

**Training Workshop**  
**The new Constitution: A challenge for political parties and  
leaders in Kenya – The German experience**

**15th to 24th of May 2011**

**In Karlsruhe, Strasbourg, Stuttgart und Berlin**

### **Introduction**

Until a new constitution came onto effect in 2010, Kenya as a state was governed by a central government with an all powerful president. In August 2010 the Kenyan people voted in favour of a new constitution with a clear majority. Among many other positive provisions, the new constitution introduces a decentralised government system with 47 County governments.

Since Kenya has never had a decentralised government system there is an urgent need for responsibilities to be passed on to government structures on subordinate levels and the Kenyan citizens.

With this in mind Kenya as a country is facing two challenges: One is to integrate the principles of the new constitution into new and existing laws and the other is to understand the opportunities which come with the change. Furthermore the different political parties are now requested to identify and prepare appropriate candidates for the newly created positions at county level.

Besides the continuous consultations with KAS the political parties and other partners of KAS will therefore require comprehensive training on government structures of a devolved political system as well as the opportunity to develop solutions for the problems Kenya is facing.

### **Participants**

The delegates participating in the seminar came from different parties with a conservative and democratic background partnering with KAS in Nairobi. Furthermore members of the Interim Independent Elections Commission (IIEC) took part in the training as the IIEC plays an important role in civic education.

### **The Programme**

The Programme was comprised of discussions and presentations involving the following Institutions

- European Parliament in Strasbourg
- Federal Constitutional Court of Germany
- City Hall of Karlsruhe
- The public transport company of Karlsruhe (Karlsruher Verkehrsverbund – KVV)
- Legislative assembly of the federal state of Baden-Wuerttemberg, CDU-Fraktion
- German Federal Council
- *Bundestag*: Conversation with MP Hartwig Fischer, speaker for African policies of the Parliamentary group of CDU/CSU
- *Chancellery*: Conversation with Sander von Torklus Head of Department Development Policy / North-South-Dialogue
- *Foreign Office*: Conversation with Ambassador Walter Lindner, Commissioner of Politics in Africa
- *Ministry for women, senior citizens, families and youth*: MP Dr. Hermann Kues, Assistant Minister
- *CDU*: Conversation with Bertil Wenger, Head of International Relations and Dr. Jens Nordalm, of the Department for Strategic Planning
  - Conversation with the administration of the Junge Union
  - *Conversation with Joachim Specht, Christain Workers Association and Astrid Jantz, Association of SMEs*
- *Konrad-Adenauer-Stiftung*: Dr. Hardy Ostry, Head of Team Africa- Near East and Andrea Kolb, Referent East-Africa

## The Workshop

The first Session of the workshop was conducted by Andreas Erlecke a political consultant. He gave a comprehensive introduction about the general political system and the democratic structure of the Federal Republic of Germany. He focused particularly on the different levels of government and the way responsibili-

ties are shared among them. Furthermore he outlined the “principle of subsidiarity” and pointed out the necessity of cooperation.

In the afternoon of the first day it was an impressive experience for the participants to be led through the European Parliament in Strasbourg. A tour through the building provided the participants with general information about architecture, the working structures of commissions and other institutions in the parliament. Afterwards, Dr. Phillip was available to answer questions about the political composition in the parliament, the distribution of responsibilities and also the implications of the European Parliament on the national politics of the member states.

The second day of the workshop started with a presentation about the public transport system of Karlsruhe by Dr. Ludwig, a well-known expert in this area. The presentation gave an example of how to develop a public transport system and illustrated the need for a legal framework as well as well structured responsibilities. This made the participants acknowledge the need for a better organized transport system in their country.

At the City Hall of Karlsruhe the participants were personally welcomed by the mayor Mr. Fendrich. Than Mrs. Mergen, deputy mayor and Head of promotion of economic development gave a presentation on the importance of competition among different cities and regions as economic centres. According to Mrs. Mergen this should be seen as an opportunity to attract investors and promote economic growth in the region. By using the example of water- and energy supply the participants were shown what it means to satisfy the basic needs of the citizens and to guarantee an appropriate living standard.

Over Dinner the participants met with Dr. Vogt, who has been member of the city council of Karlsruhe for many years. Dr. Vogt shared his experiences in this function with the participants, which was highly appreciated.

Another meeting focussing on the devolved government structures took place with Mr. Kast a member of the council of the rural area of Karlsruhe. Compared to the yet to be established counties in Kenya many similarities but also differences became obvious.

On Wednesday morning Mr. Staab, judge of the magistrate’s court of Karlsruhe, explained the procedure of legislation in Germany. This was rated of high importance by the participants as it correlated with their tasks regarding their positions in Kenya. During the visit of the Constitutional Court of the Federal Republic of Germany the participants were able to discuss these issues further with Prof. Herbert Landau, Judge at the Constitutional Court of Germany.

On Thursday, the workshop focused on higher government levels at federal state level and national level. The day began with talks in the parliament building of the federal state of Baden-Wuerttemberg with a representative of the CDU. Among other topics it was also discussed that a change of the governing party may sometimes be beneficial for a well functioning democracy. Furthermore the importance of a good cooperation between the different levels of government was outlined.

On Friday morning, Dr. Hardy Ostry and Andrea Kolb welcomed the delegation at the KAS academy in Berlin. They gave a brief overview about the projects of KAS in Eastern Africa as well as an opportunity to discuss new perspectives.

Afterwards Mr. Gregosz, a representative of the KAS team for economic policies, introduced the basic principles of the social market economy and opened a discussion about specific policies from the perspective of the employee as well as of the employer. It became clear that employees and employers have reasonable interests which need to be aligned with the same objectives in mind.

Another meeting the participants welcomed was with Ambassador Walter Lindner of the foreign office, as many of the participants had met him Kenya during his time as the Germany Ambassador to Kenya.

Afterwards, a guided tour through the Federal Council of Germany offered the opportunity to get to know the principles of power sharing between the different government institutions and the necessary coordination of political procedures in Germany. The participants showed a high interest in the organisation of the Federal Council as Kenya is yet to establish a senate which will be representing the 47 counties of Kenya as the Federal Council of Germany represents the Federal Member States of Germany.

On the last day of the week Mr. Preschle, formerly employed by KAS, gave a presentation about election campaigns using the example of the CDU campaign for the Mayor of Berlin. Issues touched covered the organization of election campaigns, the necessary structure and the legal framework and regulations as well as strategies on how to connect with potential voters.

On Saturday a guided tour through Potsdam gave an inside view of the Prussian and German History. In Potsdam the reconstruction of a city after the cold war can be still tracked on various buildings and construction sides. This was an important part as history determines the political landscape.

After a rather relaxing weekend the intense programme continued on Monday. An Introduction into current politics in morning was followed by the duties to be fulfilled and the challenges to be faced by a political party in order to be popular among the citizens. This was presented by Mr. Wenger and Mr. Nordalm and prepared the participants for the different challenges they have to face in their own country.

One of the most important conversations took place with MP Fischer, who made the development of Africa his personal interest. He gave an overview about the cooperation with Kenya and its achievements and stressed the responsibility which comes with the implementation of the new constitution in Kenya.

On the last day of the Workshop another two important visits took place. In the morning a visit at the chancellery showed the respect paid by the German government towards the democratic development in African countries. Especially the

political situation in northern Africa reveals that political stability as it is the case in Kenya needs to be appreciated and valued.

Finally a visit at the headquarters of the Junge Union (youth organisation of the CDU/ CSU) motivated the participants to engage the youth in their parties as this is not only important for the future but it also comes with new perspectives and ideas.

## **Conclusion**

The participants showed high interest throughout the programme. They appreciated the opportunity given to take part in such training. The programme was valued as a chance to improve the performance of their parties in Kenya and to benefit from the experience of other countries.

According to the rating of the participants all expectations were met. They left motivated to use the newly acquired knowledge in the legislative process in Kenya and in their daily work. Furthermore the group requested a regular follow up of the seminar in Nairobi, which will be starting on 29<sup>th</sup> of June with support of KAS Nairobi.

The only concern was a missing rapporteur in order to compile the information for the whole group as this is common in Kenya.

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