

UNITED STATES OF AMERICA
AGENCY FOR INTERNATIONAL DEVELOPMENT

REGIONAL ECONOMIC DEVELOPMENT SERVICES OFFICE
FOR EAST AND SOUTHERN AFRICA (REDSO /ESA)

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July 25, 1996

Mr. Maina Kiai
Executive Director
Kenya Human Rights Commission
Waumini House, 1st Floor
Westlands
P.O. Box 67171
Nairobi, Kenya

Subject: Award No. 623-0266-G-00-6044-00

Mr. Kiai:

Pursuant to the authority contained in the Foreign Assistance Act of 1961, as amended, the U.S. Agency for International Development (hereinafter referred to as "USAID" or "Grantor") hereby grants to the Legal Resources Foundation (herein after referred to as LRF or "Recipient"), the sum of \$120,547.00 to provide support for a program in Democracy and Governance, as described in the Schedule of this award and the Attachment 2, entitled "Program Description."

This award is effective and obligation is made as of the date of this letter and shall apply to commitments made by the Recipient in furtherance of program objectives during the period beginning with the effective date and ending July 24, 1998. USAID shall not be liable for reimbursing the Recipient for any costs in excess of the obligated amount.

This award is made to LRF, on condition that the funds will be administered in accordance with the terms and conditions as set forth in Attachment 1, entitled "Schedule"; Attachment 2, entitled "Program Description"; and Attachment 3 entitled "Standard Provisions." and Attachment 4 entitled Standards for USAID-Funded Publications.

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Please sign the original and each copy of this letter to acknowledge your receipt of this award, and return the original and all but one copy to the Grant Officer.

Sincerely,

Beth S. Paige

Beth S. Paige
Grant Officer
REDSO/PRO

Attachments:

1. Schedule
2. Program Description
- ~~3. Standard Provisions~~
4. Standards for USAID Funded Communications Projects

ACKNOWLEDGED: Legal Resources Foundation
A division of Kenya Human Rights Commission

BY:

Manini MANINA UIAI

Title:

EXECUTIVE DIRECTOR

Date:

Aug 8, 1996

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ACCOUNTING AND APPROPRIATION DATA

A. GENERAL

1. Total Estimated Amount: \$120,547.00
2. Total Program Amount: \$161,841.00
3. Total Obligated Amount: \$120,547.00
4. Cost-Sharing Percentage
(Non-Federal): 25%
5. Project No.: 615-0266
6. USAID Project Office: OSPP
USAID/Kenya
P.O. Box 30261
Nairobi, Kenya
7. Tax I.D. Number: N/A
8. CEC No.: N/A
9. LOC Number: N/A

B. SPECIFIC

1. PIO/T Number: 615-0266-3-60005
2. Appropriation: 726/71021
3. Allotment:
4. BPC: GDV6-96-21615-KG13
5. PIO/T Obl. Amount: 120,547

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ATTACHMENT 1

SCHEDULE

1.1 PURPOSE OF AGREEMENT

The purpose of this Agreement is to provide support for the program described in Attachment 2 of this Agreement entitled "Program Description."

1.2 PERIOD OF AGREEMENT

The effective date of this Agreement is the date of the Cover Letter and the estimated completion date is July 24, 1998.

1.3 AMOUNT OF AWARD AND PAYMENT

- (a) USAID hereby obligates the amount of \$120,547.00 for the purposes of this Award.
- (b) Payment shall be made to the Recipient in accordance with procedures set forth in the Standard Provision of this Award entitled Payment - Periodic Advance as shown in Attachment 3.

1.4 AWARD BUDGET

The following is the Award Budget, including local cost financing items, if authorized. Revisions to this budget shall be made in accordance with the Standard Provision of the Award entitled "Revision of Grant Budget".

LINE ITEM	YEAR 1(\$)	YEAR 2(\$)	TOTAL(\$)
STAFF COSTS	17989	17989	35979
ADMINISTRATION COSTS	5444.5	5444.5	10889
FURNITURE AND EQUIPMENT	6913	0	6913
PROJECT COSTS	31186.5	35579.5	<u>66766</u>
TOTAL USAID'S CONTRIBUTION	59992	60554	120547

KHRC's CONTRIBUTION

LINE ITEM	YEAR 1(\$)	YEAR 2(\$)	TOTAL(\$)
STAFF COSTS	18320.5	18320.5	36641
ADMINISTRATION COSTS	2326.5	2326.5	4653
FURNITURE AND EQUIPMENT			0
PROJECT COSTS	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL GRANTEE'S CONTRIBUTION	<u>20647</u>	<u>20647</u>	<u>41294</u>

1.5 REPORTING

1.5.1 Financial Reporting

- (a) Financial reporting requirements shall be in accordance with the Standard Provision of this award entitled Payment - Periodic Advance as shown in Attachment 3.

1.5.2 Performance Monitoring and Planning Reports

- (a) Reports. The Recipient shall submit an original and one copy of brief quarterly program performance reports, which coincide with the financial reporting periods, to the USAID Project Office specified in the Cover Letter of this Award. In addition, one copy shall be submitted to USAID/CDIE/D, Washington, DC 20523-1802. These reports shall be submitted within 30 days following the end of the reporting period.

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Attachment 1

1.5.2 (Continued)

(b) Paying Office. The paying office for this award is:

Office of the Controller
USAID/Kenya
P.O. Box 30261
Nairobi, Kenya

(c) Final Report. Within 90 days following the estimated completion date of this Award, the Recipient shall submit the original and one (1) copy of a final report to the USAID Project Office specified in the Cover Letter of this Award. In addition, one copy shall be submitted to USAID/CDIE/D, Washington, DC 20523-1802. It will cover the entire period of the Award.

1.6 RESOLUTION OF CONFLICTS

Conflicts between any of the Attachments of this Award shall be resolved by applying the following descending order of precedence:

Attachment 1 - Schedule
Attachment 3 - Standard Provisions
Attachment 2 - Program Description

1.7 PROGRAM INCOME

Program Income earned under this Award shall be applied and used as follows: as additive to the Award to further the Program objectives.

1.8 TITLE TO PROPERTY

Title to all property financed under this award shall vest in the Recipient in accordance with the Standard Provisions of this Award set forth in Attachment 3.

1.9 AUTHORIZED GEOGRAPHIC CODE

The authorized geographic code for procurement of goods and services under this award is 935.

1.10 COMMUNICATIONS PRODUCTS (OCT 1994)

- (a) Definition - Communications products are any printed materials (other than non-color photocopy material), photographic services or video production services.
- (b) Standards - USAID has established standards for communications products. These standards must be followed

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Attachment 1

1.10 (Continued)

unless otherwise specifically provided in the agreement or approved in writing by the agreement officer. A copy of the standards for USAID financed publications and video productions is attached.

- (c) Communications products which meet any of the following criteria are not eligible for USAID financing under this agreement unless specifically authorized in the agreement schedule or in writing by the agreement officer:
- (1) Any communication product costing over \$25,000, including the costs of both preparation and execution. For example, in the case of a publication, the costs will include research, writing and other editorial services (including any associated overhead), design, layout and production costs.
 - (2) Any communication products that will be sent directly to, or likely to be seen by, a Member of Congress or Congressional staffer; and
 - (3) Any publication that will have more than 50 percent of its copies distributed in the United States (excluding copies provided to CDIE and other USAID/W offices for internal use.

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Attachment 2

ATTACHMENT 2

PROGRAM DESCRIPTION

The Recipient's proposal entitled "Civic Education Towards Legal and Constitutional Reform" and dated June 24, 1996 is attached hereto as the Program Description (Attachment 2) and is made a part of this Award.

REVISED FUNDING PROPOSAL

**CIVIC EDUCATION TOWARDS TOWARDS LEGAL
AND CONSTITUTIONAL REFORMS**

Submitted to USAID on June 24 1996 by:
The Legal Resources Foundation,
(A project of the Kenya Human Rights Commission),
P.O. Box 67171 NAIROBI Tel. 447135

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I. EXECUTIVE SUMMARY

This is a funding proposal for financial support for the projects of the Legal Resources Foundation (hereinafter called "the Foundation"). [The proposal is a revision of another one by the same title submitted on February 5, 1996.] The project will use a combination of participatory theater, participatory discussions and lectures and user friendly publications.

Under the project, the Foundation will implement educational activities whose principal objective is to empower Kenyans to understand, demand and push for legal and Constitutional reforms geared towards the creation, and sustenance, of a democratic order. This is to be achieved by exposing them to the concept of a Constitution, its use, its present framework and its shortcomings in a truly democratic structure. The citizens will also be exposed to the various legislation which, in one way or another, have impeded the participation of members of the society in the creation and enjoyment of democratic systems of governance. More importantly, citizens will be challenged to articulate their areas of concern in the realm of Constitutional reform. These activities will complement those of sister organizations at the forefront of legal and Constitutional reforms.

The Foundation believes ordinary Kenyans cannot effectively participate in the reform debate unless they first understand what the debate is all about, and this will not happen unless they appreciate the essential role that law (and the Constitution) plays in the life of a country, and some of the features of a democratic legal and Constitutional structure.

The civic education project is developed within the framework of participatory processes. Time and again participants are involved in challenging issue oriented discussions. In this way, the education process itself is a powerful empowerment tool.

This is a two-years project. The proposed start date is June 1996. The financial contribution sought is U.S. \$ 120,105 (Ksh. 6,605,775).

II. THE LEGAL RESOURCES FOUNDATION

1. BACKGROUND

The Foundation is an autonomous project of the Kenya Human Rights Commission ("hereinafter called "the Commission"). It began as a pilot project, with formal operations commencing in June 1994. Since then, it has undertaken various projects which are summarized in this proposal. The Foundation is satisfied that, in spite of various constraints, it has acquired and demonstrated a capacity to carry out its resource development mandate. As an institution, the Foundation has continued to grow. It's acceptance as a member of Kenya's Legal and Human Rights Network, its participation in other issue based networks, and its invitation as a resource organization by civic education bodies like the Catholic Church's Justice and Peace Commission and sister organizations, demonstrate this.

There has been no response to the Foundation's application for registration as a Non Governmental Organization. Awaiting registration, the Foundation will continue operating under the Commission, whose goodwill and support is assured. The Foundation's donors are Ford Foundation, United States Agency for International Development (USAID), and the Swedish International Development Agency (SIDA).

Presently, the Foundation has eight full and one part time members of staff as well as one consultant. It works with a number of volunteers drawn from the Faculty of Law, University of Nairobi, the Kenya School of Law and private legal practice.

2. SPECIFIC OBJECTIVES

The Foundation's central objective is to develop educational resources that are participatory in nature, and effect greater rights awareness among the Kenyan citizenry. In concrete terms, these resources are judged by the extent to which they create and promote rights awareness among the young, the underprivileged, and the undereducated classes in Kenya: foster a belief in equality for all with special emphasis on women rights; promote the ideals of democracy and the rule of law; empower Kenyans to become better citizens and participants in the young democracy; and promote a culture of non-violent conflict resolution. Other objectives of the Foundation are to promote better coordination of the human rights and legal community and develop a stronger culture of "volunteerism" in the legal community:

3. MANAGEMENT AND FINANCIAL STRUCTURES

Though it is a project of the Commission, the Foundation is autonomously administered. There is a Board of Advisers, in which the Commission is represented by the Executive Director and Vice Chair, that formulates overall policy. When the Foundation is registered, the Board of Advisers will transform itself into the Board of Directors. [The present Board of Advisors is composed of Dr. Willy Mutunga (co-chair of the Citizens Coalition for Constitutional Change, vice chair of the Kenya Human Rights Commission and former chair of the Law Society of Kenya), Mr. Alfred Ndambiri (coordinator of Legal Resources Foundation), Mr. Tirop Arap Kitur (chair of the Release Political Prisoners Pressure Group), Mr. John Gachie (foreign news editor, *Daily Nation*), Mr. Mwambi Mwasaru (consultant in community based education processes), Mr. Mburu Gitu (Senior Coordinator, Legal Resources Foundation), Ms. Sally Mwangola (theater teacher, director, and playwright).

The Management Committee comprising the Senior Coordinator, Coordinator and Project Officers, is responsible for the day to day running of the project. It reports to the Board through the Senior Coordinator. (See the Foundation's organogram in the appendix).

The Commission has a bank account for the Foundation's sole use. No money can be withdrawn from this account without the signatures of at least one member of the Commission's Board and the Foundation's Coordinators. An accountant is responsible for the day to day book keeping function. There is an audit in June.

III. REVIEW OF THE FOUNDATION'S PROJECTS

1. THEATER

Theatre is one of the Foundation's key activities. The Foundation's interest is in Participatory Educational Theatre (PET). PET is a dialogical form of theatre. Actors are also teachers. The audience actively participates in the dramatic spectacle. PET carries a specific educational message.

Stage-based Educational plays

Since June 1994, the Foundation has produced and staged two educational plays. The first, one *"The Cut"*, is a moving story on domestic violence and the criminal trial process based on the fictional story of Akinyi, a woman who is perpetually beaten by her husband but decides to protect herself from any further beatings by chopping off his hand - the instrument of violence. She is arrested, charged with grievously wounding him, and pleads self defence.

The play premiered at the Kenya National Theater. There were six other performances around the city of Nairobi. (Kenya National Theater, Korogocho Village (twice), Mukuru Village, Uthiru High School and Kenyatta University). As a pilot activity, the Foundation deliberately choose a diversified audience. The play was deliberately shown around Nairobi for ease of close monitoring. On average, each show was attended by 200 people. At the end of each show, handouts on issues discussed in the play were distributed. In this way, it was hoped that the message of the play would trickle down to others. If every one attending the shows talked to at least five others about the play, its message will spread wide.

In its enthusiastic review of the play, the "Daily Nation" noted that "Rights Awareness aside, the RAP drama group has got to be the most exciting thing to happen in Kenyan theater for quite some time! (See the Appendix for the full story).

The Cut made an impact. It was very useful as a medium for raising debate on domestic violence: participating artists and members of the audience were exposed to the criminal trial process and how it works; young and inexperienced artists who participated in the production were exposed to diverse aspects of participatory theater: the play's dialogical structure, and people's participation in it, built in the audience the character of speaking out their views on diverse issues; useful contacts with actors were established; a manual containing the script, educational exercises used in the play, production guidelines and other follow up materials was prepared and published; and drama groups outside Kenya namely in Uganda, Zimbabwe and the Philippines have expressed interest in the methodology and structure of the play.

The second play, *"Diamino, A Community's Struggle for Justice* whose theme was a celebration of a people's unity in confronting a real problem. The play's story was based on the problems the people of Rungiri, Kiambu District, had been exposed to as a result of large scale quarrying activities in the neighborhood and sought to address what could be done.

This play was performed in six areas with a total of seven performances: two in Kangemi village, one in Rungiri village, one in Makongeni (Thika), one in Korogocho village and two at Amani Center (during a workshop on theater). The audience turnout was similar to that of the first play. The "Daily Nation" of April 28, 1995, reviewing the play, exclaimed

"The Legal Resources Foundation has done it again! What is so intriguing about the Foundation approach to theater is its insistence on audience involvement in the problem solving process, a process which includes taking trouble makers to court!" (See the Appendix for the full story)

Audiences enthusiastically participated in the discussions on their real problems; actors and the audience were exposed to the civil trial process; and a manual on the play and production guidelines was produced. Subsequent to this play, Rungiri residents filed suits for compensation against the company. Perhaps, this may be partly attributed to the play.

The Foundation's drama troupe is rehearsing *Jemimah's Quest*, which explores a woman's right to inherit property in a patriarchal society, to be shown in rural areas between July and August.

Taking Theatre Rural

Conscious that *The Cut* contained an important message and aware that its initial reach was numerically weak and centered around Nairobi, the Foundation established contacts with rural based drama groups and encouraged them to stage the play for local audiences. Three groups in Kisumu, two in Nakuru, and two in Embu are staging the play, sometimes in their mother tongue, and often in the open. Each group will stage ten shows. Audience turn-up is averaging two hundred people. It is expected that up to 14,000 people will be directly reached, and two to three times more indirectly. They will be educated on domestic violence, and also, through the play's dialogical framework, encouraged to *speak* their views, and search for local solutions. An important element of this initiative is that the Foundation holds introductory PET workshops with participating groups, so there is transfer of knowledge.

Radio Theatre

To reach more people, the Foundation approached the Kenya Broadcasting Corporation to air *The Cut* on the English Service. This was done. Recently, the Foundation wrote another radio play, *Jemimah's Quest*, which is about succession and inheritance. The play has been aired on the English and Kikuyu services. Plans are under way to have aired in Kamba and Kisii services. The Foundation has also featured in other KBC programmes where various legal issues are raised and listeners challenged to think about them. One example is KBC's 'information corner'. Even without listenership figures, the number of people reached must be many. Contacts established will be used to agitate for a regular rights programme.

Community Based Theater

In Kangemi, where the Foundation has an ongoing paralegal training programmes, the process of developing community based theater has begun. In this framework, there is no script. Local artists devise a play of their own, informed by the real issues on the ground.

2. PARALEGAL TRAINING

The Foundation's paralegal training project in Kangemi, an urban poor working class settlement in Nairobi, aims at equipping community based persons with basic legal knowledge on the day to day concerns of the community. The result is the legal empowerment of a few so that they can serve an entire community. Thus empowered, paralegals are to act as legal first aiders and educators at the community level thereby ensuring that the community has access to the legal system and administration of justice. The Foundation is working with nineteen participants drawn from grassroots based groups and structures in Kangemi including the Justice and Peace Commission of the local catholic church (3), groups working under Neema which is a World Vision supported project (6), Dolly Craft women group (3), groups working under the umbrella of the Breast Feeding Information Group (6) and the local Presbyterian Church of East Africa (1). Women participants are slightly more than men. Participants are answerable to the groups that selected them to join the training. The role of the Foundation is to provide a training resource and some of the training costs.

Four training workshops on different content and skills areas are planned. The first was held in March and the second in May. The third and fourth workshops will be in June and July respectively. Issues being covered include an introduction to the concept of paralegalism, issues in the current constitutional reform debate, basic human rights, landlord-tenant issues, an introduction to criminal and civil procedures, family law and succession, an introduction to the the concept of democracy etc.

In between workshops, paralegal trainees go back to their groups to brief them on what they learnt and render basic advice to those with particular legal problems. At the second paralegal training workshop held in May at Nakuru, a number of cases, related by participants, shows **some of the excellent work that paralegals can do.**

A participant told of a case in which a co-widow and her children were threatened with disinheritance by the first wife. She was advised she had a right to inherit the deceased and referred to FIDA who had taken up her case and intend to take it to court. In yet another case, the issue was what would be the consequences of a woman who had been staying with a man for a period of time, without having formalized a marriage, and had one child with him, leaving.

The answer was that since there was no marriage, there was nothing to stop her from leaving. But she would be unable to obtain orders for financial support for herself and her children. However, since the man had continued to support the woman and the child all along, and there was no indication that he was going to stop doing so, the best answer may be for her to continue staying with him as she 'coaxed' him to a formal marriage. Sensible answer, isn't it?

There were sad stories too. In Kangemi, portions of the local cemetery have been "grabbed" and built on. Skeletons are being sighted on the surface. Asked what the residents had done, participants said that they had held on awaiting advice from the Foundation. Informed that the dead have no *locus standi* (right to sue), there is no property in a corpse thus nobody to *legally* complain, that in law [in Kenya] private citizens cannot sue to enforce public rights, that the administration might help if only they were not implicated, that in any event court cases are expensive, and take a lot of time, that Stop it, they pleaded.

The community swung into action on its own. Reading the *Nation* 1st June, one saw, on the back page, the now all too familiar scene of a group of people protesting land grabbing. Reading the picture caption, one was pleasantly surprised to learn that it was the people of Kangemi demonstrating. You might say it was remote, but one wondered whether the action taken was not the result of the paralegal training project and the provocation the participants received at the workshop. Yet whether this protest will yield concrete results will depend on the level of organizing done, or to be done, on the issue. Organization and mobilization are real training needs the Foundation has to focus on.

If the paralegal training concept succeeds, the Foundation will replicate it in rural areas.

3. THE WORKSHOPS SERIES PROJECT

The Foundation visits schools, tertiary colleges, and other organized groups to talk to participants on topical issues. The talks seek to inform citizens of specific legal rights and duties; to provoke critical thinking on legal and human rights amongst the citizens; to create awareness on various groups and institutions that undertake civic education; to create a forum whereby teaching aids, techniques and manuals are tested; and to create a forum through which Law Students at the University of Nairobi are exposed to human rights work. In a year, as many as fifty schools are reached, most of them outside Nairobi. Three to four hundred students attend each session. To make learning interesting, the Foundation organizes essay writing competitions, moot courts, and law club debates amongst students.

4. PUBLICATIONS

A manual, *Teaching Ourselves Our Rights: A Manual for Community Trainers, Vol One* has been developed as a resource for community trainers in rights education. It covers four topics: Strategies for Legal and Human Rights Education, Family Law and Succession, Domestic Violence, and Rights of Landlords and Tenants in Low Income Housing. The manual has been used by FIDA-Kenya in its Taita-Taveta based paralegal training programme. The ANPCAN based Community Training programme also uses it.

Diamino, A People's Struggle for Justice incorporates the script, discussion points and production guidelines for a play with a similar title produced by the Foundation. *The Cut, a Woman's Quest for Justice* incorporates the script, interactive exercises and production guidelines for "The Cut" play. Presently, the Foundation is using this manual in a project that seeks to encourage grass roots drama groups to produce this play. Some groups in Zimbabwe and Uganda who have come across the manual are finding it interesting. One poster and a series of stickers have also been developed

IV. THE PROJECT: CIVIC EDUCATION TOWARDS LEGAL AND CONSTITUTIONAL REFORMS

1. PROJECT DESCRIPTION/TARGET

The project, *Civic Education towards Legal and Constitutional reforms*, will use a combination of participatory drama, participatory talks/lectures (called workshops), simplified publications, and posters and stickers to reach under-privileged Kenyans through women groups, churches and schools and sensitize them on the Constitutional reform debate. Its reach will be grassroots oriented and the focus rural.

2. PROJECT GOALS

There are three central goals of the project. The first is to expose to Kenyans, at the grassroots level, the elements, strengths and weaknesses of the present Constitutional and legal system and the resultant effect on democracy and good governance. The second is to assist Kenyans, at the grassroots level, identify areas for Constitutional and legal reforms. And the third is to activate Kenyans to pressurize for Constitutional and legal reforms.

3. PROBLEM STATED

Introduction

Since independence (from Britain) in 1963 up to 1991, political participation by Kenyan citizens was stifled by a repressive one-party machinery (initially *de-facto* and subsequently *de-jure*) which personalized the political process and regarded dissent as sedition or treason. In 1991, the single-party system was officially dismantled and Kenya's Constitution amended to reflect the existence of multi-parties. A number of political parties were formed. However, while multi-partyism may have arrived in name in Kenya, a truly democratic culture is still far from taking root and flourishing.

The Case for Reform

Many forces hinder the development of a truly democratic environment. These include the government's half-hearted commitment to pluralism, lack of transparency and accountability on the part of the government, the proliferation of ethnic based opposition parties, power struggles within the opposition parties, growing apathy amongst the citizens, the existing pre-multi party legal and Constitutional structures and the citizens unawareness of those structures and how they work.

On the one hand, it is true that a democratic legal and Constitutional structure does not by itself result in democracy. For that to happen, the powers that be must be committed to democracy. Equally, there is need for an enlightened civic society which can put pressure to bear on the government to adhere to those legal and Constitutional structures. On the other hand, a democratic legal and Constitutional order is the foundation for democratic governance. At the very least, it provides standards which the government can be held accountable to by its citizens and the international community.

The independence Constitution, which borrowed a lot from the Westminster model of governance, was, to a large extent, a democratic one. The framework for the supremacy of the Constitution, a multiplicity of political parties, a supreme Parliament, an independent Electoral Commission, an independent judiciary, an extensive bill of rights, an independent and professional civil service and effective separation of powers was in place.

Post Independence Reforms

Constitutional amendments and practices since independence have destroyed the democratic wording and spirit of the Constitution. In the period before December 1991, one sees a Constitution that had outlawed multi partyism (since 1982); a civil service that was neither neutral nor professional due to the President's control over it and nepotism; an imperfect electoral system presided over by a partisan Electoral Commission; a multiplicity of antiquated statutes that hindered the enjoyment of basic human rights; an emasculated Parliament that largely rubber stamped the executive's policies; an over bearing, over reaching, and dominating executive with a President who was "above the law" etc.

In December 1991, Parliament, at the behest of the then single party (KANU), amended the Constitution to allow for multiple parties. Many sectors of civil society were of the view that before general elections could be called, it was imperative that the Constitution and other legislation be, at the very least, amended and where possible overhauled, to reflect the exigencies of a multi party system of government. However, the politicians at the helm of a multiplicity of political parties that emerged were too engrossed mapping their routes to "State House" that there was no concerted pre-election programme to pressurize for legal and Constitutional reforms.

Because of the absence of any substantive legal and Constitutional reforms before the 1992 elections, the playing field was not even. It was largely in favor of KANU. A partisan civil service was employed by KANU to interfere with the pre-election process. Opposition candidates were routinely ambushed and assaulted. Often, permits to hold campaigns were denied or withdrawn at the last hour. It is a tribute to Kenyans and their euphoria for change that they lined in their thousands to vote on election day. Though the combined opposition vote was bigger than the ruling party's (rigging notwithstanding), the ruling party had the majority vote (thanks to a flawed electoral system), and formed the Government.

Pressure to Reform the Constitutional and Legal Order

Since 1992 the opposition and civil society in general have been calling for reforms. The clamor has continued to widen. A year to the elections, the government has reneged on its 1995 New Year promise that the Constitution would be reviewed. No attempts have been made to amend any of the other legislation. If anything, the ruling government has made frantic efforts to introduce other legislation that are aimed at further curtailing citizen's rights to a free and democratic society (the Political Parties and Press bills). As of now, it would be a folly to conduct elections which can be passed as free and fair, or even those that can be said to reflect the wishes of the citizens without, at the very least, minimum legal and Constitutional reforms.

Civic organizations like the 4 C's , and the N.C.C.K. have developed model Constitutions to serve as provocations to the government and society. The efforts of these organizations are laudable and need to be supported and widened. However, for genuine Constitutional reforms, it is imperative that the citizens and citizens organizations be involved.

4. PROJECT RATIONALE

For the citizenry to be involved in the legal and Constitutional reform debate, there is need for massive civic education programmes. Such programmes should aim at sensitizing the people, particularly at the rural grass roots level, to take part in the debate. In regard to the Constitution, there is need to understand its conceptual framework, its functions in a democratic environment, its elements, as well as its strengths and weaknesses. In regard to the oppressive laws, the citizens need to understand what they provide, how they have been applied in the past, and the extent to which they are threats to liberty and freedom. Ultimately, citizens should identify areas for reform and push for them.

If the new Constitution is to become a pro-people one, citizens must be involved to the widest

latitude in the reform process. This requirement is a logical conclusion of the *social contract* that a Constitution is. However, the majority of Kenyans, particularly the urban working class and rural peasants, are incapacitated from participating fully in the reform debate because they do not understand the conceptual framework of the Constitution, its functions in a democratic environment, and its elements. Neither do they understand the strengths and weaknesses of the present Constitutional order. Thus the need to conduct massive civic educational programs to sensitize the citizenry around the reform debate and challenge them to take it through different structures e.g. the church, women and men groups.

5. EXPECTED RESULT

It is expected that, as a result of this project, more Kenyans, particularly at the grassroots level, will appreciate the need for Constitutional and legal reforms, offer concrete proposals, and put pressure to bear on the relevant authorities to effect the reforms.

6. IMPORTANT ASSUMPTIONS

There are a number of assumptions on which the project is based. These are that Government agencies will cooperate when necessary, for example, in granting permits and licenses (as a safety measure, most of the activities will be conducted in "protected" areas such as churches, schools, women groups etc) ; government agencies, even when they do not actively support the project, will not subvert it e.g. by banning the organization or dispersing audiences; there will be willing audiences; there will be enabling political stability in the country during the project period and thereafter; the Constitutional reform process will be initiated during or after the commencement of the project; and the required human and financial resources will be obtained.

7. BENCHMARK MEASURES

Benchmark measures for this project include: people reached by the project activities will exhibit a greater knowledge of the Constitution, appreciate its role, and understand the main issues in the reform debate; some people who will not have been directly reached by the project activities will be educated by those reached; small communities of people (women groups, churches etc) will develop collective views on the areas for and processes of reform; people directly or indirectly reached by the project will put pressure on the authorities to initiate the reform process; people directly or indirectly reached by the project activities will share with others their views e.g. through letters to the editor; and people directly or indirectly reached by the project activities will write questions to the Foundation asking for clarifications or answers.

Other benchmarks are: there will be invitations to the Foundation to facilitate repeat or additional sessions on the issues discussed; when the process for constitutional reform begins in earnest, those people directly or indirectly reached by the project activities will oppose it if it does not involve citizens; and when the process for constitutional reform begins in earnest, people directly or indirectly reached by the project activities will individually and collectively voice their views

V . PROJECT COMPONENTS

The different components of the project are detailed below.

1. THEATER IN CIVIC EDUCATION: LIVE SHOWS

Description of the Project

Two plays will be produced and performed in different venues. The first play will be on the theme of Constitutional reform, using the analogy of a cooperative society. A cooperative society is a familiar power structure to many Kenyans. Again, the governance of cooperatives societies in Kenya is a microcosm of governance at the national level. The play will be about a cooperative society whose Constitution is archaic, gives supreme if not dictatorial powers to the "management committee" and shuts out women from top leadership. Though elections are held periodically, they are neither free nor fair.

The incumbents use the cooperative's resources including its vehicles and staff to run their election campaigns. There is a reawakening from some of the members who are now arguing that the society's constitution should be changed to promote a more democratic and open governance system. This play will revolve around the cooperatives' members trying to unearth

what went wrong, and what needs to be reformed. It will also challenge members of the audience to recognize that neither *ethnicity* nor *gender* should be relevant factors in choosing leaders for political office. Each performance will be followed by a lecture on the need for Constitutional reforms, and the role of citizens in that process.

The second play, addressing the theme of apathy will establish why it is important for all to take part in the sustenance of democracy in Kenya, and argue out apathy.

The Foundation will develop plays that have maximum in-built participatory capacity. In this way, the learning process is itself a powerful empowerment tool.

Objectives

The specific objectives of the plays are to raise awareness on the draw backs of the present legal and Constitutional order; to provoke Kenyans to dialogue amongst themselves about needed Constitutional reforms; to provoke Kenyans to pressurize for needed Constitutional reforms; and to demonstrate the efficacy of theater as a medium for civic education.

An Abstract of the Plays

Play one

Moto-moto village is aflame with electioneering. The whole village is now buzzing with the talk of the Moto-moto Co-operative Society elections, which are to be held within two days. However it is not just the elections and voting. There is a big debate about some candidates who have refused to take on the elections until some conditions are met. They are very strong contenders of the posts in the society and they could just sway the wave of elections. They claim and rightly so, that the organizing committee of the elections was hand-picked by the incumbent chairman. What's more he just picked on his friends who will do anything to ensure that he wins.

The incumbent, they also claim, has been using the society's money to buy out voters and all one can see in the village are new stalls for the market, and graded roads in selected areas. He has ensured that the cooperative cannot give his competitors money to also campaign. He has a team of hooligans who'll do anything to stop these candidates from speaking to the community.

It is said that the laws of the society give too much powers to the Chairman and they would like this changed, because they feel this would ensure the smooth running of the society. The incumbent chairman dismisses this as nonsense and that the contenders are just a scared lot. He claims that they are from the wrong clan anyway who cannot lead the society. The cooperative's members would like to remain united in the co-operative society.

The play starts at a meeting, sort of a convention, to discuss these pressing issues. The community form the play's villagers who engage the disputing parties in live debates, over the issues of the society's organization and constitution, the election's organizing committee, the claims of money being used to lure voter etc.

Play two

The play is a dialogue amongst a group of people: a local teacher, a rural fishermen, a peasant farmer, a factory worker and a priest. Each of them is reliving the last General Elections. The teacher voted in a candidate who lost. He wonders why he should vote again. The fisherman was too busy then to find time to go and listen to campaign meetings or vote. He still has his vote. The peasant farmer (a woman) fought for this country's independence. She lost a husband. Their ancestral piece of land was taken away from them. She ended up a squatter in a Government forest. She has lost any use for politics.

The priest grew up in the village. He went to high school and later attended a University. He ministers in a different region. He has come home to participate in the elections. Though he has voted only once (during the last elections) and his candidate lost, he argues that is no reason to hold back his vote. He has a daunting task trying to convince the group why it is important that they participate in the democratic process. Finally all agree with him. Members of the audience are encouraged to join and participate in this dialogue.

Language

Though the plays will be written in English they will be performed both in English and Kiswahili by the same group of actors depending on the audience composition. The Foundation has previously tried this approach successfully.

A Travelling Theater

The cast will go to different parts of the country to perform the plays. The country has been zoned as follows: zone A constitutes Nairobi and its environs; zone B constitutes the districts within Central Kenya; and zone C is for the outlying Districts.

Play one will be performed over a period of three months. The travelling theater will tour each of the zones for a month. In zone A, 16 shows will be performed (4 a week) while in zones B and C, there will be twelve shows a month (3 a week). In total therefore, 40 shows will be performed. It is expected that as many as 300 people will attend each play. Thus a total of 12,000 people will be directly reached. Four to five times more are expected to receive the message through those who attend.

For play two, a format similar to the one for play one will be adopted.

Expected Result

It is hoped that after audiences participate in the plays, they will want to "realize" the issues learnt. Thus after play one, it is expected that when electioneering begins, the candidates will be challenged to open air "press conferences" to discuss issues affecting the people.

Process of Implementation

Skits based on play one story (outlined above) have been developed and are being tested in the workshops series and paralegal sessions. The objective of the tests is to determine how real and relevant the issues are to the people, who will be the audience, and are expected to be influenced by the message(s) therein. Feed - back on the skits is noted. After the testing is over, a formal script will be developed. The scripts will then be critiqued by a panel of experts during a workshop to be organized. The experts will be drawn from lawyers, political activists, gender activists, and lay people. Thereafter, the scripts will be reworked, then rehearsed and the plays staged. (See activity schedule on the following page for timing). The day to day management of this component of the project will be in the hands of the Project Officer, Theater. Constant evaluations will be conducted with the project teams and the Consultant.

Activity Schedule - Theater (Jun 1996 to May 1998)

ACTIVITY	Jun-Aug	Sep-Nov	Dec-Feb	Mar-May	Jun-	Sep-Nov	Dec-Feb	Mar-May
Deve/Test skit on Play One	█	█						
Draft Script for Play One		█						
Workshop Script for Play One		█						
Rewrite script for Play One			█					
Rehearsals for Play One			█					
Identify Venues for Play One			█					
Performances of Play One				█				
Evaluation of Play One				█				
Deve/Test skits for Play Two					█			
Draft Script for Play Two					█			
Workshop Script for Play Two					█			
Rewrite script for Play Two						█		
Rehearsals for Play Two						█		
Identify Venues for Play Two						█		
Performances of Play Two							█	█
Evaluate Play Two								█

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2. WORKSHOPS/LECTURES IN CIVIC EDUCATION

Description

Participatory awareness raising "lectures" on the Constitution and other laws that call for reform will be presented in the areas where the plays will be performed. Similar lectures will be presented in other areas to women groups, secondary schools, middle level colleges, churches and other organized entities. In addition, there will be presentations on such issues as "quality voting" (electing leaders who are qualified, transparent and have a track record) and the process of voting (how to register as a voter, where to register, what to do if one is refused to register as a voter, how and where to vote, and what to do if one is refused to vote, etc).

Spread

The country has been divided into zones similar to the ones for theater (see page 18). Every month, beginning September 1996, three lectures will be conducted in each month (one in each zone). For each zone therefore, 18 lectures will be conducted, making a total of 54 lectures.

Language

The lectures will be presented in the language best understood by the particular group. This will require the participation of people from different ethnic backgrounds. Resource persons who will participate will be drawn from University students, paralegals who will have been trained by the Foundation in its ongoing training programmes, and school teachers.

Developing a Manual

A user friendly manual on the topics to be covered will be developed by the Foundation. It will therefore be easy for different people to conduct the lectures. The manual will also be accessed to other civic education groups.

Process of Implementation

As soon as the manual is finalized, a three day training seminar will be held to sensitize a group of potential trainers on the goals, objectives, and methodology of the training process. Thereafter the lectures will begin. There will be constant evaluation. The day to day management of this component will be in the hands of the Project Officer - Legal Services and Public Education. See activity schedule on the following page.

Expected Outcome

Those who attend the lectures are expected to exhibit a greater desire to participate actively in the democratization process and more particularly to demand for legal and constitutional changes.

Activity Schedule - Workshops (June 1996 to May 1998)

ACTIVITY	Jun-Aug	Sep-Nov	Dec-Feb	Mar-May	Jun-Aug	Sep-Nov	Dec-Feb	Mar-May
Prepare Training materials								
Publish Training Manual								
Select participants for trainers seminar								
Hold a training workshop for the participants								
Conduct the lectures - workshops								
Conduct evaluation								

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3. PUBLICATIONS

The following publications in a user friendly format will be produced:

- a handy pamphlet on legal and Constitutional reform;
- the "lectures in civic education" training manual;
- five sets of stickers each with a different message; and
- two posters.

Objectives

The specific objectives for the handy pamphlet on Constitutional reform are:

- to provide a reference source to participants; and
- to provide a resource to other civic groups.

The specific objectives for the workshops training manual are:

- to develop a reference source for trainers; and
- to create a resource for other groups interested in civic education.

The specific objective of the stickers and posters is to develop catchy messages on democratic issues. The stickers and posters will be distributed where lectures are conducted or the plays performed.

Process of Implementation

The pamphlet on Constitutional reform has already being developed. The "lectures in civic education" training manual will be drafted by the Foundation team, critiqued by a panel of experts, type set and printed. The message for the stickers and posters will be formulated by the Foundation.

The day to day management of this component of the project will be in the hands of the Project Officer, Publications.

Activity Schedule

The pamphlet on Constitutional reform will be published by August 1996, the training manual will be published by October 1996, and the posters and stickers will be published by November 1996.