

CONSTITUTION OF KENYA REVIEW COMMISSION

RESEARCH DRAFTING AND TECHNICAL SUPPORT

COMMITTEE

PLAN OF ACTION AND WORK PROGRAM JANUARY – DECEMBER 2005

1.0 INTRODUCTION

Research, Drafting and Technical Support Department exercises responsibility over the Commission's technical functions including research, legislative drafting, hansard recording, data analysis and library services. In general, the functions of the Department are to:

- Identify and formulate the themes and issues in the constitutional reform agenda for debate and discussion;
- Develop a database on Constitutions, constitution-making and constitutional systems;
- Commission research and evaluation studies in identified specific areas;
- Publish and disseminate research and evaluation findings;
- Draft required rules and regulations;
- Facilitate the drafting and re-drafting of the Final Report of the Commission's work;
- Facilitate the drafting and re-drafting of a Bill to alter the Constitution;
- Organize Commission workshops, seminars and colloquia;
- Organize public lectures for the purposes of stimulating public discussions on constitutional issues;
- Provide technical backstopping to other Committees of the Constitution;
- Provide technical backstopping to the National Constitutional Conference;
- Identify the Constitution consequential changes in the legal system and socialization measures necessary upon enactment of the Constitution; and
- Co-ordinate, collect, classify and archive information and data and ensure efficient retrieval systems and provision of advisory services to other departments of the Commission and review organs.

2.0 ACTION PLAN

In order for the Department to fully discharge its mandate under the Constitution of Kenya Review Act and to facilitate the proper conduct of the remaining phases of the review process, the following specific activities will be carried out.

1. Research and Completion of Documentation

Although the process of documentation is almost complete, there is still outstanding work to be carried out during this period. These include:-

Volume Three on the Commission’s Method of work: Work on this volume is ongoing with the pre-Conference and National Constitutional Conference parts of the report nearing completion. The Task Force on Volume Three will then embark on an account of the Commission’s workings during the Post-*Bomas* period.

Volume Five on the Technical Appendices (Part six): This part of the Volume Five contains presentations made at the Devolution & Good Governance and Referendum Seminars. The papers are being formatted, edited and proof-read for purposes of publication.

Volume Six on the Voices of the People: The Department has embarked on the preparation of this volume, which will 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 Commissions reports.

Finalization of the National Constitutional Conference Reports: The Department is working on both the Plenary and the Technical Committee Reports of the National Constitutional Conference. The reports once completed will be edited and published to provide a record of the Conference proceedings and decisions.

The Popular Version of the Draft Bill: The Department is working on the Popular Version of the Draft Bill. The Popular Version is proposed as a summarized, condensed, concise and yet easy to read booklet or portable version of the Draft Bill. It will summarize the contents of the Draft Bill in a language that is comprehensible and easily accessible to the average member of the general Kenyan public. It will be one of the materials to be used in civic education for the referendum and general public education, with the main objectives of encouraging the Kenyan citizenry to participate fully in the referendum and general political life and nurturing a country committed to the fundamental values and principles of democracy,

2. Legislative Drafting

The legislative drafting activities will revolve around the following aspects:

- Editing and publication of the Kiswahili Draft of the Constitution of Kenya 2004
- Legislative drafting of legislation as may become necessary from time to time
- Legislative/legal advice as may become necessary from time to time
- Preparation of the legislative instruments for the winding up of the Commission and advice thereon.

3. Finalisation of the Data Base and Archiving

Management of the Database: While the qualitative data entry was completed and relevant data used for preparation of the Volume One of the Commission's Report and Draft Bill, the Department is currently translating the database into quantitative format using SPSS for purposes of preparing the Volume Six of the Commission's Report, the Voices of the People. Work on the database is continuing as follows:

- Cleaning of the database (remaining parts of matrix A, B and C);
- Preparation of database for access through spreadsheets and word processors;
- Translation of the data base into quantitative format using SPSS software;
- Preparation of data backups for subsequent Commission work and possible transmission to the public; and
- Copywriting of the database.

Management of Memoranda: Although all the memoranda were read and collated using manual tabulation sheets before being processed using the computerized software, the Department has found it necessary to prepare the materials for purposes of eventual scrutiny and subsequent Commission work. This is proceeding as follows:

- indexing of all memoranda files for ease of manual tracking;
- final editing of verbatim reports, to form part of overall record of materials received by the Commission;
- integrating and indexing of tapes received during the public hearings and the national Constitutional Conference, which will form part of all the materials received by the Commission, and used in data collation; and
- preparing documents for future use –electronically etc.

Archiving: Once the Commission's documentation is completed and the database finally cleared, indexed and copyrighted, these should, where appropriate, be deposited with –

- the Kenya National Archives;
- the Kenya National Library Services; and
- the Libraries of all public and accredited Universities in Kenya.

4. Hansard

The Hansard will carry out the following activities:

- Finalization of verbatim reports (editing and availing reports);
- Recording of meetings;
- Dubbing and printing for archiving; and
- Migration of audio and audio visual data to suitable formats for archiving;
- Checking that all tapes and reports are properly dubbed, printed and labeled

5. Library Services

As a routine service by the department, library services will continue throughout the plan period. Specifically the following activities will be carried out:

- 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
- Activation of the linkage between CKRC library and the District Information and Documentation Centres as well as the Kenya National Library Services.
- Creation and maintenance of RD&TS Committee minutes master files.
- Updating and arranging verbatim reports
- Identifying, maintaining and arranging relevant newspaper cuttings and clips

6. Technical Support to Civic Education

The Commission has a statutory obligation to conduct civic education throughout the process. Under the Constitution of Kenya Review (Amendment) Bill of 2004 (commonly referred to as the Consensus Bill), the Commission has also been

mandated to conduct civic education for the Referendum envisaged under the Bill. The Department will in this respect engage in the following activities: –

- Provision of technical support services to other departments of the Commission;
- Assist in the preparation and publication of civic education materials;
- Assist in the training of secretariat engaged in civic education; and
- Organize workshop on the Draft Bill for Members of Parliament and other stakeholders.

7. Conduct of the Referendum

In terms of the Consensus Bill, a referendum is to be conducted by the Electoral Commission, and the Electoral Commission is required, in consultation with the Review Commission to make regulations governing the referendum. Legal issues that have been raised in this regard include whether the current regulatory framework is adequate for the holding of the referendum, and whether indeed it will be constitutional to do so. The activities that the Department envisages in this regard are

- Providing legal advice on the referendum and its processes;
- Participating in technical consultation meetings with the ECK;
- Drafting of necessary amendments to the statutes as well as drafting of appropriate subsidiary legislation; and
- Training of ECK and CKRC staff on the legal framework and procedure agreed upon.

3.0 ASSUMPTIONS

These activities will be executed based on a number of assumptions as follows:

- The Consensus Bill under which several activities in this plan will be executed will be gazetted and become operational;
- The political environment will be conducive enough to enable the Commission carry out its mandate;
- Members of Parliament and ECK will be willing to work with the Commission
- Financial resources will be available;
- Staff of the department will be retained to enable actualization of the plan; and
- There will be inter-departmental collaboration and support.

RESEARCH, DRAFTING AND TECHNICAL SUPPORT DEPARTMENT WORK PLAN
JANUARY 2005 – DECEMBER 2005

Task	Jan 05	Feb 05	Mar 05	Apr 05	May 05	Jun 04	Jul 05	Aug 05	Sept 05	Oct 05	Nov 05	Dec 05
Completion of Commission Reports												
• Finalization of the Final Report of the Commission.												
• Editing and Printing of Technical Appendices- Part Six												
• Volume VI: Mobilization of the People												
• Popular Version of the Draft Bill												
• Volume III: Method of Work.												
National Constitutional Conference Documentation												

Task	Jan 05	Feb 05	Mar 05	Apr 05	May 05	Jun 04	Jul 05	Aug 05	Sept 05	Oct 05	Nov 05	Dec 05
<ul style="list-style-type: none"> • Compilation and consolidation of the National Constitutional Conference Proceedings (Bomas I, II and III) 												
<ul style="list-style-type: none"> • Compilation and consolidation of daily summaries for the Plenary and Technical Working committees 												
<ul style="list-style-type: none"> • Compilation and consolidation of Plenary Votes and proceedings 												
<ul style="list-style-type: none"> • Compilation and consolidation of the Technical Committees minutes 												
Finalization of the database												
<ul style="list-style-type: none"> • Cleaning and editing 												

Task	Jan 05	Feb 05	Mar 05	Apr 05	May 05	Jun 04	Jul 05	Aug 05	Sept 05	Oct 05	Nov 05	Dec 05
• Indexing National Constitutional Conference Documentation												
• Indexing Commission’s departmental documents												
• Copyrighting and application for ISBN Number												
• Identification of materials for Archiving												
• Backing up data and information systems of the Commission												
• Maintaining and operating the registry and common filing system												
Drafting												
• Publication of the Kiswahili Draft of the Constitution of Kenya 2004												

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<ul style="list-style-type: none"> Legislative drafting of legislation as may become necessary from time to time 												
<ul style="list-style-type: none"> Legislative/legal advice as may become necessary from time to time 												
<ul style="list-style-type: none"> Preparation of the legislative instruments for the winding up of the Commission and advice thereon. 												
Library												
<ul style="list-style-type: none"> Inventory and stock taking of library materials 												
<ul style="list-style-type: none"> Identification and verification of materials for archiving and distribution 												
<ul style="list-style-type: none"> Maintaining a data base of the Commission's Committee meetings 												

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<ul style="list-style-type: none"> • Creation and maintenance of RD&TS Committee minutes master files. 												
<ul style="list-style-type: none"> • Updating and arranging verbatim reports 												
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Hansard												
<ul style="list-style-type: none"> Finalization of verbatim reports (editing and availing reports) 												
<ul style="list-style-type: none"> Recording of meetings 												
<ul style="list-style-type: none"> Dubbing and printing for archiving 												
<ul style="list-style-type: none"> Migration of audio and audio visual data to suitable formats for archiving 												
Activities under the Constitution of Kenya Review (Amendment) Bill 2004												
<ul style="list-style-type: none"> Technical consultations with Electoral Commission of Kenya on the Referendum 												

Task	Jan 05	Feb 05	Mar 05	Apr 05	May 05	Jun 04	Jul 05	Aug 05	Sept 05	Oct 05	Nov 05	Dec 05
• Preparation of referendum legislation and legal advice thereon												
• Workshop with MPs and other stakeholders												
• Preparation of civic education materials (e.g. preparation of popular version of the Draft Constitution)												
• Training of Referendum personnel												
• Technical facilitation of civic education												
• Technical monitoring of conduct of the Referendum												
• Preparation of the Report of the Referendum												