature  Part I – Parliament  Part II – Composition of Parliament and Qualification of Members  Part III – Presiding officers and Other Functionaries  Part IV – Legislation and procedure in Parliament  Part V – Seat and Calendar of parliament  Part VI –Miscellaneous</p> <p><b>Presenters:</b>     <b>Dr. Andronico Adede</b>                            <b>Mr. Muthaka Kangu</b>                            <b>Dr. Charles Maranga</b></p> <p><b>Session Chairs:</b> <b>Hon. Dr. Bonaya Godana-(Vice-Chair)</b>                                <b>Hon. Prof Wangari Maathai</b>                                    <b>(Central Province Delegate)</b></p>
<p>11.00 a.m. – 6.15 p.m.</p>	<p>C. PLENARY DISCUSSIONS ON THE LEGISLATURE</p>

**WEDNESDAY, MAY 14, 2003**

<p>9.40 a.m. – 6.15 p.m.</p>	<p>PLENARY DISCUSSIONS  CHAPTER 7 - THE LEGISLATURE  (Continued from Tuesday 13,2003)</p> <p><b>Presenters:</b>     <b>Dr. Andronico Adede</b>                            <b>Mr. Muthaka Kangu</b>                            <b>Dr. Charles Maranga</b></p> <p><b>Session Chairs:</b> <b>Mr. Wilfred Ole Kina (Vice-Chair)</b>                                <b>Hon. Prof. Wangari Maathai</b>                                    <b>(Central Province Delegate)</b></p>
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**THURSDAY, MAY 15, 2003**

10.00 a.m. – 10.30 a.m.	A. PRESENTATION OF THE REPORT CHAPTER 11 SUB-SECTION 4 THE EXECUTIVE B. PRESENTATION OF THE DRAFT BILL CHAPTER 8 - THE EXECUTIVE Part I – Principle and Structure of the National Executive Part II – The President and Vice President Part III – The Prime Minister and Cabinet  <b>Presenters: Dr. Andronico Adede and Dr. Charles Maranga</b> <b>Session Chairs: Mr. Wilfred Ole Kina (Vice-Chair)</b> <b>Hon. S. arap Ng’eny (Rift Valley Delegate)</b>
11.00 p.m. – 6.10 p.m.	C. PLENARY DISCUSSIONS ON THE EXECUTIVE

**FRIDAY, MAY 16, 2003**

9.45 a.m. – 12.30 pm.	PLENARY DISCUSSIONS ON THE EXECUTIVE ( <b>Continued from Thursday, May 15<sup>th</sup> 2003</b> ) PLENARY DISCUSSIONS ON THE EXECUTIVE
2.30 a.m. – 4.30 pm.	DELEGATES ADMINISTRATION <b>Finance and Administration</b>
4.00 p.m. – 6.00 p.m.	(Tea available)

**MONDAY, MAY 19, 2003**

9.30 a.m. – 1.00 pm.	<p>PLENARY DISCUSSIONS ON THE EXECUTIVE (<b>Continued from Friday, May 16<sup>th</sup> 2003</b>)</p> <p><b>Session Chairs: Mr. Wilfred Ole Kina (Vice-Chair)</b>  <b>Hon. S. arap Ng’eny</b>  <b>(Rift Valley Delegate)</b></p>
2.00 p.m. – 6.00 p.m.	<p>A. PRESENTATION OF THE REPORT  CHAPTER 11 SUB-SECTION 5  THE JUDICIARY  PRESENTATION ON DRAFT BILL  CHAPTER 9 – JUDICIAL AND LEGAL SYSTEM  Part I – The judicial System  Part II – Legal System  Part III – Legal profession</p> <p><b>Presenters: Mr. Paul Musili Wambua</b>  <b>Mr. Ahmed Issack Hassan</b></p> <p><b>Session Chairs: Sultana Fadhil (Vice-Chair)</b>  <b>Hon. Danson Mungatana</b>  <b>(Coast Delegate)</b></p>

**TUESDAY, MAY 20 2003**

9.55 a.m. – 4.30 pm.	<p>ARTISTIC PERFORMANCE BY CRECO  Followed by:  PLENARY DISCUSSIONS  CHAPTER 9 – JUDICIAL AND LEGAL SYSTEM  (<b>Continued from Monday, may 19, 2003</b>)</p> <p><b>Session Chairs: Sultana Fadhil (Vice-Chair)</b>  <b>Hon. Danson B. Mungatana</b>  <b>(Coast Delegate)</b></p>
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**WEDNESDAY, MAY 21 2003**

9.55 a.m. – 5.15 p.m.	<p>ARTISTIC PERFORMANCE BY CRECO (approx. 10 minutes)  PLENARY DISCUSSIONS - JUDICIAL AND LEGAL SYSTEM  (<b>Continued from Tuesday, May 20, 2003</b>)</p> <p><b>Presenters: Mr. Paul Musili Wambua</b>  <b>Mr. Ahmed Issack Hassan</b></p> <p><b>Session Chairs: Hon. Grace Ogot</b>  <b>Hon. Danson Mungatana</b>  <b>(Coast delegate)</b></p>
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**THURSDAY, MAY 22 2003**



9.30 a.m. – 10.00 a.m.	<p>A. PRESENTATION OF THE REPORT  CHAPTER 12 - DEVOLUTION OF POWERS  12.1 The Mandate of the Commission  12.2 Levels of Devolution</p>
10.00 a.m. – 5.30 p.m.	<p>B. PRESENTATION OF DRAFT BILL  CHAPTER 10 - DEVOLUTION OF POWERS  Part I – Principles and Objectives of Devolution  Part II – The Organization of Devolution  Part III – Powers of Devolved Governments and Intergovernmental Relations.</p> <p><b>Presenters: Prof. Yash Pal Ghai  Prof. Wanjiku Kabira  Mr. Muthaka Kangu</b></p> <p><b>Session Chairs: Dr. Bonaya Bonaya Adhi  (Vice-Chair)  Hon. Joseph William Nyaga  (Eastern Delegate)</b></p> <p>C. PLENARY DISCUSSIONS  DEVOLUTION OF POWERS</p>

**FRIDAY, MAY 23 2003**

9.30 a.m. – 4.00 p.m.	<p>PLENARY DISCUSSIONS DEVOLUTION OF POWERS  (Continued from Thursday, May 22, 2003)</p> <p><b>Presenters: Prof. Yash Pal Ghai  Comm. Prof. Wanjiku Kabira  Comm. Dr. Mosonik Arap Korir</b></p> <p><b>Session Chair: Dr. Bonaya Bonaya Adhi (Vice-Chair)  (Eastern Delegate)</b></p>
4.00 p.m. – 6.00 p.m.	<p>DELEGATES ADMINISTRATION  <b>Finance and Administration</b>  ( Tea available)</p>

**MONDAY, MAY 26 2003**

<p><b>9.30 a.m. – 5.30 p.m.</b></p>	<p>PLENARY DISCUSSIONS DEVOLUTION OF POWERS (Continued from Friday, May 23, 2003)</p> <p><b>Presenters:</b> Prof. Yash Pal Ghai Comm. Prof. Wanjiku Kabira Comm. Dr. Mosonik Arap Korir <b>Session Chair:</b> Dr. Bonaya Bonaya Adhi (Vice-Chair)</p>
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**TUESDAY, MAY 27 2003**

<p>9.30 a.m. – 5.30 p.m.</p>	<p>A. PRESENTATION OF THE REPORT CHAPTER 14 LAND AND PROPERTY RIGHTS B. DRAFT BILL – CHAPTER 11 LAND AND PROPERTY</p> <p><b>Presenters:</b> Prof. Okoth-Ogendo Dr. Mohammed Swazuri <b>Session Chairs:</b> Mr. Wilfred Ole Kina (Vice-Chair) Hon. Norma Nyaga (Nairobi Delegate)</p> <p>C. PLENARY DISCUSSIONS LAND AND PROPERTY</p>
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**WEDNESDAY, MAY 28 2003**

<p>9.30 a.m. – 5.30 p.m.</p>	<p>PLENARY DISCUSSIONS LAND AND PROPERTY LAND AND PROPERTY (Continued from Tuesday, May 27, 2003)</p> <p><b>Presenters:</b> Prof. Okoth-Ogendo Dr. Mohammed Swazuri <b>Session Chairs:</b> Mr. Wilfred Ole Kina (Vice-Chair) Hon. Norma Nyaga (Nairobi Delegate)</p>
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**THURSDAY, MAY 29, 2003**

9.45 a.m. – 2.55 p.m.	PLENARY DISCUSSIONS ENVIRONMENT AND NATURAL RESOURCES <b>(Continued from Wednesday, May 28, 2003)</b> LAND AND PROPERTY
2.55 p.m. – 5.20 p.m.	A. PRESENTATION OF THE REPORT CHAPTER 13 - ENVIRONMENT AND NATURAL RESOURCES B. PRESENTATION OF DRAFT BILL – CHAPTER 12 CHAPTER 13 - ENVIRONMENT AND NATURAL RESOURCES  <b>Presenters: Dr. Abdirizak Arale Nunow Bishop Bernard N. Kariuki</b> <b>Session Chairs: Sultana Fadhil (Vice-Chair) Ms. Elkana Odembo (NGO's Delegate)</b> C. PLENARY DISCUSSIONS ENVIRONMENT AND NATURAL RESOURCES

**FRIDAY, MAY 30 2003**

9.45 a.m. – 4.30 p.m.	PLENARY DISCUSSIONS ENVIRONMENT AND NATURAL RESOURCES  <b>Presenters: Dr. Abdirizak Arale Nunow Bishop Bernard N. Kariuki</b> <b>Session Chairs: Ms. Sultana Fadhil (Vice-Chair) Ms. Elkana Odembo (NGO's Delegate)</b>
4.30 p.m. – 6.00 p.m.	DELEGATES ADMINISTRATION <b>Finance and Administration</b>

**TUESDAY, JUNE 03 2003**

<p><b>9.30 a.m. – 10.00 a.m.</b></p>	<p>A. PRESENTATION OF THE REPORT CHAPTER 15 - PUBLIC RESOURCES AND CAPACITY BUILDING PRESENTATION OF DRAFT BILL CHAPTER 13 - PUBLIC FINANCE AND REVENUE MANAGEMENT</p> <p><b>Presenters: Mr. Isaack Lenaola Ms. Alice Yano</b> <b>Session Chairs: Dr. Bonaya Godana Adhi (Vice Chair) Ms. Tabitha Seii (Women’s Organization)</b></p> <p>B PLENARY DISCUSSIONS CHAPTER 13- PUBLIC FINANCE AND REVENUE MANAGEMENT</p>
<p><b>10.00 a.m. – 1.00 p.m.</b></p>	<p>C PRESENTATION OF THE REPORT CHAPTER 11 SUB-SECTION 11.6 THE PUBLIC SERVICE</p>
<p><b>2.30 p.m. – 3.00 p.m.</b></p>	<p>D. DRAFT BILL CHAPTER 14 - THE PUBLIC SERVICE Part I – Public Administration Part II – The Kenya Police Service Part III – Kenya Correctional Services. Part IV – Interpretation.</p> <p><b>Presenters: Pastor Zablon Ayonga Ms. Abida Ali Aroni</b> <b>Session Chair: Dr. Bonaya Godana Adhi (Vice-Chair)</b></p>
<p><b>3.00 p.m. – 5.15 p.m.</b></p>	<p>E PLENARY DISCUSSIONS PUBLIC SERVICE</p>

**WEDNESDAY, JUNE 04 2003**

<p>9.00 a.m. – 10.30 a.m.</p>	<p>A. PRESENTATION OF THE REPORT CHAPTER 7, SUB-SECTION 6 THE REPUBLICAN STATE</p> <p>B. DRAFT BILL CHAPTERS 15, 16 AND FIFTH SCHEDULE CHAPTER 15 - DEFENCE AND NATIONAL SECURITY CHAPTER 16 - LEADERSHIP AND INTEGRITY FIFTH SCHEDULE - LEADERSHIP AND INTEGRITY CODE OF CONDUCT</p> <p><b>Presenters: Prof. Ahmed Idha Salim Mr. Dominiazo Ratanya</b></p> <p><b>Session Chairs: Ms. Sultana Fadhil (Vice-Chair) Mr. Raphael Mwai (Professional Orgs Delegate)</b></p>
<p>10.30 p.m. – 5.15 p.m.</p>	<p>B. PLENARY DISCUSSIONS DEFENCE AND NATIONAL SECURITY LEADERSHIP AND INTEGRITY</p>

**THURSDAY, JUNE 05 2003**

<p>10.30 a.m. – 5.15 p.m.</p>	<p>A. PRESENTATION OF THE REPORT CHAPTER 16, SUB-SECTION 2 CONSTITUTIONAL COMMISSIONS</p> <p>B. DRAFT BILL – CHAPTERS 17, 18 CHAPTER 17 - CONSTITUTIONAL COMMISSIONS CHAPTER 18 - AMENDMENTS TO THE CONSTITUTION</p> <p><b>Presenters: Mr. Riunga Raiji Mr. Keriako Tobiko Ms. Salome Muigai</b></p> <p><b>Session Chairs: Ms. Sultana Fadhil (Vice-Chair) Mr. Kennedy Kiliku (Trade Unions)</b></p> <p>C. PLENARY DISCUSSIONS CONSTITUTIONAL COMMISSIONS</p>
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**FRIDAY, JUNE 06 2003**

<p>9.00 a.m. – 12.30 a.m.</p>	<p>A. PRESENTATION OF THE REPORT CHAPTER 16, SUB-SECTION 2 CONSTITUTIONAL COMMISSIONS</p> <p>B. PRESENTATION OF DRAFT BILL CHAPTER 20 - TRANSITIONAL AND CONSEQUENTIAL PROVISIONS</p> <p><b>Presenters: Prof. Okoth-Ogendo Dr. Githu Muigai</b> <b>Session Chair: Dr. Bonana Godana Adhi (Vice-Chair) Mr. Leslie Mwachiro (Political Parties Delegate)</b></p>
<p>2.30 p.m. – 3.30 p.m.</p>	<p>‘ZERO HOUR’ SESSION</p>
<p>3.30 p.m. – 4.00 p.m.</p>	<p>Motion of adjournment moved by Apollo Njongo CLOSING REMARKS BY THE NCC CHAIRPERSON <b>(Prof. Yash Pal Ghai)</b></p>
<p>4.00 p.m. – 6.00 p.m.</p>	<p>DELEGATES ADMINISTRATION <b>Finance and Administration</b></p>

## Appendix 21:

### NCC II Programme

#### WEEK 1

9.30 a.m. – 6.00 p.m.	DELEGATES ADMINISTRATION  REGISTRATION OF DELEGATES ALLOCATION OF ACCOMMODATION TO DELEGATES
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**MONDAY, 18 AUGUST 2003**

9.30 a.m. – 10.30 p.m.	WELCOME REMARKS BY THE CHAIRPERSON
11.00 a.m. – 4.00 p.m.	TABLING OF PROCEEDINGS OF PART I OF CONFERENCE RAPPORTEUR GENERAL REPORT  <b>Presenter: Prof. Okoth-Ogendo</b> <b>Session Chair: Prof. Yash Pal Ghai</b>
4.00 p.m. – 6.00 p.m.	DELEGATES FINANCE AND ADMINISTRATION

**TUESDAY, 19 AUGUST 2003**

**WEDNESDAY, 20 AUGUST 2003**

9.30 a.m. – 1.00 a.m.	PRESENTATION OF REPORT FROM AD-HOC COMMITTEE ON CULTURE
2.00 p.m. – 6.00 p.m.	PLENARY DISCUSSIONS <b>Session Chair: Prof. Yash Pal Ghai</b>

**THURSDAY, 21 AUGUST 2003**

9.30 a.m. – 1.00 a.m.	PRESENTATION OF REPORT ON CHAPTER 10 DEVOLUTION OF POWERS
2.00 p.m. – 6.00 p.m.	PLENARY DISCUSSIONS ON DEVOLUTION <b>Session Chair: Prof. Yash Pal Ghai</b>

**FRIDAY, 22 AUGUST 2003**

9.30 a.m. – 12.00 p.m.	PLENARY DISCUSSIONS – DEVOLUTION OF POWER (Continued) <b>Session Chair: Prof. Yash Pal Ghai</b>  <b>NO FACILITATION TOOK PLACE ON THIS DATE</b>
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Conference Adjourned on MONDAY, 25 August 2003 for two weeks in memory of H.E. Vice President Michael. C. Wamalwa Kijana.  
Conference reconvened on MONDAY, 8 September 2003.

WEEK 2

**MONDAY, 8 SEPTEMBER 2003**

8.30 a.m. – 9.30 a.m.	PRAYERS
10.00 a.m. – 12.00 p.m.	COMMUNICATION FROM THE CHAIRPERSON OF THE NATIONAL CONSTITUTIONAL CONFERENCE
12.00 p.m. – 1.00 p.m.	CONFIRMATION OF TECHNICAL COMMITTEE LISTS PROVINCIAL MEETINGS
2.00 p.m. – 3.00 p.m.	MEETING OF PROVINCIAL COORDINATORS CONVENERS AND RAPORTEURS
3.00 p.m. – 4.00 p.m.	STEERING COMMITTEE MEETING
4.00 p.m. – 6.00 p.m.	PLENARY PRESENTATION GUIDELINES TO THE MANAGEMENT OF THE TECHNICAL COMMITTEES <b>Presenter: Comm. Isaac Lenaola</b>

**TUESDAY, 9 SEPTEMBER 2003**



8.30 a.m. – 9.30 a.m.	GENERAL COMMENTS IN TECHNICAL COMMITTEES
9.30 a.m. – 6.00 p.m.	WORK IN TECHNICAL COMMITTEES

**WEDNESDAY, 10 SEPTEMBER 2003**

8.30 a.m. – 9.30 a.m.	GENERAL COMMENTS IN TECHNICAL COMMITTEES
9.30 a.m. – 6.00 p.m.	WORK IN TECHNICAL COMMITTEES

**THURSDAY, 11 SEPTEMBER 2003**

8.30 a.m. – 9.30 a.m.	GENERAL COMMENTS IN TECHNICAL COMMITTEES
9.30 a.m. – 4.00 p.m.	WORK IN TECHNICAL COMMITTEES
4.00 p.m. – 6.00 p.m.	DELEGATES FINANCE AND ADMINISTRATION

**FRIDAY, 12 SEPTEMBER 2003**

8.30 a.m. – 9.30 a.m.	GENERAL COMMENTS IN TECHNICAL COMMITTEES
9.30 a.m. – 6.00 p.m.	WORK IN TECHNICAL COMMITTEES

WEEK 3

**MONDAY, 15 SEPTEMBER 2003**

9.00 a.m. – 10.30 a.m.	COMMUNICATION FROM THE CHAIR PRESENTATION OF REPORT ON CULTURE
	<b>Plenary session and debate on the Murder of Dr Crispin O. Mbai, convener of Devolution Committee</b>
11.00 a.m. – 4.00 p.m.	WORK IN TECHNICAL COMMITTEES

**TUESDAY, 16 SEPTEMBER 2003**

8.30 a.m. – 9.30 a.m.	PLENARY DISCUSSION ON CULTURE <b>Presenter: Comm. Kavetsa Adagala</b>
9.30 a.m. – 6.00 p.m.	PLENARY DISCUSSION ON AFFIRMATIVE ACTION <b>Presenters: Prof. Yash Pal Ghai Comm. Isaac Lenaola</b>
	PLENARY DISCUSSION ON CHAPTER 10 DEVOLUTION OF POWERS  <b>Presenters: Prof. Wanjiku Kabira Comm. Mutakha Kangu Comm. Mosonik arap Korir Session Chair: Prof. Yash Pal Ghai</b>

**WEDNESDAY, 17 SEPTEMBER 2003**

8.30 a.m. – 9.30 a.m.	GENERAL COMMENTS IN TECHNICAL COMMITTEES
9.30 a.m. – 6.00 p.m.	WORK IN TECHNICAL COMMITTEES

**THURSDAY, 18 SEPTEMBER 2003**

8.30 a.m. – 9.30 a.m.	GENERAL COMMENTS IN TECHNICAL COMMITTEES
9.30 a.m. – 6.00 p.m.	WORK IN TECHNICAL COMMITTEES

**FRIDAY, 19 SEPTEMBER 2003**

8.30 a.m. – 9.30 a.m.	GENERAL COMMENTS IN TECHNICAL COMMITTEES
9.30 a.m. – 4.00 p.m.	WORK IN TECHNICAL COMMITTEES
4.00 p.m. – 6.00 p.m.	DELEGATES FINANCE AND ADMINISTRATION <b>Finance and Administration</b>

WEEK 4

**MONDAY, 22 SEPTEMBER 2003**

8.30 a.m. – 9.30 a.m.	GENERAL COMMENTS IN TECHNICAL COMMITTEES
9.30 a.m. – 6.00 p.m.	WORK IN TECHNICAL COMMITTEES

**TUESDAY, 23 SEPTEMBER 2003**

8.30 a.m. – 9.30 a.m.	GENERAL COMMENTS IN TECHNICAL COMMITTEES
9.30 a.m. – 6.00 p.m.	WORK IN TECHNICAL COMMITTEES

**WEDNESDAY, 24 SEPTEMBER 2003**

8.30 a.m. – 9.30 a.m.	GENERAL COMMENTS IN TECHNICAL COMMITTEES
9.30 a.m. – 6.00 p.m.	WORK IN TECHNICAL COMMITTEES

**THURSDAY, 25 SEPTEMBER 2003**

8.30 a.m. – 9.30 a.m.	GENERAL COMMENTS IN TECHNICAL COMMITTEES
9.30 a.m. – 6.00 p.m.	WORK IN TECHNICAL COMMITTEES

**FRIDAY, 26 SEPTEMBER 2003**

8.30 a.m. – 9.00 a.m.	COMMUNICATION FROM THE CHAIRPERSON
9.30 a.m. – 10.30 p.m.	GENERAL COMMENTS IN TECHNICAL COMMITTEES
11.00 a.m. – 4.00 p.m.	WORK IN TECHNICAL COMMITTEES
4.00 p.m. – 6.00 p.m.	DELEGATES FINANCE AND ADMINISTRATION

## Appendix 22: Programme and Sequence of Activities at NCC Phase III

### A: Sequence of Activities

The NCC Programme was mostly determined on a daily basis by the Steering Committee of the NCC. The following programme is a true representation of the NCC III activities:

Monday, 12 <sup>th</sup> January 2004	The third phase of the Conference officially reconvened.
Tuesday, 13 <sup>th</sup> - Friday, 30 <sup>th</sup> January 2004	The thirteen Technical Working Groups of the NCC in session. *
Monday, 2 <sup>nd</sup> - Friday, 13 <sup>th</sup> February 2004	Rapporteurs, Conveners and Drafting Team Retreat in Mombasa for the purpose of harmonizing and consolidating the Draft Bill into one logical and coherent text. The result of this exercise was the Zero Draft.
Monday, 16 <sup>th</sup> - Friday 27 <sup>th</sup> February 2004	The thirteen Technical Working Groups separately scrutinized the Zero Draft, discussed the CCBG** interim report and prepared individual Technical Committee Reports for presentation to the Committee of the Whole Conference.
Monday, 1 <sup>st</sup> - Thursday, 4 <sup>th</sup> March 2004 ***	The Technical Working Groups presented their reports to the Committee of the Whole Conference.
Monday, 8 <sup>th</sup> - Monday, 15 <sup>th</sup> March 2004	The Committee of the Whole Conference discussed, amended and adopted the Draft articles in the order stipulated in the Zero Draft.
Tuesday, 16 <sup>th</sup> - Monday, 22 <sup>nd</sup> March 2004	The Draftspersons amended and finalized the Zero Draft in accordance with the decisions made by the Committee of the Whole Conference.
Tuesday, 23 <sup>rd</sup> March 2004	The Committee of the Whole Conference adopts the final Draft Bill. Official business of NCC concluded.

\* This period reflects the official time in which TWC's met, however it does not imply that ALL committees met throughout this entire period. Some Committees completed their deliberations earlier than others and therefore the individual programme was left at the discretion of the individual TWG Committee.

\*\* Additional to the programmed NCC activities, The Steering Committee set up an informal group, namely the Conference Consensus Building Group (CCBG) in order to facilitate resolution of contentious issues. The CCBG met in two phases:

#### PHASE I

Tuesday, 03 February 2004 – Monday, 24 February 2004

#### PHASE II

Wednesday, 10 March 2004 – Friday, 12 March 2004

The activities of the group did not interfere with the main programme of the NCC.

\*\*\* No official activities took place on Friday, 05 March 2004 as the Conference was adjourned to allow delegates to attend the memorial service of Hon. Job Omino, Delegate No 166.

## **B: NCC III Programme**

**Unless otherwise stipulated in the Programme, the usual daily breaks were as follows:**

Morning Tea Break: 10.300 a.m. – 11.00 a.m.  
Lunch Break: 1.00 p.m. – 2.00 p.m.  
Afternoon Tea Break: 4.30 p.m. – 5.00 p.m.

### **FRIDAYS**

Muslim Prayer Break: 12.00 p.m. – 2.00 p.m.

### **WEEK 1**

MONDAY, 12 JANUARY 2004

<b>9.30 a.m. – 11.30 a.m.</b>	<b>DELEGATES ARRIVAL AND ADMINISTRATION</b>
<b>11.30 a.m. – 11.45 a.m.</b>	<b>COMMUNICATION FROM THE NCC CHAIRPERSON</b>
<b>11.45 a.m. – 5.00 p.m.</b>	<b>DELIBERATIONS IN TECHNICAL COMMITTEES</b>

TUESDAY, 13 JANUARY 2004

<b>9.00 a.m. – 10.50 a.m.</b>	<b>ADMINISTRATION OF OATH PRESENTATION OF RAPPORTEUR-GENERAL REPORT</b>
<b>11.30 a.m. – 5.00 p.m.</b>	<b>DELIBERATIONS IN TECHNICAL COMMITTEES</b>

WEDNESDAY, 14 JANUARY 2004

<b>9.30 a.m. – 10.30 a.m.</b>	<b>GENERAL COMMENTS IN TECHNICAL COMMITTEES</b>
<b>11.00 a.m. – 5.00 p.m.</b>	<b>DELIBERATIONS IN TECHNICAL COMMITTEES</b>

THURSDAY, 15 JANUARY 2004

<b>9.30 a.m. – 10.30 a.m.</b>	<b>GENERAL COMMENTS IN TECHNICAL COMMITTEES</b>
<b>11.00 a.m. – 5.00 p.m.</b>	<b>DELIBERATIONS IN TECHNICAL COMMITTEES</b>

FRIDAY, 16 JANUARY 2004

<b>9.30 a.m. – 10.30 a.m.</b>	<b>GENERAL COMMENTS IN TECHNICAL COMMITTEES</b>
<b>11.00 a.m. – 4.00 p.m.</b>	<b>DELIBERATIONS IN TECHNICAL COMMITTEES</b>
<b>4.00 p.m. – 6.00 p.m.</b>	<b>DELEGATES FINANCE AND ADMINISTRATION</b>

**WEEK 2**

MONDAY, 19 JANUARY 2004

<b>9.30 a.m. – 10.30 a.m.</b>	<b>DELEGATES ADMINISTRATION</b>
<b>9.30 a.m. – 1.00 p.m.</b>	<b>DELIBERATIONS IN TECHNICAL COMMITTEES</b>

TUESDAY, 13 JANUARY 2004

<b>9.30 a.m. – 10.30 a.m.</b>	<b>GENERAL COMMENTS IN TECHNICAL COMMITTEES</b>
<b>11.00 a.m. – 5.00 p.m.</b>	<b>DELIBERATIONS IN TECHNICAL COMMITTEES</b>

WEDNESDAY, 14 JANUARY 2004

<b>9.30 a.m. – 10.30 a.m.</b>	<b>GENERAL COMMENTS IN TECHNICAL COMMITTEES</b>
<b>11.00 a.m. – 5.00 p.m.</b>	<b>DELIBERATIONS IN TECHNICAL COMMITTEES</b>

THURSDAY, 15 JANUARY 2004

<b>9.30 a.m. – 10.30 a.m.</b>	<b>GENERAL COMMENTS IN TECHNICAL COMMITTEES</b>
<b>11.00 a.m. – 5.00 p.m.</b>	<b>DELIBERATIONS IN TECHNICAL COMMITTEES</b>

FRIDAY, 16 JANUARY 2004

<b>9.30 a.m. – 10.30 a.m.</b>	<b>GENERAL COMMENTS IN TECHNICAL COMMITTEES</b>
<b>11.00 a.m. – 4.00 p.m.</b>	<b>DELIBERATIONS IN TECHNICAL COMMITTEES</b>
<b>4.00 p.m. – 6.00 p.m.</b>	<b>DELEGATES FINANCE AND ADMINISTRATION</b>

**WEEK 3**

MONDAY, 19 JANUARY 2004

<b>9.30 a.m. – 10.30 a.m.</b>	<b>DELEGATES ADMINISTRATION</b>
<b>9.30 a.m. – 1.00 p.m.</b>	<b>DELIBERATIONS IN TECHNICAL COMMITTEES</b>

TUESDAY, 20 JANUARY 2004



<b>9.30 a.m. – 10.30 a.m.</b>	<b>GENERAL COMMENTS IN TECHNICAL COMMITTEES</b>
<b>11.00 a.m. – 5.00 p.m.</b>	<b>DELIBERATIONS IN TECHNICAL COMMITTEES</b>

WEDNESDAY, 21 JANUARY 2004

<b>9.30 a.m. – 10.30 a.m.</b>	<b>GENERAL COMMENTS IN TECHNICAL COMMITTEES</b>
<b>11.00 a.m. – 5.00 p.m.</b>	<b>DELIBERATIONS IN TECHNICAL COMMITTEES</b>

THURSDAY, 22 JANUARY 2004

<b>9.30 a.m. – 10.30 a.m.</b>	<b>GENERAL COMMENTS IN TECHNICAL COMMITTEES</b>
<b>11.00 a.m. – 5.00 p.m.</b>	<b>DELIBERATIONS IN TECHNICAL COMMITTEES</b>

FRIDAY, 23 JANUARY 2004

<b>9.30 a.m. – 10.30 a.m.</b>	<b>GENERAL COMMENTS IN TECHNICAL COMMITTEES</b>
<b>11.00 a.m. – 4.00 p.m.</b>	<b>DELIBERATIONS IN TECHNICAL COMMITTEES</b>
<b>4.00 p.m. – 6.00 p.m.</b>	<b>DELEGATES FINANCE AND ADMINISTRATION</b>

**WEEK 4**

MONDAY, 26 JANUARY 2004

<b>9.30 a.m. – 10.30 a.m.</b>	<b>DELEGATES ADMINISTRATION</b>
<b>9.30 a.m. – 1.00 p.m.</b>	<b>DELIBERATIONS IN TECHNICAL COMMITTEES</b>

TUESDAY, 27 JANUARY 2004

<b>9.30 a.m. – 10.30 a.m.</b>	<b>GENERAL COMMENTS IN TECHNICAL COMMITTEES</b>
<b>11.00 a.m. – 5.00 p.m.</b>	<b>DELIBERATIONS IN TECHNICAL COMMITTEES</b>

WEDNESDAY, 28 JANUARY 2004

<b>9.30 a.m. – 10.30 a.m.</b>	<b>GENERAL COMMENTS IN TECHNICAL COMMITTEES</b>
<b>11.00 a.m. – 5.00 p.m.</b>	<b>DELIBERATIONS IN TECHNICAL COMMITTEES</b>

THURSDAY, 29 JANUARY 2004

<b>9.30 a.m. – 10.30 a.m.</b>	<b>GENERAL COMMENTS IN TECHNICAL COMMITTEES</b>
<b>11.00 a.m. – 5.00 p.m.</b>	<b>DELIBERATIONS IN TECHNICAL COMMITTEES</b>

FRIDAY, 30 JANUARY 2004

<b>9.30 a.m. – 10.30 a.m.</b>	<b>GENERAL COMMENTS IN TECHNICAL COMMITTEES</b>
<b>11.00 a.m. – 4.00 p.m.</b>	<b>DELIBERATIONS IN TECHNICAL COMMITTEES</b>
<b>4.00 p.m. – 6.00 p.m.</b>	<b>DELEGATES FINANCE AND ADMINISTRATION</b>

**WEEK 5**

MONDAY, 02 FEBRUARY 2004

<b>9.30 a.m. – 10.30 a.m.</b>	<b>DELEGATES ADMINISTRATION</b>
<b>9.30 a.m. – 1.00 p.m.</b>	<b>DELIBERATIONS IN TECHNICAL COMMITTEES</b>

TUESDAY, 03 FEBRUARY 2004

<b>9.30 a.m. – 10.30 a.m.</b>	<b>GENERAL COMMENTS IN TECHNICAL COMMITTEES</b>
<b>11.00 a.m. – 5.00 p.m.</b>	<b>DELIBERATIONS IN TECHNICAL COMMITTEES</b>

WEDNESDAY, 04 FEBRUARY 2004

<b>9.50 a.m. – 10.30 a.m.</b>	<b>CULTURAL ACTIVITIES</b> <b>ADMINISTRATION OF OATH</b> <b>PLENARY DEBATE ON THE AMENDMENT OF S 47</b>
<b>11.00 a.m. – 1.00 p.m.</b>	<b>PRINCIPLES GUIDING THE REVIEW PROCESS</b> Presenter: Dr. Andronico Adede <b>QUESTIONS ON THE PRESENTATION</b> Session Chairs: Mr. Oduor Ong'wen Ms. Ruth Kibiti
<b>2.30 p.m. – 4.00 p.m.</b>	<b>PLENARY DISCUSSION ON THE CONFERENCE CONSENSUS BUILDING GROUP</b>

THURSDAY, 05 FEBRUARY 2004

<b>9.00 a.m. – 9.30 a.m.</b>	<b>CULTURAL ACTIVITIES</b>
<b>9.30 a.m. – 10.45 a.m.</b>	<b>CONSENSUS BUILDING AND NEGOTIATION SKILLS</b> Presenters: Dr. Makumi Mwangi Ms. Rose Arungu Olende
<b>2.30 p.m. – 4.00 p.m.</b>	<b>CONSIDERATION OF CONTENTIOUS ISSUES IN TECHNICAL WORKING COMMITTEES</b>

FRIDAY, 06 FEBRUARY 2004

<b>11.00 a.m. – 1.00 p.m.</b>	<b>DELEGATES FINANCE AND ADMINISTRATION</b>
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**WEEK 6**

MONDAY, 09 FEBRUARY 2004

<b>9.30 a.m. –10.00 a.m.</b>	<b>CULTURAL ACTIVITIES</b>
<b>10.00 a.m. – 1.00 p.m.</b>	<b>PLENARY DISCUSSIONS ON THE PROGRESS MADE BY THE CONFERENCE CONSENSUS BUILDING GROUP</b>
<b>2.30 p.m. – 4.30 p.m.</b>	<b>RULES AND PROCEDURES FOR CONSIDERATION STAGE</b> Presenters: Mr. Samuel Ndindiri Mr. Harrison Gicheru

TUESDAY, 10 FEBRUARY 2004

<b>9.30 a.m. – 10.00 a.m.</b>	<b>CULTURAL ACTIVITIES</b>
<b>10.00 a.m. – 5.30 p.m.</b>	<b>OPEN DAY WITH THE MEDIA – PRESENTATIONS, LECTURES AND CONSULTATIONS</b>

WEDNESDAY, 11 FEBRUARY 2004

<b>9.50 a.m. – 10.30 a.m.</b>	<b>RULES AND PROCEDURES ON THE CONSIDERATION STAGE</b> Session Chair: Baldip Singh Rihal
<b>11.00 a.m. – 3.00 p.m.</b>	<b>DISCUSSION OF RULES AND PROCEDURES IN TECHNICAL WORKING COMMITTEES</b>

THURSDAY, 12 FEBRUARY 2004

<b>9.00 a.m. – 3.30 a.m.</b>	<b>DISCUSSION OF RULES AND PROCEDURES IN TECHNICAL WORKING COMMITTEES</b>
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FRIDAY, 13 FEBRUARY 2004

<b>9.00 a.m. – 10.00 a.m.</b>	<b>PLENARY PROCEEDINGS COMMUNICATION FROM THE RAPPORTEUR- GENERAL</b>
<b>10.00 a.m. – 1.00 p.m.</b>	<b>DELEGATES FINANCE AND ADMINISTRATION</b>

WEEK 7

MONDAY, 16 FEBRUARY 2004

<b>9.30 a.m. – 10.00 a.m.</b>	<b>PLENARY PROCEEDINGS COMMUNICATION FROM THE NCC SECRETARY</b>
<b>10.00 a.m. – 3.00 p.m.</b>	<b>DELIBERATIONS IN TECHNICAL COMMITTEES</b>

TUESDAY, 17 FEBRUARY 2004

<b>9.30 a.m. – 5.00 p.m.</b>	<b>ZERO DRAFT DISTRIBUTED DISCUSSION OF ZERO DRAFT IN TECHNICAL WORKING COMMITTEES</b>  <b>PREPARATION OF COMMITTEE REPORTS</b>
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WEDNESDAY, 18 FEBRUARY 2004

<b>9.30 a.m. – 5.00 p.m.</b>	<b>DISCUSSION OF ZERO DRAFT IN TECHNICAL WORKING COMMITTEES</b>  <b>PREPARATION OF COMMITTEE REPORTS</b>
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THURSDAY, 19 FEBRUARY 2004

<b>9.30 a.m. – 5.00 p.m.</b>	<b>DISCUSSION OF ZERO DRAFT IN TECHNICAL WORKING COMMITTEES</b>  <b>PREPARATION OF COMMITTEE REPORTS</b>
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FRIDAY, 20 FEBRUARY 2004

<b>9.30 a.m. – 12.00 p.m.</b>	<b>DISCUSSION OF ZERO DRAFT IN TECHNICAL WORKING COMMITTEES</b>
<b>2.30 p.m. – 4.00 p.m.</b>	<b>PREPARATION OF COMMITTEE REPORTS</b>
<b>4.00 p.m – 6.00 p.m</b>	<b>DELEGATES FINANCE AND ADMINISTRATION</b>

WEEK 8

MONDAY, 23 FEBRUARY 2004

<b>9.30 a.m. – 5.00 p.m.</b>	<b>DISCUSSION OF ZERO DRAFT IN TECHNICAL WORKING COMMITTEES</b>  <b>PREPARATION OF COMMITTEE REPORTS</b>
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TUESDAY, 24 FEBRUARY 2004

<b>9.30 a.m. – 5.00 p.m.</b>	<b>DISCUSSION OF ZERO DRAFT IN TECHNICAL WORKING COMMITTEES</b> <b>PREPARATION OF COMMITTEE REPORTS</b>
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WEDNESDAY, 25 FEBRUARY 2004

<b>9.30 a.m. – 5.00 p.m.</b>	<b>DISCUSSION OF ZERO DRAFT IN TECHNICAL WORKING COMMITTEES</b> <b>PREPARATION OF COMMITTEE REPORTS</b>
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THURSDAY, 26 FEBRUARY 2004

<b>9.30 a.m. – 5.00 p.m.</b>	<b>DISCUSSION OF ZERO DRAFT IN TECHNICAL WORKING COMMITTEES</b> <b>PREPARATION OF COMMITTEE REPORTS</b>
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FRIDAY, 27 FEBRUARY 2004

<b>9.30 a.m. – 12.00 p.m.</b>	<b>DISCUSSION OF ZERO DRAFT IN TECHNICAL WORKING COMMITTEES</b> <b>PREPARATION OF COMMITTEE REPORTS</b>
<b>2.30 p.m. – 4.00 p.m.</b>	<b>DELEGATES FINANCE AND ADMINISTRATION</b> <b>Finance And Administration</b>

**WEEK 9**

MONDAY, MARCH 01, 2004

<p><b>9.30 a.m. – 10.40 a.m.</b></p>	<p><b>PRESENTATION OF REPORTS</b> <b>TWC A</b> <b>PREAMBLE, SUPREMACY OF THE CONSTITUTION</b> <b>THE REPUBLIC</b> <b>NATIONAL GOALS, VALUES AND PRINCIPLES</b></p>
<p><b>11.50 a.m. – 1.20 p.m.</b></p>	<p><b>PRESENTATION OF REPORTS</b> <b>TWC A (<i>CONTINUED</i>)</b></p> <p><b>TWC B</b> <b>CITIZENSHIP</b> <b>BILL OF RIGHTS</b></p>
<p><b>2.45 p.m. – 4.00 p.m.</b></p>	<p><b>PRESENTATION OF REPORTS</b> <b>TWC M</b> <b>CULTURE</b></p> <p><b>TWC J</b> <b>LAND AND PROPERTY</b> <b>ENVIRONMENT AND NATURAL RESOURCES</b></p>

TUESDAY, MARCH 02, 2004



<p><b>9.45 a.m. – 11.15 a.m.</b></p>	<p><b>PRESENTATION OF REPORTS</b>  <b>TWC C</b>  <b>REPRESENTATION OF THE PEOPLE</b></p> <p><b>TWC F</b>  <b>THE LEGISLATURE</b></p>
<p><b>12.05 p.m. – 1.10 p.m.</b></p>	<p><b>TWC D</b>  <b>THE EXECUTIVE</b></p>
<p><b>2.30 p.m. – 4.35 p.m.</b></p>	<p><b>TWC E</b>  <b>THE JUDICIAL AND LEGAL SYSTEM</b></p> <p><b>TWC K</b>  <b>CONSTITUTIONAL COMMISSIONS</b>  <b>AMENDMENT TO THE CONSTITUTION</b></p>

WEDNESDAY, MARCH 03, 2004

<p><b>9.15 a.m.– 10.45 a.m.</b></p>	<p><b>PRESENTATION OF REPORTS</b>  <b>TWC G</b>  <b>DEVOLUTION OF POWERS</b></p>
<p><b>11.35 a.m. – 1.30 p.m.</b></p>	<p><b>TWG</b>  <b>DEVOLUTION OF POWERS (<i>CONTINUED</i>)</b></p> <p><b>SWEARING-IN CEREMONY</b></p>
<p><b>2.50 p.m.– 4.45 p.m.</b></p>	<p><b>PRESENTATION OF REPORTS</b>  <b>TWG</b>  <b>DEVOLUTION OF POWERS (<i>CONTINUED</i>)</b></p> <p><b>TWG H</b>  <b>PUBLIC FINANCE AND REVENUE MANAGEMENT</b>  <b>PUBLIC SERVICE</b>  <b>LEADERSHIP AND INTEGRITY</b></p> <p><b>TWG I</b>  <b>NATIONAL SECURITY</b></p>

THURSDAY, MARCH 04, 2004

<b>9.40 a.m.– 10.50 a.m.</b>	<b>PRESENTATION OF REPORTS</b> <b>TWC L</b> <b>TRANSITIONAL AND CONSEQUENTIAL</b> <b>ARRANGEMENTS</b>
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**WEEK 10**

MONDAY, MARCH 08, 2004

<b>9.40 a.m. – 5.25 p.m.</b>	<b>DECISIONS ON DRAFT BILL BY THE COMMITTEE OF THE WHOLE CONFERENCE</b>  <b>CHAPTER 1 – SOVEREIGNTY OF THE PEOPLE AND SUPREMACY OF THE CONSTITUTION</b> <b>CHAPTER 2 – THE REPUBLIC</b> <b>CHAPTER 3 - NATIONAL VALUES, PRINCIPLES AND GOALS</b>
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TUESDAY, MARCH 09, 2004

<b>9.40 a.m. – 5.00 p.m.</b>	<b>DECISIONS ON DRAFT BILL BY THE COMMITTEE OF THE WHOLE CONFERENCE</b>  <b>CHAPTER 4 – CITIZENSHIP</b> <b>CHAPTER 5 – CULTURE</b> <b>CHAPTER 6 - BILL OF RIGHTS</b>
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WEDNESDAY, MARCH 10, 2004

<p><b>9.40 a.m. – 5.30 p.m.</b></p>	<p><b>DECISIONS ON DRAFT BILL BY THE COMMITTEE OF THE WHOLE CONFERENCE</b></p> <p><b>CHAPTER 6 - BILL OF RIGHTS (<i>REVISITED</i>)</b>  <b>CHAPTER 7 - LAND AND PROPERTY</b>  <b>CHAPTER 8 - ENVIRONMENT AND NATURAL RESOURCES</b>  <b>CHAPTER 9 - LEADERSHIP AND INTEGRITY</b>  <b>CHAPTER 10 - REPRESENTATION OF THE PEOPLE</b>  <b>CHAPTER 12 - THE EXECUTIVE</b></p>
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THURSDAY, MARCH 11, 2004

<p><b>9.40 a.m. – 5.30 p.m.</b></p>	<p><b>DECISIONS ON DRAFT BILL BY THE COMMITTEE OF THE WHOLE CONFERENCE</b></p> <p><b>CHAPTER 13 - JUDICIAL AND LEGAL SYSTEM</b>  <b>CHAPTER 15 - PUBLIC FINANCE</b>  <b>CHAPTER 16 - THE PUBLIC SERVICE</b>  <b>CHAPTER 17 - NATIONAL SECURITY</b>  <b>CHAPTER 18 - CONSTITUTIONAL COMMISSIONS</b>  <b>CHAPTER 19 - AMENDMENT OF THE CONSTITUTION</b></p>
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FRIDAY, MARCH 12, 2004

<p><b>9.40 a.m. – 5.30 p.m.</b></p>	<p><b>DECISIONS ON DRAFT BILL BY THE COMMITTEE OF THE WHOLE CONFERENCE</b></p> <p style="text-align: center;"> <b>CHAPTER 10 – REPRESENTATION OF THE PEOPLE</b> <i>(REVISITED)</i>  <b>CHAPTER 11 – THE LEGISLATURE</b>  <b>CHAPTER 18 – CONSTITUTIONAL COMMISSIONS</b> <i>(REVISITED)</i>  <b>CHAPTER 19 - AMENDMENT OF THE CONSTITUTION</b> <i>(REVISITED)</i> </p> <p>PRESENTATION OF RECOMMENDATIONS FROM THE CONSENSUS BUILDING GROUP</p> <p><b>DELEGATES ADMINISTRATION</b>  <b>Finance And Administration</b></p>
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WEEK 11

MONDAY, MARCH 15, 2004

<p><b>9.40 a.m. – 7.00 p.m.</b></p>	<p><b>DECISIONS ON DRAFT BILL BY THE COMMITTEE OF THE WHOLE CONFERENCE</b></p> <p style="text-align: center;"> <b>CHAPTER 11 – THE LEGISLATURE</b> <i>(REVISITED)</i>  <b>CHAPTER 12 - THE EXECUTIVE</b> <i>(REVISITED)</i>  <b>CHAPTER 14 – DEVOLVED GOVERNMENT</b>  <b>CHAPTER 20 - GENERAL PROVISIONS</b>  <b>SCHEDULES</b> </p>
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The period from Tuesday, 16<sup>th</sup> to Monday, 22<sup>nd</sup> March 2004 was reserved for technical drafting revisions on the adopted Draft Bill by the Drafting team.

FRIDAY, MARCH 19, 2004

<b>9.15 a.m. – 10.30 a.m.</b>	<b>CULTURAL ENTERTAINMENT</b>  <b>INTER DENOMINATION THANKS GIVING PRAYERS</b>
<b>4.00 p.m. – 6.00 p.m.</b>	<b>DELEGATES ADMINISTRATION</b> Finance And Administration

**WEEK 12**

TUESDAY, MARCH 23, 2004

<b>9.15 a.m. – 11.30 a.m.</b>	<b>CULTURAL ENTERTAINMENT</b>  <b>NCC CHAIRPERSON ADDRESS</b>  <b>ENDORSEMENT AND HANDOVER OF THE DRAFT BILL TO CKRC</b>  <b>ISSUE OF CERTIFICATES TO DELEGATES</b>
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## Appendix 23: Members of the CCBG Phase I

1.	Bishop Philip Sulumeti	-	Chief Moderator
2.	Nancy Lung'ahi	-	Assisting Moderator
3.	Sammy Naibei Chemwey	-	Member
4.	Njuguna Kung'u	-	“
5.	Nichasius Mugo	-	“
6.	Yusuf Abubakar	-	“
7.	Gacuru wa Karinge	-	“
8.	Ahmed Maalim Omar	-	“
9.	Ruth Kibiti	-	“
10.	Wahu Kaara	-	“
11.	Daniel Ole Osoi	-	“
12.	Oduor Ong'wen	-	“
13.	Sheikh Ali Shee	-	“
14.	Neera Kent Kapila	-	“
15.	Otieo Ogingo	-	“
16.	Kenneth Marende	-	“
17.	Joe Khamisi	-	“
18.	Bonaya Godana	-	“
19.	Sophia Abdi Noor	-	“
20.	Rhoda Maende	-	“
21.	David Musila	-	“
22.	Henry Obwocha	-	“
23.	Oburu Oginga	-	“
24.	Sultana Fadhil	-	“
25.	Wilfred Kiboro	-	“
26.	Grace Ogot	-	“
27.	Raphael Mwai	-	“
28.	Roselinda Simiyu	-	“
29.	Charles Lwanga Lwole	-	“
30.	Irene Magut	-	“
31.	Kenneth Njiru	-	“
32.	Ogembo Masese	-	“
33.	Margaret Muchai	-	“
34.	Otieno Kajwang'	-	“
35.	Uhuru Kenyatta	-	“
36.	William Ruto	-	“
37.	Naomi Shaaban	-	“
38.	Soita Shitanda	-	“
39.	Danson Mungatana	-	“
40.	Moses Wetangula	-	“
41.	Mirugi Kariuki	-	“
42.	Bonny Khalwale	-	“
43.	Amos Kimunya	-	“

- |     |                       |   |             |
|-----|-----------------------|---|-------------|
| 44. | H. W. O. Okoth-Ogendo | - | Ex- Officio |
| 45. | Koitamet Ole Kina     | - | Ex- Officio |
| 46. | Amos Wako             | - | Ex- Officio |
| 47. | Yash Pal Ghai         | - | Ex-Officio  |
| 48. | PLO Lumumba           | - | Ex-Officio  |

## Appendix 24: Members of the CCBG Phase II

1.	Bishop Philip Sulumeti	-	Chief Moderator
2.	Ruth Kibiti	-	Member
3.	Sheikh Ali Shee	-	“
4.	Sophia Abdi Noor	-	“
5.	Grace Ogot	-	“
6.	Kimaiyo arap Segoo	-	“
7.	Gitu wa Kahengeri	-	“
8.	Marsden Madoka	-	“
9.	Wangari Maathai	-	“
10.	Yash Pal Ghai	-	Ex- Officio
11.	H. W. O. Okoth-Ogendo	-	Ex- Officio
12.	PLO- Lumumba	-	Ex- Officio



## **Appendix 25: Politicians who made submissions to the CCBG**

1. Hon. Kiraitu Murungi
2. Hon. Raila Odinga
3. Hon. Amos Kimunya
4. Hon. William Ruto
5. Hon. Uhuru Kenyatta
6. Hon. Simeon Nyachae
7. Hon. Musikari Kombo
8. Hon. Bonaya Godana

## Appendix 26: Members of the NCC Steering Committee

	NAME	DEL. NO.
	Yash Pal Ghai	548
	Bonaya A. Godana	029
	Sultana Fadhil	518
	Koitamet Ole Kina	362
	Bishop Phillip Sulumeti	546
	Rev. Mutava Musyimi	534
	Kimaiyo K. Arap Sego	344
	Uhuru Kenyatta	049
	Thomas Nyabote Aburi	424
	S. K. Tororei	462
	Saul K. Kiptingos	350
	Rhoda N. Maende	298
	Mariam S. Mwanyota	245
	Sammy Naibei Chemwey	388
	Oduor Ong'wen	459
	Somoina Keko	363
	Rev. Macharia Muchuga	226
	Gacuru Wa Kareng'e	314
	Roselinda Simiyu	443
	Ahmed Maalim Omar	255
	Ruth N. Kibiti	511
	Nancy Lung'ahi	224
	Sheikh Ali Shee	515
	Sophia Abdi Noor	470
	Yusuf Wako Dogo	269
	Joyce Umbima	466
	Ruth K. Oniang'o	221
	Simeon Nyachae	149
	Mwalimu Digore Kitambi	231
	Grace Ogot	399
	Wangari Maathai	083
	Martha Karua	044
	Kiraitu Murungi	124
	Amos Wako	575
	H. W. O. Okoth-Ogendo	551
	Ahmed Idha Salim	549
	Wanjiku Kabira	557
	Abdirizak Arale Nunow	558
	Mohammed A. Swazuri	553
	Musikari Kombo	073
	Paul Kibugi Muite	114
	Raila Odinga	155
	Charles Maranga Bagwasi	554
	Isaac Lenaola	571
	Bishop Bernard N. Kariuki	559

	Raphael G. Mwai	485
	Kenneth Njiru	609
	Orie Rogo-Manduli	594
	Pamela Mboya	473
	Martin Shikuku	595
	Suba Churchill	463
	Njuguna Kung'u	582
	Abida Ali-Aroni	550
	Githu Muigai	570
	Ahmed Issack Hassan	566
	Nancy Makokha Baraza	561
	Kavetsa Adagala	563
	Mutakha Kangu	562
	Paul Musili Wambua	564
	Salome Wairimu Muigai	555
	Phoebe M. Asiyo	552
	Alice Yano	556
	Pastor Zablon Ayonga	560
	Abubakar Zein Abubakar	565
	Riunga Raiji	567
	Ibrahim Lethome	568
	Keriako Tobiko	569
	K. Mosonik arap Korir	572
	Domiziano Ratanya	573
	Baldip S. Rihal	487
	Francis X. Ole Kaparo	223
	Rose Lukalo-Owino	471
	Andronico O. Adede	574
	M. J. A. Emukule	395
	Adhu Awiti	009
	Cecily Mbarire	217
	Samuel Arap Ng'eny	538
	Kiriro wa Ngugi	320
	Joyce M. Majiwa	501
	Kerrow Billow Adan	015
	Marsden Madoka	085
	Saleh Saad Yahya	483
	Kivutha Kibwana	057
	Caroline W. Ng'ang'a	587
	Nyangau Onwong'a Billy	457
	Wilfred Kiboro	619
	Eliud Paul Nakitare	392
	PLO – Lumumba	260

## Appendix 27: Delegates Allocation to TWC's

### TECHNICAL WORKING GROUP A

#### Preamble, Supremacy of the Constitution, the Republic and National

Convenor: Mr. Billy N. Onwonga

	NAME	DELEGATE NUMBER
1	Abdirahman Ali Hassan	3
2	Alicen Chelaite Jematia	19
3	Benson Okwaro	449
4	Charity Ngilu	143
5	David L. A. Erulu	397
6	Francis Wabayale	588
7	George Khaniri	55
8	Gitu Wa Kahengeri	316
9	Ibrahim Ahmed Yusuf	525
10	Ibrahim Omondi	542
11	James Nthiga Gatiti	520
12	Jane Kauka	375
13	John Munyes	119
14	Joseph Korir Kipkapto	75
15	Julius Arunga	8
16	Kavoo Kilonzo	479
17	Kuria Simon Kanyingi	79
18	Manoti Stephen	94
19	Marie Rose Owino	400
20	Mburugu Florence Ruhui	530
21	Moffat Maitha	90
22	Murtaza Jaffer	623
23	Nalea G. Kithumbu	285
24	Nginyo Kariuki	607
25	Nyang'au Onwonga	457
26	Orwenyo Mary Obonyo	426
27	Owidi Peter Otieno	173
28	Pascalina R. Lebarleiya	351
29	Peter Oloo Aringo	212
30	Rhonda Maende	298
31	Sang Kipkorir Marisin	184
32	W. R. Ole Ntimama	147
33	Zuhura Zukira Wanje	236

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**TECHNICAL WORKING GROUP B****Citizenship and the Bill of Rights****Convenor: Ms. Cecilly Mbarire**

	<b>NAME</b>	<b>DELEGATE NUMBER</b>
1	Ali Wario	206
2	Amina Zuberi	227
3	Anne A. Okoth	474
4	Anne Njogu	475
5	Bermadette Quadros	622
6	Bishop Stephen Ondiek	168
7	Cecily Mbarire	217
8	Choge Jim	21
9	Dorcas Mbelersia	378
10	Esther Keino	214
11	Evelia Rebecca	384
12	Fahim Twaha	200
13	Fatuma Ali Saman	505
14	Florence Machayo	512
15	Francis N. Kaloki	292
16	Gaudentia Atonga	417
17	George Wesonga	398
18	J. W. Nyaga	151
19	Jane Mwendu	291
20	Jillo Onotto	237
21	John Katumanga	435
22	John Njue	539
23	Joyce Umbima	466
24	Kilionzo Charles Mutavi	127
25	Lawrence Mute	455
26	Lihanda K. Savai	608
27	Lorna Laboso	499
28	Lorna Timanoi	360
29	Lucas K. Chepkitony	20
30	Magugu Arthur	88
31	Marie Therese Gachambi	519
32	Masanya Godfrey Okeri	97

33	Milly Odhiambo	451
34	Moses Lengete Ole Sisika	365
35	Neera Kent Kapila	524
36	Nichasius Mugo	287
37	Pamela Mboya	473
38	Peter O. Bwana	516
39	Rose Olende	502
40	Rosemary Kinyanjui	526
41	Sabenzia N. Wekesa	478
42	Sahara Ahmed Hillo	257
43	Salah Maalim Alio	259
44	Sheikh Abdalla	243
45	Silvanus Ogari	425
46	Simeon Lesrima	82
47	Sing'oei Korir	464
48	Suba Churchill Meshack	463
49	Sudi David Kiprono Sutter	192
50	Teresa Osunga	411
51	Wafula Wamunyinyi	203
52	Wilfred Kiboro	619
53	Yusuf Wako	269

## **TECHNICAL WORKING GROUP C**

### **Representation of the People**

**Convenor: Ms. Caroline Ng'ang'a**

	<b>NAME</b>	<b>DELEGATE NUMBER</b>
1	Asenath Nyumo	495
2	Apollo Warrens Tsalwa	383
3	Asiya Mwanzi	537
4	Caroline Ng'ang'a	587
5	Carolyne Ruto	366
6	Danny Irungu	627
7	David O. Mpilei	359
8	David Wakahu	612
9	Emmy Kipsoi	333
10	Eng. Toro	198

11	Fares Ogada	404
12	Fatuma B. Jaldesa	267
13	Francis Kagwima	34
14	Francis Ng'ang'a	436
15	George Muchai	439
16	Helen Mung'athia	533
17	Isaac O. Kibwage	482
18	J. Kirangari Kamwanga	309
19	Jacob Odino	578
20	James Ngusi	450
21	Justus Musyoki Mutweti	293
22	Kenneth Njiru	609
23	Luseno Liyai	601
24	M'thigaa Godfrey Mbuba	277
25	Maria Nzomo	498
26	Mariam Muto	472
27	Mary Wambui Kanyi	467
28	Mohammed Ahmed Khalif	51
29	Mohammed Juma Abuti	240
30	Mukhisa Kituyi	67
31	Naftali K. Chelagat	347
32	Nancy C. Ngeywa	387
33	Ngalaatu Musau	295
34	Njoki S. Ndungu	219
35	Onyancha Joel Omagwa	169
36	Orwa Ochieng	418
37	Orwa Ojode	160
38	Peter Nyanducha	434
39	Raphael Ndeme	232
40	Rasmin P. Chitris	543
41	Richard Kibagendi	428
42	Rose Otieno	431
43	Sophia Lepuchirit	327
44	Stephen Tarus	196
45	Winston A. Adhiambo	603

**TECHNICAL WORKING GROUP D****The Executive****Convenor: Mr. John Anyara Emukule**

	<b>NAME</b>	<b>DELEGATE NUMBER</b>
1	Beatrice Wairimu	315
2	Boniface Mghanga	100
3	Bonny Khalwale	52
4	Dalmas Otieno	614
5	David Musila	125
6	David Oyao	416
7	Dubat Ali Amey	252
8	Edward C. Ohare	386
9	Elizabeth Okelo	414
10	Enock Kibunguchy	56
11	Ernest Kaitany	341
12	Fred Gumo	30
13	Gacuru wa Kareng	314
14	George Nyamweya	615
15	Gideon Moi	109
16	Gideon Ndambuki	138
17	Gonzi Rai	177
18	H. Nyambura Kimani	318
19	Hellen Yego	468
20	Hussein Maalim M.	105
21	J. Michuki	101
22	Jimmy Angwenyi	7
23	Joel Chebii	441
24	John arap Koech	69
25	John Gitari Munyi	284
26	Joseph K. Lagat	65
27	Joseph M. Shikuku	595
28	Kellan Wavomba	390
29	Kipkalya arap Kones	216
30	Leshore Prisa Sammy	81
31	Lucas Maitha	91



32	Maasai Maroa	422
33	Maina Kamanda	39
34	Mathews Emukule	395
35	Michael Sengech	337
36	Mike Oliewo	613
37	Moses Wetangula	209
38	Mutava Musyimi Rev.	534
39	Mwalimu Digore K.	231
40	Mwangi Kiunjuri	68
41	Nick K. Salat	182
42	Nyiva Mwendwa	134
43	Oburu Oginga	157
44	Ogembo Masese	591
45	Orie Rogo-Manduli	594
46	Otieno Kajwang	37
47	P. K. G. Muriithi	120
48	P. Kibugi Muite	114
49	Raphael Muriungi	122
50	Reuben Ndolo	141
51	Reuben Tsuma	235
52	Rihal Singh	487
53	Saitoti George	181
54	Sally Chepkoech	348
55	Sammy Aswani A.	382
56	Stamislou W. Kasoka	296
57	Thimangu Jim Muketha	272
58	W. Kabogo	27
59	Wahu Kaara	521
60	William arap Ruto	179

**TECHNICAL WORKING GROUP E****The Judiciary****Convenor: Prof. Kivutha Kibwana**

	<b>NAME</b>	<b>DELEGATE NUMBER</b>
1	Abdalla Ngozi	145
2	Abdi Tari Sasura	185
3	Abdirahaman Ali Abbas	249
4	Abdurhman Baawy	238
5	Agnes Abuom	513
6	Ali Shee Mohammed	515
7	Amina Abdalla	211
8	Amina Ahmed	242
9	Asli Ibrahim	248
10	Benta Auma	403
11	Bishop Phillip Sulumeti	546
12	Daniel Rasugu	579
13	El-Busaidy Abdulghafur.	517
14	Fadhil Sultana	518
15	Fatuma Boy Bakari	230
16	Francis Waweru	442
17	Fred Ojiambo	535
18	Gerves A. Akhwabi	593
19	Gichura Kibara	460
20	Godana Adhi Doyo	268
21	Hubbie Hussein Al Haji	251
22	Isaiah Kubai	448
23	Issack Derrow Ibrahim	258
24	Jamila Mohamed	476
25	Jane J. Kiptum	338
26	Kajembe Seif Ramadhan	36
27	Kathurima M'inoti	454
28	Kembi Gitura	47
29	Khadija Fugicha	261
30	Kivutha Kibwana	57
31	Lilian Wanjera	491
32	Margaret Muchai	
33	Mirugi Kariuki	43
34	Mohamed Abu Chiaba	108
35	Mohammed Abdi Haji	250
36	Mohammed Nyaoga	456
37	Nathaniel Tum	332
38	Omino Jacob H. O.	166
39	Onesmus K. Mwangi	132
40	Owino Charles Oyugi	174

## TECHNICAL WORKING GROUP F

### Legislature

Convenor: Mr. Samuel arap Ng'eny

	NAME	DELEGATE NUMBER
1	Abdullahi Ibrahim Ali	6
2	Abdullahi Sheikh Dahir	22
3	Abudo Q. Mamo	626
4	Anthony Kimetto	62
5	Archbishop David Gitari	522
6	Atsango Chesoni	510
7	Ayacko G. M. Ochilo	11
8	Benson Kegoro	427
9	Caroline Chemursoi	339
10	Charles Keter	50
11	D. Karaba	41
12	Daniel Obare Awora	401
13	David Were	208
14	Dennis Kodhe	585
15	Emmanuel K. Maitha	89
16	Francis Carey Onyango	580
17	Harrison Kombe	72
18	Jillo Mumina Konso	497
19	John Cheruiyot	438
20	John Sambu Kipkorir	183
21	Julius M. Muungania	281
22	Kiema Kilonzo	60
23	Kiliku Kennedy	447
24	Kipruto arap Kirwa	66
25	Liza Chelule	354
26	Maoka Maore	95
27	Muriuki Karue	121
28	Nancy Lung'ahi	224
29	Nderitu, Alfred Mwangi	139
30	Norman M. G. K.Nyagah	150

31	Oduor Og'wen	459
32	Okioma Samson	162
33	Oscar Makokha	391
34	Raychelle Omamo	477
35	Romanus P. Onyango	419
36	Roselinder Simiyu	443
37	Sammy K. Ruto	180
38	Sammy Naibei Chemwei	388
39	Samuel K. arap Ng'eny	538
40	Samuel Tororei	462
41	Sophia Abdi Noor	470
42	Stephen Kalonzo Musyoka	126
43	Susan Wambura	420
44	Sylvester Wakoli	14
45	Tabitha Mwaniki	536
46	Weya Samuel Arthur	210

## **TECHNICAL WORKING GROUP G**

### **The Devolution**

**Convenor: Adhu Awiti**

	<b>NAME</b>	<b>DELEGATE NUMBER</b>
1	Abel Mwaniki Njeru	283
2	Adan A. Sugow	193
3	Adhu Awiti	9
4	Ahmed Maalim Omar	255
5	Alex Chepkwony	367
6	Amos Kiumo	271
7	Betty Njeri Tett	222
8	Bonaya Godana Adhi	29
9	C. Murungaru	123
10	Caleb Jumba	385
11	Daniel Khamasi	53
12	Daniel Ole Osoi	364
13	Elkanah Odembo	453
14	Fatuma Sheikh Mohamed	254

15	G. B. Galgallo	26
16	G. Ndatho Muchiri	301
17	G. G Kariuki	42
18	George Kinyua	577
19	George Mburu Mwaura	586
20	Gloria Wabwire	396
21	Grace Akinyi Ogot	399
22	Guracha Denge Wario	265
23	Hellen Koring'ura	324
24	Henry Kosgey	77
25	Hezron Manduku	92
26	Isa Ireri Ngunia	286
27	Isaiah Cheruiyot	346
28	J. J. Kamotho	40
29	J. Kinuthia Mwangi	319
30	J. Mwangi Waweru	310
31	J. S. Mathenge	308
32	James F. T. Foster	488
33	John Katuku	46
34	Juma Wario	241
35	Kauchi Chivumba	494
36	Kenneth Marende	96
37	Leslie Mwachiro	599
38	M. Nyathogora	303
39	Machage W. Gisuka	85
40	Maero Tindi	444
41	Mercy Mwamburi	492
42	Mereso Agina	508
43	Michael Githu	355
44	Mohamed Yusuf Haji	31
45	Mwinyi Haji Mwijaa	234
46	Nicholas Biwott	16
47	Otieno Ogingo	413
48	Patrice M. Ivuti	32
49	Patrick O. Onyango	590

50	Pius Lobuk	328
51	Raphael Livu	228
52	Shaaban Issack	187
53	Simeon Nyachae	149
54	Simon Shitemi	545
55	Sospeter Ojaamong	159
56	Suleiman Shakombo	189
57	Syongoh Zaddock Madiri	195
58	Teclah Nairesiai	357
59	Wilberforce Kisiero	389

### **TECHNICAL WORKING GROUP H**

#### **Public Finance, Public Service, Leadership and Integrity**

**Convenor: Mr. Kerrow Billow Adams**

	<b>NAME</b>	<b>DELEGATE NUMBER</b>
1	Abdu Bahari Ali	12
2	Abdullahi Haji Mohammed	107
3	Ann Mululu	496
4	Asili Adungo	394
5	Beth Mugo	112
6	Billow Adan Kerrow	15
7	Chris Okemo	161
8	Dache John Pesa	415
9	Daniel Njoroge	589
10	David Kuto	340
11	David Mwiraria	136
12	Domtilla Were	616
13	E. Mbau	99
14	Elphas Ombura	410
15	Farouk Said	229
16	Francis Wangara	446
17	Franklin K. Bett	213
18	Frederick Nderitu	302
19	Gilbert Omondi	625
20	Grace Ntembi Nduyo	279

21	Henry Obwocha Onyancha	154
22	James Bwatuti	628
23	James Omolo Kayila	407
24	John K. Njiraini	480
25	Joseph K. Soi	374
26	Joseph Njalis Shuel	353
27	Judith A. Nam	408
28	Kamla Sikand	500
29	Kilemi Mwiria	137
30	King'ori Mwangi	624
31	M. N. Wambora	202
32	Manu Chandaria	617
33	Mariam Ntansian L.	345
34	Moses M. Wekesa	597
35	Musa Sirma	190
36	Noah N. arap Too	197
37	Nyamunga Eric Opon	152
38	Ole Konchellah G. S	74
39	Peter Anyang Nyong'o	153
40	Peter Kenneth	48
41	Peter Odoyo	156
42	Phoebe Sikoya	606
43	Rose K. Lukalo-Owino	471
44	Rose Waruhiu	490
45	Sehmi Rupinda Singh	544
46	William N. Matheka	299
47	Wycliffe Oparanya	170

**TECHNICAL WORKING GROUP I****Defence and National Security****Convenor: Maj. (Rtd.) Marsden Madoka**

	<b>NAME</b>	<b>DELEGATE NUMBER</b>
1	Abdikadir Guyo	262
2	Bruno Kaimba	280
3	Charles Lwanga Lwole	380
4	D. Muraguri Nderi	305
5	Daniel Njagi	486
6	David Koros	76
7	David M. Rakamba	433
8	David Mwenje	135
9	Ekwee Ethuro	24
10	Elizabeth Mayieka	503
11	Emmanuel Lomorukai	322
12	Esther Lelei	445
13	Francis Kilemi	592
14	Galgallo Tuye Adano	266
15	James John Mageria	528
16	John Kinuthia Waitiki	317
17	K. N. Mamonda	596
18	Kihara Njeri Jane	58
19	Kingi Kahindi Joseph	64
20	Kiplangat arap Koech	373
21	Maj. General (Rtd) Nkaiserry	146
22	Marsden Madoka	86
23	Mkawerweren Chebii	336
24	Moses Akaranga	5
25	Mouris Dzoro	24
26	Odhiambo Omamba	165
27	Ogur Tobias O. Ochola	158
28	Petkay Shen Miriti	104
29	Raphael G. Mwai	485
30	Robert Maithya Maluki	289
31	Rukia Subow	504
32	Samuel Moroto	110
33	Simon L. Alew	326
34	T. K. Githiora	629
35	Titus Ngomyoni	144
36	Tolla Koffa	71
37	Waithaka Mwangi	201
38	William Boit	17
39	Wyclife Osundwa	172



## TECHNICAL WORKING GROUP J

### Land, Rights and Environment

Convenor: Prof. Saleh Saad Yahya

	NAME	DELEGATE NUMBER
1	Ali Mwakwere	130
2	Amos Kimunya	63
3	Archbishop NjeruWambugu	527
	Augustine Saina	343
5	Beatrice Mwaringa	233
6	Benjamin Gitoi	602
7	Bornice S. Chelang'at	372
8	C. Nyawira Ngari	306
9	Daniel G. Ichangi	481
10	Ezekiel Kesendany	356
11	F. Mwanzia	133
12	Fatma Ibrahim Ali	506
13	Fatuma Halako Galgalo	239
14	Fibie Atieno Ochola	405
15	Gachara Muchiri	111
16	James Koskei	371
17	Joe Khamisi	54
18	John Serut	186
19	Julius Lalampaa	329
20	Kaaru Abdukadir Guleid	263
21	Kalembe Ndile	140
22	Kimani M. Ng'ang'a	598
23	Koigi wa Wamwere	204
24	Levi Ahindukha	379
25	Ligale Andrew N.	83
26	Lina Kilimo Jebii	59
27	Lumumba Odenda	458
28	M. Muthoni Mburu	312
29	Mafunga Wambulwa	376
30	Martha Rop	509
31	Mohamed Abdi Mohamed	106

32	Mohamed Kuti	80
33	Moses Naimodu	358
34	Munene O. J.	247
35	Mwalengo Haji Joel	246
36	Mwau Adelina Ndeto	218
37	Nduta Beatrice Kiarie	465
38	Njenga Karume	45
39	Noah Wekesa	207
40	Olweny P. Ayiecho	164
41	Opore Zebedeo	171
42	Peter E. Ejore	323
43	Peter Kyalo Kaindi	35
44	Phillip Ole Sironka	461
45	Phillip Rotino	178
46	Praxedas N. Wambua	297
47	Rajab Mwondi	440
48	Raphael Tuju	199
49	Raphael Wanjala	205
50	Robert Rukungah	621
51	Samuel Mwaura	604
52	Thomas Merengo	421
53	Wafula Sylvester	484
54	William Lopetakou	325
55	William Omondi Opondo	167
56	William S. Ole Yiaile	361
57	Yahya Saad Swaleh	483

**TECHNICAL WORKING GROUP K**

**Constitutional Commission and Amendments  
to the Constitution**

**Convenor: Mr. Kiriro wa Ngugi**

		DELEGATE NUMBER
1	A. Egwaton	4
2	Ajuoga Milka Aoko	514
3	Benson Mbai	98
4	G. G. Gichuru	313

5	J. B. Muturi	129
6	Jane Mutunga	288
7	John M. Mutiso	128
8	John Muchai Kiniti	352
9	Julius Sitienei	335
10	Kamama Asman	38
11	Kimayo Arap Sego	344
12	Kiriro Ngugi	320
13	Kirugi M'Mukindia	103
14	Leah Ndeke	276
15	Makau Mutua	584
16	Midiwo Washington J.	102
17	Moody Awori	10
18	Mungatana Danson	116
19	Newton Kulundu	78
20	Noor Ibrahim Abdi	256
21	P. Muiruri	113
22	Peter Kangethe Nkoroi	278
23	Ruth Kibiti	511
24	Thomas Nyabote Aburi	424
25	Zeruiya Otwani	437

	<b>TECHNICAL WORKING GROUP L</b>	
	<b>Transitional Consequential Arrangements</b>	
	<b>Convenor: Ms. Joyce Majiwa</b>	
	<b>NAME</b>	<b>DELEGATE NUMBER</b>
1	Albert Onyango Mitere	430
2	Apollo Njonjo	583
3	Beatrice Bariu	270
4	Christina C. Ng'eno	369
5	Christine Mango	93
6	David Kigen	349
7	David Okiya	377
8	Eric Kyalo Mutua	290
9	Eve Akinyi Obara	402
10	Felicity Irene Magut	342

11	Gachagua Nderi James	25
12	Gor Sungu	194
13	Grace Githaiga	469
14	Isaac K. Bungei	331
15	J. Nyaga Waruri	307
16	J. P. Nyakundi	611
17	Joel Sang'	368
18	Joseph Attyang	409
19	Joseph Maritim Soo	370
20	Joseph Munyao	118
21	Joyce Majiwa	501
22	Judith Magundho	429
23	Kaparo F. O	223
24	Kipkoech Kiptongos	350
25	Kiraitu Murungi	124
26	Koech Sammy Cheruiyot	70
27	Koitamet Ole Kina	362
28	L. Wambui Muriuki	300
29	Lydia W. Kimani	282
30	Macharia Mukiri	115
31	Magara James Omingo	87
32	Margaret Kamar	507
33	Mariam Mwanyota	245
34	Martha Karua	44
35	Moses Cheboi	18
36	Moses Keter	334
37	Musikari Kombo	73
38	Mutula Kilonzo	215
39	Najib Balala	13
40	Naomi Shaaban	188
41	Njuguna Kung'u	582
42	Peter Njeru Ndwiga	142
43	Phillip Okundi	163
44	R. S. C. Omolo	620
45	Raila Odinga	155

46	Robinson Githae	28
47	Ruth Oniang'o	221
48	S. Poghio	176
49	Saleh Maalim Arte	253
50	Soita Shitanda	191
51	Uhuru Kenyatta	49
52	Willy Mutunga	452
53	Zakayo M. Karimi	600
<b>TECHNICAL WORKING GROUP M</b>		
<b>CULTURE</b>		
<b>Convenor: Mr. Paul Nakitare</b>		
	<b>NAME</b>	<b>DELEGATE NUMBER</b>
1	Asha Chiku Wanje	493
2	Ashepete Baraza	393
3	Einsintele Kureya	264
4	Father Gitonga	311
5	Iyadi Nancy	330
6	Kamanda Rhoda	432
7	Keko Margaret	363
8	Layor Rhoda	321
9	M Mworio Julius	275
10	Maathai Wangari	84
11	Muriuki Joyce Kagendo	273
12	Mwai Gakuya S.	576
13	Mwandawiro Mganga	131
14	Nakitare Paul E.	392
15	Ngorongo Makanga	605
16	Nyakundi Peter	611
17	Ojiambo, J	220
18	Ole Ntutu Stephen K.	148
19	Omanga Claire	423
20	Omar Twalib Mzee	244
21	Ombito Rita Katamu	381
22	Onyango R. P.	419
23	Rev Muchuga	226

**APPENDIX 30: Technical Working Committees - Overall List**

<b>SERIAL NUMBER</b>	<b>DELEGATE NUMBER</b>	<b>NAME</b>	<b>WORKIN G GROUP</b>
1	2	Moody Awori	K
2	3	Abdirahman Ali Hassan	A
3	4	A. Egwaton	K
4	5	Moses Akaranga	I
5	6	Abdullahi Ibrahim Ali	F
6	7	Jimmy Angwenyi	D
7	8	Julius Arunga	A
8	9	Adhu Awiti	G
9	10	Davis Nakitare	J
10	11	Ayacko G. M. Ochilo	F
11	12	Abdu Bahari Ali	H
12	13	Najib Balala	L
13	14	Sylvester Wakoli	F
14	15	Billow Adan Kerrow	H
15	16	Nicholas Biwott	G
16	17	William Boit	I
17	18	Moses Cheboi	L
18	19	Alicen Chelaite Jematia	A
19	20	Lucas K. Chepkitony	B
20	21	Choge Jim	B
21	22	Abdullahi Sheikh Dahir	F
22	23	Dzoro Morris Mwachondo	I
23	24	Ekwee Ethuro	I
24	25	Gachagua Nderi James	L
25	26	G. B. Galgallo	G
26	27	W. Kabogo	D
27	28	Robinson Githae	L
28	29	Bonaya Godana Adhi	G
29	30	Fred Gumo	D
30	31	Mohamed Yusuf Haji	G
31	32	Patrice M. Ivuti	G
32	33	Mutahi Kagwe	L
33	34	Francis Kagwima	C
34	35	Peter Kyalo Kaindi	J
35	36	Kajembe Seif Ramadhan	E
36	37	Otieno Kajwang	D

37	38	Kamama Asman	K
38	39	Maina Kamanda	D
39	40	J. J. Kamotho	G
40	41	D. Karaba	F
41	42	G. G. Kariuki	G
42	43	Mirugi Kariuki	E
43	44	Martha Karua	L
44	45	Njenga Karume	J
45	46	John Katuku	G
46	47	Kembi Gitura	E
47	48	Peter Kenneth	L
48	49	Uhuru Kenyatta	L
49	50	Charles Keter	F
50	51	Mohammed Ahmed Khalif	C
51	52	Bonny Khalwale	D
52	53	Daniel Khamasi	G
53	54	Joe Khamisi	J
54	55	George Khaniri	A
55	56	Enock Kibunguchy	D
56	57	Kivutha Kibwana	E
57	58	Kihara Njeri Jane	I
58	59	Lina Kilimo Jebii	J
59	60	Kiema Kilonzo	F
60	61	Viscount Kimathi	E
61	62	Anthony Kimetto	F
62	63	Amos Kimunya	J
63	64	Kingi Kahindi Joseph	I
64	65	Joseph K. Lagat	D
65	66	Kipruto arap Kirwa	F
66	67	Mukhisa Kituyi	C
67	68	Mwangi Kiunjuri	D
68	69	John arap Koech	D
69	70	Koech Sammy Cheruiyot	L
70	71	Tolla Koffa	I
71	72	Harrison Kombe	F
72	73	Musikari Kombo	L
73	74	Ole Konchellah G. S	H
74	75	Joseph Korir Kipkapt	A
75	76	David Koros	I
76	77	Henry Kosgey	G

77	78	Newton Kulundu	K
78	79	Kuria Simon Kanyingi	A
79	80	Mohamed Kutu	J
80	81	Leshore Prisa Sammy	D
81	82	Simeon Lesrima	B
82	83	Ligale Andrew N.	J
83	84	Maathai Wangari	M
84	85	Machage W. Gisuka	G
85	86	Marsden Madoka	I
86	87	Magara James Omingo	L
87	88	Magugu Arthur	B
88	89	Emmanuel K. Maitha	F
89	90	Moffat Maitha	A
90	91	Lucas Maitha	D
91	92	Hezron Manduku	G
92	93	Christine Mango	L
93	94	Manoti Stephen	A
94	95	Maoka Maore	F
95	96	Kenneth Marende	G
96	97	Masanya Godfrey Okeri	B
97	98	Benson Mbai	K
98	99	E. Mbau	H
99	100	Boniface Mghanga	D
100	101	J. Michuki	D
101	102	Midiwo Washington J.	K
102	103	Kirugi M'Mukindia	K
103	104	Petkay Shen Miriti	I
104	105	Hussein Maalim M.	D
105	106	Mohamed Abdi Mohamed	J
106	107	Abdullahi Haji Mohammed	H
107	108	Mohamed Abu Chiaba	E
108	109	Gideon Moi	D
109	110	Samuel Moroto	I
110	111	Gachara Muchiri	J
111	112	Beth Mugo	H
112	113	P. Muiruri	K
113	114	P. Kibugi Muite	D
114	115	Macharia Mukiri	L
115	116	Mungatana Danson	K
116	117	Peter Munya	E



117	118	Joseph Munyao	L
118	119	John Munyes	A
119	120	P. K. G. Muriithi	D
120	121	Muriuki Karue	F
121	122	Raphael Muriungi	D
122	123	C. Murungaru	C
123	124	Kiraitu Murungi	L
124	125	David Musila	D
125	126	Stephen Kalonzo Musyoka	F
126	127	Kilionzo Charles Mutavi	B
127	128	John M. Mutiso	K
128	129	J. B. Muturi	K
129	130	Ali Mwakwere	J
130	131	Mwandawiro Mganga	M
131	132	Onesmus K. Mwangi	E
132	133	F. Mwanzia	J
133	134	Nyiva Mwendwa	D
134	135	David Mwenje	I
135	136	David Mwiraria	H
136	137	Kilemi Mwiria	H
137	138	Gideon Ndambuki	D
138	139	Nderitu, Alfred Mwangi	F
139	140	Kalembe Ndile	J
140	141	Reuben Ndolo	D
141	142	Peter Njeru Ndwiga	L
142	143	Charity Ngilu	A
143	144	Titus Ngomyoni	I
144	145	Abdalla Ngozi	E
145	146	Maj. General (Rtd) Nkaiserry	I
146	147	W. R. Ole Ntimama	A
147	148	Ole Ntutu Stephen K.	M
148	149	Simeon Nyachae	G
149	150	Norman M. G. K.Nyagah	F
150	151	J. W. Nyaga	B
151	152	Nyamunga Eric Opon	H
152	153	Peter Anyang Nyong'o	H
153	154	Henry Obwocha Onyancha	H
154	155	Raila Odinga	L
155	156	Peter Odoyo	H
156	157	Oburu Oginga	D

157	158	Ogur Tobias O. Ochola	I
158	159	Sospeter Ojaamong	G
159	160	Orwa Ojode	C
160	161	Chris Okemo	H
161	162	Okioma Samson	F
162	163	Phillip Okundi	L
163	164	Olweny P. Ayiecho	J
164	165	Odhiambo Omamba	I
165	166	Omino Jacob H. O.	E
166	167	William Omondi Opondo	J
167	168	Bishop Stephen Ondiek	B
168	169	Onyancha Joel Omagwa	C
169	170	Wycliffe Oparanya	H
170	171	Opore Zebedeo	J
171	172	Wyclife Osundwa	I
172	173	Owidi Peter Otieno	A
173	174	Owino Charles Oyugi	E
174	175	Kato ole Metito	F
175	176	S. Poghisio	L
176	177	Gonzi Rai	D
177	178	Phillip Rotino	J
178	179	William arap Ruto	D
179	180	Sammy K. Ruto	F
180	181	Saitoti George	D
181	182	Nick K. Salat	D
182	183	John Sambu Kipkorir	F
183	184	Sang Kipkorir Marisin	A
184	185	Abdi Tari Sasura	E
185	186	John Serut	J
186	187	Shaaban Issack	G
187	188	Naomi Shaaban	L
188	189	Suleiman Shakombo	G
189	190	Musa Sirma	H
190	191	Soita Shitanda	L
191	192	Sudi David Kiprono Sutter	B
192	193	Adan A. Sugow	G
193	194	Gor Sungu	L
194	195	Syongoh Zaddock Madiri	G
195	196	Stephen Tarus	C

196	197	Noah N. arap Too	H
197	198	Eng. Toro	C
198	199	Raphael Tuju	J
199	200	Fahim Twaha	B
200	201	Waithaka Mwangi	E
201	202	M. N. Wambora	H
202	203	Wafula Wamunyinyi	B
203	204	Koigi wa Wamwere	J
204	205	Raphael Wanjala	J
205	206	Ali Wario	B
206	207	Noah Wekesa	J
207	208	David Were	F
208	209	Moses Wetangula	D
209	210	Weya Samuel Arthur	F
210	211	Amina Abdalla	E
211	212	Peter Oloo Aringo	A
212	213	Franklin K. Bett	H
213	214	Esther Keino	B
214	215	Mutula Kilonzo	L
215	216	Kipkalya arap Kones	D
216	217	Cecily Mbarire	B
217	218	Mwau Adelina Ndeto	J
218	219	Njoki S. Ndungu	C
219	220	Ojiambo, Julia	M
220	221	Ruth Oniang'o	L
221	222	Betty Njeri Tett	G
222	223	Kaparo F. O	L
223	224	Nancy Lung'ahi	F
224	225	Salim Ibrahim	E
225	226	Rev Muchuga	G
226	227	Amina Zuberi	B
227	228	Raphael Livu	G
228	229	Farouk Said	H
229	230	Fatuma Boy Bakari	E
230	231	Mwalimu Digore K.	D
231	232	Raphael Ndeme	C
232	233	Beatrice Mwaringa	J
233	234	Mwinyi Haji Mwijaa	G
234	235	Reuben Tsuma	D
235	236	Zuhura Zukira Wanje	A

236	237	Jillo Onotto	B
237	238	Abdurhman Baawy	E
238	239	Fatuma Halako Galgalo	J
239	240	Mohammed Juma Abuti	C
240	241	Juma Wario	G
241	242	Amina Ahmed	E
242	243	Sheikh Abdalla	B
243	244	Omar Twalib Mzee	M
244	245	Mariam Mwanyota	L
245	246	Mwalengo Haji Joel	J
246	247	Munene O. J.	J
247	248	Asli Ibrahim	E
248	249	Abdirahaman Ali Abbas	E
249	250	Mohammed Abdi Haji	E
250	251	Hubbie Hussein Al Haji	E
251	252	Dubat Ali Amey	D
252	253	Saleh Maalim Arte	L
253	254	Fatuma Sheikh Mohamed	G
254	255	Ahmed Maalim Omar	G
255	256	Noor Ibrahim Abdi	K
256	257	Sahara Ahmed Hillo	B
257	258	Issack Derrow Ibrahim	E
258	259	Salah Maalim Alio	B
259	261	Khadija Fugicha	E
260	262	Abdikadir Guyo	I
261	263	Kaaru Abdukadir Guleid	J
262	264	Einsintele Kureya	M
263	265	Guracha Denge Wario	G
264	266	Galgallo Tuye Adano	I
265	267	Fatuma B. Jaldesa	C
266	268	Godana Adhi Doyo	E
267	269	Yusuf Wako	B
268	270	Beatrice Bariu	L
269	271	Amos Kiumo	G
270	272	Thimangu Jim Muketha	D
271	273	Muriuki Joyce Kagendo	M
272	274	Victor P. Gituma	E
273	275	M Mworja Julius	M
274	276	Leah Ndeke	K

275	277	M' thigaa Godfrey Mbuba	C
276	278	Peter Kangethe Nkoroi	K
277	279	Grace Ntembi Nduyo	H
278	280	Bruno Kaimba	I
279	281	Julius M. Muungania	F
280	282	Lydia W. Kimani	L
281	283	Abel Mwaniki Njeru	G
282	284	John Gitari Munyi	D
283	285	Nalea G. Kithumbu	A
284	286	Isa Ileri Ngunia	G
285	287	Nichasius Mugo	B
286	288	Jane Mutunga	K
287	289	Robert Maithya Maluki	I
288	290	Eric Kyalo Mutua	L
289	291	Jane Mwende	B
290	292	Francis N. Kaloki	B
291	293	Justus Musyoki Mutweti	C
292	294	Victoria Mutheu M.	E
293	295	Ngalaatu Musau	C
294	296	Stamislou W. Kasoka	D
295	297	Praxedas N. Wambua	J
296	298	Rhonda Maende	A
297	299	William N. Matheka	H
298	300	L. Wambui Muriuki	L
299	301	G. Ndatho Muchiri	G
300	302	Frederick Nderitu	H
301	303	M. Nyathogora	G
302	304	Waithanje Minjire	E
303	305	D. Muraguri Nderi	I
304	306	C. Nyawira Ngari	J
305	307	J. Nyaga Waruri	L
306	308	J. S. Mathenge	G
307	309	J. Kirangari Kamwanga	C
308	310	J. Mwangi Waweru	G
309	311	Father Gitonga	M
310	312	M. Muthoni Mburu	J
311	313	G. G. Gichuru	K
312	314	Gacuru wa Kareng'e	D
313	315	Beatrice Wairimu	D
314	316	Gitu Wa Kahengeri	A

315	317	John Kinuthia Waitiki	I
316	318	H. Nyambura Kimani	D
317	319	J. Kinuthia Mwangi	G
318	320	Kiro Ngugi	K
319	321	Layor Rhoda	M
320	322	Emmanuel Lomorukai	I
321	323	Peter E. Ejore	J
322	324	Hellen Koring'ura	G
323	325	William Lopetakou	J
324	326	Simon L. Alew	I
325	327	Sophia Lepuchirit	C
326	328	Pius Lobuk	G
327	329	Julius Lalampaa	J
328	330	Iyadi Nancy	L
329	331	Isaac K. Bungei	L
330	332	Nathaniel Tum	E
331	333	Emmy Kipsoi	C
332	334	Moses Keter	L
333	335	Julius Sitienei	K
334	336	Mkawerweren Chebii	I
335	337	Michael Sengech	D
336	338	Jane J. Kiptum	E
337	339	Caroline Chemursoi	F
338	340	David Kuto	H
339	341	Ernest Kaitany	D
340	342	Felicity Irene Magut	L
341	343	Augustine Saina	J
342	344	Kimayo Arap Sego	K
343	345	Mariam Ntansian L.	H
344	346	Isaiah Cheruiyot	G
345	347	Naftali K. Chelagat	C
346	348	Sally Chepkoech	D
347	349	David Kigen	L
348	350	Kipkoech Kiptongos	L
349	351	Pascalina R. Lebarleiya	A
350	352	John Muchai Kiniti	K
351	353	Joseph Njalis Shuel	H
352	354	Liza Chelule	F
353	355	Michael Githu	G
354	356	Ezekiel Kesendany	J

355	357	Teclah Nairesiai	G
356	358	Moses Naimodu	J
357	359	David O. Mpilei	C
358	360	Lorna Timanoi	B
359	361	William S. Ole Yiaile	J
360	362	Koitamet Ole Kina	L
361	363	Keko Margaret	M
362	364	Daniel Ole Osoi	G
363	365	Moses Lengete Ole Sisika	B
364	366	Carolyn Ruto	C
365	367	Alex Chepkwony	G
366	368	Joel Sang'	L
367	369	Christina C. Ng'eno	L
368	370	Joseph Maritim Soo	L
369	371	James Koskei	J
370	372	Bornice S. Chelang'at	J
371	373	Kiplangat arap Koech	I
372	374	Joseph K. Soi	H
373	375	Jane Kauka	A
374	376	Mafunga Wambulwa	J
375	377	David Okiya	L
376	378	Dorcas Mbelersia	B
377	379	Levi Ahindikha	J
378	380	Charles Lwanga Lwole	I
379	381	Ombito Rita Katamu	M
380	382	Sammy Aswani A.	D
381	383	Apollo Warrens Tsalwa	C
382	384	Evelia Rebecca	B
383	385	Caleb Jumba	G
384	386	Edward C. Ohare	D
385	387	Nancy C. Ngeywa	C
386	388	Sammy Naibei Chemwei	F
387	389	Wilberforce Kisiero	G
388	390	Kellan Wavomba	D
389	391	Oscar Makokha	F
390	392	Nakitare Paul E.	M
391	393	Ashepete Baraza	M
392	394	Asili Adungo	H
393	395	Ajaa Olubayi	D
394	396	Gloria Wabwire	G

395	397	David L. A. Erulu	A
396	398	George Wesonga	B
397	399	Grace Akinyi Ogot	G
398	400	Marie Rose Owino	A
399	401	Daniel Obare Awora	F
400	402	Eve Akinyi Obara	L
401	403	Benta Auma	E
402	404	Fares Ogada	C
403	405	Fibie Atieno Ochola	J
404	406	Shakeel Shabir	E
405	407	James Omolo Kayila	H
406	408	Judith A. Nam	H
407	409	Joseph Attyang	L
408	410	Elphas Ombura	H
409	411	Teresa Osunga	B
410	412	Prof. Odhiambo M. O.	G
411	413	Otieno Ogingo	G
412	414	Elizabeth Okelo	D
413	415	Dache John Pesa	H
414	416	David Oyao	D
415	417	Gaudentia Atonga	B
416	418	Orwa Ochieng	C
417	419	Onyango R. P.	M
418	420	Susan Wambura	F
419	421	Thomas Merengo	J
420	422	Maasai Maroa	D
421	423	Omanga Claire	M
422	424	Thomas Nyabote Aburi	K
423	425	Silvanus Ogari	B
424	426	Orwenyo Mary Obonyo	A
425	427	Benson Kegoro	F
426	428	Richard Kibagendi	C
427	429	Judith Magundho	L
428	430	Albert Onyango Mitere	L
429	431	Rose Otieno	C
430	432	Kamanda Rhoda	M
431	433	David M. Rakamba	I
432	434	Peter Nyanducha	C
433	435	John Katumanga	B
434	436	Francis Ng'ang'a	K



435	437	Zeruiya Otwani	K
436	438	John Cheruiyot	F
437	439	George Muchai	C
438	440	Rajab Mwondi	J
439	441	Joel Chebii	D
440	442	Francis Waweru	E
441	443	Roselinder Simiyu	F
442	444	Maero Tindi	G
443	445	Esther Lelei	I
444	446	Francis Wangara	H
445	447	Kiliku Kennedy	F
446	448	Isaiah Kubai	E
447	449	Benson Okwaro	A
448	450	James Ngusi	C
449	451	Milly Odhiambo	B
450	452	Maurice Odhiambo Makoloo	L
451	453	Elkanah Odembo	G
452	454	Kathurima M'noti	E
453	455	Lawrence Mute	B
454	456	Mohammed Nyaoga	E
455	457	Nyang'au Onwonga	A
456	458	Lumumba Odenda	J
457	459	Oduor Og'wen	F
458	460	Gichura Kibara	K
459	461	Phillip Ole Sironka	J
460	462	Samuel Tororei	F
461	463	Suba Churchill Meshack	B
462	464	Sing'oei Korir	B
463	465	Nduta Beatrice Kiarie	J
464	466	Joyce Umbima	B
465	467	Mary Wambui Kanyi	C
466	468	Hellen Yego	D
467	469	Grace Githaiga	L
468	470	Sophia Abdi Noor	F
469	471	Rose K. Lukalo-Owino	H
470	472	Mariam Muto	C
471	473	Pamela Mboya	B
472	474	Anne A. Okoth	B
473	475	Anne Njogu	B
474	476	Jamila Mohamed	E

475	477	Beryl Ouma	F
476	478	Sabenzia N. Wekesa	B
477	479	Kavoo Kilonzo	A
478	480	John K. Njiraini	H
479	481	Daniel G. Ichangi	J
480	482	Isaac O. Kibwage	C
481	483	Yahya Saad Swaleh	J
482	484	Wafula Sylvester	J
483	485	Raphael G. Mwai	I
484	486	Daniel Njagi	I
485	487	Rihal Singh	D
486	488	James F. T. Foster	G
487	489	Jane Mumbi Kiano	L
488	490	Rose Waruhiu	H
489	491	Lilian Wanjera	E
490	492	Mercy Mwamburi	G
491	493	Asha Chiku Wanje	M
492	494	Kauchi Chivumba	G
493	495	Asenath Nyamu	C
494	496	Ann Mululu	H
495	497	Jillo Mumina Konso	F
496	498	Kathini Maloba-Caines	C
497	499	Margaret Hutchingson	B
498	500	Kamla Sikand	H
499	501	Joyce Majiwa	L
500	502	Rose Olende	B
501	503	Elizabeth Mayieka	I
502	504	Rukia Subow	I
503	505	Fatuma Ali Saman	B
504	506	Fatma Ibrahim Ali	J
505	507	Margaret Kamar	L
506	508	Mereso Agina	G
507	509	Martha Rop	J
508	510	Atsango Chesoni	F
509	511	Ruth Kibiti	K
510	512	Florence Machayo	B
511	513	Agnes Abuom	E
512	514	Ajuoga Milka Aoko	K
513	515	Ali Shee Mohammed	E
514	516	Peter O. Bwana	B

515	517	El-Busaidy Abdulghafur.	E
516	518	Fadhil Sultana	E
517	519	Marie Therese Gachambi	B
518	520	James Nthiga Gatiti	A
519	521	Wahu Kaara	D
520	522	Archbishop David Gitari	F
521	523	Margaret Muchai	E
522	524	Neera Kent Kapila	B
523	525	Ibrahim Ahmed Yusuf	A
524	526	Rosemary Kinyanjui	B
525	527	Archbishop Njeru Wambugu	J
526	528	James John Mageria	I
527	529	Rev. Patrick M. Musungu	E
528	530	Mburugu Florence Ruhui	A
529	531	Sheikh Mustafa Ali	E
530	532	Walubengo Lumatete	E
531	533	Helen Mung'athia	C
532	534	Pastor David Oginde	D
533	535	Fred Ojiambo	E
534	536	Tabitha Mwaniki	F
535	537	Asiya Mwanzi	C
536	538	Samuel K. arap Ng'eny	F
537	539	John Njue	B
538	540	Zablon Nthamburi	E
539	541	Zacheus Okoth Arch.	E
540	542	Ibrahim Omondi	A
541	543	Rasmin P. Chitris	C
542	544	Sehmi Rupinda Singh	H
543	545	Simon Shitemi	G
544	546	Bishop Phillip Sulumeti	E
545	547	Wandati Abudlrahman M.	E
546	576	Mwai Gakuya S.	M
547	577	George Kinyua	G
548	578	Jacob Odino	C
549	579	Daniel Rasugu	E
550	580	Francis Carey Onyango	F
551	581	Yusuf Moh. Aboubakar	E
552	582	Njuguna Kung'u	L
553	583	Apollo Njonjo	L
554	584	Makau Mutua	K

555	585	Dennis Kodhe	F
556	586	George Mburu Mwaura	G
557	587	Caroline Ng'ang'a	C
558	588	Francis Wabayale	A
559	589	Daniel Njoroge	H
560	590	Patrick O. Onyango	G
561	591	Ogembo Masese	D
562	592	Francis Kilemi	I
563	593	Gerves A. Akhwabi	E
564	594	Orie Rogo-Manduli	D
565	595	Joseph M. Shikuku	D
566	596	K. N. Mamonda	I
567	597	Moses M. Wekesa	H
568	598	Kimani M. Ng'ang'a	J
569	599	Leslie Mwachiro	G
570	600	Zakayo M. Karimi	L
571	601	Luseno Liyai	C
572	602	Benjamin Gitoi	J
573	603	Winston A. Adhiambo	C
574	604	Samuel Mwaura	J
575	605	Ngorongo Makanga	M
576	606	Phoebe Sikoya	H
577	607	Nginyo Kariuki	A
578	608	Lihanda K. Savai	B
579	609	Kenneth Njiru	C
580	610	Justus Wekala	H
581	611	Nyakundi Peter	L
582	612	David Wakahu	C
583	613	Mike Oliewo	D
584	614	Dalmas Otieno	D
585	615	George Nyamweya	D
586	616	Domtilla Were	H
587	617	Manu Chandaria	H
588	618	R. O. Kwach	E
589	619	Wilfred Kiboro	B
590	620	R. S. C. Omolo	L
591	621	Robert Rukungah	J
592	622	Bermadette Quadros	B
593	623	Murtaza Jaffer	A
594	624	King'ori Mwangi	I

595	625	Gilbert Omondi	H
596	626	Abudo Q. Mamo	F
597	627	Danny Irungu	C
598	628	James Bwatuti	H
599	629	T. K. Githiora	I

## Appendix 28: Auditorium sitting arrangements

### Block A

8	81	024	243	504	326	396	012	213	354	019	347	018
7	010	011	212	593	211	514	259	493	009	013	270	
6	007	107	-	004	268	626	005	531	627	397	409	
5	424	253	514	515	248	251	006	506	379			
4	-	-	238	242	330	224	602	311	029			
3	603	394	508	404	481	623	258					
2	003	470	-	420	256	267						
1	031	385	316	240								

Members of Parliament Del. No. 001 - 223

District Representatives Del. No. 224 - 434

Trade Unions Representatives Del. No. 435 – 450

NGO Representatives Del. No. 451- 473

Professional Organizations Representatives Del. No. 474 - 488

Women’s Organizations Representatives Del. No. 489 - 512

Religious Organizations Representatives Del. No. 513 - 547

Political Parties Representatives Del. No. 576 – 616

Special Interest Groups representatives Del. No. 617 - 629

Block B

8	441	225	617	628	629	516	339	388	020	-
7	213	014	015	016	017	331	323	517	023	269
6	417	382	393	008	395	518	488	415		
5	469	028	576	026	029	522	313	520		
4	263	030	239	045	296	044	043	042		
3	257	262	274	040	278	467	524			
2	384	523	507	432	039	315				
1	237	280	035	341	036	037				

Members of Parliament Del. No. 001 – 223  
 District Representatives Del. No. 224 – 434  
 Trade Unions Representatives Del. No. 435 – 450  
 NGO Representatives Del. No. 451- 473  
 Professional Organizations Representatives Del. No. 474 - 488  
 Women’s Organizations Representatives Del. No. 489 - 512  
 Religious Organizations Representatives Del. No. 513 - 547  
 Political Parties Representatives Del. No. 576 – 616  
 Special Interest Groups representatives Del. No. 617 - 629

Block C

8	223	348	367	346	438	510	494	285	-
7	261	276	021	334	050	052	053	054	032
6	022	519	025	048	047	363	338	068	
5	381	454	446	046	435	409	214		
4	600	209	074	216	497	495	324		
3	592	041	264	582	078	448			
2	038	033	079	340	618	-			
1	292	083	082	445	345	034			

Members of Parliament Del. No. 001 - 223  
 District Representatives Del. No. 224 - 434  
 Trade Unions Representatives Del. No. 435 - 450  
 NGO Representatives Del. No. 451- 473  
 Professional Organizations Representatives Del. No. 474 - 488  
 Women's Organizations Representatives Del. No. 489 - 512  
 Religious Organizations Representatives Del. No. 513 - 547  
 Political Parties Representatives Del. No. 576 - 616  
 Special Interest Groups representatives Del. No. 617 - 629

\* Categories excluding CKRC Commissioners i.e. Del No 548 - 575 & 260



Block D

8	-	-	462	-	429	252	472	-	-	-	-
7	055	##	049	060	059	447	349	057	482	056	585
6	309	080	061	320	066	577	389	231	067	606	
5	073	072	071	070	069	-	503	098	412	-	
4	075	076	591	097	422	96	095	094	596	093	
3	342	077	371	529	089	091	090	501	605	391	
2	329	##	429	088	528	087	086	512	085		
1	327	##	328	322	325	321	458	380			

- Members of Parliament Del. No. 001 – 223
- District Representatives Del. No. 224 – 434
- Trade Unions Representatives Del. No. 435 – 450
- NGO Representatives Del. No. 451- 473
- Professional Organizations Representatives Del. No. 474 - 488
- Women’s Organizations Representatives Del. No. 489 - 512
- Religious Organizations Representatives Del. No. 513 - 547
- Political Parties Representatives Del. No. 576 – 616
- Special Interest Groups representatives Del. No. 617 - 629

Block E

8	543	411	-	-	455	-	401	318	428	058	200	511	350	224
7	619	460	228	489	465	479	215	282	333	373	-			
6	271	308	106	104	275	103	336	430	304	102	101			
5	217	099	378	586	312	530	116	533	-					
4	594	092	357	117	118	119	284	120	273					
3	289	128	294	126	584	534	125							
2	084	290	288	452	129	293	599							
1	245	536	132	355	624	319								

**KEY**

Members of Parliament Del. No. 001 - 223

District Representatives Del. No. 224 – 434

Trade Unions Representatives Del. No. 435 – 450

NGO Representatives Del. No. 451- 473

Professional Organizations Representatives Del. No. 474 - 488

Women’s Organizations Representatives Del. No. 489 - 512

Religious Organizations Representatives Del. No. 513 - 547

Political Parties Representatives Del. No. 576 – 616

Special Interest Groups representatives Del. No. 617 - 629

\* Categories excluding CKRC Commissioners i.e. Del No 548 - 575 & 260

Block F

8	205	208	310	442	390	490	265	241	206	376	147	-
7	065	526	352	064	063	062	134	135	491	218	133	612
6	100	421	106	108	051	-	105	250	476	109	277	
5	281	247	496	115	272	114	113	254	112	110		
4	149	121	300	122	123	148	540	279	146			
3	295	124	436	587	369	538	387	143				
2	485	246	142	299	298	141	408	607				
1	131	492	130	537	233	377	392					

**KEY**

Members of Parliament Del. No. 001 – 223

District Representatives Del. No. 224 – 434

Trade Unions Representatives Del. No. 435 – 450

NGO Representatives Del. No. 451- 473

Professional Organizations Representatives Del. No. 474 - 488

Women’s Organizations Representatives Del. No. 489 - 512

Religious Organizations Representatives Del. No. 513 - 547

Political Parties Representatives Del. No. 576 – 616

Special Interest Groups representatives Del. No. 617 - 629

\* Categories excluding CKRC Commissioners i.e. Del No 548 - 575 & 260

Block G

8	236	165	204	203	202	317	314	201	521	473	588	360
7	527	547	466	266	199	332	235	484	383	198	197	468
6	439	532	111	301	226	151	150	307	611			
5	152	615	434	456	303	306	153	297	498			
4	604	589	-	483	219	287	475	609				
3	480	144	145	286	450	486	353	283				
2	140	312	139	305	232	375	138					
1	234	136	137	440	244	358						

Members of Parliament Del. No. 001 - 223  
 District Representatives Del. No. 224 - 434  
 Trade Unions Representatives Del. No. 435 – 450  
 NGO Representatives Del. No. 451- 473  
 Professional Organizations Representatives Del. No. 474 - 488  
 Women’s Organizations Representatives Del. No. 489 - 512  
 Religious Organizations Representatives Del. No. 513 - 547  
 Political Parties Representatives Del. No. 576 – 616  
 Special Interest Groups representatives Del. No. 617 - 629

\* Categories excluding CKRC Commissioners i.e. Del No 548 - 575 & 260

Block H

8	499	222	196	195	194	578	414	598	158	535	159	597	207
7	444	502	613	155	413	157	427	425	459	156	160	220	
6	361	461	399	359	616	164	477	-	255	423			
5	172	364	426	418	171	170	419	490	169	457			
4	471	416	175	291	176	622	180	179	266				
3	-	229	343	181	182	505	183	368					
2	187	186	337	544	344	443	595	545					
1	-		539	546	193	463	608						

**KEY**

Members of Parliament Del. No. 001 – 223

District Representatives Del. No. 224 – 434

Trade Unions Representatives Del. No. 435 – 450

NGO Representatives Del. No. 451- 473

Professional Organizations Representatives Del. No. 474 - 488

Women’s Organizations Representatives Del. No. 489 - 512

Religious Organizations Representatives Del. No. 513 - 547

Political Parties Representatives Del. No. 576 – 616

Special Interest Groups representatives Del. No. 617 - 629

\* Categories excluding CKRC Commissioners i.e. Del No 548 - 575 & 260

Block I

8	386	581	525	398	227	210	478	610	483	451
7	154	161	162	474	541	163	580	449	362	402
6	410	166	620	625	167	542	168	614	224	
5	405	453	431	437	173	174	400			
4	621	178	509	487	177	579	433			
3	185	403	185	191	406	188				
2	464	365	335	372	374					
1	500	192	189	370	190					

Members of Parliament Del. No. 001 – 223  
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**Appendix 29: Number of Staff per Department at NCC**

<b>NO</b>	<b>DEPARTMENT</b>	<b>NO OF STAFF NCC I</b>	<b>NO OF STAFF NCC II</b>	<b>NO OF STAFF NCC III</b>
1	Mobilization and Outreach	48	77	85
2	Civic Education, Publicity, Information and Communication	49	82	89
3	Finance & Administration	49	53	61
4	Research Drafting and Technical Support	43	58	72
5	RDTS (Hansard) Day Shift	32	46	46
6	RDTS (Hansard) Night Shift	0	28	25
7	Parliament	59	66	81
8	Medical	6	6	6
9	Kenya Police	57	55	60
10	Commission Drivers	23	25	23
11	Additional Binding Staff	4	4	4
12	Ministry of Justice & Constitutional Affairs	1	1	-
	<b>TOTAL</b>	<b>367</b>	<b>497</b>	<b>522</b>

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