SPECIAL ISSUE

Kenya GazetJe Supplement No. 73 *(Acts No.7)*

AEPUBLJC OF KENYA

KENYA GAZETTE SUPPLEMENT

ACTS, 1998

NAIROBI, 30th December, 1998

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Act

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The Constitution of Kenya Review Act. 1997 537 ~.

THE CONSTITUTION OF KENYA REVIEW ACT, 1997

No. 13 of 1997

Date of Assent: 7th November, /997 Date of Commencemenl: By Notice

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AN ACT of Parliament to facilitate the comprehensive review of the Constitution by the people of Kenya and its eventual alteration by Parliament; to provide for the establishment, powers and functions of the Commission, Distric~ Constitutional Forums and the National Constitutional Consultative Forum, and for connected purposes

ENACTED by the Parliament of Kenya as follows:

PART I - PRELIMINARY

1. This Act may be cited as the Constitution of Shan title. Kenya Review Act, 1997 and shall come into operation on such date as the President shall, by notice in the Gazette, appoint not being later than thirty days from the date of - publication.

2. In this Act, unless the context requires otherwise Interpretation.

"Cornmissionn means the Constitution of Kenya Review Commission established under section 3;

"Commissioner" means a Commissioner appointed under this Act;

"the Constitution" means the Constitution of Kenya;

"District Forum" means a District Constitutional Forum established by the Commission under section 12A;

"Kenya Broadcasting Corporation" means the Kenya Broadcasting Corporation established under the Kenya Broadcasting Corporation Act; Cap. 221.

::7~~~~~~:1 u;d~~a~e *s*~~~~ ~~;:~. *S*~~~~~ the CAp.m *:!~~.\~f,;.<*

"National Forum" means the National Constitutional Consultative Forum esrablished under;.section 16A~.

'.' secretary" means the secretaU}' apP6)inted under: section 6;

,,",~outh~' means a person below.the -age:aUhi~ty-fivej years.

Objecl and p urpcse of conslilulional review

2A. The object and purpose of the review, and eventual. alteration of the ConstitutioBLi is.: tiiFsecure:, provision therein

(a) guaranteeing peace, national unity and i~teg~i~ of.th~ ,Rep'~bl~r;fof Ke;nya in order

law, h~ma,n ng~ts ~d~e:~~er,~ClcU1~~;;tP:1:

executive', the< legislature; and the judiciary

, between them and to ensure ac~ou~~~~~ty. of the Government and its officer$ to

promoting ~~. pes>pI,es:- pal1tjE!p~pEii)n;.~~e; g~y.ern~l?-ce' of ~e-, ~o~~l')" .ill~o~~il?~~,t;

(d) democratic, free and fair. eleciio~arid the d~~olucion: ~nd exercis~: 9t2R~~rd. ~ ~il:J :."

(e) respecting ethnic andJ,~g!~) *g!:'i~ni~.~q* communal rights in~ludUig $~"right of ~RJP.ffi~.ities. [0 Qrgam~ ~.p~!ciH~t~ w,-' ~u~tural ac~ivities_aI1;4]}s. ~f!.f~~~!m~ Q.E.§heir identities;

b{f) :ensUrl:i:1g the provision of basic needs of all Ke~yans t'hTeugh the establishment of an equitable framework *for* economic groWth

;-;and-:e'quitable' access to national resources; and- t: ";.. ::"j :J:'

, "(g}:'::. ~rOmotlng'ind facilitating regional and

'. ~il>"mtefuatiorla1 c'o-operation to ensure

: *r* e&molri.ic development, peace and stability and to support democracy and human

ihglrts/!' '0;. r,~ i:' f'

!!~ l ;;;... ~'. ',...

2B (1) The organs~ :through which the reVIew process shall be conducted shall be

Organs' of review.

....., ,.)1 .::.~tJ;' :'j *"{~j* ~)~~~...r!!' .:! . ~L

.' "c'.: ~:.J '>~:tq:~.a):r: !fthe Commission; '>,;;;;= ::>:<.~

(l1~.:::=:, "DisrrictForums; and

0iH. :(.c:k:::...)rbe National Forum.

~~J " I *(2)'T~* orgahs :~pecifi~d..jn..:mb-section (1) shall not b~; dissoh:~d ":eXf;epts~n ~cord,ance with section 18.

t rr~~ TG ~Jq'0~~ ~:~1 ;1, .~'.j:~;"'lr

2C. In the exercise of the powers or the peIforniance'4)J:zhe:...functfons: conferred by 'this; Act... the organs specified in section 2B shall

Guiding principles::~ l -')

" . ',' :: ;(a)';. . "be accountable to the ' people: of

'.'~- .'.;.' ,,"""","-Keny.a;., ..

(b) ensure that the review process.

(0 accommodates the' diversity of the Kenyan people

'. -," :.;: including socia-economic

status, race, ethnicity ,

gen~er, religious faith, ap;~'

:occupation, learning,

pers6;ps

'. with disabilities and the

(ji) PFQ,Xid~~- ~1!e:-_p~ople of Kenya an opportun!~ *to* actively, freely ami' meaningfully p~~icip~t!1' i.no'genera~mg and dt;:~~ting\\.o pr9ypsals to alter the Constitution;

(iii) is.. ~¨subie~L;¨ ~o this Act, conducted 'in an open

(iii) is guided by respect for the

~fl;,:i'if.'J~~W1i.~eI!~~. priD:~jples, ()(h!l!3ic

;..c';"~T.n;,Q:::f:fuinaIir.~Jrigh.~s:;';.. geridei"'"equitj" ,.

,t,i.~~ t':.',7~:,~~. g:~?I2c~~E-~\;;:;~d

jon ~~j~ I ~ ::'~c}!;)2-':en~r~~411ati..-the.~t;i~~~:utcom~ of me

11. .--'(;i~::~f *,'e'Vie\i,p.pr6ceSs:.~taithfuli;it~t!ect~ili~:.

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Establishment and membership *of* the Commission.

(1).. .1ihere is. established 3,' C?mmiss ion to be .. known as the Constitution *0 t..1.* . Keny a Review Commission.

(2) The CommIssion shall, sublect

(a}

.- ~!;"CTv.~rper~o~~~p.ggm~>~

accordance witIi '~eeuoDrs::"!~t..~;!~.' ,.

,;~.i' .~~~ ;1~t ?*It!'f*

(b-) . -;: thiF~e~~~ -'p~fi~';.;c,~~j -, 'I~<;;~~,~~.tlie

...' ~Qf?'fS~p.ame~.:~~~(f m the Inter-Partles. ~li.~m'"~7

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,.i;;~~F'..

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Committee of whom at least two shall be women;

(c) 'one person nominated by the Muslim Consultative Council and the Supreme Council of Kenya

" :'Muslims;

(d) one person nominated by the Kenya Episcopal Conference;

one pers.on nominated by the protestant churches in Kenya as represented by

(i) the National Council of Churches of Kenya;

(ii) the Seventh Day Adventist Church;

(iii) the Church of God;

(iv) rhe Kenya Indigenous Christian Churches;

(v) the Evangelical Fellowship of Kenya;

(t) five persons nominated by women's organisations rhrough the Kenya Women's Polirical Caucus of whom at least one shall be a woman with a disability ;

(g) four persons nominated by the civil society through the National Council of Non-Governmental Organisations, particular regard being had to the youth, the disabled,

professional associations and the pastoralists. in Kenya, of whom at least one shall be a person with a disability and Qne a woman;

(h) The Attorney-General or his.. . representative who shall be an *e;c officio* commissioner.

- I (3) The. membership of the Conunission under subsection (2) shall include at least two representatives from each praY-ince in Kenya.

(4)t lIt IIomiI1afing the members of the Commission, the bodies referred to. in sUPS~C;~;9Pt (2~ S~\:.-~3 :, l:')i~~r;') f~1Jr ;;:.;~("ldJ . ';~..fI~:i' Id I/ J~:.. .L:~(a.)~~1 ~'" ~: .~~..~} :,r :~~hi!.{:j ::~~. ~. -. give pr~ft;!~~~e ,tq:~P~~$(}~~:'!4].o,; ~,~, additio~"t~ ~~ gii.:l~g~~ti~~' .

;,-::i!~l'[[;". ',30 I\;[;"-: *1'";.2 .~,tI* I ~specifiecf' in section 4A~'qald

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;£:.'1J0 to j.l.i:.~~:".: 3iU ., qualL~~~~9.~;~', ,>ic;:<5~fi,~!'i~id;1~~,i{t~;:,~" \ ~a} ,- ~ -a.,. .,;:.". . ,~"',;,,.'";'~-:>~~ . . >I..... I~" Ijo..'{ ~... -.0 "'J"\"\~' " f"""'o!h .'1"

have regard to;'Ke'nya~s'ethnic, ", ge,ograe~ic~l, cul~~l...~~Ht~cal, socia! and economic diversity;

(b)

';:-!-h!1.)~~.L11j " . .' :.:J: - .J:i/

:;.:*A* ,1;..;11: ;... . .. -:1. '

E

'. ~. : . ,f (c) saye in the cas~ of ~9.f!!~~'~ organisatioIlS, take into ac.~gu;l w.e principle of gender equity,

:...J ~ ~.;

,'''' ,i '"):. (5) In this. section ,:":~~r:)...t . :.~ ı.5

" :: ~~ ı.:' .~ !

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,,"civil society" means private voluntary groupings of individuals or associations., including b~-not: limited to those specified in Part D of the First Schedufe; ::

IJ 0 ii,

,~::. ['~,Inter-Parties Parliamentary Committee.!';",:~means>' the comminee of Members of-Par1iaplena:~~:ftom.: :aU parliamenEary political parties. constituteci on the-2nd April,

ı. I.,

. .. 0. ~ ·

'.. ..:~:~?""y~::!?'t"~ I:;: .

'. ~. ~ ı.'. -: :-'--

1998 to .fa'cilhate consultations 'on the constitutional review ptoc~~s ;- ., . .

1: '! ~ ~r::.:.,. t !.

~t:he- Kenya Women's Political Caucus" means the Kenya Women's POlitical Caucus existing at the commencement of this Act, being a network of women's organisations, Including but not limited lo1hdse specified in-Part C of the FITsfSchedu1e" ;.

~"\ :'".nl.:~'.' .~! ,-:;.

'the National Council' of. 'NoD-Governmental ~Organisations" means the National CouDcil of Non GoVernmeniar Organisarions established under the Non Goveimnental Organis'ations Co~ordmation Act, '1990,

4. (1) Within fifteen days of the commenc~ment of this Act, the bodies referred to in s1fbs~cti~J~~; of t~~cti~n 3. .sha!! submit to the Attorney-General the nam~s *Df* the persons nominated in accordance with that section for appointment as commissioners.

Procedure for appoiming commissioners.

(2) The Arib.fney-Ge'neral 'sliaII: forthwith upon receipt of the names of the nominees submitted under sub~ecti~n- (1), convene:'a consultative meeting of the nominating bodies specified in subsection (2) of section 3, to verify and ensure the compliance of the nominations, wit4. the re.quirements of this Act and the consultative meeting shall' reject any nominations w~' do not. meet ~e. said requirements and require ~rcivi~ed th~t wh_er.e any body fails to comply c,~~p-liftDF.e e~:re~i~.w~~in. f~n within the spe cified period, the nominations in respect of ~at. body shall, upon the appointment of the Conunission, be deemed to be vacancies on the CommissiOIl liable to be f1.lled in accordance with section '9(5)', '

1" :;..:,.QVThe.. Attorney~.G~n~r~l: shall, ":wi~in setlen days of the consultative meeting conver1ed under. subsection (2), compile and submit to the President a Ijs~ of th~ nomine~ . verified, by Jh~ ~a.id con~~.l~a~i ve me~ting~..for appoin~elilt ~ c9!1!l!l!ss.i9ners._~ .

(4) The Presidem shall,.. '?Jithin fift~eI'l: d~ys .of

the receipt of the list of nominees under subse~t!on (3). notify the appointment of the Commissioners so

Qual itications and ,;~, ~i~9uali. , ticario ns for appoimmem as commissioner,

~~1f .':~Q~~:I)a£ed, in the G~~e.t~e,~ .~~ ~ :~1. -, .'.. " :.:,- ~'::'~:;: . u..:~,!, ~,()

'", .~,A~(l) Subject to sJ.lbs~ction (21.a persoll shall, be :',

(a) of sound mind;.

qualified fo[,- agp6~iitmerit a~ a:,'..cqIiinlIS~iorie~:~,:,ir:~~ch;., person IS-

(c) educated up to a minimum o('o";i~vePˮ,~.1(;-- *J* 1:'

(a) is an imdischargectbarikrupt or;'

(b) has' been~'tonvic'te(f'df.:in offence;' other!than an offence of a political natUre,~ a'nd' sentenced

to imprisonment for a term of S\X months or more;" Without the o'ption Of a' fine~'

Chairperson and vice-.chai~~r~n,

S.(I} There shall be a Pli-tpe-sbri-and vic;e~ tij'a~1?'erso'h - of ~. 'the Cornmisstbn' who.: shaii~ be <: J ,.

:: rfowmated' "by" the 'commissioners ar1d appoXnted by the presidynt in accordance with this section.' " '. , .

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(2) The Attorney-General shall, within fifteen days of the appointment of the commissioners, convene the first meeting of *the* Commission at which the commissioners shall nominate a chairperson and a vice-chairperson of the Commission.

(3) A person shall be qualified for appointment as the chairperson if such person –

(a) holds or has held office as a judge of the High Court or the Court of Appeal; or

(b) is an advocate qualified for appointment as a judge of the High Court under section 61 of the Constitution; or

(c) has been engaged in the teaching of law in a rec;pgnised university in Kenya for at least fifteen year~.

(4) Persons qualified for appointment in terms of subsection (3) shall include any commissioners so qualified.

(5) The vice-chairperson shaU be nominated from amongst the commission«?rs..

(6) The Attorney-General shaU, within seven days of the nominations under subsection (2), forward the names of the nominees to the President for the appointment of the chairper~on and the vice-chairperson.

(7) The PresIdent shall, within seven days of .the receipt of the nominees under subsection (6), by notice in the Gazette, appoint the persons so nominated to be the chairperson and the vice-chairperson of the Conunission.

(8) Th~ ch~iIperson and the vice-chairperson of the Commission shall be of opposite gender.

The: Secretariat.

. .. ' 6. (1). There. . shafLbe., a." secretary, of the

. COr.riffi~ssiorl who 'shalf be:~\app'qlnted' *by "[ii~* c.b~{~sipn

and why shaH serve on'

(2) There shall be aE leas: three deputy 's~cretaries

:lppointed by the ~~~i~si9n., ~.,?.-(a~.~s .SJ.1e.:. seqetary in

administration, research. and drafting a.nd other,.dmies,or.

functions of the Commission.

7.(1) The staff of the Comrnis~ion shaH comprise

(a)" such offic~ts'" ,aner. '~other f ~Haff" as the

::! .. cbmffiissfon 'niay :'ap~6icir *'t6'* assist it *in* the

discharge otit~~fui1~don'~ 'hiid~r this Act; and

(b)" . suchpU!Jli~' officer~ as~ maY-be necessary for

[h'e'lJtlrpo'ie;toFiHe t\5rrimfgi[on as may, upon

the request: of theil65frilDis:ii6ri, De seconded

thereto by the PUblic,Service Commission and

. *'~tl~h:'* pubiit":..: offrter§~:} s.h'aj-C~"during their

sec~ndrri~ht, lje.i;cfe~me(r-tb be- bffi~ers:otthe

Commission and subject to the diredion.;.Itrld

~?r:~!OL.Qf::~~~9~~S§jg~" (.fft" ..

(2) The Commission! may employ experts or

:. .con;JUtEants to assis[~he' ~o~iss.ion ~;

appropriate and

n~e~sary under .this 4~"" .

. (a)

{b) \.~ake the solemn affirrnarioIl. ~,,[he form

. prescribed irr tfre' S~c'oncr Schedule.,' .

' "i,; '-:~:"J~i~.\

,efore the Chief Justice, prior to embarking on the duties Jf the CommissiOll.

(2) Every oath a'rid affirmation made and ,"ubscribed to pnder thi~ se,c.tion shall be deposited with the 'secretary' and with the Attorney~General.

Code of conducI.

8A.(1) For the better discharge of the functions Af the Commission, the District Forums and the National :nrum under this Act, the code of conduct prescribed in '.- Third Schedule shall apply.

(2) A person who breaches the provisions of the code of conduct shall

(a) in'i'the .case 'of a commissioner, the secretary or a ~emb~r' of a District Forum or of the National" Forum, subject to the provisions of section;9, p~ d~s.qualified from holding office 'as such; 'arid' '

(b) in the case of a member of staff of the COpmlission, be liable to such disciplinary .iction 'as the C~lInmission may prescribe.

Tenure of office of commissioners and secretary,

9. (1) The term of office of a commissioner (other lnthe *ex officio* commissioner) or [he secretary shall be from the date of appolntmenfunder section 4 and shall, nless the commissioner' or the secretary resigns under 1bsection (2) or the office falls vacant earlier because of any reason specified in subsection (3), terminate on the ate of the repeal of this Act under section 18.

(2)(a} "A commissioner or the secretary may, at any time after appointment, resign, by notice in writing to the President rhrough the 'chairperson of the 'Commission and the resignation shall take effect from the date the President r.eceives the notice;

(b) The every Preside~t' shan,; notify within resignation in the Gazette fifteen days thereof.

(3) The office of a ~o~i~sione~.. the se~r~tary 'qr a member of a District' Forum or 'the'National Focuin'shatl fall,vacant if the person

(a) dies; or

(b) resigns from office; 'or

(c) is adjudgedbaIikrupt:; 0<' :,"

(d) is convict~d of an ,pffegce "and sem,enced to imi?risQ~erit, for ; t~rmQf sh months or more

WitP-Qut, rqe 9ptfon of it qne;~-or

(e) is in breach of tfle co~ d.f. c?n~!lct prescribed under section SA; or - "!

,(t) withouc, ~eas(;nable excu~'eJ fails, to attend eight . cQPseCUtIVe meetings OJ ~e:', CQOurussian, the 'District Farum or 'the Nat[O'nal' F({'cum; or

(g) is by reason. .of physical .or. me:t;ttal inficmiCy, unable, tq! .disch;u-ge .~,l}is. d¥!ie.s." ~*Sy':* a ,commissioner, or .as ,..th~. *s~~!,~~:,-~[;* ~s.. a member of the, District or the National Forum; OP

(h) is for any other reason unable .or unwilling to act ~ - a co~siom;'I.. me seS:Ie~y .or as, a me~be.r_of the DiAt:ric~ qr,~e National Forum;

and in--aq.y ~ase to- ,whic~_~~~graphs (e). (f), 'g) and (h) apply, th~., bE~~h,' 'fai,lure, inability or unwillingness' is noted by tile Commission, .or the District Farum: the National Forum III its

record.s and supported by a tesolution *of* two-thirds majority.- bf the '~members and the person is informed *of* the temi.ination of the 'appointment in writing through the secretaTY or where the affected person is the secTetary, through the chairperson.

(4) WheTe:'any'vacancy OcCurs on the Commission under section 4(2) *or* under this section, the Commission shall, within seven. days *of* such occurrence, notify the: President *of* the vacancy through the Attorney-General.

(5). : TJ;le Attorney-General "shall, within seven days *of* the. notification. under subsection (4), seek nomination of a' suitable replacement lrom the body requi1:ed." t.o ';llomin~te th~perso!\..jn respect *of* whom the vacancy Occurs:rdjh'!:t.wher,e the b~~ fail~ t~.comply within fifteen da}~$-::2~ ~e,Tequ~e~eIH..:~~-' Attorney-General shall' seek nomination *of*' a replacement by the Commission and the Commission shall nominate and submit the naI;1e of:a. suitable repla~ement within fifteen

(9) 'ThtAttorney-General ~hall, "Vithin seven days qf)b.e Iecc;ipt *of* th~ name ,of ~e . nominee under subsection (~)~"o'r:wnJ.dnQ~~~am~ to ~ President for appointment.

(7) The President shall, within fifteen days *of* the receipt *of* th,e ~ame *of* the nominee under subsection (6), by notice in: tlieGaZette, .appoint the person so nominated as a Comnussioner

(8) .'!~e ComrnissioI+ may, subject to its rules *of* proc~dure, act' notWithsta~ding a vacancy, and its proceediDgsshaJ.lllOt'b~ invalid ~y reason *of* the presence *or* participario,n *qf* a pers'on n?!. entitled to be present at *or* tP,.R~t~c~pate' ~n: ,~o~e. P!oc.eeding~.

No. 14

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DIsquaJ I tic3[ion *of* Commissioners for elecnon.

9A. Th~ 9ffi~~.of." commis~ioner shalJ be dE;emed to be aI1,offi~~ for . the"p~rpo~es *of* subsection (l)(t) of ~ection ~~ qf the CqnsticutiQ:rJ...'

PART III - *FUNCTIONS,* PO"VERS AI'ID PRIVILEGES OF THE CO~INII$SION AND COM~1!~~~O~&S

Funcuons of the Commission,

10. The function~ of the COU1IIll$sioij $h~l, be

(a) to conduct and facilitate civic education in order to 'stirriulate public ~discussio~s and awareness on cdnstItutidnal i~sues;

(b) to conec~ i:inc(calfate tD.e'vi~w.fof die'people ' *of* Kenya on proposals to alter the Constirution Emd on the basis thereof. to dta:ft ,', a. BIll! t6' a:lter the' Constifution for pr~~~~t~tioi(\Q; th~,'~ati9~~~, Ais~~?ry;

(c) *to* carry' out or cause to be carried" 'ouC'suet! studies, researches and evaluationi' concerning, che Cons~itution ,and' other constitutions.'apC! ~onstitutl~nai: systems a~,,' in' the" Ccimmr~~io'~l' 5:; opiriibn~J may'-]fnfbITif

(d) the Commission and *the* people *of* Kenya on the $tat~ *of* th~ Constirution of K,eny~; and

(i) examine and recnnmend the 'without prejudfc'e' Co' paragraphs " (b):'and'

(c) to ensure that. in revie.w-ng,,' the Constitution, the people *of* KenyI1:.;,' ,, executi'ye,' the regisrature' and *Cne",* ,I judid~y' and t~eiI' operations":AiIning to m~se their mutual checks and

1?~, *Cons~".tUlion 01* Kenya *Review:* No. 13

balances and secure their

iridep~~:r~~C~j

'7.)1:::" (~Q: (', ex.~~~e, ~~Jr~deral and unitary

"1' ~J[;: ' :n~~r147: o,r.~py.~.mrnent,and

flppropnate system *for*

examin~ and re~ommend

cOR~t!'t\ftlq~l. cpJIlmlSS!OnS,

iristirotions and offices and the

~s.tgqli;;J.un~I:ll *of* additional ones to

,'!I'..r~ -: faci~},~a~f. ~~.p.s:itptional goverIlaI!ce

a,nd,rpe .re;~pec! ,for human rights and

g~~der' ~'q'uit~tin' Kenya as an

" il}£ijspfe~~p!~.., an~ integral part *of*

,; .:!'-', oj '\'.,.'~~~efi~b!!R$}pYJ.ro~ent *for.*

religious, political

subparagraph (i),

examine ~ancrmake recommendations

QrJ! the judiciary' generally and in

.j;iR~~~~~~~~i!,b[~~:~~S~n:iming /<~:::. ':

.J. - :at nieasUres.necessary to ensure t4e,'-. ,L

- "cOin:pefe~f,~"..~~toumabilitI'"t.~~ ;.'

efficiency,' discipline and'

'," }n~:'p~p.j~J;!?F,~"f"the j,l;1?icitry;

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Kenya abdili~ "degree *of* the .. ~.;;~. , '

professional associations and the pastoralists in Kenya, of whom at least one shall be a person with a disability and one a woman;

(h) The Attorney-General or his representative who shall be an *ex-officio* commissioner.

(3) The membership of the Commission under subsection (2) shall include at least two representatives from each province in Kenya.

(4) In nominating the members of the Commission, the bodies referred to in subsection (2) shall

(a) give preference to persons who, in addition to the qualifications specified in section 4A, hold relevant professional or technical qualifications;

(b) have regard to Kenya's ethnic, geographical, cultural, political, social and economic diversity;

(c) save in the case of women's organisations, take into account the principle of gender equity.

(5) In this section

"civil society" means private voluntary groupings of individuals or associations, including bUt not limited to those specified in Part D of the First Schedule;

"Inter-Parties Parliamentary Committee" means the committee of Members of Parliament from all parliamentary political parties constituted on the 2nd April,

(xiii) exanune and recommend on the treaty-xiWcing and' ireaty-implen;.eIitation powers of the Republic and any other relevant matter' tri'strengthen good governance and tb,e observance of Ke:nya~s .obligations under international law ;

(;dv) exiunine and make recommendations on the necessity of 'qireCtive . 'princIples or scite po'1icies;

(xv) examme and make recommendations ?"!l ~*y* o~er I?atter which is connected' with or incidental to the fdie-golng and achieves the overall 'objective- of 'the constitutional review process.

Powers of the Commission.

, '. .11.: {1 >" For the'. purposes_. *JJ'f* carrying out of its functions J\ffider this: }\ct,. the.. Commission shall have all suth-,po'wets:..as are' necessary for 'those functions and, withQut pr:ejudice to such generality, the Commission

(a) shall, without let or hindrance, receive rnemQra:nda, :hold -public or private hearings .throughcint Kenya and in any other manner collect arid collate the views and opinions of Kenyans', whether. 'resident in or outside Kenya, and for that purpose the Connnission maY" "-sl1mmon .' public meetings of the inhabitants of any area for the discussion of any, maner relev.ant to ithe functions of the 'Commission;

(b)' may summon' any public officer .to appear in persan before'ft or before a committee or to produce any document or thing or information that may be considered relevant to [he functions of the Commission.

Committees of [he Commission.

12. The, CornmissioI! ~Y" e~F~.bl~s"l!.. sU;~QFommittees of the CornmissLon,-a~ it l1}aY-d~~i#- ~e"cessarY *for* the better carrying out pi it.s)i.irict.iplis.up,d~r tljis~ Act,

District Forums.

12A. (1) Notwithstanding. t~~:p'~QYisions "of an,y other written .. ~aw. . '~l;1~- c9un~y:.~ c:~,i~E~r~~~~'eveiY~ distri~t. s~aU ,facilitate the establis1np.eat ,~by'..... tl].e; C~riunission of a District Foruni in the di~trict.;, '.., ~'.:~:~--.:' ,J ..

Provided ~at fpL)~e... plJrpp~es, ..9f this section, Mombasa district and th5 Nairoqi, Area shall be deemed to comprise two, ,and four. .distncts.lesp~.ctively"

.. Each.District Forum sb,all consist 'of -'

(~) '. :..:~!tlii:je~:'~ii(}ff:i~prese~t~iives of each , . :-":" :[~~~c~St,O~:Ar::it~~ rd~s~ri~t: ~.*p..e.* ~f. whom '.; '. ..;~a.~~9~:.~ if~~~~H ~~ ;~-~~.,~.~outfi;. - "1

(b) electe.9 repr,~~'~llta!iy'ys Qf):pe "major reiigiow'"_orgiin.\s~ti(}mV[0x ,iI:i~ Idisrrict ceJi!t :'9.f- ~e: total l:ll~~~~~Qi:..~ the .: .D~triCJ. £Q.ru~ un.q~':~~i'a~~

(c); twa!-,~1~eq'_)1e'pr.~~nl4~ives" 'of the ,.major o~ganisa&io~ ,9fu.persons with :. disabilifies ~ the, dislriGt, .of ~~om, a~,. . :JeaSt'one"~lI b~<Lw,.Q~~m; .,...". . .1'.- rr'"

(d) the:, m~mbers . Qfi~Par !iament and the . memb~;:6f-;e.y.eII)I; JQ~~l authority in :the d:istriet:

Provided that the members under this paragraph! shahl1 npt eoan'dor- p-qI]Qses' of\ quorum at any- meeting oithe' DiStric,t Fo[Um~ and

. ""F;'~,;:l~~:r

(e) two other persons elected by the members under paragraphs (a), (b) and (c) appointed by the Commission as co-ordinators of the District Forum, who shall be the joint secretaries of the Forum, at iease one of whom shall be a woman.

(3) A person shall- not be qualified for election as a member of a District Forum under paragraphs (a), (b) or (c) of subsection (2) unless such person is a person of integrity and go"od character.

(4) A'~persoIi shall not be qualified for under appointment as a co-ordinator paragraph (e) of subsection (2) unless such person

(a) has a minimum of *'0'* level standard of education or its equivalent; and

(b) is "3, person of integrity and good character,

'(5) 'The members of a Di~trict- Forum shall, at their fIrsf'meeting, elect one of their number to be the chairperson:

(6) The functions of District Forums shall be to mobiIise communities at the local level for *the* purpose of civic education in preparation for the Commission's work and to perfo~ such other duties as the Commission may assIgn:

(7) The members of a District Forum other than the co-ordinators shall serve on a voluntary basis but shall be entitled to such nominal allowances to cover food and transport expenses as the Commission may determine.

(8) Any vacancy in the. membership of a District Forum sh~n be filled through the eL~ction of a qualified repla<::ement by the body required under this section to electthe person in respect of whoD]:,th~ vacancy occurs.

(9) The Commission shall. in regulations

(a) prescribe the procedure for meetings af District Forums;

(b) prescribe the manner' of ~ischarging the functions of District Forums under this: seciion~' and

(c) provide for; tlremanneI: oi meeting the expenses reIa~~~ to the .opetati6>DSQf [)i'strict" Forums.

(10) Subject to any regulations ma~e under subs~ction (9), ~the. District F.orums; shall regulate their own procedure.

(11) Subject to subsection (It the words ~county cOlJncil" and "distric~n shall." 10,'" 'the purVese1" ,of thi~..: sec'tion, be conStrued to mean a county council Of. a.district existing at the time of the 1997 general elections',-" '.

Procedure

13:.'1) Subject to th~s sect!~n... ~. C~~i~:~~on ~pa~:, r~.~~lat~ its own procedur~,~<i tfi~t ~f !~; C;ompUtt.~es-=

(2) Subject to subsection (2A) , the Co~~ssio~~ shall hold such number of meetings in such places, at such times and in such manner as the, Commissiorl shall co_nsider necess~ry for the dischar~.~ of, it~.f~n~~ioI!s. ~~.md~E" this Act.

(2A) Notwithstanding "the provisions' of subsecti~,(2), any meeting of the Commission for the collection of the views of the public shall be held in public except on

the written req1:1~st *of* any person being heard that the hearing be prjvate.

(3) The chairperson shall

(a) preside over 11.\1 meetings *of* the Commission, and. in the absence *of* the chairperson for any cause, the vice-chairperson shall preside; and

(b} be the spokesperson for the Commission and in the absenc~ ,of the' chairperson, the vice-chfl"irpeis~n shall.be th~ spokesperson:

Provided that in 'the absence *of* both the chairperson .and the vice~chairperson for any cause, the comrnjssiOIiers pres"ent shall elect one *of* their number to perform the functions under 'this subsection during such absence.

(4) The quorum of-the.Commission and *of* any *of* its committees 'sha11 be -one half *of* the members.

(5) All questions before the Commission or a committee *of* the Commission shall be determined *by* a majority *of* the members present and voting, and in the *l'event of* an equality *of* votes, the chairperson, or in the absence *of* the chairperson'the vice-chairperson, (or as the case may be the chairperson or vice-chairperson *of* the co~ttee), shall have a second or a casting vote:

Provided that ilnportant decisions *of* the 'Commission and any *of* its committees shall be arrived at . *by* a two-thirds majority..of the commissioners where there is no una;nirnlty.

(6) The secretary shall be responsible for

(a), , the' day to day administration *of* the 'affairs *of* the Cornniission;

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(c) the direction and supervision of the 'staff, experts and conSultantS';

(d) the redording *dr* the proceedings;

(e) the 'writing'" of' u{~ l"Commission's 'report' including the preparation of any proposal for if draft Bill to alrer the Constirution;

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'bftbe-Comh1issidn."

Publication of Commission's records.

13A. (1) SubjeCt to subsecti(nr'(2A} of s~~tTo'n 13, the -,C~5Sion. shalf",v~ij th~J.~t;9r~ ~ £~~ p~<rceedit1gs of every mee'wg:Qf th~ COnIDJissloij. .1Nj~hi~ ~C;!1rgftj{s.;r: .. thereof through

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: wr.itt~J1:: taw ~f1e Kenya .B(o!¥ic~tiQg, COFpOU~~~I1 ~haIL for the purposes of subsection (l)(cf, allq~!~.. JO : $e Commission free air time on both radio and television as faI,low:;:

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on. the Kiswab,fli '. s~ryice and the English

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service alia such air time as the Corporation may, in consultation with the Conunission, deem sufficienr vernacular on the services;

(b) in' t~~ - case of ~elevision, at, least one hour per day' and shall 'provide a sign language ihset ,or sub:titlh in all news ~asts;: civ~c edu~ational progra~es and. "in all programmes' covering the constitutional ,.review prQcess.,

13B. (1) Notwithstanding the provisio'ns of any *other* written law, the county. council of every ~istrict shall" facilitate the establishmenr by the Comrniss'ion 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 .Conunission may direct.

(2) Any person may, during working hours I inspect 'at 'the documeritation' centre, any of the records p~~efved therein -and.. may' obtain copies thereof upon "ra1inent of such *fee'* as may be prescribed.

Privileges of commissioners and secretary

-14. (1) A commissioner or the secretary shall not be liable *to* any civil action or suit for or in respect of any matter or thing done or omitted to be done in good faith as .a commissioner or as the secrerary.

eluring Oftice.. , and otHer immunities.

(2) '. No commissioner or secretary shall be liable to. arresr under civil process while proceeding *t,9.* participating in, Dr returning from any meeting ,Qf' 'the Commission Dr o.f any commi«ee thereof.

(3), No 'person who appear(before the .,~o~is~ion .shaH , whether such appearance 'is- irl. .puT~uance of..~ny s;ummons by ~he Commission under tpis Act or ,rior, be.' liable *to* any criminal or civil proctedings! or to any penalty or forfeirure whatsoever in resp~ct of > .,,/

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any'..~~idence .or in~<:mnation give!l to the Commission by "such person.'

Offence to ignore summons of Commission.

15, A public officer-who, wftliout lawful cause or excuse fails to appear before the Commission "Q.~r~,uant to any summons; 'by 'the~td~ss'ion commits an 'offr;:nce a.rid shall be Iiabie.' on:lcbnvlctio~ to a fine not exceeding ten thousan4 shill.ings, :,or to imprisonment for a term not exceeding three.aionths, or to- ho~~

PART IV REPORT OF THE COMMISSION AND ACTION THEREON

Completicil?bf'the' .s:, ;, 16.(1) The work. report and action therron, r:cr!!; ,. '.

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(a) for .foUl:. ;!!1on~" fi?:~o.\ying- ;-:!:l}e est~plis~~nt - ,:pf \ Ii the., g~r~~i.af so~d~ct; aI!~ .fasili~':ltf? c~v~c ed~~qW1 in order to stimulate public discussions '.;'and 'a.wareness of constitutional *issues1 f._F:.*

(b) fo~~. twelve' months. falla-wing .,the expiry of ~e period presf.ribed in paragraph',thY ,;.: collec~-and' collate the view~ of the- 'people-'oii' proposals to a.1ter the Constimtlon:; and' .- , ,::-;;~?

(c) within sL"{ months' following the expiry of; the': pt:riod prescribed)n paragraph' (c), compile' '; itS "report together with 0 a spmmary-- 'of' 'tlie recommendations 'and" mi' the" baSis

;;"1,," .' 01-'" j:" ~j.j. ... ~!hereof.,: .draft a, Bin 10 alter the Constitution.

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The:: National Forum.

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. ',' ": (d) and' "(c:), sba!l nor exceed ODe third' of the total r.i ~

;;,11,:::" m~mb.ers1l1P- of the Forum'lmder"paragraphs (a),

.1.') . (bran -'(c). d .1..'.' ", '. ....

(2) Any vacancies arising in respect of the membe~ -::6f.the'fohUn' iindei;p'aragrap'hs (c), (d) and (e) sha1r-::be mfea:: through the > nomination '~of ."ii' 'qualified replacemeri('iYy ihe" bodyr:'"Tequ.ired by" tllis section-' to nominare -me' mernbe{'in r~spect of whom' the/vacancy

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(3) The Commission may employ such number of experts or consultants as the Commission may consider

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nefess~ for the perf Qtm1Ilce, of" the -functions of the Naticnal Forum. ,:1l,~':"~:,k;",:j.)

, t;,(4) ::: The-chairperson of die Cb-mfril~sidn;shal1 be the chairperson of me Nati~nal Fci~m:lt~l'I/.r J. 'i.o~i ..~.:.:; ,

,;::: - ,(5) "- The'Conunissic)If'-shalF. wiiliiIi 'thirty qays' after the expiry of the period~ pres-cribe~ in' section 16 for the publication and public debate of the report and the dEaft Bill to": alter the Coristitutionf .oconveAe the National Forum and shall, at'least t\Venty:one *d~ys.* before, the date 'of the fIrst meeting thereof, send copies of the 'report of: :the: Conimission '.£ogemer1'with::the draJt Bill to all members of! the Na.t1E}nali,Foium~J iJI

'...". (6)(8.)' The functions *'of* tIie"Nitional Forum shall be to study" "the' r~p6h:' d{ful6':cb;riliili~s:ion together with the draft. Bill to alter the Consdtutioir and hi debate, amend

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(b)

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Important aeclsions of the NatiOnal Forum

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draft Bill back to the Commission' for further -'study

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(9) The chairperson of the Commission *~'s6ait*

forward the report and the draft Bm as ad..Qp[ed. by dIe

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Natfona1£::1 Fbruriif: to' the Attorney-General for introducrlpn, to1.1,.e N adonal Assembly,

:':':'(fO) "'The' Attorney-General shall, after the receipt *of* the repbrt :and -=the 'draft' BUl under subsection (9), table h before the National Assembly within thirty days *of* the iiriy"the'Assembly-next"Sits'after the report is received,

PART V – EXPENSES OF"THE REVIEW PROCESS

, ,I ::~ ':) 17. (tjt1i'e 'expenses - of, tlle cbnstitUtlonaf' reVIew" -process Incurred by the CommrsslOn, the District Foroms and the National Forum in accordance;.V{ith ,this .Act" shan. be charged on and

Funds for expenses of the review *process.*

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;:,...,(2) ,WithoUt .preJq.diceJo ':sub-s~ction (1). there .may ~b~' ii'iad{w the': c;igan~ ~.picifi~d)n s~section (1), through :,-thc Perhianent'SecretarY to the Treasury, J, ~giaI1ts, gifts, do.nations or bequests

J ~".o .", '.,"""" ~"...,

~i'}~v}e~...pi'q~ess'sp7-c~~et1. *Provided that* no grant, gift, donation or beques[shall'be inade on any c.onditi~n that the said organs perform any function or'discharge any duty or obligation other than duties under this Act aimed at achieving the objects of the constitutional ,revj~w pr~cess.

17A~CD~There is. established a Fund to be "known as:":'the:Constitution of Kenya Review Fund whicb' shall be administered, on behalf of the Commission, by the secretary.

(2) There shall be paid into the Fund

Constitution of Kenya ~evicw Fund.

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Review Fund shall be kept, audited and rep'oqed upon

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PART' VI ~ DISSOLUTION":OF ORGANS OF REVIEW AND FINAL

Dissolution of !he organs of review and repeal of Act.

(a) the submission of ,the' report and the draft Bill. to alter the Constitution to the Attof!\CY:SencraLunder subsection (8) of ;Sec:ti001116*;~.:~ba.llg;o.perate to dissolve the District Forums and the National Forum;

(b) ';-:'~efiadmcn1:[Jof' :the~'- ;Bil~' to alter the Constitution tabled before the National Assembly under subsection (9) of section 16A shall operate to repeal this Act and to dissolve the Commission and the terms of . .Joffire.~fof:;' the commissioners.! 'sbali -expire..f from the date of enactment save that the . secre!aI)' ,and such number of staff as shall be~necessary~' shan !enuHn .'in "office Tor! such' , period is may 'be necessary to conclude the financi3I 'and aaministrative affairs of the 'Conmilssion.

19. (1) The Commission may make Regulations generally for the better carrying out of :its functions under this Act.

Regulations.

(2) Without prejudice to the generali~ of s~t>secfio~ ." (1), regulations under this section may -

(a) prescribe anything required by this Act to be prescribed;

(b) subject to this Act, prescribe the ptocedure' for

Review

chaIrperson' and. die -members of the Comrnission~and. a"ny members of Ehe National Forum required by this. Act to.~e n~m41~~e djl t'C~ I 2 f. the members of District

(ii) electing

-Forums,;

T : _.), ~I.": and for" the 'filling'" oJ- any vacancies "j";i::- ','-. *J'* ".J.arisingiin'respect thereof; and: 0

(c) prescribe the disciplinary procedures -.; applicable to. the;..staff of me: Commission.

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5:..i] J's"dr *yj1;.2 ;i:~;;;:jf':"':J* 1"~ 5h~!:., *;~1J* rr;'...~

;t~f!.~ ~:i +lf~7~J""t;J ~~JtiL~~~: ::' ~.~ t:~.i *Il::~',')* r.:".)).

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~nl ~~LLL.:r:~.j)1 !!;.,;. ;;~j~1 :.' f *I~~;=!* ~2' t~jr~4:li *3dJ* to. 2,i:»,t:1:~ ":I1p.'ARiJA.Lr~'~ t..,~-" !.:ii:.J::Ll'il

Po/weal Parties

8)

Democraric Party of Kenya.
National Development Parry,

Ford-IS~~.Y'~--i"", -" .,: ,
SociatDemqtr~tic PartY'.:' . ,I
Shir~kish9"f.arty of Kenya.

Kenya- ~o?ial. C?n~~ess.
Ford-Peop(e::;} ;~,:1 ".',' :.;',;";"
Fora-AsHe- .
Safina.

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PART'B'

Religious Or.ganisations

Kenya Episcopal Conference.
National Council of Churches of Kenya.
Evangelical Fellowship of Ke.nya.' :., ,1; ..:
Anglican Church:of ~ya.. "': ;'" r:'~ Methodist
Church of Kenya.- .'
Church of God in East.Africa..{. l;:::,,: '
Seventh Day A-dvenusts;r:.!; ::..:::... ':; ,; Supreme
Council of Kenya Muslims. -':.:! ~'r.:: M uslim:
C.onsuJ~ti~. .Gooncil.'
Hindu Courtcil o~ Kenya: ~~

PART C

;Wo.meJ! ~ Or.,ganisations

KenY~'W~I!l~s~P~Hti,cal ;Ca~G~. ";:
Maendeleo Ya Wanawake.
':,0,;.-.,' *L~ue* of Kenya Women Vaters.
,"" :-'{'. ~~il~~o!~~i~e'penue fa~:.:gendei,an~. Develr:tp~nt.:
. *y*- ~(: Keny.~ ,\\(¥P!'!§ ~~d Orphans Assaci~tian.
" "Feder.aticin.ofW.amen Lawyers (Kenya Chapter).
'.:,.*i*..... Natianai Council of Women of Kenya.
.'. . ' ,. " ~~~~~~~~~~~tive'~p"iiri~ir~SiSl~rSirie!~Rrk). ..

PART. D

Civil Society

Central OrganizarioI1; qf.'fra~~ {Jnions.
Kenya National Union of Teachers.
Law Society of Kenya.
Assoc!arioq 9.f P~o.f~s~ional, ~o~~~ties of East Africa.
Imernarional Commi!siq-q- of.lur4~ {fI;enya Chapter),
Kenya Human Righrs Commission.
Kenya Medical Association.
Kenya National Association of the Deaf.

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:!lt~~';;~1~~lY; ;;>~; ,.:' .

United Disabled Persons *of* Kenya.
Kenya Sociecy for the Disabfed.
Kenya Alliance for Advancement *of* Children.
Kenya National Students. UnIon:. - "/'~: .~1
Kenya National Youth Alliance.
Kenya Law Students Sociecy. .:.,.. :'!'}'
Media Institute. - ,.IJ,1 .*J"* ',..
Kenya National Farmers Union-. : f:::-;I"";;,~' ,~ Kenya
National Federation *of* Co~peratives;'
Federation of Kenya Employers... " ~~~ ~o .~'.;~;:~t:"..
Kenya Association *of* Manufacturers. : '~..f ~.fj *:J:* ;;:! l'J .::...
J:.'.' *-J* National Chamber *of* Commerce: and;Industt:y~ *1,'*:::: f~t';", :
Kenya Pastoralist Forum: J :,n:~ ;~';::~
National Council *of* Non-Govemmeniat:Otrg:mi2anons.,;:;
,1',1 Citizens Coalition for CODS;iwtionatCharige (4Cs.}::)
JL~1.,~ National Convention Executive Council.
Association *of* Local Government Authorities *of* Kenya.

(;L~ '\

: . SEeONI'-SCmmtJi.~ (5.8)

OATH OFFICE OF' A C(j~flSSIONER';;;; A

a commissioner under 'the; '€onstitu=tioif *of* Kenya RevieW 'ComrmssiolT Ace, 1997

do solemnly swear that I wilrfaitbful1Y':and:fun~ rmpai1iirUyJandfca)he best *of* my ability discharge the-tiusit arid perform thefuncHon! and'~CiCise'the powers devolving upon me by virtue of ifii~ ippointm~~t wrthout3 ieir;Lfa~our, bias, affection, ill-will or prejlidic~and"tQ"ilie end:iliat mtf:td:e-Xerclie: 6fthi: functions and powers as' such commissioner .I ~~aU not be influenced by any political party, religious. sociery or other' orgarrisation or person which may have nominated me' for appointment. So help me God.

COiVmIlSSIONER~

:t . ~-:: J,

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\'~""~"~;~;~~~~~~\]~i~;]~j~t

SOLEMN AFFIRM~TION OF A COM1\flSSIONER

I . . . . . being appointed a commissioner under the Constitution of Kenya Review Commission Act, 1997 'do solemnly'-declare and affirm that I will faithfully and fully. impartially and to .!'he best 1)frily ability disCha~e the'trust and perfornf the functions and exercrse the powers" devo{ving lip'oi'(me by virtue of this" -appointmerit without fe'al'. 'favour, bias, 'affectii:m;'m'~v.;;.n':or prejudice and to tl£end that in'tlie.exercise'of 'tile functions ana powers as sUch' ;coImriissioner 'f~hir1i not be infhierited' by any political partY;;;religioiis' "s~cietY :;o+:iother organisation or personlfwhich triiy ,it,

JiM 1iorillnaied me-for' 'appehrl:menf!

COMMISSIONER

CIllEF JUSTICE

OATH OF OFFICE OF THE SECRETARY OR A DEPUTY SECRETARY

1 . . .. "..... . ..."... . . .. .."... . .. . , ... "". being apponned. llie "'Secretary/~ deputy' secretaty W1der the :Constitution. Of :Kenya Revie!tV Commission Act, 1997, do sol~IJ1ll]Y' swear that" I' will faithfully and fully, impartially and to the 'best of *my* -ability discharge the trust and perform the functions and exercise the powers devolving upon me by virtUe of this appointment witJ;1out fear, fav!?ur,. btas, affection, ill-will or prejudice and [0 the end that in the exercise of the functions and powers as such secretary/deputy secretary shall J10t be influenced by any political. religious or other interes,t,

. or bX any persbh:!; So 'help 'me God. '. ,

SECRET AR Y IDEPUTY SECRETARY

CHIEF JUSTICE

R~view

J<\~d '..."j *t~. :~'\ 'j! .1~',' _L,t 'i~* ,(i~.., 1- n?l~l!f~g,-~~:~P~f:;~p~f~?n,.:, ~ei ¥Jseq

chalrp~rs~n ~~IJ~:l: ;~F f.zq~f11bers of the Conulllssron. and any" members of the N adonal Forum required by this. Act

to be nominated r. . ~ ;; (" g t

(ii) electing the members of District

1:' ,; :. ~)- 1'.: and for ;lbe..: tilUng"of.- any vacancies '!~; 7';;../. ".'.' .,' ~"arisingiiII'respeC(thereof; and" 0

(c) prescribe the disciplinary procedures ~; applicable to, the:. staff of the:. Cbmmiss ion.

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f~£Lt ;:)~.~ :.i: t. ~,! ~luU'~,:: :d;,~ .: ~Li!.1

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FIltSl.:S~~~;.,1i; ~!~t:.~~:,...:'dj,(,SS,~:~5~;,I6A)

~*dj* J,S".ir ") .r~52 . l.LZ:::;-:r;:~r~e: *J* y.~' ~*J~.b* ~:}j r~:::;_:~

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'J""~E~ny~~Jtj\9aq:ij~~.iP.g~UAni~n,:;, ~.)':':- - r~lL"!

::i: -."

Democratic Party of Kenya.

National Development Party,

Ford-rs~?y,\..,-.'..., . " 'f: '-', ..< .

Sociar'Ueh1Qcf.ltic Party','" :',.::~.-t:;- ','

Shirikisha.p'arty of Kenya, - ,.'" .

Kenya S()~ial Con~n:ss,

Ford~Pebpre.i~.A~i;.jj *'f"!* J:: ~r,' .

Fonf-AsUi/"...: .

Safina. \

N on- P;~~@~~R~~ J~OIJt~~j;l.?~r,tt,~s..

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PART"B

Religious Organisations

Kenya Episcopal Conference.
National Council of Churches of Kenya.
Evangelical Fellowship of Kenya.
Anglican Chur~b~{)f Kenya. -: ;,', *1;'"*
Methodist Church of Kenya, .
Church of God:in East.M-rica...(. Lj~~ .
Seventh Day A:4.venas.t.tJ!:l. :..:.' .',":;:~
Supreme Council of Kenya Muslims. ~':..,'I ;,.1:' - ; .-" :.-~*C*..~.*"*
Musli.m..:Qon$ul~a~.CoonciL " "
Hindu Council 0.(Kenya..~:" :" ,;-ء . ,,.

PART C

OrganisaJions

Keny'ti~.w~~~~!P~H~ical.C~l!GU~..;; .~
Maendeleo Ya Wanawake.
'i!.'~:"; ,; ~~ue of Jlf:e:nya WQme~Yoter~., ,
, - ' .;'..';. CoI1~~~p:!~iv.e ,.c:.ef,l~re fo~:.pende.r ~a.ad. Devel'?P~nl :
.","' ~*r*~ Keny.~ :W~~~ ~9d Orphans Ass9Ci~tion. ,
; ,,'. .'-. .I:l~~r~ti(inu?f W-O~~n}'...~",,:y~rs(Kenya Chapt~).
'!,.;;i <:c;,:,N~ti~~1 *Cgur:,cil* of YVo~~n£q;~nya. ,."C
~,.', " ',"' -M:u~f!I..~~ylt~tive fRuB~i1 (Sis~~rs.t~e~p,rk).

PART. D

Civil Society

Central Organization:qf)rraQ~ :l:Jnions.
Kenya National Union of Teachers.
Law Society of Kenya.
Assoc!arioq,9f Pro.f~ssionaJ. ~oc;ie[jes of East Africa.
International Commi!s.j~~ pf.1.ur4~~{~enya Chapter).
Kenya Human RightS Commission.
Kenya Medical Association.
Kenya Narional Association of the Deaf.

United Disabled Persons of Kenya.
Kenya Society for the Disabred.
Kenya Alliance for Advancemem of Children.
Kenya National Srodenu"Uniom . ',:,1 :..>~"\
Kenya National Youth Alliance.
Kenya Law' Srudents Society. :;'.. ,:!~,',
Media Instirute.
Kenya National Farmers UnioJ1;,; -~, ':,:~ .....,',ii'J : h~W"'ii;,t, .~
Kenya National Federation of Co.:operativeg;'
Federation of Kenya Employers,. < .;,(:11 ,!";':::I:",
Kenya A9sociatioo of ManufactUrers. '/:;.f f.C, :..~~E"j 1':.1 ';:"];.'"-'
National Chamber of Commerce: afl(t;Industty~ 4':C i~f':,', ~ Kenya Pastoralist Forum:." -..:" :',:':~'; "'j ~;':'"J'») '~n::;,:":;~ National Council of Non-Govermnencat:Ortg~DrzauonS~l.; ,t,1
Citizens Coalition for Constitutiona1.Change! (4Cs.Y,:\ ; 1.1' r1 , ;-:
National Convention Executive CounciL
Association of Local Government Authorities of Kenya.

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- , SEeOmrscmrnmj; (s.8)

OATH OFFICE OF'A Cdl'VmnSSIONER:~:; ~~

I ' '!-:~!. " / :~::ltL // ~~ I ~~~~ :,l1t:; :"..... ~ ~ ..... d appOInte a commissioner unaei,'me 'eonscittitio'rf ofKeriya RevteWCoIrirmsSicrr' Act, 1997 do solerrmly 9wear that I wilff::iithfully-:and" fufl~ nnpai:tiaf,yjlDidrter jhe besr of my ability discharge the: tius't and:perform tl1e:nmCtionJ and"a'iiCiSe the powers devolving upon me by virtue of i!:iid appoii:itnie~t- without: ieaf,Lf:i~our, bias, affection, ill-will or prejudil:e-=ahd' tii'ti1e end-tHat in 'tfrd:~i:rcise:ortftb functions
and powers as- such commissioner I shall not be influenced by any political party religious society or other '-organisation or person which may have nominated me for appointmem. So help me God.

COl\ifi\.-fiSSIONER' j'.':, '-"

.' :. '..;; , ' '~",W€HIBiI JUSTICE: ::;!' j !;,';"',';;i?:-j;;lf

" 'SOLEl\1N AFFIRMA nON OF A COMMISSIONER

I ...,.....', .,... """" ....,. ..... being appointed a commissioner under the Constitution *of* Kenya Review Commission Act, i997 'do solemnly -declare and affirm' that I will faIthfully and fully, impartially and tb .ehe best -of my ability dis2Qarge the' truSt and perform: the functions and exercise the powers" devolving lipoii';me by virtue *of* this" appointment without fe'ar, 'faVour, bias,-affectii:m;'in:.Vi1H:Or prejudice and to the 'end that in'ttie"&ercise'of 'the functions ana po'weB as Siich'~6'iriIriissioner F~ha1i not be influenced by illy po1itica~' ,party;li:r~1igious "sGCie!9 ~:bi'rother orj~miis'3.tion: *or* pers6n1iwhich riiiy nive-riormnaied me:foI"8,ppomtmenl: r',,~'" :~;: ":~ ;..r~ *i~~*

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00Ml\USSIONER

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CHIEF JUSTICE

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OATH OF OFFICE OF THE SECRETARY OR A DEPUTY SECRETARY

r1? ;fl~~. ~..... ~ ,'..~.;

I . . . . . , , ... , . " . . . . . , - . - . . . . . being appointed., the 'secretary/~ deputy 'se:er.etary W1der the !Constitution. of ~Kenya Revieyr ,Commission Act, .1997. do 'sol~J71I1ly ,~wear that. 1- will faithfully ~ and fully, impartially and to the 'best *of* my 'ability discharge the crust and perform the functions and exercise the powers devolving upon me by virtue *of* this appointment witJ?c;>ut fear, faYflur" bias, affection, ill~will or prejudice and to the end that in the exercise *of* the functions and powers as such secretary/deputy secretary I shall.not be influenced by any political, religious or other imeres,t, 'or by any"per~6h:;'So help :me' God. ,.'

.....-;, .. ¨..... ¨.. - - ....; ~.

SECRET ARY /DEPUTY SECRETARY

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c., ~ .' .. .. iii ....., ;, ... '...~..."'..... ";..... ,,.'"

CHIEF JUSTIC;E:"".,:,

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SOLEl\1N .AqFIRlVIATION OIf. THE SECJU;TARY AN]} A DEPUTY SECRETARY

L ,-"""" '.~:.,,!.,.. ,'. f'....., ,.."" ...., ... ,.....

SECRETARY/DEPUTY

SECRETARY

CHIEF JUSTIC~

TIDRDSCHEDULE

{.s.SA}

~':€ODE OF CO~UCT FOR l\'fEl\imERS'OF 'raE. COMMJSSION;.

~DISTRICT FORUMSJ THE NATIONAb FORU1\tJ AN» STAFF OP

1. (1)

: E~ery"~ember of the Co~iniS"~iori.'a '6i~tiict Fo~m ~r tfie

National Forum shall serve 'impartially "and i.qdependimrly aJ;I.d perfonn rhe functions of his oftic.~ ~. go'~d"'faith '~nd wi!b.out'fear, favQur on prejudic.~.'":"~'- :,;":' - ~ ".

2. (1)

No member *of* the CQ~ssiori, a District Forum or th~'. Narional Forum shaH, dV-dng tenure of o.f:fice, be eligible for appointment 'or nominiuion to'any~political office.

(2) No member of the Commission, a District Forum or the National Forum may

(a) by his or her membership, association, statement, conduct or in any other manner jeopardize the perceived independence of the member, or in any other manner prejudice the credibility, impartiality, independence or integrity of the Commission, the District Forum or the National Forum;

(b) make private use of or profit from any confidential information gained as a result of being a member of the Commission the District Forum or the National Forum.

Disclosure of Conflicting Interests

3. If a member of the Commission is directly or indirectly interested in any contract, proposed contracI or other matter before the Commission, such member shall disclose the fact and shall not take part in the consideration or discussion of, or vote on, any question with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter.

4. This Code shall apply with necessary modifications to the staff of the Commission.