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THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT

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SNA
8/10/2020

(FOURTH SESSION)

NA. L&P.2020/COMM (78)

October 08, 2020

PAPER LAID

Hon. Speaker, I beg to lay the following **Paper** on the Table of the House, today
Thursday, October 08, 2020 (Afternoon Sitting): -

**REPORT OF THE CONSTITUTIONAL IMPLEMENTATION
OVERSIGHT COMMITTEE ON ITS CONSIDERATION OF THE
CONSTITUTION OF KENYA (AMENDMENT)(No.5) BILL (NATIONAL
ASSEMBLY BILL NO. 67 OF 2019)**

**(CHAIRPERSON, CONSTITUTIONAL IMPLEMENTATION
OVERSIGHT COMMITTEE)**

Copies to: -
The Speaker
Deputy Speaker
The Leader of the Majority Party
The Leader of the Minority Party
The Clerk
Hansard Editor
Hansard Reporters
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THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 08 OCT 2020	DAY: Thurs
TABLED BY:	Chair CIOC Hon. Jeremiah Kioni
CLERK AT THE TABLE:	Miriam Mado

Approved for tabling.

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SNA
8/10/2020

PARLIAMENT OF KENYA




THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT-FOURTH SESSION

THE CONSTITUTIONAL IMPLEMENTATION OVERSIGHT
COMMITTEE

REPORT ON THE CONSIDERATION OF THE CONSTITUTION OF
KENYA (NO.5) (AMENDMENT) BILL, (NATIONAL ASSEMBLY
BILLS NO 67), 2019

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE:	08 OCT 2020
	DAY: THURS
TABLED BY:	Chairperson, CIDC, Hon. Jeremiah Kibwi
CLERK-AT THE TABLE:	Mado Miniam

Directorate of Committee Services
The National Assembly
Parliament Buildings
NAIROBI

OCTOBER, 2020

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LIST OF ANNEXTURES

Annexure 1: Copy of newspaper advert inviting the public to submit written memorandum on the Bill and notifying public of public hearings in eight (8) counties.

Annexure 2: Signed list of the Members who attended the sitting that considered and adopted the report on the Bill.

Annexure 3: Minutes of the Committee sitting on consideration of the Bill and adoption of the Report.

Annexure 4: Written submissions received from stakeholders

Annexure 5: List of members of the public who attended the public hearings

CHAIRPERSON'S FOREWORD

The Constitution of Kenya (Amendment) (No.5) Bill,(National Assembly Bills No. 67) of 2019 is a Bill prepared and sponsored by the Constitutional Implementation Oversight Committee (CIOC) through its Chairman, Hon. Jeremiah Kioni, M.P.

The Bill was published in the Kenya Gazette on 18th September, 2019 as (National Assembly Bills No. 67 of 2019). It was introduced in the National Assembly through First Reading on 20th November, 2019 and was subsequently committed to the CIOC for consideration, facilitation of public participation and reporting to the House, pursuant to provisions of Standing Order 127(6).

Pursuant to the provisions of Article 118 of the Constitution of Kenya and Standing Order 127 (3) of the National Assembly Standing Orders, the Committee through an advertisement in the local daily newspaper of 9th March, 2020 (annex 1), invited the public to make representations and submissions on the Bill and also notified the public of its program to carry out public hearings on the Bill in eight (8) Counties. The Committee however managed to conduct public hearings in four (4) counties only as thereafter public gatherings were banned as a result of the Covid 19 pandemic outbreak where it received diverse views from members of the public.

The Committee further held meetings with various stakeholders where submissions were received and the presentations considered before adoption of this report.

In total, the Committee held a total of five (5) sittings to consider the Bill, four (4) while hearing members of the public and two (2) in-house to hear oral submissions and consider the memoranda from stakeholders and adopt this report.

The Committee conducted public hearings in the following counties to collect their views on the Bill:

- a) Kakamega;
- b) Kisumu;
- c) Nyeri;
- d) Nakuru.

May I take this opportunity to thank all Members of the Committee for their input and invaluable contributions during the stakeholder hearings on the Constitution of Kenya (No.5) (Amendment) Bill, (National Assembly Bills No. 67), 2019. The Committee also takes this opportunity to thank the office of the Speaker and that of the Clerk of the National Assembly for the logistical support accorded to the Committee during the exercise.

On behalf of the Constitutional Implementation Oversight Committee (CIOC) and pursuant to provisions of Standing Order 199(6), it is my pleasant privilege and duty to present to the House the Report of the Committee on its consideration of the Constitution of Kenya (No.5) (Amendment) Bill, 2019

A handwritten signature in black ink, appearing to read 'Jeremiah Kioni', is written over a large, dark, scribbled-out area that obscures the printed name and title below it.

Hon. Jeremiah Kioni, M.P.

**CHAIRPERSON, CONSTITUTIONAL IMPLEMENTATION OVERSIGHT
COMMITTEE**

CHAPTER 1

1.0 PREFACE

1.1 Establishment and Mandate

1. The Constitutional Implementation Oversight Committee (CIOC) is a National Assembly Select Committee constituted under Section 4 of the Sixth Schedule to the Constitution of Kenya. The Committee is responsible for overseeing the implementation of the Constitution and among other things-

- i. Receive regular reports from the Commission on the Implementation of the Constitution (CIC) on the implementation of the Constitution of Kenya, 2010 including reports concerning: -
 - (a) the preparation of the legislation required by the Constitution and any challenges in that regard;
 - (b) the process of establishing the new commissions;
 - (c) The process of establishing the infrastructure necessary for the proper operation of each county including progress on locating offices and assemblies and establishment and transfers of staff.
 - (d) The devolution of powers and functions to the counties under the legislation contemplated in section 15 of the sixth Schedule; and
 - (e) Any impediments to the process of implementing this Constitution.
- ii. Coordinate with the Attorney-General, the Commission on the Implementation of the Constitution and relevant Parliamentary committees to ensure the timely introduction and passage of the legislation required by the Constitution; and
- iii. Take appropriate action on the reports including addressing any problems in the implementation of the Constitution.

1.2 Committee Membership

2. The Committee was constituted in December, 2017 and consists of the following Members:

Hon. Jeremiah Kioni, M.P (**Chairperson**)
Ndaragwa Constituency
Jubilee Party

Hon. George Opondo Kaluma, M.P. (**Vice Chairperson**)
Homabay Town Constituency
Orange Democratic Movement Party

Hon. (Dr.) Naomi Shaban, MP
Taveta Constituency
Jubilee Party

Hon. Yusuf Hassan, MP
Kamukunji Constituency
Jubilee Party

Hon. Raphael B.S. Wanjala, MP
Budalangi Constituency
Orange Democratic Movement Party

Hon. Dr. Christine Ombaka, MP
Siaya County
Orange Democratic Movement Party

Hon. Charles Gimose, MP
Hamisi Constituency
FORD Kenya Party

Hon. Tom J. Kajwang, MP
Ruaraka Constituency
Orange Democratic Movement Party

Hon. Purity Ngirici, MP
Kirinyaga County
Jubilee Party

Hon. Peris Tobiko, MP
Kajiado East Constituency
Jubilee Party

Hon. Anthony Oluoch, MP
Mathare Constituency
Orange Democratic Movement Party

Hon. Joash Nyamoko, M.P.
North Mugirango Constituency
Jubilee Party

Hon. Bernard Okoth, M.P.
Kibra Constituency

Orange Democratic Movement Party

Hon. Abdi Shurie, MP
Balambala County
Jubilee Party

Hon. (Col.) Geoffrey King'ang'i, MP
Mbeere South Constituency
Jubilee Party

Hon. Simon Ng'ang'a King'ara, MP
Ruiru Constituency
Jubilee Party

Hon. Catherine Wambilianga, M.P.
Bungoma County
FORD Kenya Party

Hon. Moses Kirima, MP
Central Imenti Constituency
Jubilee Party

Hon. Daniel Rono, M.P.
Keiyo South Constituency
Jubilee Party

Hon. Didmus Wekesa Barasa, MP
Kimilili Constituency
Jubilee Party

Hon. Japheth Mutai, MP
Bureti Constituency
Jubilee Party

Hon. Fabian Muli, MP
Kangundo Constituency
Muungano Party

Hon. Halima Mucheke, M.P.
Nominated Member
Jubilee Party

1.3 Committee Secretariat

3. The Committee's secretariat comprises of the following officers:-

1.	Mr. Edward Libendi	Senior Legal Counsel & Clerk of the Committee
2.	Ms. Mary Luka Lemerelle	Clerk Assistant III
3.	Ms. Christine Odhiambo	Legal Counsel I
4.	Mr. Vitus Oketch	Research Officer III
5.	Mr. Allan Gituku	Sergeant-At-Arms

1.4 Adoption of the Committee Report

4. We, the Members of the Constitutional Implementation Oversight Committee have, pursuant to Standing Order 199, adopted this report and affix our signatures to affirm our approval and confirm its accuracy, validity and authenticity as per the attached list (Annexure 2).

CHAPTER 2

2.0 INTRODUCTION AND BACKGROUND

6. The Constitutional Implementation Oversight Committee is mandated by section 4 of the sixth schedule to prepare any legislation required to implement the Constitution and address any impediments to the process of implementation of the Constitution of Kenya.
7. The Committee in the execution of its mandate noted that after every general election in Kenya, there usually is a lot of fragmentation of the country with people divided along ethnic and political party lines violating the national values and principles of governance among them national unity and inclusiveness contained in Article 10 of the Constitution.
8. The Committee observed that the Constitution of Kenya provided for a winner takes it all set-up where a presidential candidate who won at a general election and became President assumed all instruments of power and governance while the candidate who lost was not availed any formal platform to express their views or contribute to the governance of the country even though such candidate could have garnered the support of approximately 40% or more of the voting population in the country. The Committee was of the opinion therefore that such candidates and those who voted for them felt left out of governance of the country resulting in some sections of the country feeling not part of the government and the occasional calls for secession from Kenya.
9. The Committee recounted the incidents that followed the general elections of 2007, 2013 and 2017 where after the elections the country was greatly divided posing a threat to the

economy and social fabric of society. In a bid to address the concern, the Committee considered it proper to introduce an amendment to the Constitution of Kenya to allow the persons who had contested in the general elections as presidential and deputy presidential candidate to be included in the party list for nominations to Parliament as first and second in the list respectively. This would ensure that the candidates are nominated to Parliament and are given a platform to contribute to the governance of the country akin to opposition leaders in the old Constitution, hence making the people who supported such candidates feel included in governance and ensuring the country remains united after a general election.

10. The Committee therefore drafted the Constitution of Kenya (Amendment) (No. 5) Bill, 2019 as a Committee Bill sponsored through its Chairman, Hon. Jeremiah Kioni, M.P. The Bill was published in the Kenya Gazette on 18th September, 2019 as (National Assembly Bills No. 67 of 2019). The Bill was introduced in the National Assembly through First Reading on 20th November, 2019 and was subsequently committed to the CIOC for consideration, facilitation of public participation and reporting to the House, pursuant to provisions of Standing Order 127(6).

CHAPTER 3

3.0 HIGHLIGHTS OF THE CONSTITUTION OF KENYA (AMENDMENT) (NO. 5) BILL, 2019

11. The Bill proposes an amendment to Article 90 of the Constitution which addresses the criteria to be followed by political parties in nominating candidates to the Senate, National Assembly and County Assemblies. Article 90 states as follows:

90 (1) *“Elections for the seats in Parliament provided for under Articles 97(1) (c) and 98 (1) (b), (c) and (d), and for the members of county assemblies under Article 177 (1) (b) and (c), shall be on the basis of proportional representation by use of party lists”.*

90 (2) *“The Independent Electoral and Boundaries Commission shall be responsible for the conduct and supervision of elections for seats provided for under clause (1) and shall ensure that-*

- (a) each political party participating in a general election nominates and submits a list of all the persons who would stand elected if the party were to be entitled to all the seats provided for under clause (1), within the time prescribed by national legislation;*
- (b) except in the case of the seats provided for under Article 98(1) (b), each party list comprises the appropriate number of qualified candidates and alternates between male and female candidates in the priority in which they are listed; and*

(c) *except in the case of county assembly seats, each party list reflects the regional and ethnic diversity of the people of Kenya*".

90 (3) *"The seats referred to in clause (1) shall be allocated to political parties in proportion to the total number of seats won by candidates of the political party at the general election"*.

12. The Bill proposes an amendment to Article 90 (2) of the Constitution of Kenya as follows:

a) *In paragraph (a) by deleting the words "all the persons who would stand elected if the party were to be entitled to all seats provided for" and substituting therefor the words "its candidates for election",*

b) *By deleting paragraph (b) and substituting therefor the following new paragraph-*
"(b) except in the case of seats provided for under Article 98 (1) (b), each party list comprises-

(i) a candidate nominated for election as president or deputy president who shall be the first and second respectively in the party list; and

(ii) the appropriate number of qualified candidates and alternates between male and female candidates in the priority in which they are listed.

13. The import of the above proposals is to amend Article 90 of the Constitution in order to make provision for political parties participating in presidential elections to include in the nomination list to the National Assembly or the Senate and in priority order, the presidential and deputy presidential candidates so that if the political party meets the

required threshold to nominate some candidates, the presidential and deputy presidential candidates are nominated first.

14. The proposed amendment to the Constitution is intended to implement Article 10 of the Constitution to bring into effect the national values and principles of governance specifically those of national unity, participation of the people and inclusiveness. In the current electoral regime, presidential candidates who lose at a general election are not allowed to be nominated to either the National Assembly or the Senate.
15. This is because apart from the Constitution requiring the party lists to be submitted to the Independent Electoral and Boundaries Commission before a general election and alternating between male and female in order of priority, the Elections Act, 2011 prevents political parties from including in the nomination lists names of persons who have been nominated to participate as candidates in the general elections. This Bill therefore addresses that mischief and allows the presidential and deputy presidential candidates to be included in the nomination party list.

CHAPTER 4

4.0 PUBLIC PARTICIPATION IN CONSIDERATION OF THE BILL

16. Article 256 of the Constitution provides as follows:-

(1) (c) *“A Bill to amend this Constitution shall not be called for second reading in either House within ninety days after the first reading of the Bill in that House”.*

(2) *Parliament shall publicize any Bill to amend this Constitution, and facilitate public discussion about the Bill.*

This ninety day period is to allow for Parliament to publicize the Bill and allow members of the public to submit their comments on the Bill before bringing it back to either House of Parliament for second reading.

17. Article 118 (1) (b) of the Constitution of Kenya provides as follows-

“Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees”.

18. Standing Order 127(3) as read together with Standing Order 127 (6)(a) requires the Select Committee to which a Bill is committed to facilitate public participation and in so doing to take into account the views and recommendations of the public when the Committee makes its report to the House.

19. In line with the Constitution and Standing Orders, the Constitutional Implementation oversight Committee, in the local daily newspapers of 9th March, 2020, invited the public

to make submissions on the Bill and also notified the public of its intention to hold public hearings on the Bill in 8 counties in the country (*see annexure I*).

20. In order to facilitate comprehensive public hearings within the limited amount of time available, the Members of the Committee resolved to constitute sub- committees to engage the public in the various counties.

21. The Committee resolved and undertook public hearings on the Bill in the following counties:

(i) Nyeri,

(iii)Kakamega,

(ii) Nakuru,

(iv)Kisumu,

22. During the hearings, members of the public either individually or representing institutions and organizations made oral presentations and/ or submitted memoranda which the Committee took into account while considering the Bill.

23. A comprehensive list of members of the public who attended the public hearings in the various counties is attached to this report as annexure 5.

4.1 ORAL SUBMISSIONS BY MEMBERS OF THE PUBLIC

24. There was overwhelming support for the Bill by members of the public in the public hearings conducted in the four counties of Nyeri, Nakuru, Kakamega and Kisumu.

25. Majority of the people who spoke observed that there was a general decline in the economic growth of the country during every election cycle which arose mainly as a result of an uncertain business

climate influenced by the dissatisfaction by the presidential candidate who had not won in the general elections which was largely caused by the fact that once a person does not win the elections, then the person and the people who supported him are left out of government.

26. The members of the public therefore supported the amendment Bill stating that nominating a presidential and deputy presidential candidate who did not win at a general election would ensure national unity and inclusiveness is realized in addition to ensuring that the government of the day is kept in check, hence good governance and transparency by those in power.

27. The following indicates in summary the comments and proposals received by the Committee from members of the public in the four counties mentioned above which the Committee considered to be a reflection of the views of a majority of Kenyans:

(i) That by nominating the candidate who emerged runners up in the presidential elections together with his deputy, the role of opposition in Parliament would be strengthened since such persons would offer the necessary alternative leadership and voice on various national issues including ensuring effective oversight over the executive. Such persons would occupy the position currently occupied by the Leader of Minority in the two Houses of Parliament.

(ii) That the amendment was timely because the past three general elections had indicated that Kenyans including the players at the elections lacked trust in the institutions charged with conducting elections and the courts which hear disputes arising from elections hence resorted to violent means to show their displeasure with the election results.

(iii) That the Constitution be amended to allow for an electoral system where the citizens vote for the Members of Parliament who thereafter elect the President akin to what happens in a parliamentary system of government in order to avoid divisive presidential elections;

- (iv) That the constitutional amendment apart from ensuring the presidential and deputy presidential candidates are nominated, should also cater for gender balance and the persons with disabilities.
- (v) That the nominations should also be extended to the County gubernatorial candidates because the County gubernatorial candidates, just like the presidential candidates, possess leadership skills and therefore their inclusion is key for governance in the County Government in addition to ensuring effective oversight over the county government leadership.

28. The Committee also invited certain specific institutional stakeholders it considered important in the electoral process to send written submissions on the Bill, which they honored by presenting written memoranda. The written submissions received are attached to this report as annexure 4. The organizations which submitted memorandum included the following:

- a) The Kenya Law Reform Commission (KLRC);
- b) The Independent Electoral and Boundaries Commission (IEBC);
- c) The Office of the Registrar of Political Parties (ORPP);
- d) The National Gender and Equality Commission (NGEC);
- e) The Commission on Administrative Justice (CAJ);
- f) The Kenya National Commission on Human Rights (KNCHR).
- g) The Political Parties Liaison Committee (PPLC);
- h) The Law Society of Kenya (LSK);
- i) The Centre for Multiparty Democracy (CMD); and

29. Below is an analysis of the views received from the various stakeholders who submitted written memoranda on the Bill:

ANALYSIS OF STAKEHOLDER SUBMISSIONS ON THE CONSTITUTION OF KENYA
(AMENDMENT) (NO.5) BILL, 2019

Clause	Stakeholder	Proposed Amendment	Justification	Analysis
1	Office of the Registrar of Political Parties	Replace 2019 with 2020	Proper citation	The Bill was published in the year 2019 therefore its citation must reflect the year of publication.
2	Kenya Law Reform Commission	<ul style="list-style-type: none"> • Conflicts with Article 148(1) and (2) • The proposed amendment makes it a constitutional requirement that the candidates for President and Deputy President must be of the opposite gender. 	Change Article 148(2) to avoid conflicts	<p>Article 148 provides for the election of a Deputy President.</p> <p>Article 148(2) exempts the Deputy President candidate from having to be nominated by at least 2,000 voters from each of a majority of the counties.</p> <p>The proposed amendment seeks to prioritize the candidates nominated as President and Deputy President in the party lists.</p> <p>The proposed amendment therefore does not conflict with the provisions of Article 148.</p>
	Independent Electoral and Boundaries Commission	<ul style="list-style-type: none"> • Provide clarity whether voters can choose to vote for a single individual or for the complete list • State whether the list 	To ensure equity in representation	Section 35 of the Elections Act provides that a political party shall submit its party list to the Commission at least forty-five days before the date

		is to be submitted before or after a general election		of the general election The elections referred to in this Article is in respect of nomination for party list positions by the political parties.
		<ul style="list-style-type: none"> • Review Article 97(1)(c) • Review provisions of the Elections Act • Add provision importing similar amendments for the Senate, National Assembly and County 	The proposed amendment conflicts with Article 97(1)(c)	Article 90 provides for the allocation of party list seats in respects of the National Assembly, Senate and the county assemblies. There is therefore no conflict The Bill will necessitate the amendment of section 34(9) of the Elections Act which provides that the party list shall not contain a name of a candidate nominated for an election.
	Office of the Registrar of Political Parties	<ul style="list-style-type: none"> • Provide that a political party participating in a general election exercises the right to nominate and submit its candidates for elections for electoral areas where they have fielded candidates • Qualify the clause to gender 	<ul style="list-style-type: none"> • To ensure that parties are not forced to submit lists in areas where they have no candidates • To allow for democracy 	The current Article 90(2)(b) of the Constitution, as well as the proposed new Article 90(2)(b)(ii), both provide for the alternate of male and female candidates in the party lists and requires the nomination list to be submitted before the general election. Hence it

	<ul style="list-style-type: none"> • Provide that the Presidential and Deputy Presidential candidates should not be on all lists of Parliament but a particular list • The party lists should remain closed; submitted to the commission before elections 		does not affect the current Bill.
Political Parties Liaison Committee	<ul style="list-style-type: none"> • Provide similar amendments to cater for the nomination of Governors and Deputy Governors in the county assemblies 	To enhance unity and strengthen devolution	The proposal would require an amendment to include candidates nominated for election as governor or deputy governor in each constituency
Kenya National Commission on Human Rights (KNCHR)	<ul style="list-style-type: none"> • Delete (abandon the Bill in its entirety) 	The Bill limits the chances for other special interest groups like women and persons with disabilities from making it to Parliament and therefore goes against the spirit of the Constitution.	This should be left to the House to determine
Commission on Administrative Justice (CAJ)	<ul style="list-style-type: none"> • The Commission supported the proposed amendment in totality 	That the presidential and deputy presidential candidates be given positions in the National Assembly and Senate so as to	

			champion the candidates agenda in Parliament.	
	National Gender and Equality Commission (NGEC)	<ul style="list-style-type: none"> The Commission submitted that the amendments should not be allowed to pass 	That Article 10 should not be applied in a manner that takes away or reverses affirmative action gains of special interest groups that are enumerated in Article 100.	This should be left to Parliament to determine.
	National Treasury	<ul style="list-style-type: none"> It did not support the passage of the Bill. 	That the proposed amendments may lead to a referendum which may not be possible to fund owing to the tight fiscal framework within the FY 2020/21 especially with the COVID 19 pandemic.	This should be left to Parliament to determine

CHAPTER 5

5.0 COMMITTEE RECOMMENDATIONS

30. The Committee having considered the Bill, the submissions and recommendations of specific stakeholders and members of the public, recommends that the Bill be passed by the House without any amendments.



HON. JEREMIAH KIONI, MP

Chairperson of the Constitutional Implementation Oversight Committee

Annexure 1:

Copy of newspaper advert inviting the public to submit written memorandum on the Bill.

Human rights. Entities want gun control laws mooted

Tame killer cops, human rights bodies demand

Activists narrate to Senate how youth in slums are unlawfully executed by police and their families asked to pay for bullets.

By Rawlings Otieno
rotieno@standardmedia.co.ke

Human rights bodies have demanded that the government takes action on police involved in extra-judicial killings.

Appearing before the Senate's Justice, Legal Affairs and Human Rights Committee last week, the rights defenders said they wanted regulations for gun control among police officers mooted.

Some of the entities that appeared before the committee are Amnesty International, Haki Africa, Independent Policing Oversight Authority (Ipoa), Missing Voices, Social Justice Centres Working Group, Defenders Coalition and the Independent Media Legal Unit (Imlu).

While making their submissions, the human rights bodies narrated how police killed innocent civilians and proceeded to demand money from the victim's families to pay for bullets used.

"Some families are forced to pay for the bullets that were used to kill their kin," Wilfred Olal, a human rights activist, said.

"They tell you seven bullets were used and they ask you to pay Sh3,000 for every bullet. You are also asked to pay for postmortem," he added.

Mr Olal explained how every day police move around slums arresting as many as 100 young men, who are stashed into trunks, after which families never trace them.

Defenders Coalition Director Francis Ndegwa explained how extra-judicial killings were common during electioneering periods.

"This is a continuous trend that is widely observed during elections in perceived opposition strongholds. We feel that if this is not addressed, police will continue killing innocent Kenyans," said Mr Ndegwa.

Amnesty International-Kenya Executive Director Irungu Houghton said forced disappearances continued to undermine the rule of law.

He asked Parliament to undertake a fact-finding mis-



Police beat boda boda operators in Kisumu during a protest. Rights lobbies want police brutality stopped. [Denish Ochieng, Standard]

tion in counties to establish how deeply extra-judicial killings are entrenched.

"Nairobi and the coastal counties witness the highest incidences of police brutality," Mr Houghton said.

"We ask the Inspector General of Police Hillary Mutiyambai to provide data on police killings and enforced disappearances in Kenya."

According to Missing Voice-

"Gun control regulations are not in place, and this creates a lacuna that leads to abuse of force and firearms."

Independent Policing Oversight Authority Chair Ann Makori

es, 107 people were reported missing in 2019 while in police hands.

Since the beginning of 2020, at least 14 people have been reported killed by police.

Haki Africa Executive Director Hussein Khalid accused police of hiding behind fighting drug trafficking to kill and torture.

"Last week we had two people shot in Tudor area of Mombasa. Two weeks earlier, a 17-year-old girl, who was seven months pregnant, died in police custody," said Mr Khalid.

Ipoa, a government agency charged with taming rogue officers, admitted that there were legal gaps that needed to be fixed if extrajudicial killings were to be ended.

Ipoa chairperson Ann Makori said there was need to form an independent oversight body to hold police who use guns wrongly to account. "Gun control regulations are not in place, and this creates a lacuna that leads to abuse of force and firearms," said Ms Makori.

Last month Nairobi Senator Johnson Sakaja made a statement in Parliament on arbitrary killings of innocent young Kenyans by police in the city.

"It is totally unacceptable for us to continue condoning the level of impunity that is being displayed by our police officers in broad daylight," said Mr Sakaja.

"The mission of our National Police Service is very clear, to provide professional and people-centred service through community partnerships."

In 2017, President Uhuru Kenyatta assented to the Prevention of Torture Act, and the National Coroners Service Act. The laws have criminalised all forms of torture and sought to establish an office to investigate all violent, sudden and suspicious deaths locally.

They are also meant to provide for forensic services to police through scene management.

Development

Nakuru clears road to city

Senators are set to review an application by Nakuru town to be elevated to a city.

Today, the Senate Committee on Devolution is expected to meet residents as part of the review process. In a notice issued by County Secretary Benjamin Njoroge, the county administration has asked residents to turn up for the meeting.

"Following the application of city status by the Municipal Board of Nakuru, you are invited to a consultative meeting for the

review of the application on Monday at the Old Town Hall," the notice read in part.

On February 20, Governor Lee Kinyanjui appeared before the committee and submitted a report that had compiled views from different players on the elevation.

Mr Kinyanjui said all was set for the town to be elevated, with numerous projects underway that will complement the coveted status.

"We have made huge steps

towards attaining city status since Nakuru was awarded the Municipal Charter," said Kinyanjui.

The cabinet approved the Urban Areas and Cities Amendment Bill, 2017 paving way for Nakuru and Eldoret towns to be elevated to cities.

Once the committee makes the review, it will table it in the Senate, which will be required to approve it. After that, the president can grant the town a city charter. [Kennedy Gachuhi]

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT - FOURTH SESSION

In the matter of consideration by the National Assembly of the Constitution of Kenya (Amendment) (No.5) Bill, (National Assembly Bill No. 67 of 2019)

NOTIFICATION FOR PUBLIC HEARINGS BY THE CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE (CIOC)

Article 118(1)(b) of the Constitution provides that, "Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees". Further, the National Assembly Standing Order 127(3) requires the Select Committee to which a Bill is committed to facilitate public participation and take into account the views and recommendations of the public when the Committee makes its report to the House.

The Constitution of Kenya (Amendment) (No.5) Bill, (National Assembly Bill No. 67 of 2019) seeks to amend Article 90 of the Constitution of Kenya in order to make provision for political parties to nominate to the National Assembly or the Senate, presidential and deputy presidential candidates and further to prioritize them in the party lists. Further, the Bill seeks to among others, implement Article 10 of the Constitution providing for national unity, participation of the people and inclusiveness in order to ensure the country remains united after general elections.

The above mentioned Bill has undergone First Reading pursuant to Standing Order 127 and is now committed to the Constitutional Implementation Oversight Committee for consideration and thereafter report to the House.

Pursuant to the provisions of Article 118(1)(b) of the Constitution and Standing Order 127(3), the Committee now invites interested members of the public to submit any representations that they may have on the said Bill. The representations may be made orally or by submission of written memoranda in the following manner:-

- (i) Written Memoranda may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi, hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi or emailed to clerk@parliament.go.ke, pbo@parliament.go.ke, to be received on or before Friday, 3rd April, 2020.
- (ii) Public Hearings shall be held in the following eight (8) counties as indicated below from 9.30 am. to 3.00 pm.

COUNTY	VENUE/TOWNS	DATE
1. Kakamega	Salvation Army Social Hall	Friday, 13 th March, 2020
2. Nyeri	ACK St Peter's Hall	Friday, 13 th March, 2020
3. Kisumu	New Nyanza Regional Headquarters	Saturday, 14 th March, 2020
4. Nakuru	Menengai Social Hall	Saturday, 14 th March, 2020
5. Machakos	Machakos Social Hall	Friday, 27 th March, 2020
6. Garissa	Garissa Library	Friday, 27 th March, 2020
7. Mombasa	Kenya School of Government Hall	Saturday, 28 th March, 2020
8. Nairobi	County Hall, Parliament Buildings	Saturday, 4 th April, 2020

Copy of the Bill may be downloaded from Parliamentary website: <http://www.parliament.go.ke/the-national-assembly/house-business/bills>

MICHAEL R. SIALAI, EBS
CLERK OF THE NATIONAL ASSEMBLY

Ruto staff to be questioned over Kenei's murder

Detectives to record statements from nine officials as DCI seeks to unravel mystery behind officer's death

By Zaddock Angira
@PeopleDailyKe

Homicide detectives from Directorate of Criminal Investigations (DCI) will record statements from nine officials in the office of the Deputy President over the death of Sergeant Arnold Kipyegon Kenei. The first part of the probe is to establish whether the officer committed suicide or was killed and now focus is on establishing the motive of the killing and the people involved.

On Thursday last week, the DCI boss George Kinoti revealed that it was murder, not suicide as had earlier been reported, and claimed Kenei was killed in a stage-managed scene by professional killers who embarked on a massive cover-up frustrating the efforts of the detectives to investigate the death.

DP William Ruto on Saturday, while attending Kenei's funeral concurred with the DCI officer was murdered but did the death was aimed at undermining his office for political reasons.

"I am aware there is a huge theme to demean and destroy my office. That I know and it is rather obvious," Ruto said. "Detectives are piecing together evidence to establish if officials to be grilled and specific areas they are to address."

Kinoti, and the head of Homicide unit Martin Nyuguto, who have been accused of bias, have however refused to comment on the status of the probe, only saying they would do that with time.

Arms tender
Both the DCI and Ruto have insinuated that Kenei's death was as a result of the fake Sh39 billion arms tender.

Four suspects, including former Sports Cabinet Secretary Rashid Echesa have been charged over the fraud. Latest reports from the DP's office indicate it had a lot of information regarding the death and the fake tender, however, not clear if Ruto would be willing to record his statement with an office he has



MURDER MYSTERY

DCI boss George Kinoti revealed that Kenei was murdered, and not suicide as earlier reported.

Sleuths will now focus on establishing the motive of the killing and the people involved.

already accused of not being impartial in conducting investigations.

Former Director of Public Prosecutions Philip Murgor, said yesterday: "The ODPP or the IG of Police can appoint a new and independent team to investigate the matter"

Political reasons

While Kinoti says the motive of the murder was simply to "safeguard, protect, insulate the source from the adverse involvement and attendance consequences using the country military procurement process in the most deceitful and fraudulent manner", DP Ruto maintained that he was the target.

"The DCI has been mobilised, for political reasons, to discredit and destroy my office with all manner nonsense and to bring me down. Those in this scheme are boasting that I will not be there soon. Since the system cannot elect anybody, they can only kill," he said.

Detectives have said the involvement of Kenei in the complex activities of February

Judy Chepsoi breaks down while eulogising her husband, Sergeant Kipyegon Kenei, on Saturday at Chamasis area, Solai Nakuru county. PD/ROY LUMBE

13 at Harambee House Annex, clearly showed he didn't have a chance.

"It is evident that throughout he was receiving instructions or orders or directions from a certain source," Kinoti said.

DCI Kinoti had accused the DP's office of frustrating the investigations in the initial stages by, for example, denying the detectives access to the server and only giving 'edited' footage.

The footage released, according to the detectives, did not capture the movement of the deceased officer and one of the suspects in the case, Daniel Omondi alias 'General Juma'.

DP Ruto has accused the media and DCI of participating in what he has termed as a "criminal cover-up" of the murder.

Ruto demanded clear answers on how the police officer who was attached to his office was murdered.

"The truth must be found on why, how and who killed Sgt Kenei. The family, ODP, Kenyans want the truth & justice and culprits held to account."

"The drama, distortions, convenient half-truths and the smear campaigns in sponsored headlines amounts to criminal cover up," Ruto tweeted.

Kagwe links shortage of blood to cartels, asks DCI to investigate

by Alvin Mwangi
@PeopleDailyKe

Health Cabinet Secretary Mutahi Kagwe has written to the Director of Criminal Investigations George Kinoti to investigate cartels he claims are responsible for the shortage of blood in the country.

He said the cartels have been engaging in blood trade within and outside the country for selfish gain.

"The Ministry is aware that there are criminal elements both within the Ministry of Health, who are colluding with outsiders to escalate the problems pertaining to blood countrywide," said Kagwe in a

statement to the press. However, the CS said the government had put in place measures to ensure the problem of blood shortage is solved.


"To this end, I have called for a stakeholders meeting that will bring together development partners on issues pertaining to blood as well as academicians and other specialists in the field," he said.

At the same time, the ministry started a blood donation drive on Saturday aimed at boosting the country's blood bank. The campaign was launched at Landi Mawe in Eastlands and will be followed by other similar exercises.



"The Ministry welcomes all partners and well-wishers to collaborate and support blood donation in the country within the laid down protocols. The safety and quality of the blood products is our major priority and this cannot be compromised at all costs even in times of challenges," said Kagwe.

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT - FOURTH SESSION

In the matter of consideration by the National Assembly of the Constitution of Kenya (Amendment) (No.5) Bill, (National Assembly Bill No. 67 of 2019)

NOTIFICATION FOR PUBLIC HEARINGS BY THE CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE (CIOC)

Article 118(1)(b) of the Constitution provides that, "Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees". Further, the National Assembly Standing Order 127(3) requires the Select Committee to which a Bill is committed to facilitate public participation and take into account the views and recommendations of the public when the Committee makes its report to the House.

The Constitution of Kenya (Amendment) (No.5) Bill, (National Assembly Bill No. 67 of 2019) seeks to amend Article 90 of the Constitution of Kenya in order to make provision for political parties to nominate to the National Assembly of the Senate, presidential and deputy presidential candidates and further to prioritize them in the party lists. Further, the Bill seeks to among others, implement Article 10 of the Constitution providing for national unity, participation of the people and inclusiveness in order to ensure the country remains united after general elections.

The above mentioned Bill has undergone First Reading pursuant to Standing Order 127 and is now committed to the Constitutional Implementation Oversight Committee for consideration and thereafter report to the House.

Pursuant to the provisions of Article 118(1)(b) of the Constitution and Standing Order 127(3), the Committee now invites interested members of the public to submit any representations that they may have on the said Bill. The representations may be made orally or by submission of written memoranda in the following manner:-

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MICHAEL R. SIALA, EBS
CLERK OF THE NATIONAL ASSEMBLY

Annexure 2:

Signed list of the Members who attended the sitting that considered and adopted the report on the Bill.

REPUBLIC OF KENYA



TWELFTH PARLIAMENT - (FOURTH SESSION)

THE NATIONAL ASSEMBLY

CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE

ADOPTION LIST

CONSTITUTION OF KENYA (AMENDMENT) (NO.5) BILL,2019


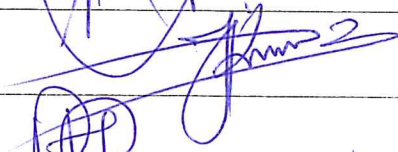
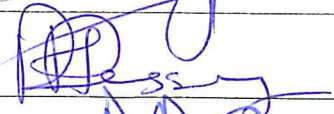


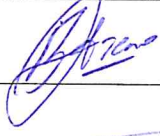





Date: 28/09/2020

Venue: PRIDE INN HOTEL, MOMBASA

Time in: 9:00 am

Time Out: 11:00 am

	HON. MEMBER	SIGNATURE
1.	Hon. Jeremiah Kioni, M.P. (Chairman)	
2.	Hon. Peter Kaluma, M.P. (Vice-Chairman)	
3.	Hon. (Dr.) Naomi Shaban, M.P.	
4.	Hon. (Dr.) Christine Ombaka, M.P.	
5.	Hon. T.J Kajwang, M.P.	
6.	Hon. Charles Gimose, M.P.	
7.	Hon. Yusuf Abdi, M.P.	
8.	Hon. Abdi Shurie, M.P.	
9.	Hon. Anthony Oluoch, M.P.	
10.	Hon. (Col.) Geoffrey Kingangi, M.P.	
11.	Hon. Raphael B. S. Wanjala, M.P.	
12.	Hon. Simon Nganga Kingara, M.P.	

	HON. MEMBER	SIGNATURE
13.	Hon. Halima Mucheke, M.P.	
14.	Hon. Japheth Mutai, M.P.	
15.	Hon. Peris Tobiko, M.P.	
16.	Hon. Daniel Rono, M.P.	
17.	Hon. Fabian K. Muli, M.P.	
18.	Hon. Benard Okoth, M.P.	
19.	Hon. Joash Nyamoko, M.P.	
20.	Hon. Moses Kirima, M.P.	
21.	Hon. Didmus Barasa, M.P.	
22.	Hon. Purity Ngirici, M.P.	
23.	Hon. Catherine Wambilianga, M.P.	

Name: Mary Lemerelle

Signature: 

Committee Clerk

Name:

Signature:

Director, Committees

Annexure 3:

Minutes of the Committee sitting on consideration of the Bill and adoption of the Report.

**MINUTES OF THE TWENTY SIXTH SITTING (FOURTH SESSION) OF THE
CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE HELD ON
MONDAY, 28TH SEPTEMBER, 2020 IN PRIDE INN HOTEL, MOMBASA AT 9.30A.M.**

PRESENT

1. The Hon. Jeremiah Kioni, M.P. - Chairman
2. The Hon. (Dr.) Christine Ombaka, M.P.
3. The Hon. T.J Kajwang', M.P.
4. The Hon. Raphael B. S. Wanjala, M.P.
5. The Hon. Japheth Mutai, M.P.
6. The Hon. Abdi Shurie, M.P.
7. The Hon. Fabian K. Muli, M.P.
8. The Hon. Halima Mucheke, M.P.
9. The Hon. Simon Ng'ang'a King'ara, M.P.
10. The Hon. Peris Tobiko, M.P.
11. The Hon. Daniel Rono, M.P.
12. The Hon. Anthony Oluoch, M.P.
13. The Hon. Purity Ngirici, M.P
14. The Hon. Benard Okoth, M.P.
15. The Hon. Joash Nyamoko, M.P

APOLOGIES

1. The Hon. Peter Kaluma, M.P. - Vice- Chairman
2. The Hon. (Dr.) Naomi Shaban, M.P.
3. The Hon. Charles Gimose, M.P.
4. The Hon. Yusuf Abdi, M.P.
5. The Hon. (Col.) Geoffrey Kingangi, M.P.
6. The Hon. Catherine Wambilianga, M.P.
7. The Hon. Didmus Barasa, M.P
8. The Hon. Moses Kirima, M.P

SECRETARIAT

1. Mr. Edward Libendi - Senior Legal Counsel/CIOC Clerk
2. Ms. Mary Lemerelle - Clerk Assistant III
3. Ms. Christine Odhiambo - Legal Counsel I
4. Mr. Vitus Owino - Research Officer III

MIN.NO.CIOC/2020/247

PRELIMINARIES

The Chairman called the meeting to order at fifteen minutes to ten O'clock (9.45am) and commenced with a prayer. Agenda of the meeting was adopted as consideration and adoption of the Constitution of Kenya (No.5) (Amendment) Bill, 2019 after being proposed and seconded by Hon. Simon King'ara, M.P and Hon. Benard Okoth respectively.

MIN.NO.CIOC/2020/248

CONFIRMATION OF MINUTES

Confirmation of minutes of the previous sittings was differed.

MIN.NO.CIOC/2020/249

CONSIDERATION AND ADOPTION OF THE REPORT ON THE CONSTITUTION OF KENYA (NO.5) (AMENDMENT) BILL, (NATIONAL ASSEMBLY BILLS NO 67), 2019

The meeting noted that the Bill seeks to amend Article 90 of the Constitution in order to make provision for political parties to nominate to the National Assembly or the Senate presidential and deputy presidential candidates and further to prioritize them in the party lists.

These amendments are intended to implement Article 10 of the Constitution by bringing into effect the national values and principles of governance specifically that of national unity, participation of the people and inclusiveness. In the current electoral regime, presidential candidates who lose at a general election are unable to have a seat in either the National Assembly or the Senate. This Bill seeks to cure such eventualities and ensure the country remains united after general elections.

The Committee considered the submissions and recommendations of specific stakeholders, views of members of the public from counties where it had undertaken public hearings and recommended that the Bill be passed by the House without any amendments.

Members present unanimously adopted the report after being proposed and seconded by Hon. Christine Ombaka, M.P and Hon. Abdi Shurie, M.P respectively.

MIN.NO.CIOC/2020/250

ANY OTHER BUSINESS & ADJOURNMENT

There being no other business the meeting was adjourned at half past twelve O'clock (12.30pm).

SIGN.....
THE HON. JEREMIAH KIONI, M.P.



DATE ...07.10.2020...
CHAIRPERSON

Annexure 4:

Written submissions received from stakeholders



POLITICAL PARTIES LIAISON COMMITTEE (PPLC)

C/o Office of the Registrar of Political Parties, Lions Place, 1st Floor
Karuna Close, Waiyaki Way, Westlands
P.O Box 1131-00606, Sarit Centre, Nairobi, Kenya.

June 8th, 2020

Hon. Jeremiah Kioni,
Chairperson,
Constitutional Implementation and Oversight Committee (CIOC),
Clerk's Chamber, Parliament Buildings,
P.O. Box 41842-00100,
Nairobi, Kenya.

Dear Sir,

RE: STAKEHOLDER SUBMISSIONS ON THE CONSTITUTION OF KENYA (AMENDMENT)(NO.5) BILL, 2019, THE KENYA NATIONAL COMMISSION ON HUMAN RIGHTS (AMENDMENT) BILL, 2019 AND THE REFERENDUM BILL, 2020

Political Parties Liaison Committee (PPLC) wishes to thank you for your letter REF: KNA/DCS/CIOC/2019(09) inviting us to make submissions on the subject bills.

Attached is our submission as per your letter and we look forward to your incorporation of our comments into the bills. We are also available should there be need for further engagement on the bills.

Yours faithfully,

MR. TRUNGU NYAKERA, CBS
CHAIRPERSON, PPLC STEERING COMMITTEE

POLITICAL PARTIES LIAISON COMMITTEE PROPOSALS ON THE REFERENDUM BILL, 2020; THE CONSTITUTION OF KENYA (AMENDMENT NO. 5) BILL OF 2019; AND KENYA NATIONAL COMMISSION ON HUMAN RIGHTS (AMENDMENT) BILL, 2020

REFERENDUM BILL, 2020		
PROVISION IN THE BILL	STAKEHOLDER PROPOSAL	RATIONALE
PART II Section 4 (1): The Commission shall make regulations to govern the verification of registered voters and signatures.	Add after signatures... "in consultation with Political Parties."	Political parties being key players in any democratic process such as referendums should be involved in the formulation of the regulations. Public Participation is critical.
PART II Section 4 (3) The Commission may consult with the Attorney General or Parliament in the redrafting of a draft Bill under subsection (2).	The PPLC proposes deletion of the word 'Parliament' and replacing the same with Kenya Law Reform Commission (KLCR)	The political class should not have a direct role in drafting referendum bills. Indeed, the KLRC should be the entity mandated to draft all legislative bills.
PART IV Section 11 (2): A presiding officer shall require a person applying for a ballot paper to produce the person's identity card issued under the Registration of Persons Act or a valid Kenyan passport and the elector's card issued by the Commission.	Delete "and the elector's card" To read... "A presiding officer shall require a person applying for a ballot paper to produce the person's identity card issued under the Registration of Persons Act or a valid Kenyan passport.	With the incorporation of technology in our electoral system, there is no longer need to produce an elector's card.
PART V Section 23: The Commission may make special provisions for Kenyan citizens who are out of the country or who would not be able to vote on the voting day because of essential duties, patients in hospitals, persons admitted in sanatoria or homes for the aged and similar institutions, persons who lead nomadic life on account of vagaries of climate, physically disabled persons, expectant mothers and persons in lawful custody.	The PPLC proposes that the Commission comes up with regulations to guide this provision.	Though a reasonable and critical provision, it is equally important to prevent it from being abused by the political class. The Commission should therefore be well guided by regulations in determining who these special citizens shall be.
PART VII Section 41 (5): A declaration made by the Commission under subsection (4) shall be final, shall not be challenged in any court, and shall be conclusive evidence of the voting at the referendum to which	Deletion of Section 41(5) to allow the right of Appeal of any aggrieved parties in the petition to seek redress in the Court of Appeal.	There is need to incorporate wholly judicial authority on the referendum process. Allowing the right of appeal to the Court of Appeal will be critical in ensuring public confidence in the process and growth of

it relates and of the result of such referendum.		jurisprudence in the electoral and referendum process.
THE CONSTITUTION OF KENYA (AMENDMENT NO. 5) BILL OF 2019		
Amendment of Article 90 (2) of the Constitution.	<ul style="list-style-type: none"> - The PPLC supports the amendment in its entirety. - The Committee however gives a further proposal that the same formula be applied in the County Assemblies where the aspiring Governor and Deputy Governor are listed in the Party List for Nomination in the County Assemblies. 	If adopted, this will enhance unity and strengthen devolution.
KENYA NATIONAL COMMISSION ON HUMAN RIGHTS (AMENDMENT) BILL, 2020		
Amendment of the KNCHR Act to merge the KNHRC and NGEC to form the KNHREC	The proposed amendment is rejected in toto.	The restructuring of NGEC and KNHRC would be the first step in reversing the gains made by women in socio-political and economic arenas. The new commission-KNHREC- would be ineffective in handling issues that are specific to women.



**KLRC'S SUBMISSIONS ON THE CONSTITUTION OF KENYA (AMENDMENT) BILL
(NO.5) OF 2019, THE KENYA NATIONAL COMMISSION ON HUMAN RIGHTS
(AMENDMENT) BILL, 2019 AND THE REFENDUM BILL, 2020**

PROVISION IN THE BILL	KLRC PROPOSAL	RATIONALE
THE CONSTITUTION OF KENYA (AMENDMENT) BILL, NO 5 OF 2019		
<p>CLAUSE 2: Amendment of Article 90 of the Constitution of Kenya is amended in clause (2)—</p> <p>(a) in paragraph (a) by deleting the words “all the persons who would stand elected if the party were to be entitled to all seats provided for “ and substituting therefor the words “its candidates for election”</p> <p>(b) by deleting paragraph (b) and substituting therefor the following new paragraph— “(b) except in the case of the seats provides for under Article 98 (1) (b), each party list comprises—</p> <p>(i) a candidate nominated for election as President or Deputy President who shall be the first and second respectively in the party list; and</p> <p>(ii) the appropriate number of qualified candidates and alternates between male and female candidates in the priority in which they are listed.”</p>	<p>The proposed clause need to be reconsidered since it appears to conflict with Article 148 (1) and (2).</p> <p>As proposed, sub paragraphs (i) and (ii) under paragraph (b) are conjunctive and complementary. This therefore means their full meaning would be will be derived by reading the two together.</p> <p>The unstated meaning of the proposal would be to require a candidate in a presidential election to nominate a running mate who is of the opposite gender in order to make it possible to alternate between male and female candidates. If this is the intention of the Bill, consequential amendments must be made to avoid interpretational difficulties.</p> <p>Article 148 (1) provides for nomination of a candidate for Deputy President by a presidential candidate. The Article does not make it a requirement that the presidential candidate and the running mate must be of the opposite gender. The proposed amendment seeks to make this a constitutional requirement.</p> <p>Article 148(2) provides that “ <i>there shall be no separate nomination process for the Deputy President...</i> ”</p> <p>The proposed amendment seeks to grant political parties a separate nomination process without making consequential amendments to Article 148.</p>	<p>If political parties are allowed to nominate the deputy presidential candidate in the manner proposed, Article 148 (2) must also be changed to avoid conflicts.</p>

THE REFERENDUM ACT, 2020		
<p>Part I- Preliminary Scope of the Bill Long title: AN Act of Parliament to provide for the procedure of the approval of an amendment to the Constitution by a referendum, the conduct of a referendum, referendum petitions and for connected purposes</p>	<p>KLRC makes the following proposals relating to the scope and objects of the Bill:</p> <p>(i) There is need to expand the scope of the Bill to include provisions on conduct of all forms of referenda. A national referendum to amend the Constitution is one form of referendum. Referenda can be conducted on any matter of national importance and such matter may not necessarily relate to the matters specified under Article 255 (1) of the Constitution. Some countries have held referenda on abortion laws, immigration laws, primary health care and even international cooperation (e.g. Brexit in the UK)</p> <p>(i) Provide for the procedure of conduct of county referenda. The County Governments Act at section 90 provides for matters to be subjected to local referenda. The Bill does not provide for county referenda. Countries with devolved governance structures provide for national and regional referenda.</p> <p>(ii) If the intension of the Bill is only to facilitate the amendment of the Constitution, the title should be changed accordingly. However given that the Bill proposes to repeal the Referendum provisions under the Elections Act, it must set out a comprehensive framework for referenda in Kenya.</p>	<p>The scope of the Bill as captured in the long title, the objects clause and the contents of the entire Bill is limited to referendum to amend the Constitution.</p> <p>There are no provisions on other forms of referendum which do not necessarily involve constitutional changes e.g. public interest Bills, membership of regional bodies like EAC, etc.</p> <p>Switzerland is known for its direct democracy system which involves conduct of frequent referendums concerning changes in its constitution and other laws.</p>
<p>Part II- Amendment of the Constitution by Popular</p>	<p>This part does not contain provisions on the procedures to</p>	<p>Chapter 16 (Articles 255 to 257) of the Constitution provides for</p>

<p>Initiative</p>	<p>amend the Constitution by Parliamentary initiative. This is a gap which should be addressed. It is a constitutional requirement that if the Bill relates to a matter specified under Article 255 (1), it shall be subjected to a national referendum before assent by the President.</p>	<p>the two ways of amending the Constitution, namely, Parliamentary initiative and Popular initiative.</p>
<p>Section 4(5) of the Bill provides that the Commission may consult the Attorney-General to redraft the Bill prepared by the promoters of the popular initiative.</p>	<p>This section needs to be redrafted to align it to Article 257 (3) of the Constitution which requires the promoters of the popular initiative should formulate the general suggestions into a draft Bill. There should be concrete provisions on the steps to be followed in formulating the draft Bill including inclusiveness and public participation.</p>	
<p>Section 5 requires a county assembly notify the public of the receipt of the Bill by notice in the Gazette and in two newspapers of national circulation.</p>	<p>It is proposed that since this is a national exercise which involves all the counties, the notification should be done at the national level.</p>	
<p>Part III- Conduct of Referendum Section 7 requires that every question to be determined during a referendum shall require the voter to select an answer that is either “yes” or “no”</p>	<p>It is not clear whether this proposal will always work for purposes of amending the Constitution.</p> <p>A law of this nature should take into account the unique requirements of Chapter 16 of the Constitution, Specifically the fact that referendum to amend the Constitution must be based on a draft Bill should be given full effect by making detailed provisions on the process of formulating the Bill for purposes of inclusiveness and public participation. It should regulate the form of the Bill in terms of content and size. It should anticipate a situation where several Bills are formulated and subjected to the electorate in a</p>	<p>What happens in a case where the amendment Bill contains more than one matters and each matter needs to be voted separately?</p> <p>What happens if there are more than one Bills containing opposing matters?</p> <p>Consider providing for different scenarios including: (i) Yes and No for draft Bill (ii) Different questions for different provisions in the draft Bill (This is bound to be complex) (iii) Options or different Bills sponsored by different promoters</p>

<p>Part IV-Matters preliminary to a referendum Part V-Voting and Referendum results Part VI-Referendum petitions Part VII-Miscellaneous</p>	<p>single referendum</p> <p>It is recommended that there is need to insert a provision requiring the provisions of the Election Act relating to the following matters to apply to referenda with necessary modification:</p> <ul style="list-style-type: none"> (a) eligibility to vote; (b) registration of voters; (c) compilation and maintenance of registers; (d) inspection of the register; (e) updating of the register; (f) transfer of registration; (g) determination of questions as to registration; (h) making and determining claims to be registered and objections to registration; (i) appointment of officers to preside at polling stations; (j) designation of polling stations; (k) place and manner in which votes may be cast; (l) design and handling of ballot papers; (m) grounds for postponement of elections; (n) conduct of campaigns; and (o) election offences, 	<p>Conduct of referendum is largely similar to conduct of a general election. The two exercises are conducted by one body and relate to the same electorate. Most of the general provisions of the Elections Act can apply with necessary modifications.</p> <p>The Electoral Code of Conduct can also be applied with necessary modifications</p>
<p>Other gaps identified</p>	<p>It is further recommended that the following new provisions should be considered for inclusion in the Bill:</p> <ul style="list-style-type: none"> (i) Given that a referendum, like a general election, is an expensive exercise, there should be a provision prohibiting more than one national referendum in, say five years. (ii) To avoid abuse, the one million signatures in support of an amendment by popular initiative should not be drawn from one county or region, they should come from a 	<p>There is a possibility of abuse of referendum law where too many referenda could be brought up to the detriment of the economy.</p>

	<p>majority of the counties.</p> <p>(iii) Verification of the signatures should be properly provided for.</p> <p>(iv) Funding of referenda should be regulated under the Election Campaign Financing Act</p> <p>(v) A referendum Bill should also prohibit certain forms of referenda including those that may be offensive to any religion or those with secessionist agenda.</p>	
THE KENYA NATIONAL COMMISSION ON HUMAN RIGHTS (AMENDMENT) BILL, 2020		
Section 1 of the principal Act	Needs to be amended to change the title to the Act	Consider whether to name the Act as the “Kenya Human Rights and Equality Commission” or to use the exact name provided under Article 59 of the Constitution, namely, the “Kenya National Human Rights and Equality Commission”
Definition of the term Commission	Consider whether to name the Act as the “Kenya Human Rights and Equality Commission” or to use the exact name provided under Article 59 of the Constitution, namely, the “Kenya National Human Rights and Equality Commission”	
<p>General Comment</p> <p>The Bill seeks to merge the KNHRC and NGEC into one Commission to be known as the Kenya National Human Rights and Equality Commission and to repeal the National Gender and Equality Commission Act, 2011.</p>	<p>If it is the policy position to merge the two Commissions, it may be necessary to first amend the Constitution by deleting clauses (4) and (5) of Article 59 before repealing the NGEC Act.</p> <p>The relevant clauses under Article 59 provide as follows:</p> <p><i>(4) Parliament shall enact legislation to give full effect to this Part, and any such legislation may restructure the Commission into two or more separate commissions.</i></p>	<p>Both the Kenya National Commission of Human Rights and the Gender and Equality Commission derive their existence and mandate from Article 59 of the Constitution. Having been established the two Commissions have the status of Chapter 15 Commissions and therefore amending legislation relating to the independence of either of the two must also conform to Article 255 (1) (g) of the Constitution (Subject to referendum).</p>

	<p><i>(5) If Parliament enacts legislation restructuring the Commission under clause (4)—</i></p> <ul style="list-style-type: none"><i>(a) that legislation shall assign each function of the Commission mentioned in this Article to one or the other of the successor commissions;</i><i>(b) each of the successor commissions shall have powers equivalent to the powers of the Commission under this Article; and</i><i>(c) each successor commission shall be a commission within the meaning of Chapter Fifteen, and shall have the status and powers of a commission under that chapter.</i>	
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KENYA NATIONAL COMMISSION ON HUMAN RIGHTS

ADVISORY ON THE CONSTITUTION OF KENYA (AMENDMENT) (NO. 5) BILL, 2019

PRESENTED TO

THE CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE

9TH JUNE 2020

Kenya National Commission on Human Rights
1st Floor, CVS Plaza, Lenana Road
P.O. Box 74359-00200
NAIROBI, KENYA
Tel: 254-20-2717908 /2717256/2712664
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Website: www.knchr.org
Email: haki@knchr.org

A. Introduction

1. The Kenya National Commission on Human Rights (“KNCHR” or “National Commission”) is an independent National Human Rights Institution established under Article 59 of the Constitution with a broad mandate to promote a culture of respect of human rights in the Republic of Kenya. The operations of the National Human Rights Commission are guided by the United Nations Paris Principles on the establishment and functioning of Independent National Human Rights Institutions commonly referred to as the Paris Principles.
2. The National Commission under Article 249 of the Constitution has a mandate to secure observance of all state organs of democratic values and principles and to promote constitutionalism. Article 10 of the Constitution requires all state organs to ensure they uphold constitutionalism and the rule of law whenever they make public policy decisions or interpret the constitution. One of the strategies pursued by the Commission to secure observance of all state organs of democratic values and principles is through the issuance of advisories.
3. It is in this regard, that the National Commission issues this advisory on the Constitution of Kenya (Amendment) (No. 5) Bill, 2019 (Kenya Gazette Supplement No. 158)(National Assembly Bills No. 67).

B. Background

4. Sponsored by Jeremiah Kioni, the Bill seeks to amend Article 90 of the Constitution in order to make provision for political parties to nominate to the National Assembly or the Senate presidential and deputy presidential candidates and further to prioritize them in the party lists.
5. According to the Bill’s Memorandum of Objects and Reasons, the amendments are intended to implement Article 10 of the Constitution by bringing into effect the national values and principles of governance specifically that of national unity, participation of the people and inclusiveness. In the current electoral regime,

presidential candidates or deputy presidential candidates who lose at a general election are unable to have a seat in either the National Assembly or the Senate. This Bill seeks to cure such eventualities and ensure the country remains united after general elections.

6. Kenya is a multi-party democratic State founded on National Values and Principles of Governance (Article 4, Constitution of Kenya, 2010). Political Parties are important vehicles of securing our electoral democracy. **Article 91** of the Constitution provides for basic requirements of political parties; To wit, every political party must promote and uphold national unity; abide by the democratic principles of good governance, promote and practice democracy through regular, fair and free elections within the party; respect the right of all persons to participate in the political process, including minorities and marginalized groups; respect and promote human rights and fundamental freedoms; and gender equality and equity.
7. The First Schedule of the Political Parties Act further provides for the code of conduct for political parties among them being that every political party shall respect, uphold and defend their respective political party Constitutions, political party election rules, political party nomination rules and any other political party rules and regulations developed and agreed upon in accordance with this code of conduct; respect, uphold and promote human dignity, equity, social justice, inclusiveness and non-discrimination and protection of the marginalized; respect, uphold and promote democratic values and principles, performing inclusive participation of party members and accountable representation in governance for the development of the country; respect, uphold and promote democratic practices through free, fair and credible political party nominations.
8. The process of nomination is a matter left to political parties but which process must conform with the Constitution, Political Parties Act as well as the Elections Act and the Regulations thereunder.

B. Comments Regarding The Bill

9. The Commission raises great concern over the proposed amendment that allows not only for nomination but prioritization of the presidential candidate and his/her running mate in the party lists for various reasons. **First**, the proposal potentially limits the chances for other special interest groups, like women, to make it to Parliament, which runs against the grain of the stated **objects and reasons for the Amendment and violates the Constitutional principles**. One of the values and principles under Article 10 is equality, human rights and participation of the marginalised. As it were already, the country is struggling to meet the two third gender principle. A cursory glance at the previous elections shows that most candidates for the presidential elections and their running mates were men. If the amendment to Article 98 (1) (b) were to pass then we would effectively have fewer women nominated to the senate other than the 16 whose seats were a guarantee.
10. **Secondly**, the amendment is contrary to the Judgment of a superior Court in ***Commissioner for the Implementation of the Constitution v Attorney General & 2 others [2013] eKLR***. In the Judgment delivered seven years ago (in June 2013), the Appellate Court declared section **34(9)** of the Elections Act to be invalid and void. The section provided as follows:
“34(1) The election of members for the National Assembly, Senate and county assemblies for party list seats specified under Articles 97 (1) (c) and 98 (1) (b) (c) and (d) and Article 177 (1) (b) and (c) of the Constitution shall be on the basis of proportional representation and in accordance with Article 90 of the Constitution.
(9) The party list may contain a name of any Presidential or Deputy Presidential candidate nominated for an election under this Act.”
11. In allowing the appeal by the CIC, the Appellate Court observed as follows:
“We are convinced that the people of Kenya intended that marginalized groups be beneficiaries of a more inclusive constitutional order birthed by

the Constitution they gave themselves in 2010. They put in place specific and well ordered provisions calculated to achieve that end. Moreover, they commanded Parliament, under Article 100 to take legislative measures aimed at actualizing that object ... The fact that Parliament has not enacted the expected legislation and has up to 5 years since promulgation of the Constitution to do so by dint of the 5th Schedule, makes it even more needful that these special interests be jealously guarded in the intervening period.”

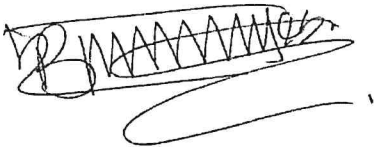
12. The purpose of Article 98 (1) (b) is to protect the interests of women, a special interest group in the Senate. By amending the Constitution to have the presidential and deputy presidential candidates in the nomination list essentially moves away from the protection of women’s interests in the political sphere.

13. In the **CIC case** cited above, the Court of Appeal held that Presidential candidates and Deputy Presidential candidates cannot possibly have been intended to be the representatives of the special interests specified in Article 97(1)(c) of the Constitution: **“In this regard, it matters not that they are the leaders, visionaries or vision bearers of their political parties. If they be what they are said to be, there really is no existential risk to their career or that of their parties to be feared from their absence from the benches and floors of the legislative assemblies. Further, It is abundantly clear to us that far from attaining the true object of protecting the rights of the marginalized as envisioned by the constitution, the inclusion of Presidential and Deputy Presidential candidates in Article 34(9) of the Elections Act does violence to all reason and logic by arbitrary and irrational superimposition of well-heeled individuals on a list of the disadvantaged and marginalized to the detriment of the protected classes or interests.”**

14. The proposed amendment would in effect be in disregard of the Court judgment, unconstitutional and risks facing the same fate (being declared invalid), should it pass as law.

15. The Commission therefore advises that the House abandons the proposed Bill in its entirety.

SIGNED BY:

A handwritten signature in black ink, appearing to read 'Bernard Mogesa', is written over a horizontal line. The signature is stylized and somewhat illegible.

Dr. Bernard Mogesa (PHD, CPM)

COMMISSION SECRETARY
KENYA NATIONAL COMMISSION ON HUMAN RIGHTS

Chairperson: Hon. Florence Kajuju, MBS
Vice-Chairperson: Mr. Washington Sati
Commissioner: Mrs. Lucy Ndung'u, EBS, HSC



THE
COMMISSION ON ADMINISTRATIVE JUSTICE
"Office of the Ombudsman"

Our Ref: CAJ/LEG/5(70)

9th June 2020

Clerk of the National Assembly
Clerk's Chambers
Parliament Buildings, Parliament Road
P. O. Box 41842 – 00100
NAIROBI

Dear Sir,

**RE: MEMORANDUM ON THE CONSTITUTION OF KENYA (AMENDMENT) (NO. 5) BILL,
2019 AND THE REFERENDUM BILL, 2020**

Kindly receive warmest compliments from the Commission on Administrative Justice (Office of the Ombudsman).

Your letter dated 28th May 2020 wherein you sought the input of the Commission in regards to the above captioned Bills refers. The Commission has examined the Bills and noted their noble objects and purposes in the context of promoting good governance in Kenya. The Commission also takes cognisance of the ongoing debate and efforts under the Building Bridges Initiative towards the amendment of the Constitution which may include issues contained in Constitution of Kenya (Amendment) No. 5) Bill, 2019. In this regard, the Commission is of the considered view that it would be important to consider a holistic approach which focuses on all parts of the Constitution as opposed to piecemeal amendments. Nonetheless, the Commission wishes to make the following submissions on the proposed Bills.

1. THE CONSTITUTION OF KENYA (AMENDMENT) (NO. 5) BILL, 2019

The Commission supports the proposed amendment in totality. This is informed by the fact that the Leader and Deputy Leader of a Political Party ought to be given seats in both the Senate and National Assembly so as to push and champion the Party's political agenda in Parliament.

2. THE REFERENDUM BILL, 2020

Provision in the Bill	Proposal by the Commission	Rationale
Clause 4(1)	Change of the sequence of the sub-clauses with clause 4(1) coming after clause 4(5). In addition, there should be an express timeline within which the regulations are developed.	<ul style="list-style-type: none"> • Procedurally, the development of regulations ought not to come at the beginning of the provision. • Having the timeline for the development of the regulations will address any lacunae in the legal framework that has been experienced in the past in Kenya due to delay in developing the appropriate regulations. This will also be critical in the full operationalisation of the referendum law.
Clause 5	Sub-clauses 3 and 4 should come after sub-clause 8.	<ul style="list-style-type: none"> • Proper sequencing of the sub-clauses engenders coherence.
Clause 5(11)	The communication by the speaker of a County Assembly should include reasons for failure to consider a Bill.	<ul style="list-style-type: none"> • This may address any mischief by a County Assembly which may deliberately fails to consider a Bill with the intention that it fails.
Clause 6(3)	<p>Split the clause to as follows:</p> <p>"3(i) The Commission may assign such symbol, logo, name and colour for each answer to a question to be determined during a referendum as it may consider necessary.</p> <p>(ii) The Commission</p>	<ul style="list-style-type: none"> • This averts confusion with the symbol, logo, name and colour used by political party, duly elected independent candidate and legally registered organization or association. • Public participation must be undertaken to give a chance to anyone who objects to the

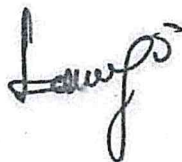
Provision in the Bill	Proposal by the Commission	Rationale
	may consider any objections that may arise in respect of the after publication of the notice."	assigned symbol, logo, name and colour.
Clause 6(4)	Refer to the symbol, logo, name and colour of the political party, duly elected independent candidate as well as of a legally registered organization or association recognized under any written law.	<ul style="list-style-type: none"> This averts confusion with the symbol, logo, name and colour used by political party, duly elected independent candidate and legally registered organization or association.
Clause 7(1)(f)	Replace the word "cease" with "close"	<ul style="list-style-type: none"> This ensures statutory harmony with the Elections Act, No. 37 of 2016.
Clause 7(3)	Require the IEBC to publish the voter' register on their website.	<ul style="list-style-type: none"> This ensures transparency.
Clauses 7(4)	Include a provision that the Commission may partner with other stakeholders in undertaking civic education.	<ul style="list-style-type: none"> This guarantees that sufficient civic education is undertaken even where the IEBC is not given adequate funding.
Clause 7(5)	Move to clause 6 and insert after sub-clause (4).	<ul style="list-style-type: none"> Proper sequencing of the sub-clauses engenders coherence.
Clause 15(2)	Application for registration should be signed by the Chairperson and Secretary of the Referendum Committee. Under sub-clause 2(ii),	<ul style="list-style-type: none"> This prevents singular monopoly and infighting within the Committee.

Provision in the Bill	Proposal by the Commission	Rationale
	<p>require the full name, address and telephone number of the Chairperson, Deputy Chairperson and Secretary.</p> <p>Under sub-clause 2(v), require appointment of two chief agents at the national and county level.</p>	<ul style="list-style-type: none"> • This ensures statutory harmony with the Elections Act, No. 37 of 2016.
Clause 15(3)	<p>Provide for the issuance of a certificate of registration signed by the Chairperson of the Commission.</p> <p>Under sub-clause 3(b), rejection of registration should be notified to all signatories of the application.</p>	<ul style="list-style-type: none"> • This averts infighting within the Registration Committees. • For alignment with the above proposal.
Clause 15(5) and 15(6)	<p>Include the symbol, logo, name and colour of the political party, duly elected independent candidate as well as of a legally registered organization or association recognized under any written law.</p>	<ul style="list-style-type: none"> • This averts confusion with the symbol, logo, name and colour used by political party, duly elected independent candidate and legally registered organization or association.
Clause 17(1)	<p>Require appointment of two chief agents at the national and county level.</p>	<ul style="list-style-type: none"> • This ensures statutory harmony with the Elections Act, No. 37 of 2016.
Clause 22	<p>Under Clause 22(c),</p>	<ul style="list-style-type: none"> • This ensures statutory harmony with

Provision in the Bill	Proposal by the Commission	Rationale
	<p>insert the words "Serial" immediately before number.</p> <p>Under Clause 22(e), the symbol, logo, name and colour of the political party, duly elected independent candidate as well as of a legally registered organization or association recognized under any written law.</p>	<p>the Elections Act, No. 37 of 2016.</p> <ul style="list-style-type: none"> • This averts confusion with the symbol, logo, name and colour used by political party, duly elected independent candidate and legally registered organization or association.
Clause 24(6)	<p>The Commission should grant an observer an opportunity to be heard before revoking the accreditation.</p> <p>Further, gross violation of the referendum law should be included as one of the grounds for revocation of accreditation to any referendum observer.</p>	<ul style="list-style-type: none"> • The opportunity to be heard ensures compliance with the right to fair administrative action under Article 47 of the Constitution and section 4 of the Fair Administrative Action Act, 2015. • Gross violation of the law on referendum should be a ground for revocation of accreditation, subject to providing an opportunity to be heard before taking such action.
Clause 28	The grounds for a referendum petition should include issues relating to the referendum campaigns.	<ul style="list-style-type: none"> • The grounds for a petition are not broad enough to cater for the procedural issues that have a bearing on the results. Further, the grounds only focuses on offences committed by IEBC officials.
Clause 30(2)	The necessity sub-clause 30(2)(a) should be considered.	<ul style="list-style-type: none"> • This provision [30(2)(a)] negates the very reason for petitioning the High Court in the first place since it has the potential of making

Provision in the Bill	Proposal by the Commission	Rationale
	Sub-clause 30(2)(b) lacks clarity.	petition nugatory.
Part III	Introduce a Clause immediately after Clause 7 stating as follows: "8. There shall be a Referendum Committee registered by the Commission with a name, address, telephone number, three officials and chief agents at the national and County level"	<ul style="list-style-type: none"> This ensures statutory harmony with the bill. Further, the registration of the Referendum Committee is crucial not only during the preliminary stages but also during the actual conduct of the referendum.
Part V	Counting of votes and announcement of results at the polling station is missing	<ul style="list-style-type: none"> It is important to provide for the process of counting and announcement of results at the polling station before providing for constituency referendum results under Clause 25 of the Bill.
Part VI	Appeal process is missing	<ul style="list-style-type: none"> Need to state whether the decision of the High Court is final or can be appealed to the Court of Appeal. This is important for legal certainty.

We thank you for the continued support and assure you of our highest regards.
Yours sincerely,



LEONARD NGALUMA, MBS
COMMISSION SECRETARY/CEO

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INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION

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Please deal
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10/6/20

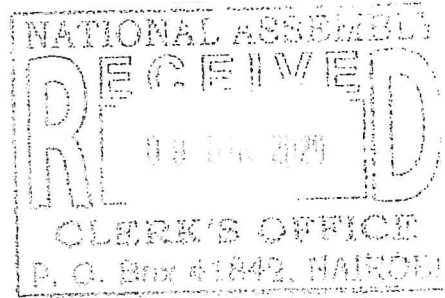
Our Ref: IEBC/DLPA/CORR/2020
Your Ref: KNA/DCS/CIOC/2019(09)

Date: 8th June, 2020

①
D/Counts

9/6/20

The Clerk,
National Assembly,
Clerk's Chambers, National Assembly,
Parliament Buildings,
P.O Box 41842-00100,
NAIROBI.



Attn: Serah M. Kioko

Dear

RE: STAKEHOLDER SUBMISSIONS ON THE CONSTITUTION OF KENYA (AMENDMENT), (NO.5) BILL 2019, THE KENYA NATIONAL COMMISSION ON HUMAN RIGHTS (AMENDMENT) BILL, 2020 AND REFERENDUM BILL 2020

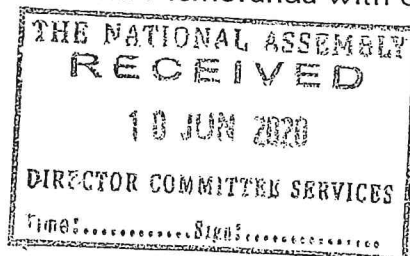
Reference is made to the above and the call for submissions in the facilitation of public participation on the above captioned Bills.

The Commission has since reviewed the Bills that have a direct impact on its mandate namely:

1. The Referendum Bill, 2020- Kenya Gazette Supplement No. 71 (National Assembly Bills No. 11); and
2. The Constitution of Kenya (Amendment) (No.5) Bill, 2019-Kenya Gazette Supplement No. 158 (National Assembly Bills No. 67)

Forwarded herewith please find Memoranda with our comments for your consideration.

~~AM~~
W.W. CHEBUKATI
CHAIRMAN





THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION

MEMORANDUM

TO THE CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE OF
PARLIAMENT

ON
THE FOLLOWING BILLS;

1. The Referendum Bill, 2020- Kenya Gazette Supplement No. 71 (National Assembly Bills No. 11)
2. The Constitution of Kenya (Amendment) (No.5) Bill, 2019-Kenya Gazette Supplement No. 158 (National Assembly Bills No. 67)

Independent Electoral & Boundaries Commission (I.E.B.C)

Anniversary Towers, Off University Way

P.O. Box 45371-00100, Nairobi-Kenya

Telephone: +254 (0) 20 29925

INTRODUCTION

1. The Independent Electoral and Boundaries Commission (IEBC) established under Article 88 of the Constitution is responsible for the conduct or supervision of referenda and elections to any elective body or office established by the Constitution and any other elections prescribed by an Act of Parliament.
2. The IEBC is a Constitutional Commission established under Chapter 15 of the Constitution with particular reference to Article 249 which sets out the objects of Constitutional Commissions.
3. The general functions of the IEBC and other Commissions as we are aware are set-out under Article 252(1). However, the specific mandate of the Commission is primarily governed by Article 88(4) of the Constitution and the IEBC Act.
4. The Commission notes the Bills under reference and makes submissions:
 1. THE REFERENDUM BILL (NATIONAL ASSEMBLY BILLS NO. 11), 2020.

Purpose of the Bill

5. The Bill seeks among others to provide for the procedure of the approval of an amendment to the Constitution by a Referendum, the conduct of a Referendum, Referendum Petitions and consequential amendments to the Elections Act, No. 24 of 2011 which currently provides for the conduct of a Referendum.
6. We welcome this draft and wish to make some general comments as follows:

General Comments

7. The Commission in consultation with the Justice and Legal Affairs Committee of Parliament (JLAC) has also developed a Referendum Bill which has since been forwarded to the Speaker of the National Assembly. Our proposals herewith therefore largely reflect the provisions in the Commission's Bill.

VP

Specific Comments

8. This Bill intends to provide for detailed procedures applicable in the conduct of Referendum and to this we make the following specific comments:

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The Referendum Bill (National Assembly Bills No. 11), 2020 seeks among others to provide for the procedure of the approval of an amendment to the Constitution by a referendum, the conduct of a referendum, referendum petitions and consequential amendments to the Elections Act, No. 24 of 2011 which currently provides for the conduct of a referendum.

No.	PROVISION IN THE BILL	STAKEHOLDER PROPOSAL	RATIONALE
1.	<p><u>PART I: PRELIMINARY</u></p> <p>Clause 2-Interpretation</p>	<p>Delete the words "elector" and replace "voter"</p> <p>Delete reference to "electors card" which has since been deleted by Act No. 12 of 2012.</p> <p>Delete the words 'polling area' and replace with "electoral area".</p> <p>Delete "polling time" and replace with "voting period" and assign definition provided under the Elections Act.</p>	<p>Introduces and/or makes reference to some definitions that either have no co-relation to the referendum process or have a meaning assigned to it that is wrong.</p>
2.	<p>Clause 3-Objects of the Act</p> <p>The object of this Act is to provide for—</p> <p>(a) the procedure for the approval of an amendment to the Constitution by a referendum;</p> <p>(b) the conduct of a referendum for the approval of an amendment to the Constitution; and</p> <p>(c) the procedure to challenge the conduct of a referendum.</p>	<p>Reword (a) and (b).</p>	<p>Provisions (a) and (b) are synonymous. (Have the same connotations)</p>

The Referendum Bill (National Assembly Bills No. 11), 2020 seeks among others to provide for the procedure of the approval of an amendment to the Constitution by a referendum, the conduct of a referendum, referendum petitions and consequential amendments to the Elections Act, No. 24 of 2011 which currently provides for the conduct of a referendum.

No.	PROVISION IN THE BILL	STAKEHOLDER PROPOSAL	RATIONALE
3.	<p><u>PART II: AMMENDMENT BY POPULAR INITIATIVE- Clause 4(2)-Procedure</u></p> <p>(2) In determining whether the initiative meets the requirements of Article 257 of the Constitution, the Commission may redraft the draft Bill to conform with the Constitution and the format and style prescribed in the standing orders of Parliament without altering the substance of the Bill</p>	<p>To delete option for the Commission to redraft a Bill presented to it that does not conform with the Constitution or format and style prescribed by the Standing orders of Parliament.</p>	<p>The Constitutional requirement is for the Commission to only verify signatures which does not include verification on the format of any Bill presented.</p> <p>By the time the Bill is submitted to the Commission, the supporters have already appended their signatures against it as presented, therefore to alter the Bill is tantamount to introducing a Bill that the supporters have had no interaction with.</p>
4.	<p>Clause 5-Procedure in the County Assembly.</p> <p>(1) Upon receipt of a Bill submitted to a county assembly under Clause (4), the county assembly shall notify the public of the Bill by notice in the Gazette and in two newspapers of national circulation.</p> <p>(2) The notification in sub-clause (1) shall contain all relevant details including—</p> <p>(a) a summary of the proposed amendments to the Constitution;</p> <p>(b) the timelines within which the public may submit views on the Bill; and</p>	<p>Delete 5(2), (b).</p>	<p>Consideration of the Bill by the County Assemblies is for purposes of voting within the framework of the County Assembly Framework/Standing Orders.</p> <p>It is not intended that the public will be involved at this juncture.</p> <p>Public and civic education follows where the Referendum has been initiated and in any case, public participation has already been undertaken by the promoters of the Bill in support of the initiative by the time the Bill is submitted to the County Assemblies.</p>

The Referendum Bill (National Assembly Bills No. 11), 2020 seeks among others to provide for the procedure of the approval of an amendment to the Constitution by a referendum, the conduct of a referendum, referendum petitions and consequential amendments to the Elections Act, No. 24 of 2011 which currently provides for the conduct of a referendum.

No.	PROVISION IN THE BILL	STAKEHOLDER PROPOSAL	RATIONALE
	(c) the timelines within which the county assembly shall consider the Bill.		
	New Provision	<p><u>To add a new provision to read:</u></p> <p>“For purposes of a referendum to amend the Constitution by popular initiative pursuant to Article 257 of the Constitution the promoters of the popular initiative shall collect not less than one million signatures of registered voters of whom—</p> <p>(a) not more than one third shall be from one county; and</p> <p>(b) voters in each of at least half of the counties shall be represented.</p>	<p>This is to affirm that a majority of citizens were engaged before an Initiative can be considered.</p> <p>This ensures that the promoters of the Bill are able to demonstrate an absolute majority in support of the initiative as opposed to pushing an initiative where signatures have been collected by example from only 2 constituencies out of 17 in Nairobi County.</p>
5.	<p>Clause 5(3)-(12) -Provides procedures for voting on the Bill by the County Assemblies.</p>	<p>To consider cross-reference to the County Government Act to mitigate introduction of procedures that may differ than that provided under the County Government Act.</p>	<p>General procedures for debate and voting in the County Assemblies is exhaustively covered under the County Government Act No. 17 of 2012).</p>
6.	<p>Clause 5 (10) If a draft Bill has been approved by twenty-four county assemblies it shall be introduced in the</p>	<p>To delete the word “introduced” and replace with “submitted”.</p>	<p>The County Assemblies are merely submitting what they received and debated upon within the meaning of Article 257(6) & (7) and as such cannot be said to ‘introduce’ the Bill</p>

The Referendum Bill (National Assembly Bills No. 11), 2020 seeks among others to provide for the procedure of the approval of an amendment to the Constitution by a referendum, the conduct of a referendum, referendum petitions and consequential amendments to the Elections Act, No. 24 of 2011 which currently provides for the conduct of a referendum.

No.	PROVISION IN THE BILL	STAKEHOLDER PROPOSAL	RATIONALE
	two Houses of Parliament within fourteen days of such approval.	14 days considerable.	Article 257(7) refers to delivery of the Bill to Parliament <u>'without delay'</u>
7.	<p><u>PART III: CONDUCT OF REFERENDUM</u></p> <p>Clause 6(2)-Initiation of a Referendum</p> <p>(2) The Commission shall within seven days of receipt of the notice under sub-clause (1) publish a question to be determined during a referendum in the Gazette and in electronic and print media of national circulation.</p>	<p>To provide timelines upon which Parliament is required to consider the Bill.</p> <p>Delete "seven" and replace with "twenty-one".</p>	<p>The law is silent on the timelines applicable thus posing the risk of indefinite deliberations by Parliament on the Bill (s) once received.</p> <p>Timeline of seven days is too short as the Commission is required to refer the question or option to the relevant Houses for approval.</p>
8.	<p>Clause 7(2)-Notice for holding referendum</p> <p>(2) The notice shall specify—</p> <p>(a) the question to be determined during a referendum;</p> <p>(b) the symbol assigned to each answer to the question to be determined during the referendum;</p>	<p><u>To Add:</u></p> <p>(g) the nature of the referendum.</p>	<p>Requirements provided are not exhaustive.</p>

The Referendum Bill (National Assembly Bills No. 11), 2020 seeks among others to provide for the procedure of the approval of an amendment to the Constitution by a referendum, the conduct of a referendum, referendum petitions and consequential amendments to the Elections Act, No. 24 of 2011 which currently provides for the conduct of a referendum.

No.	PROVISION IN THE BILL	STAKEHOLDER PROPOSAL	RATIONALE
	<p>(c) the day on which a referendum is to be held which shall not be less than twenty-one days after the date of the publication of the notice;</p> <p>(d) the polling times during the referendum;</p> <p>(e) the day by which a referendum committee shall have registered with the Commission; and</p> <p>(f) the day and time by which campaigns in support of or in opposition to a question to be determined during a referendum shall start and cease.</p>		
9.	<p>Clause 7 (5)- Every question to be determined during a referendum shall require the voter to select an answer that is either "yes" or "no".</p>	<p><u>To reword to read:</u></p> <p>7(5)- A referendum question shall be so worded that each voter may express an opinion on the question or option by making a mark after the word "yes" or "no" on the ballot paper.</p> <p>7(6)-Where there are two or more Bills, a referendum option shall be so worded that each voter may express an opinion</p>	<p>Framing of Referendum Question cannot be restricted to a "Yes" or "No" answer whereas there is possibility of the need for different wording based on nature of referendum.</p>

The Referendum Bill (National Assembly Bills No. 11), 2020 seeks among others to provide for the procedure for the approval of an amendment to the Constitution by a referendum, the conduct of a referendum, referendum petitions and consequential amendments to the Elections Act, No. 24 of 2011 which currently provides for the conduct of a referendum.

No.	PROVISION IN THE BILL	STAKEHOLDER PROPOSAL	RATIONALE
		on the option by making a mark after the option ballot paper.	
10.	<u>PART IV: MATTERS PRELIMINARY TO REFERENDUM</u> Clauses 8-13-Appointment of Polling Officials, Register of Voters, Identification of Voters	Reward to provide a composite provision that makes reference to application of the Elections Act so as to mitigate against wrong reference to processes.	Administrative processes that govern the conduct of an election apply to a referendum ' <i>mutatis-mutandis</i> '.
11.	Clause 15-Registration of Referendum Committees.	<u>To Add:</u> "An application to register a Referendum Committee shall be accompanied by information showing that the applicant adequately represents persons campaigning for or against the referendum question or option"	Necessary to affirm declaration to associate and to satisfy the principle of ownership.
12.	<u>PART V: VOTING AND REFERENDUM RESULTS</u> -Clause 25-27-Voting, Return of Referendum Results, Publication of Referendum Results.	To provide for application of the Elections Act on the provisions relating to voting.	Replicates provisions for voting under Elections Act which provisions apply to a referendum ' <i>mutatis-mutandis</i> '.
13.	Clause 27-Publication of Referendum results. 27. (1) The Commission shall on receipt of results of the referendum from all	To delete " 48 hours" and replace with "7 days".	A Referendum is equal to the magnitude of a presidential election thus seven days aligns with the timeline under Article 138(10) of the Constitution on declaration and publication of presidential results.

The Referendum Bill (National Assembly Bills No. 11), 2020 seeks among others to provide for the procedure of the approval of an amendment to the Constitution by a referendum, the conduct of a referendum, referendum petitions and consequential amendments to the Elections Act, No. 24 of 2011 which currently provides for the conduct of a referendum.

No.	PROVISION IN THE BILL	STAKEHOLDER PROPOSAL	RATIONALE
	constituencies and within forty eight hours from the close of the final polling in the referendum—		
14.	<u>PART VI: REFERENDUM PETITIONS</u> Clause 29-Referendum Petition and composition of the court.	<u>To Add:</u> 'An appeal from the High Court in a referendum petition shall lie to the Court of Appeal on matters of law only'	To ensure that we safeguard the right for review of possible wrong decisions.
15.	Clause 40(2)-Examination of Votes (2) Where the votes at the trial of an election petition are scrutinized, only the following votes shall be struck off—	To reword and cross-reference applicable grounds to the Elections Act in relation to election petitions.	The grounds when results may be struck out under vote scrutiny are not exhaustive and fall short of grounds listed under Clause 82 of Elections Act
16.	Clause 41-Powers of the Court 41(3)-The Registrar of the High Court shall deliver to the Commission a certified copy of any decision made by the High Court under sub-clause (1).	To add the words, " <u>within seven days</u> " between the words 'court' and 'shall'	There is need to provide clarity on when the Registrar of the High Court is to deliver decision made by the court determining the Referendum Petition.
17.	28(2) A petition challenging the conduct, result or validity of a referendum shall— (d) be filed in the High Court within twenty-one days of the publication of the	To delete "twenty-one" and replace with "twenty-eight".	21 days is not sufficient. The period of 28 days is informed by best-practice in the management of election

The Referendum Bill (National Assembly Bills No. 11), 2020 seeks among others to provide for the procedure of the approval of an amendment to the Constitution by a referendum, the conduct of a referendum, referendum petitions and consequential amendments to the Elections Act, No. 24 of 2011 which currently provides for the conduct of a referendum.			
No.	PROVISION IN THE BILL	STAKEHOLDER PROPOSAL	RATIONALE
	notice of the results of the referendum in the Gazette.		petitions as provided under Article 87(2) of the Constitution.
18.	<u>PART VII: MISCELLANEOUS PROVISIONS- Clause 44-Offences by Referendum Officials</u> 44. A referendum officer or other person who, without reasonable cause, commits an offence, and shall on conviction be liable to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding six months or to both.	To delete.	Not necessary as provisions relating to Offences has already been dealt with under Clause 14 by cross-reference to Election Offences Act.
19.	<u>PART VIII: PROVISIONS ON DELEGATED POWERS</u>	To Add additional general provisions in relation to- i. Retention and Inspection of Documents ii. Duty to Co-operate iii. Powers of Arrest and Prosecution	Necessary in respect to management of the Referendum process.
20..	<u>PART IX : CONSEQUENTIAL AMMENDMENTS</u>	In Agreement. Generally, introduces power of commission to develop regulations. In Agreement.	Recognizes authority of Commission to make regulations. Deletion of provisions under the Elections Act that provide for Referendum.

II. THE CONSTITUTION OF KENYA (AMENDMENT) BILL, (NO. 5) OF 2019

Purpose of the Bill

9. The Bill seeks to amend Article 90 of the Constitution of Kenya in order to make provision for political parties to nominate to Parliament, Presidential and Deputy Presidential Candidates and further to prioritize them in the party lists. Further the Bill seeks to among others; implement Article 10 of the Constitution, providing for national unity, participation of the people and inclusiveness in order to ensure the country remains united after general elections.

10. We note the proposals in the Bill and wish to make some general comments as follows:

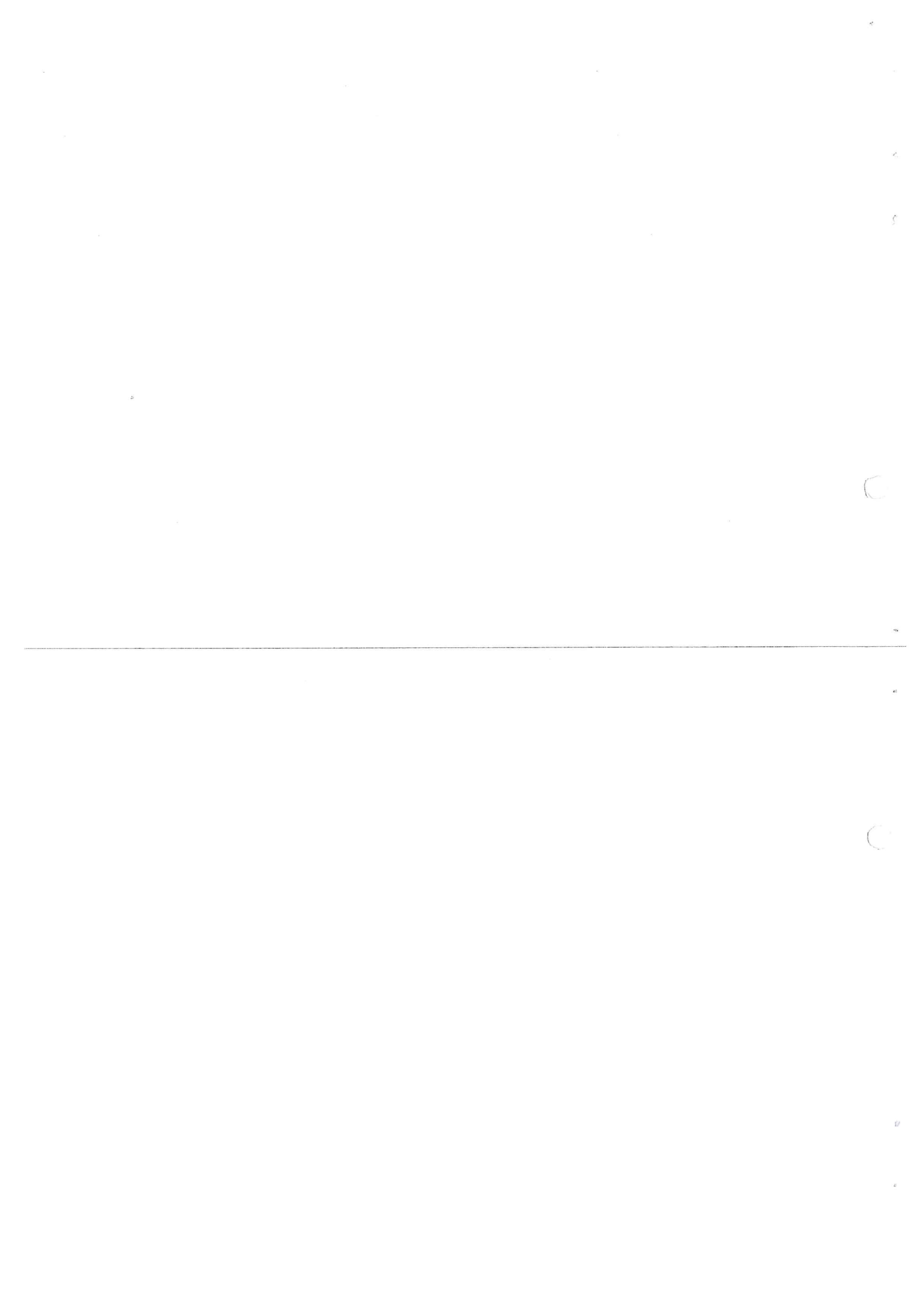
General Comments

11. Proportional Representation as governed under Article 90 of the Constitution is a hybrid of both the FPTP ('First-Past-The-Post') and PR ('Proportional Representation') models. It provides for the allocation of special seats to Parliament in proportion to the total number of seats won by candidates of the political party at a General Election based on closed lists. A system which combines various elements but in essence is somewhat a Mixed Member proportional system as it combines the mixed plurality and the proportional representation at the same time.

12. We note therefore that while this proposal seeks to provide for the nomination of candidates for President and Deputy president in the party lists, it results in the introduction of a new PR model of the electoral system which if implemented will inevitably have an equal effect on nomination of all other candidates for other elective positions both at National and County level.

Specific Comments

13. While we appreciate that the Bill seeks to ensure the realization of Article 10 of the Constitution within the electoral system, we make the following specific comments:



The Constitution of Kenya (Amendment), (No. 5) of 2020 seeks to amend Article 90 of the Constitution of Kenya in order to make provision for political parties to nominate to Parliament, Presidential and Deputy Presidential Candidates and further to prioritize them in the party lists. Further the Bill seeks to among others; implement Article 10 of the Constitution, providing for national unity, participation of the people and inclusiveness in order to ensure the country remains united after general elections.

No.	PROVISION IN THE BILL	STAKEHOLDER PROPOSAL	RATIONALE
1.	<p>Article 90 (2) -The Independent Electoral and Boundaries Commission shall be responsible for the conduct and supervision of elections for seats provided for under clause (1) and shall ensure that—</p> <p>(a) ^{my} each political party participating in a general election nominates and submits a list of its candidates for election.</p>	<p>Reword to:</p> <p>i. Provide clarity on whether voters can choose between voting for a complete list of candidates of a single party ("list vote") or voting for individual candidates from one or several lists.</p> <p>ii. Provide for "The water mark" i.e -the number of seats a specific party can be expected to achieve. (The number of seats that the party wins, combined with the candidates' positions on the party's list, in determining whether a particular candidate will get a seat etc).</p> <p>To indicate whether the List will be a "Closed-List" or "Open-List".</p>	<p>How will the seats be distributed to each party? Shouldn't it be in proportion to the number of votes the party receives?</p> <p>By deleting the words "<u>of all the persons who would stand elected if the party were to be entitled to all the seats provided for under clause (1)</u>", it is not clear whether voters may vote directly for the party or for candidates whose vote total will pool to the party.</p> <p>As a measure towards ensuring equity in representation, it is important to affirm whether the List is to be submitted before or after a General Election and FURTHER delineate whether voters have at least some influence on the order in which a party's candidates are to be listed OR whether it will remain that only active members or party officials determine the order of its candidates.</p>

The Constitution of Kenya (Amendment), (No. 5) of 2020 seeks to amend Article 90 of the Constitution of Kenya in order to make provision for political parties to nominate to Parliament, Presidential and Deputy Presidential Candidates and further to prioritize them in the party lists. Further the Bill seeks to among others; implement Article 10 of the Constitution, providing for national unity, participation of the people and inclusiveness in order to ensure the country remains united after general elections.

No.	PROVISION IN THE BILL	STAKEHOLDER PROPOSAL	RATIONALE
2.	<p>Article 90 (2) -The Independent Electoral and Boundaries Commission shall be responsible for the conduct and supervision of elections for seats provided for under clause (1) and shall ensure that—</p> <p>(b) except in the case of the seats provided for under Article 98(1) (b), each party list comprises-</p> <ul style="list-style-type: none"> i. a candidate nominated for election as president or deputy president who shall be the first and second respectively in the party list; and ii. the appropriate number of qualified candidates and alternates between male and female candidates in the priority in which they are listed. 	<p>To review Article 97(1), (c) which provides for nomination of 12 members by parliamentary political parties to the proportion of those elected in accordance to Article 90.</p> <p>Review provisions of the Elections Act in respect to nomination of political party candidates to align to the proposed electoral system.</p> <p>To add a provision importing similar amendments in respect to all other elective positions in the Senate, National Assembly and County.</p>	<p>Proposed amendments to Article 90 (2), (a) and (b) introduces an electoral system that puts Article 97(1), (c) in conflict.</p> <p>The amendment introduces an electoral system based on pure party-list proportional representation but provides no clarity if all leaders will be elected in this manner such that their presence in Parliament is owed to the number of votes that their party won, not to votes received by them personally.</p> <p>Necessary in order to ensure uniformity in the manner in which candidates for all elective positions are nominated. (Equitable Representation).</p>

CONCLUSION

14. The Commission requests this Honourable Committee to consider the proposals herein.

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W.W CHEBUKATI
CHAIRMAN




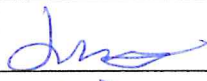


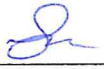
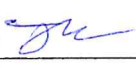
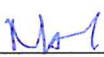





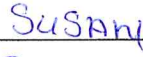
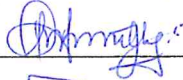
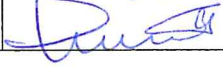


THE NATIONAL ASSEMBLY

CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE (CIOC)

PUBLIC HEARING ON THE CONSTITUTION OF KENYA (AMENDMENT) (NO.5) BILL, 2019

VENUE MENENGAI SOCIAL HALL, NAKURU COUNTY

DATE: 14TH MARCH, 2020

NO	NAME	ID	SIGNATURE
1	NICHOLAS KARURI MWANGI	23325146	
2	GEORGE KAMUKYA	32047152	
3	Stamua mungu	1155330	
4	JOSEPH ANGOYA	7132282	
5	Wilson Kimani	27139882	
6	DICKSON MAYAKA	22730300	
7	SIMON ODEKE	4032454	
8	JENEICAH NJOKI	3625294	
9	MARGARET NJAMBI	20711308	
10	FAITH MUIGAI	0733599	
11	LEAH A ATIENO	0721712120	
12	RHODA WAIRIMU	11717452	
13	SOPHA MWAAKI	0733007	
14	SIVESTER ODEDE KABIRI	02614828	
15	SUSAN MUTHONI	22524240	
16	TIMOTHY MWAMBIA	1667841	
17	SINAI NGALGA	No 224807	
18	JAMILA TWAHA	20504099	
19	MWANAISSA CHEBICH	20748240	

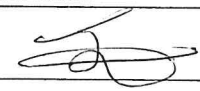
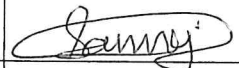

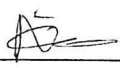
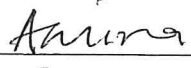
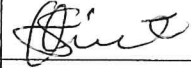



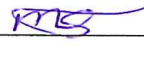
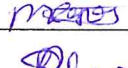
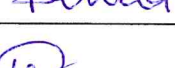
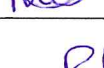
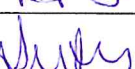
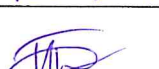



THE NATIONAL ASSEMBLY

CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE (CIOC)

PUBLIC HEARING ON THE CONSTITUTION OF KENYA (AMENDMENT) (NO.5) BILL, 2019

VENUE MENENGAI SOCIAL HALL, NAKURU COUNTY

DATE: 14TH MARCH, 2020

NO	NAME	ID	SIGNATURE
	JOHN NJUGUNA	123604737	
	SAMUEL NGARI	12788988	
	Joseph Thuku	24404094	
	Naftali Gichuki	25441402	
	Amina Hussein Jama	0006355	
	Lynette Nyambura Famba	21073482	
	ROSC APICHA	9779670	
	EVERLYNE KORIR	20087414	
	ELIZABETH WANJIRU	10154376	
	MARGARET ACHIENG	28744991	
	MARGARET NOUTA	30724463	
	RHODA WAIRIMU	11717452	
	Miriam Ngina	14439808	
	RUKIA BIHANI	0463692	
	Wanyiru Kamunjo	06211530	
	FABRITA MUKHOMI	27077461	
	PMS KIPNGETICH BUNE	11155611	
	BENSON MWANGI	11152828	

THE NATIONAL ASSEMBLY

CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE (CIOC)

PUBLIC HEARING ON THE CONSTITUTION OF KENYA (AMENDMENT) (NO.5) BILL, 2019

VENUE **MENENGAI SOCIAL HALL, NAKURU COUNTY**

DATE: **14TH MARCH, 2020**

NO	NAME	ID	SIGNATURE
	JANG PAZAL	26352527	Jane
	FLORENCE NIENJIKU	31200855	
	JANE NYANDIKO	0730790	
	Lucy NJERI	24269881	
	DAVID GICHUKI	071246524	
	NAFUTALI ANAWAN	072154794	
	MOHAMMED NGUGI	0739152489	
	ROBERT KANYI	0331467	
	George Kungu	1103206	
	Lucy Ndung'u	24903924	
	David Koige	38443561	
	MELLIE LEDAMA	20319362	
	JOSPHINE NJIKI	24336508	
	RUTH MUTHONI	36774661	
	JOHN OTUGA	6942730	
	Abel Njoroko Dnkoba	5749642	
	CHRISTOPHER OPWADO	11589240	

Kgakhal Gitau

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Francis Shumbe

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Morris Otieno

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FORMER CEO ISSA GICHANGA

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CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE

DATE: 13/03/2020

VENUE: ACK ST PETER'S ^{HALL} PETERborough COUNTY

AGENDA: PUBLIC-HEARINGS ON THE CONSTITUTION OF KENYA (AMENDMENT) (NO.5) BILL 2019

NO.	NAME	DESIGNATION/ORGANIZATION	CONTACT	SIGNATURE
1.	Joseph K. Mutis	Elder Kibera Kibera	0724925700	
2.	Mau R. Nguni	Elder Kibera	07211540987	
3.	Charles M. Gasharo	Elder Kibera	0711132953	
4.	Phili N MATHUA	Elder	0728275888	
5.	Susan WAMBUI	Elder	0720990161	
6.	CHRISTOPHER KIRIKURU	CHIEF	0723512034	
7.	Eliud Mwangi Ngunjiri	Elder	8723518405	
8.				

9.	Faith waachera	Tuth-munguru	0793684018	18
10.	Juliet Ndirangy	Tuth-munguru	0791021230	18
11.	Eurus Keshwabe	6928.6 R	0713226891	18
12.	SABR MUMTAMED	223467 R	0712476212	18
13.	FLORENCE NTAMBYA	244193	0721227583	18
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For: Clerk of the National Assembly



CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE

DATE: 13/03/2020

VENUE: ACK ST PETERS HALL - NYERI COUNTY

AGENDA: PUBLIC-HEARINGS ON THE CONSTITUTION OF KENYA (AMENDMENT) (NO.5) BILL 2019

NO.	NAME	DESIGNATION/ORGANIZATION	CONTACT	SIGNATURE
1.	Rahmaw N. Mburitha	SND A/CHIEF MATHARU	0705463879	
2.	DORISE WAZI	Youth Kuringu.	0728506111	
3.	LEUIS MUSAISI	ELDER MUSAISI	0722389688	
4.	Ashu Karur	SND CHIEF RINDU	0721 208 949	
5.	Brian Kamau	Youth Nyeri Town	0908069076	
6.	Joseph Rwa	C.H.V	0725112344	
7.	JOHNY KIMILA MURROK,	ELDER KIMILGAAL	0722 643142	
8.	DUNCAN K. NGATI	ELDER MURUGURU	0739591294	

9.	Charles Muhoro Gachungo	ELDEK-MURUGU	0728527077	
10.	STEPHEN N. MURERITHI	KISUMU - ELDEK	0724307308	
11.	SPENCER KAMUTHI	Waji ward	0725814857	
12.	Geoffrey Muriuki	NYERI TOWN	0702513911	
13.	WACHIRA KANDARA	KAMAKWA	0723130796	
14.	HARUN CICHURE	RURU WARD	0700812310	
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For: Clerk of the National Assembly



CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE

DATE: 13/03/2020

VENUE: AUK ST PETER'S HALL - NYERI COUNTY

AGENDA: PUBLIC-HEARINGS ON THE CONSTITUTION OF KENYA (AMENDMENT) (NO.5) BILL 2019

NO.	NAME	DESIGNATION/ORGANIZATION	CONTACT	SIGNATURE
1.	ELIJAH GITEI NDIRUKU	ELDER	0722582872	
2.	DETEE GIKARA GUMATIE	ELDER	0726486079	
3.	GRACE WANJAU GAIKUU	ELDER	0720569526	
4.	ANDREW KICHOHI NDERU	ELDER	0720316658	
5.	Lacey Ndamburi Aboge	Elder Representative	0720270747	
6.	SOHN KIAGDO WANYEKI	ELDER KIAMBARA	0791515039	
7.	IRATHIM KUMUJA MANNA	Business man	0729477953	
8.				

9.	JEECESA WANEWI WANGGARI	YOUTH ELDER	MATHAREI	0706 483 572	
10.	SUSAN WAMBUI WATATHA	ELDER	MATHAREI	0720 790 161	
11.	Peter Wachig Mubneyi	ELDER	TUMBUKUMU	0726 974 448	
12.	ANNA W. MAINA	ELDER	GITHURU	0727 005 603	
13.	JERONIT NUSY	ELDER	THONKOK	0721 424 524	
14.	REFA KAMUNJAH	ELDER	MWAKE	0720 460 337	
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For: Clerk of the National Assembly