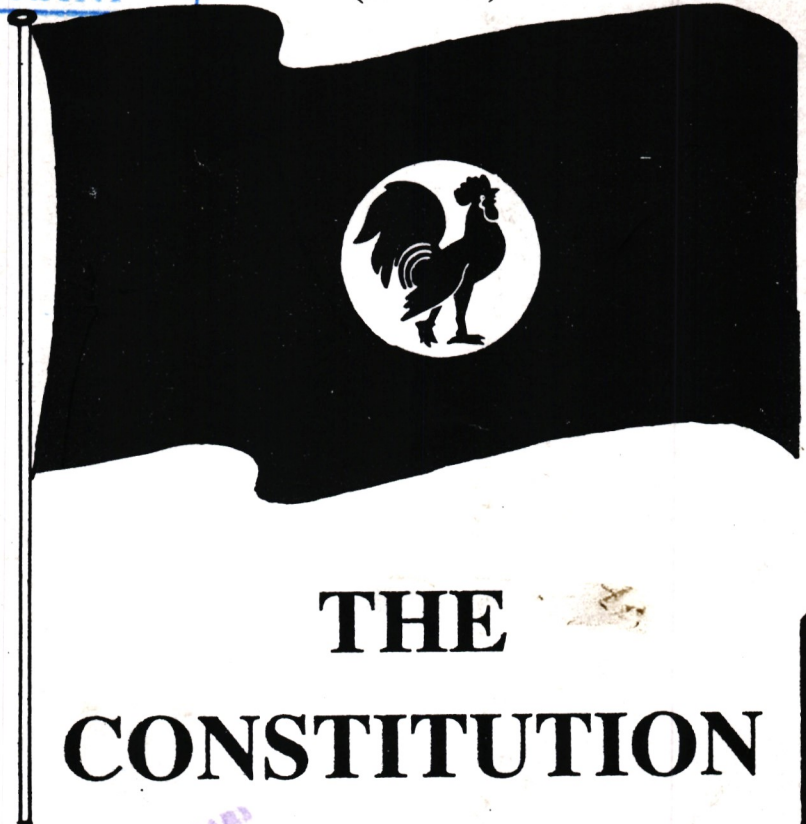


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# THE CONSTITUTION

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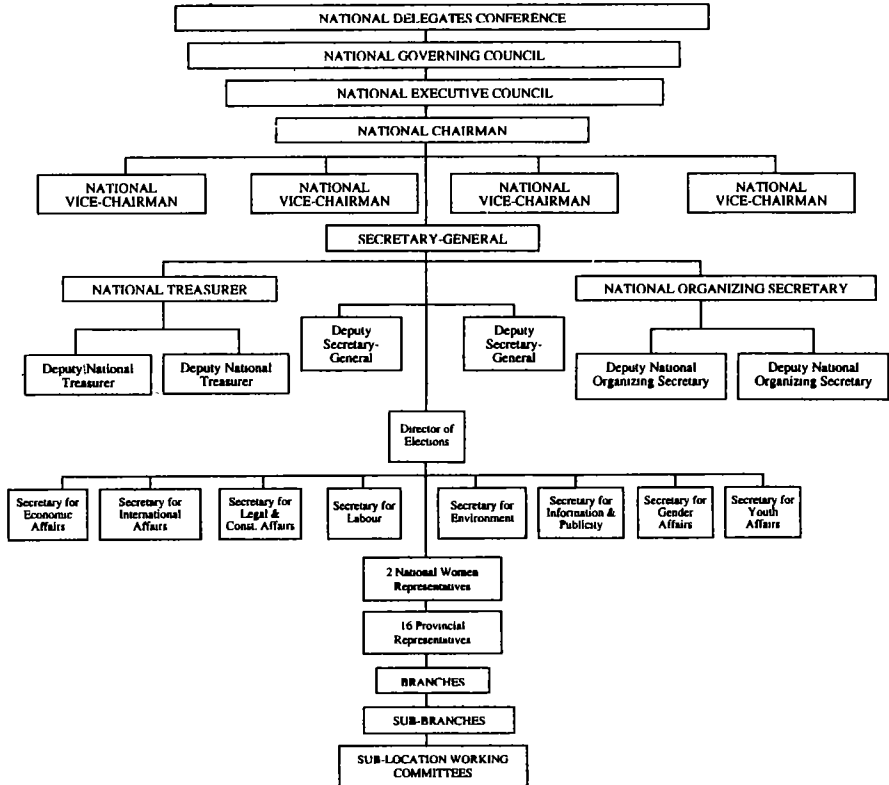
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**THE CONSTITUTION  
OF  
THE KENYA AFRICAN NATIONAL UNION  
(KANU)**

## KANU ORGANIZATIONAL & MANAGEMENT STRUCTURE



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## **PREAMBLE TO THE CONSTITUTION**

We the members of KANU and the NDP, being citizens of Kenya, and being desirous of merging our two political parties, into one united, strong and dynamic political party in the exercise of our Constitutional right of association;

AND, strongly convinced that it is only through such a party that we can, with singular voice, effectively articulate our political vision for this country and safeguard our political independence, defend our national sovereignty, mobilize our peoples and resources for greater national unity and development;

AND, to compete successfully in the political arena against other political parties, with a view to winning and forming a national government of the day;

DO HEREBY merge under the name of Kenya African National Union referred to as the "Party" or KANU and consequently thereupon DECLARE :

1. THAT there shall be a joint National Delgates Conference to the consolidation and manifesto of their merged party.

2. THAT KANU is formed as a political party for political mobilization of the broad masses of our people.

As a political party, KANU will, if and whenever it wins the general election, form the national government of the day, accept total responsibility for leadership of the said government and manage the public affairs of this great Nation in the transparent and accountable manner.

In the execution of this great responsibility, KANU's Leadership and its entire rank and file membership, shall recognize and aptly respond to the challenges of steering the

country in the correct direction and moving forward towards greater heights of prosperity.

Further, KANU shall endeavour to create and promote national unity, political stability, harmony amongst Kenyan communities; Law and order as well as respect for Human Rights.

3. THAT, if and when given the mandate to govern the country, KANU shall do so in total observance of the Law of the Land and National Codes of Regulations and Ethics.

In this respect, the KANU government's policies shall be carefully and broadly conceived, and shall be born from and refined by broad-based consultations with the wider sections of our society, including the civil society organizations, the public and private sectors.

4. THAT governance by KANU, shall practice and uphold freedoms and civil liberties enshrined in the Constitution of Kenya. The KANU shall not only be enjoined by these freedoms in its actions, but shall also defend, protect and preserve the same. KANU shall further strive to educate the people about these rights through the formulation and application of appropriate programmes of civic education for political empowerment.

5. THAT, being acutely aware that our country cannot judiciously stand alone, KANU shall look abroad and borrow a leaf from the experiences and practices of other countries for our national good. But this shall be done strictly on a selective basis so as to borrow only what is compatible with our needs and not that which may desecrate our cultural heritage, history, national cohesion, image and, above all compromise our national sovereignty.



In this regard, KANU firmly undertakes to reject external interferences and foreign ideologies. This rejection is premised on the conviction that Kenyans deserve a national pride and dignity of their own. They have the inalienable right to decide their own destiny AND must in no way be the subject of external manipulations and ideological experimentations.

6. THAT KANU shall endeavour to co-operate with other African countries and support any Pan-African movements and strategies designed to consolidate Africa's political independence. Similarly, KANU shall speak loud and clear against any form of new-colonialism, subjugation and imperialism perpetrated on Africa or other people anywhere in the world. The promotion of African unity, through the African Union and the economic emancipation and integration of Africa shall remain one of KANU's primary concerns. Therefore, KANU through its Government, shall pursue policies and take actions towards the achievements of these concerns.

## PART I

### NAME AND OBJECTIVES OF THE PARTY

#### ARTICLE 1: NAME OF THE PARTY

The name of the Party shall be the KENYA AFRICAN NATIONAL UNION (herein referred to as " the Party" or alternately "KANU").

#### ARTICLE 2: INTERPRETATION

In this Constitution unless the context otherwise warrants—

“Article” means Article of this Constitution and “clause” or

“Sub-clause” shall be similarly construed;

“Branch” shall be coterminous with the Parliamentary Constituency boundaries;

“collector”, means any person charged with the responsibility of collecting and/or receiving money as a collector on behalf of the Party under this Constitution;

“Constituency” means constituency as defined under the National Assembly and Presidential Elections Act, (Cap. 7, Laws of Kenya);

“district”, “province”, “location” and ‘sub-location” shall have same meaning assigned to each for purposes of public administration in Kenya AND each shall be coterminous with the respective administrative area to which it refers;

“location/ward” means the constituency area from which a councillor is elected for representation to the relevant Local Authority;

“member” means member of the Party;

“Organizer” means an organizer provided for under Article 16 Clause 2 Sub-Clause (d).

“party” means the Kenya African National Union (KANU);

“National Chairman” means the National Chairman of the party and other National Officials shall be construed accordingly;

“sub-branch” shall for the purposes of this Constitution be coterminous with Administrative Locations as defined under the National Assembly and Presidential Elections Act (Cap. 7, Laws of Kenya).

For the purposes of this Constitutions, “he or him” refers to both male and female persons.

### ARTICLE 3: AIMS AND OBJECTIVES

1. To compete with other political parties obtaining in the country using any lawful means for the purpose of winning elections and forming the Government and shall be committed to and shall work for freedom, peace, security, stability, democracy, the sanctity of life and social justice for all.

2. To engage in any lawful activities for the purpose of propagating, broadcasting or popularizing party policies and actions in order to solicit for and win members and public support throughout the country.

3. To undertake membership recruitment drives and for this purpose to establish programmes, facilities, and offices throughout the country for the purposes of campaigning, persuading and winning persons to become members of the Party and for the effective organization and retention of those members.

4. To promote national consciousness, peace and unity and vigilantly advance and safeguard national interests.

5. To tirelessly fight against tribal, racial, sexual, religious and economic discrimination and exploitation and all other forms of oppression, and all forms of discrimination.

6. To vigorously pursue a zero tolerance policy towards complete elimination of corruption and to work for the rapid and

smooth development of Kenya, raising peoples' standards of living, wealth, education, health and general welfare.

7. To secure for the workers of Kenya a just return for their labour and the equitable distribution thereof by ensuring that the means of production, distribution and exchange are under a sustainable system of control and fair play.

8. To promote in Kenya principles and practices of democratic governance based on grassroots participation, transparency and accountability and to foster and strengthen democratic values, human rights and institutions geared towards the consolidation and facilitation of these ideals; and to uphold the rule of law and guarantee civil liberties, rights and privileges as enshrined in the Constitution of Kenya.

9. To promote the ideals, principles and practices of African Socialism and to fight for the respect and preservation of our national heritage, history, culture and national sovereignty.

10. To involve specialized groups of persons such as the women, youth, non-governmental organizations and religious organizations into the affairs and management of the Party with a view to winning their support for the Party and in this respect constitute within the Party hierarchy units and programs through which these groups can actively participate in the affairs of the Party so as to strengthen it.

11. To work with or otherwise support any Pan-African movements or actions with a view to consolidating Africa's political independence and economic integration and to join in the eradication of modern day forms of imperialism, neo-colonialism, racialism and all other forms of exploitation and oppression in Africa and elsewhere in the world.

12. To manage and conserve the environment, natural resources, national monuments, historical sites and archives for the good and enjoyment of posterity.

13. To preserve and defend national sovereignty and to oppose all forms of foreign penetration, domination, influences and ideologies and to counter the maligning of our motherland by Kenyans themselves or other persons or organizations.

14. To co-operate and collaborate or otherwise liaise or work with any local, national, regional or international organization or institution, whether it be governmental or non-governmental, in the promotion and strengthening of the Party, its interests, aims and objectives.

15. To fight for gender equality and the empowerment of women, the rights of minority peoples and of any other marginalized or disadvantaged group of Kenyans.

16. To solicit for funds within or outside Kenya and to engage in or undertake any activities for the purpose of soliciting for or generating or raising funds for the use of the Party.

17. To borrow money for the purposes of the Party and to pledge, mortgage or charge property of the Party as security for such loans; or to invest any of its monies in securities and/or ventures approved by the National Executive Council; or to engage in any commercial activity or undertaking for purposes of raising money to fund its objects under this Constitution.

18. To develop or devise a scheme of awards, recognition or distinction of merit or honour and confer awards, recognition, distinction or mark thereof to any person, institution or organization that has rendered exemplary service to the Party or otherwise advanced Party interests in a manner deserving award or recognition.

19. To do anything ancillary to or connected with the foregoing aims and objectives, or otherwise do anything that helps the Party to achieve any or all of its aims and objectives.

## PART II

# MEMBERSHIP OF THE PARTY

### ARTICLE 4: PROCEDURE OF BECOMING A MEMBER

1. Any person who is a citizen of Kenya and is aged 18 or above, who believes in and accepts the objectives, policies, programmes, discipline of the Party, and terms and conditions of membership of the Party contained in this Constitution, shall be eligible for membership of the Party.

2. To become a member, a person shall make either a verbal or written application to the Sub-location Committee Secretary or to the KANU office nearest to him for consideration by the Sub-Branch Working Committee. If the application is successful, the person shall be enrolled as a member of the Party and the enrolment shall be signified by an entry of the person's name and other relevant particulars in the Register of Members kept for that purpose at the relevant office. Upon such enrolment, the person shall be issued with a Membership Card, duly serialized, dated, signed and stamped with the Party's official stamp.

3. Notwithstanding the provisions of clause 2 of this Article, a person may become a member of the Party at any place or time when approached or solicited directly by a Party Official or agent on a membership recruitment drive. Where a person becomes a member as provided hereunder, he shall be duly enrolled as provided in clause 2 of this Article.

4. Upon enrolment, a member shall pay such membership or admission fee prescribed for the category of membership the member has opted for, and may in addition pay annual subscriptions as may be determined by the National Governing Council from time to time.

5. A person who has become a member of the Party shall be entitled to all rights and privileges of a member except as may

be provided otherwise in this Constitution or decided to the contrary by the National Governing Council from time to time.

6. Notwithstanding the provisions of clause 2 of this Article the National Chairman may at his sole discretion, waive the requirement as to the application for membership under the said clause and admit any person or group of persons to the membership of the Party as circumstances may warrant. Persons admitted under this clause shall be issued with membership cards and shall be entitled to all privileges and rights of a member as if admitted under clause 2.

### **Categories of Members**

7. Subject to the approval of the National Delegates Conference, the National Governing Council shall have power to create or establish such categories of membership for the advancement of the interests and objectives of the Party as circumstances may warrant.

8. Without prejudice to the generality of the provisions of clause 7 of this Article:

(a) The categories of membership of the Party shall for the time being be:

- (i) life member;
- (ii) ordinary member;
- (iii) affiliate member;
- (iv) honorary member; or
- (v) any other category established by the National Governing Council.

(b) Any person who is qualified to become a member of the Party under this Article, if he so desires, may become or convert from ordinary member to a life member of the Party. Upon so becoming, the member shall pay such life membership fee as may be prescribed from time to time by

the National Governing Council and shall be issued with a Life Membership Certificate duly serialized, dated and signed by the National Chairman. In addition, he shall be issued with a Life membership Card.

PROVIDED that a life member shall be entitled to such rights and privileges as may be attached to this category of membership by the National Governing Council from time to time; and such rights shall include the right to attend and vote at Party meetings and the right to be elected to and hold any Party office.

(c) The National Governing Council may admit any person, organization or institution whose admission is likely to promote the interests of the Party whose objects are similar to those of the Party, to affiliate membership of the Party. Affiliate members shall be admitted on terms and conditions as the Council may deem fit AND for the avoidance of any doubt, the affiliate members shall pay such admission and subscription fees as the Council may determine from time to time, and may attend meetings of the Party but shall not be entitled to vote thereat nor to hold or be elected to any office of the Party.

(d) The National Governing Council may admit any person, organization or institution, in recognition of his or its contribution to the welfare of mankind and in so far as such contribution advances the interests and objects of the Party, to honorary membership of the Party. Honorary members, in addition to any other terms and conditions upon which they may be admitted, shall not pay any admission or subscription fees; and shall not be entitled to vote at meetings of the Party nor to hold or be elected to any Party office.

(e) The National Executive Council shall, with the approval of the Governing Council, prescribe terms and condition for each category of Party membership and rights and privileges attached thereto.



## Termination of Membership

9. (a) Any member may terminate his Party Membership at any time either by making a public declaration to that effect or by giving written or verbal notice to any Party office nearest to him.

(b) The membership of such a person shall terminate with effect from the date of the declaration of notice.

(c) A person who has terminated his membership shall not be entitled to a refund of the fees or subscriptions made by him to the Party prior to termination; and all rights, privileges responsibilities or facilities granted to or enjoyed by him by virtue of his membership shall automatically terminate with effect from the date mentioned in paragraph (b) of this clause.

(d) The Party shall have a right to lay any claims against any person who has terminated his membership for any monies due and owing from him or for any damage or loss occasioned to Party property, which was in his custody, possession or control prior to termination of membership. PROVIDED that the provisions of this paragraph shall, *mutatis mutandis*, apply to officers of the Party.

(e) Any person, other than a person who was a life member prior to termination of his membership, may if he so wishes to rejoin the Party, apply for re-admission in the normal manner provided for under this article.

(f) A person, who was a life member prior to termination of his membership, may apply for re-admission to Party membership if he so wishes. PROVIDED that such re-admission shall be subject to the approval of the National Governing Council.

(g) Persons admitted to Party membership as honorary or affiliate members, may terminate their membership in accordance with the terms and conditions upon which they were admitted.

### PART III

## MANAGEMENT OF THE PARTY

### (A) NATIONAL OFFICIALS AND OFFICERS OF THE PARTY

#### ARTICLE 5: NATIONAL OFFICIALS

1. The Party shall be managed by the following officials who shall be known as the National Officials:

- (a) National Chairman.
- (b) National Vice-Chairman.
- (c) National Vice-Chairman.
- (d) National Vice-Chairman.
- (e) National Vice-Chairman.
- (f) Secretary -General.
- (g) Deputy Secretary General.
- (h) Deputy Secretary-General.
- (i) National Treasurer.
- (j) Deputy National Treasurer.
- (k) Deputy National Treasurer.
- (l) National Organizing Secretary.
- (m) Deputy National Organizing Secretary.
- (n) Deputy National Organizing Secretary.
- (o) Secretary for Legal and Constitutional Affairs.
- (p) Director of Elections.
- (q) Secretary for Public Policy and Economic Affairs.
- (r) Secretary for Information and Publicity.
- (s) Secretary for Environment.

- (t) Secretary for Labour Affairs.
- (u) Secretary for Gender Affairs.
- (v) Secretary for International Affairs.
- (w) Secretary for Youth Affairs.

2. Save as provided under clause 5(b) of Article 6, all National Officials shall be elected by delegates at a National Delegates Conference whereat election of National Officials is on the agenda of the day.

3. Unless otherwise demanded by the delegates, the election shall be by secret ballot and shall be decided by simple majority where more than one candidate are contesting for any one national office. Where only one candidate is nominated for any one national office at the close of nominations that candidate shall be declared winner for lack of contest.

4. Elections of National Officials shall be preceded by the nomination and secondment of every candidate. The nomination of candidates shall be by proposal and secondment. Any person nominated but not seconded for the seat in question shall not qualify to participate in the elections of the seat as a candidate.

5. Election results of any national post shall be final as announced PROVIDED that any dissatisfied candidate or member may resort to redress provided for under Article 23.

6. No person shall qualify to be elected a National Official unless he is a life member of the Party.

7. National Officials shall hold office for five consecutive years and shall be eligible for re-election at the expiry of their term of office.

8. If a vacancy occurs in any national office other than that of the National Chairman from whatever cause, the National Governing Council shall appoint a person among the members of the National Governing Council to act in the vacant position

until the vacancy is filled by the delegates at the next National Delegates Conference.

9. A person elected to a national office under this Article shall not qualify to hold at the same time any Branch office; and if he held one prior to election to national office, he shall automatically relinquish that Branch office.

10. Notwithstanding anything contained in this Constitution, a National Official or Officer of the Party shall not be prevented from rendering consultancy or professional services to the Party. In the event of such consultancy or professional services the National Executive Council shall, on behalf of the National Governing Council, negotiate terms and conditions thereof in total and full regard to the interests and objectives of the Party.

11. At the elections of the National Officials, the delegates shall commence the exercise by the nominations and elections for the post of National Chairman. The National Executive Director shall preside over the nominations and election of National Chairman. After the election of the National Chairman, the person declared winner shall immediately thereafter take over from the National Executive Director and preside over the rest of the nominations and elections of the other National Officials.

12. Notwithstanding the provisions of clause 7 of this Article the National Chairman may postpone, re-schedule, call off or take any other appropriate action in connection with the holding of elections of the National Officials or anyone of them if the interests of the Party so demand.

13. National Officials shall be entitled to receive from the Party such allowances and other benefits as the National Governing Council may determine from time to time.

## **POWERS AND DUTIES OF NATIONAL OFFICIALS**

### **ARTICLE 6: THE NATIONAL CHAIRMAN—DUTIES AND POWERS**

1. The National chairman shall be the overall head of the Party and shall in that capacity oversee the overall management and running of the Party and shall exercise all powers and perform all duties conferred upon him by this Constitution and those that are inherent in or customary to the office of the Chairman or leader of a political party.

2. Without prejudice to the generality of the foregoing clause, the National Chairman shall:

(a) Ensure discipline and proper conduct of all Party Officials, officers and members, otherwise enforce adherence to Party policies by all Officials, officers and members and is accordingly empowered to suspend any one of these persons if in his opinion such person is guilty of misconduct or indiscipline. PROVIDED, however, that the suspension of an Official, Officer or Life Member of the Party shall be subject to the ratification of the National Governing Council within three (3) months from date of such suspension, failing which ratification, the suspension shall automatically lapse.

(b) Have full authority over all organs of the Party including the Party's Parliamentary Group, Youth and Women's Leagues and the Branches, including their respective officials.

(c) Unless prevented by illness or other sufficient cause, preside over the Delegates Conferences, the National Governing Council, the National Executive Council and the meetings of the Party Parliamentary Group.

(d) Have power to veto the appointment of any officer of the Party and to give general directives as to the appointment or dismissal of any such Officer.

(e) Notwithstanding any provisions in this Constitution to the contrary, have power to dissolve any Branch or Sub-branch/Location/Ward of the Party and either appoint an interim committee to run the Branch or Sub-branch/Location/Ward or order elections for a new team of the Officials thereof held.

(f) Have power to declare any sub-area of a branch, a Sub-Branch or full Branch, as the case may be, for all purposes of the Party as the interest of the Party may dictate.

(g) Nullify or withhold the declaration of results of any Branch or Sub-Branch/Location/Ward elections as the interests of the Party may demand; and order for fresh elections, or appoint a committee to run the affairs of the party organs affected.

(h) Symbolize the image and unity of the Party, be the Party's national and international spokesman and, in this respect, defend the Party, its constitution, policy, interests, programmes and actions.

(i) Perform other duties and exercise other powers conferred upon him by this Constitution AND take any action or give any directives, which in his opinion will enable the Party, achieve its objectives and interests.

3. A person elected National Chairman of the Party in accordance with this Constitution shall assume offices as Party National Chairman as soon as he is declared to be elected.

4. A person assuming the office of the Party National Chairman shall, before entering the office, take and subscribe to the oath of allegiance to the Party and such oath of due execution of his office as may be prescribed by the National Governing Council.

5. (a) The Party National Chairman shall, unless his office becomes vacant by reason of his death, and notwithstanding the provisions of clause 7 of Article 5, continue in office until

the person elected as the next National Chairman at a National Delegates Conference assumes office.

*(b)* If the office of the Party National Chairman becomes vacant before the expiry of the tenure of the person who was the immediate past National Chairman, the Secretary-General in consultation with the National Executive Council shall convene a Special National Delegates Conference within three months for the purposes of holding an election of the Party National Chairman in the manner prescribed in Article 5, clauses 3, 4, 5 and 11 thereof; AND the first business at the Conference shall be the election of the National Chairman.

6. If the Office of the President of the Republic of Kenya becomes Vacant, a Presidential Nomination Council of the Party shall convene within three months for the purposes of nominating the Party's Presidential Candidate as provided under Article 22 Paragraph 1 and in accordance with the procedures laid down in Article 27 Sub-title *(a)*.

7. A National Vice-Chairman or any other person elected by the National Executive Council shall exercise the functions of the office of the National Chairman by virtue of clause 5*(b)* of this Article, AND he shall not act, except in accordance with a resolution of the National Executive Council, in the exercise of the powers relating to:

*(a)* Suspension or removal of any member, or National Official of the Party from membership or office.

*(b)* The calling of Party grassroots elections.

*(c)* The dissolution of a Branch, or Sub-Branch/Location/Ward, creation of one or removal of any of its officials.

*(d)* The assignment of responsibility to any National Official or Branch Official other than that already held.

(e) Dismissal or suspension of the National Executive Director, his deputy or departmental heads at the Party Secretariat.

## ARTICLE 7: DUTIES OF THE OTHER NATIONAL OFFICIALS

1. *National Vice-Chairmen.*—There shall be four National Vice-Chairmen of the Party elected as provided under this Constitution. Subject to any limitations imposed by this Constitution, and the resolutions of the National Delegates Conference, the National Vice-Chairmen may perform such functions, exercise such powers as may be assigned to them by the National Chairman, National Executive Council or the National Governing Council.

2. *The Secretary-General.*—He shall be responsible for the Secretariat under the general direction of the National Chairman and the National Executive Council. He shall ensure that meetings of the National Governing Council, the National Executive Council and the National Delegates Conferences take place as prescribed by the Constitution and at such times as may be decided by the National Chairman. He shall keep or cause to be kept a proper record of minutes of all meetings of the National Executive Council, National Governing Council and National Delegates Conferences and ensure the distribution of such minutes to persons or Branches concerned. He shall perform such other functions and exercise such other powers conferred upon him under this Constitution, or by the National Chairman, or by the National Executive Council.

3. *Deputy Secretaries-General.*—There shall be two Deputy Secretaries-General who shall perform such duties, and exercise the powers of the Secretary-General in his absence, or as may be directed by the National Chairman, or by the National Executive Council.

4. *The National Treasurer.*—He shall be in charge of the Party's financial affairs and shall supervise all Party financial



transactions in consultation with the Secretary General and under the guidance of the National Chairman, the National Executive Council and the National Governing Council.

He shall submit to the National Executive Council a financial statement every quarter of the year and shall ensure that the Annual Statement of Accounts, duly audited, is circulated to all delegates at the same time as the notice convening the Annual National Delegates Conference is sent out. He shall ensure that any other person empowered to handle Party monies does so honestly and adheres to all procedures laid down for handling of such monies or matters related thereto.

5. *The Deputy National Treasurers.*—There shall be two Deputy National Treasurers, who shall assist, and perform the duties and exercise the powers of the National Treasurer in his absence, or as may be directed by the National Chairman, or by the National Executive Council.

6. *The National Organizing Secretary.*—He shall, under the direction of the National Chairman, be responsible for promoting and mobilizing Party activities including recruitment at Branch level and shall ensure proper and effective functioning of all Branches. He shall, in consultation with the Secretary-General, prepare and or assist in the preparation of, and thereafter report on the progress in the holding of the meetings of the Delegates Conferences, the National Governing Council, the National Executive Council and National Officials. He shall ensure that the Branches and Sub-Branchees hold their meetings in accordance with the requirements of this Constitution.

7. *Deputy Organizing Secretary.*—There shall be two Deputy Organizing Secretaries who shall assist, and perform the duties and exercise the powers of the National Organizing Secretary, or as may be directed by the National Chairman or the National Executive Council.

8. *The Secretary for Gender Affairs.*—The Secretary for Gender Affairs shall be a woman and shall perform such duties

as may be directed by the National Chairman or National Executive Council. She shall promote and mobilize Party activities and policies among the women of Kenya.

9. *Secretary for Youth Affairs.*—He shall perform such duties as may be directed by the National Chairman or National Executive Council. He shall promote and mobilize Party activities among the youth of Kenya.

10. *Secretary for Legal and Constitutional Affairs.*—He shall be the legal adviser to the party in all legal and Constitutional matters and shall perform such duties as may be directed by the National Chairman or National Executive Council.

11. *Director of Elections.*—He shall perform such duties as may be directed by the National Chairman or by the Secretary-General in co-ordinating and conducting Party elections. He shall perform such other duties as may be directed by the National Chairman or the National Executive Council.

12. *Secretary for Information and Publicity.*—He shall be responsible for dissemination of information and public relations and shall perform such duties as may be directed by the National Chairman or National Executive Council.

13. *Secretary for Public Policy and Economic Affairs.*—He shall advise the Party on public issues and economic matters. He shall perform such duties as may be directed by the National Chairman or National Executive Council.

14. *Secretary for Environment.*—He shall advise the Party on all matters concerning environment and shall perform such duties as may be directed by the National Chairman or National Executive Council.

15. *Secretary for Labour.*—He shall advise the Party on all labour related matters and shall perform such duties as may be directed by the National Chairman or National Executive Council.

16. *Secretary for International Affairs.*—He shall advise the Party on East African Community matters, regional and international affairs and perform such duties as may be directed by the National Chairman or National Executive Council.

#### OTHER PROVISIONS

17. (a) In addition to the several functions attached to their respective offices under this Constitution, the National Officials, who for the purposes of this paragraph shall exclude the National Chairman, shall, subject to any limitations or conditions imposed by the National Executive Council, implement on behalf of the Council, duties enumerated under Article 13(2) of this Constitution and all decisions taken by the Council in pursuance thereof.

(b) In order to implement the duties directed under sub-clause (a) of this Clause, the National Officials shall constitute themselves into a Standing Committee to be known as the National Officials Committee. This Committee shall, unless there be a compelling reason, meet at least once every month to carry out the said duties and supervise the administrative machinery of the Party as provided under Article 13 clause 2 on behalf of the National Executive Council.

(c) The National Officials shall constitute themselves into a further committee to be known as the General Purposes Committee to which a National Vice-Chairman shall present reports from specialized Committees of the National Executive Council. Upon receipt of such reports, this Committee shall therefrom and in accordance with the recommendations contained therein, prepare programmes of action for the National Executive Council and the National Governing Council.

(d) A National Vice Chairman under the direction of the National Chairman shall preside over the meeting of the National Officials and their Committees unless the National

Chairman be present and attending. In the absence of all the National Vice Chairmen, the Secretary General shall preside. In the absence of Secretary-General, the National Treasurer shall preside.

(e) In the performance of their duties or exercise of powers conferred upon them under this Constitution, the National Officials shall be enjoined to work together as a team and their decisions or actions on all matters relating to the Party affairs shall be construed as being collective and they shall jointly and or severally when attending to Party affairs strive to foster unity and harmony among themselves and in the Party as a whole.

#### ARTICLE 8: NATIONAL EXECUTIVE DIRECTOR

1. There shall be a National Executive Director of the Party who shall be appointed by the National Chairman from a list of candidates presented to him by the National Officials Committee constituted for purposes of receiving and processing applications from members of the Party wishing to be considered for appointment. The National Chairman shall have power to reject all candidates so presented and appoint as National Executive Director a person of his choice or may give such directives to the Committee as he considers appropriate for the appointment of a suitable National Executive Director.

2. The National Executive Director shall be a full-time employee of the Party and shall serve on such terms and conditions as the National Chairman shall, in consultation with the National Officials Committee, determine in the interests of the Party.

3. No person shall qualify to be appointed a National Executive Director unless he is, at the time of such appointment, a life member of the Party.

4. The National Executive Director shall be the Chief Administrative Officer of the Party's Secretariat and shall in that respect:

(a) Be in charge of the National Party Secretariat, ensure its smooth and efficient functioning, and have the overall responsibility for all the staff working at the Party Headquarters and at the Branches and any other organs thereof. He shall supervise and give guidance to such staff and ensure their observance of all Party policies and programmes and their general discipline.

(b) Co-ordinate and implement as instructed from time to time all Party policies, decisions and programmes and generally ensure the achievement of all or any of the objects of the Party as stipulated in this Constitution.

(c) Assist the National Officials Committee in processing applications from persons wishing to be considered for appointment as Senior Officers of the Party; AND in consultation with the said Committee, recruit subordinate staff of the Secretariat.

(d) Be the Accounting Officer of the Secretariat under the general guidance of the National Treasurer; act as Secretary to the National Officials Committee and other Committees of the National Officials; preside over the Presidential Nomination Council for the nomination of the Party's national Presidential candidate and over the election of the National Chairman at the National Delegates Conference; and pay the Branch Executive Officers directly from the Party Headquarters.

(e) Ensure the revitalization and popularization of the Party by—

(i) arranging for regular contacts between the Party Headquarters, Branches and local leaders so as to ensure that Party policies and programmes are carried out right down to the grassroots;

- (ii) establishing facilities intended to revitalize and popularize the Party such as:
  - KANU Women and Youth Clubs,
  - KANU Sports and Culture Clubs,
  - KANU Youth Hostels,
  - KANU Members Clubs,
  - Any other women, youth or member activities,
- (iii) carrying out publicity stands and campaigns through slogans and propaganda Committee established by the National Executive Council;
- (iv) ensuring and facilitating vigorous membership recruitment drives and taking precautions to prevent infiltration of the membership drives by the opposition by careful scrutiny of persons wishing to become Party Members, introduction of membership cards that have security proof devices, and the keeping of up-to-date registers of members at the Party Headquarters and the Branches.

(f) With the approval of the National Officials Committee, establish or cause the members to establish Non-Governmental Organizations so as to tap the financial resources available for general development of the nation and the members; or otherwise co-operate, liaise, work or enter into agreement with existing Non-Governmental Organizations for the benefit of the Party;

(g) Liaise with or otherwise assist the Organizing Secretary in the conduct and organization of the Party meetings and other activities; and the KANU National Elections Committee in the organization and conduct of Party elections.

(h) Perform other functions and exercise other powers conferred upon him under this Constitution or directed by the National Chairman or Secretary-General from time to time.

5. In the performance of his duties and exercise of his powers under this Constitution, the National Executive Director shall work under the general guidance and direction of the Secretary-General.

#### ARTICLE 9: OTHER SENIOR OFFICERS OF THE PARTY

1. There shall be a Deputy National Executive Director and such other Senior Officers of the Party besides the National Executive Director, as the National Executive Council shall designate for the proper and efficient functioning of the Secretariat. The Deputy National Executive Director and the other Senior Officers shall be full time employees of the Party and shall serve on such terms and conditions determined by the National Executive Council upon the recommendation of the National Officials Committee.

2. (a) The National Officials Committee shall establish its own sub-committee to be known as the *Appointments Sub-Committee* which shall be charged with the responsibility of interviewing and making recommendations for the appointment of the Deputy National Executive Director and the other Senior Officers of the Party.

(b) The Sub-Committee shall submit its recommendations to the National Officials Committee who may adopt or reject the recommendations as the case may be. Where the Committee adopts the recommendations, it shall submit the same to the National Executive Council for the appointment of the Senior Officers of the Party.

3. The Deputy National Executive Director and the other Senior Officers shall work under the general direction and guidance of the National Executive Director and shall perform such functions and exercise such powers as may be assigned to

them by the National Executive Director in accordance with this Constitution and terms and conditions of their appointment. PROVIDED that the Deputy National Executive Director shall deputize for the National Executive Director in addition to duties assigned to him as provided in this clause.

4. No person shall qualify to be appointed Deputy National Executive Director or other Senior Officer of the Party unless he is a life member thereof.

**B—OTHER ORGANS OF THE PARTY**

**ARTICLE 10: ESTABLISHMENT OF THE ORGANS OF THE PARTY**

1. The Party shall be managed and run through such organs and a Secretariat with departments, units and committees thereof as the National Governing Council, with the approval of the National Delegates Conference, may establish from time to time.

2. Without prejudice to the generality of the foregoing, the Organs of the Party shall for the time being include;

- (a) The National Delegates Conferences.
- (b) The National Governing Council.
- (c) The National Executive Council.
- (d) The National Secretariat.
- (e) Branch Organization (Constituency).
- (f) Sub-Branch/Location/Ward
- (g) Sub-Location Committee
- (h) Any other organ by whatever name called established in accordance with the Constitution.

3. With the sanction of the National Governing Council, an Organ of the Party may create any standing or ad hoc committees for the efficient execution of its duties and powers as circumstances and interests of the Party may demand.



4. Where an Organ of the Party creates any Committee, it shall first seek the approval of the National Governing Council through the Organ next up in command.

5. The National Governing Council shall, with the approval of the National Delegates Conference, have power to assign or mandate any organ or vary the mandate so assigned or abolish or re-structure the organ itself.

#### ARTICLE 11: THE NATIONAL DELEGATES CONFERENCES

1. There shall be two types of National Delegates Conferences, namely, a National Delegates Conference and a Special National Delegates Conference.

2. (a) In each case the composition of a National Delegates Conference shall be as follows:

(i) All members of the National Executive Council.

(ii) All KANU members of the National Assembly.

(iii) Twenty delegates from each Branch of the Party which shall include Branch Officials.

(b) Where a delegate has multiple entitlement to attend National Delegates Conference he shall, subject to the approval of the respective Branch or Sub-Branch Executive Committee, nominate from among the elected delegates of the Branch, or Sub-branch, a substitute delegate. Once the substitute delegate has been approved, he shall be registered as such by the Conference's organizing authority.

#### 3. National Delegates Conference:

(a) The National Delegates Conference shall be the supreme organ of the Party and shall be at a place and time, which shall be decided upon by the National Executive Council or by the National Chairman.

(b) Notice in writing of such National Delegates Conference, accompanied by the Statement of Accounts and the Agenda for the meeting shall be sent by the Secretary-General to all Branches, Sub-branches and persons entitled to

attend the Conference where practicable not later than twenty-one (21) days before the date of the Conference and by Press advertisement not less than fourteen (14) days before the date of the Conference.

(c) The Agenda for the National Delegates Conference shall consist of the following:

- (i) Confirmation of minutes of the previous Delegates Conference and discussion of matters arising there-from.
- (ii) Presentation and discussion of the Report of the Secretary-General.
- (iii) Presentation and discussion of the Report of the National Treasurer and Statement of Accounts duly audited.
- (iv) Election of a qualified external auditor or firm of auditors.
- (v) Election of Trustees for the Party's property.
- (vi) National Chairman's address.
- (vii) The reading by the Secretary-General of the Resolutions taken on various issues discussed at the Conference.
- (viii) Any other business.

#### **4. Special National Delegates Conference:**

(a) A Special National Delegates Conference may be called for any specific purpose provided for in this Constitution or at any time by the National Executive Council, or by the National Chairman.

(b) Notice in writing of such meeting shall be sent to all Branches, Sub-branches and persons entitled to attend the conference not less than fourteen (14) days before the date of

such meeting and the said notice shall also be communicated through daily newspapers, radio and television.

(c) The Conference shall not discuss any other matter other than that, for which it has been convened, unless the meeting decides otherwise.

(d) The composition of a Special National Delegates Conference shall be as is provided for under Paragraph (a) of Clause 2 of this Article.

(e) The National Chairman shall have power to convert, a National Delegates Conference, or a Special National Delegates Conference into a Presidential Nomination Council, or into an Annual Delegates Conference for election of national officials.

## **5. Provincial Conferences:**

(a) A Provincial Conference may be called by the Secretary-General for any Province, as directed by the National Chairman or the National Executive Council for any specific purpose.

(b) Notice in writing of such meeting shall be sent to all Branches not less than seven (7) days before the date of such meeting.

(c) The meeting shall not discuss any matter other than that for which it has been convened.

6. The composition of a Provincial Conference shall be:

(a) The Executive Committees of all the Branches within the Province; and

(b) Two or more officials from among the National Officials excluding the National Chairman.

7. A Provincial Conference shall be presided over by a National Vice Chairman.

## ARTICLE 12: THE NATIONAL GOVERNING COUNCIL

1. The National Governing Council shall be responsible to the National Delegates Conference and shall consist of:

(a) All members of the National Executive Council.

(b) The Chairman and Secretary from each Branch Executive Committee.

(c) All KANU Members of Parliament.

2. The Governing Council shall perform the following functions:

(a) To receive and deliberate upon the reports and recommendations of the National Executive Council and take decisions thereon accordingly.

(b) To carry out the decisions, policies and programmes of the Party as laid down by the National Delegates Conference and/or Special National Delegates Conference.

(c) To ensure proper organization and discipline in all Branches of the Party.

(d) To enforce this Constitution and Rules, Standing Orders and By-laws of the Party and to take any other action that it deems necessary for such purpose including suspension of a member for any period or expulsion of any member from the Party.

(e) To initiate and undertake all such activities as may advance or promote the interests, aims and objectives of the Party.

(f) To guide the KANU National Elections Committee and the KANU National Appeals Tribunal in the performance of their duties.

(g) To establish committees that will devise policies to be implemented by the various organs of the Party.

(h) To delegate to the National Executive Council such powers as may enable the Executive Council to set up specialized departments, units, committees or advisory bodies of the Secretariat.

(i) Ratify or reject anything it is required to ratify under this Constitution.

(j) Prescribe any regulations on any matter as mandated by this Constitution, including regulations to govern the exercise of borrowing powers by the Party.

(k) Do anything required to be done by the Council under this Constitution.

3. (a) Any vacancy occurring in the National Governing Council during the course of the year may be filled by:

(i) Nomination by the National Governing Council in the case of National Officials.

(ii) Nomination by Branches in case of branch representatives.

(iii) Election by the elected KANU members of the Province concerned in the case of representatives of the KANU Parliamentary Group.

(b) Persons elected or nominated in accordance with clause 3(a) of this Article shall fill the said posts or vacancies until the next National Governing Council meeting.

4. (a) The National Governing Council shall meet at least once in every six months.

(b) Emergency meetings of the National Governing Council shall be convened as deemed necessary by the National Chairman or the National Executive Council or by written request made by twelve Branches of the Party.

5. The National Governing Council shall have power to make regulations and rules for the efficient management of the

Party. PROVIDED that such regulations and rules shall be void to the extent' they are inconsistent with this Constitution.

## ARTICLE 13: THE NATIONAL EXECUTIVE COUNCIL

1. National Executive Council shall be responsible to the National Governing Council and shall be composed of:

(a) All the National Officials.

(b) Two members from each administrative Province duly elected at the Provincial Conference.

(c) Two members duly elected by the National Governing Council.

(d) The Chief-Whip and the Secretary to the KANU Parliamentary Group; and his deputy.

(e) In addition, two Women Representatives nominated by National Executive Committee.

2. The National Executive Council shall perform the following functions:

(a) Act as the executive body of the National Governing Council and the National Delegates Conference and shall ensure that all decisions and policies made by these two organs are duly carried out.

(b) Supervise the administrative machinery of the Party at all levels and shall take such measures it deems necessary to enforce decisions and programmes of the Party laid down by the National Governing Council and the National Delegates Conferences.

(c) Meet at least once every three months. In the event of an emergency, it shall assume full responsibility of the Party,

and shall report to the National Governing Council as circumstances may permit.

(d) Work in close liaison with the KANU Parliamentary Group and ensure that Party policies are adhered to in Parliament.

(e) Report its activities to the National Governing Council.

(f) On behalf of the National Governing Council, it may suspend any member; ratify any suspension already ordered by the National Chairman or recommended by any Branch, and act on the recommendation of the KANU National Disciplinary Committee. The recommendations of the Council shall be submitted to the National Governing Council whose decision shall be final.

(g) It may, with the sanction of the National Governing Council, have power to prescribe rules and regulations for the efficient management of the Party from time to time.

(h) It shall exercise any other such powers and perform such other functions as are conferred upon it by this Constitution.

## ARTICLE 14: THE NATIONAL SECRETARIAT

### (A) COMPOSITION OF THE SECRETARIAT

1. The National Secretariat shall be responsible to the National Executive Council and shall consist of the National Executive Director, a deputy, other Senior Officers as provided for in this Constitution and such other staff, as the National Executive Council shall, upon the recommendation of the National Officials Committee, determine.

2. The Secretariat shall consist of such departments and operational units as the National Executive Council shall, upon the recommendation of the National Officials Committee, direct. The National Executive Director shall assign to such

departments and operational units, such duties and powers as directed by the National Executive Council and as he considers appropriate for the efficient functioning and management of the Secretariat.

3. Without prejudice to the generality of the foregoing, the Secretariat shall have, but shall not be limited to, the following departments:

- (a) Administration Department.
- (b) Research and Political Affairs Department.
- (c) Finance Department.
- (d) Women Affairs Department.
- (e) Youth Affairs Department.
- (f) Estate and Conference Facilities Department.

4. Departments of the Secretariat may be divided into operational sections or units as the National Executive Director may be directed to establish by the National Executive Council from time to time; AND the sections or units shall be assigned specific functions, which shall be outlined in writing in the appropriate Working Manuals of the Secretariat.

5. Subject to the approval of the National Officials Committee, the National Executive Director shall nominate persons to serve on any Committees, which the National Executive Director may establish from time to time for the efficient working of the Secretariat. PROVIDED that no person shall be so nominated unless he is a party member duly vetted by the National Officials Committee. Persons nominated to serve on the Committees of the Secretariat shall be paid such allowances or honoraria, as the National Executive Council shall determine from time to time.

6. With the approval of the National Officials Committee, the National Executive Director shall nominate from among the members of the Committee, the Chairman thereof. The Deputy



National Executive Director or any other Officer of the Secretariat designated by the National Executive Director, shall serve as Secretary to all the Committees and shall in that regard perform all functions of Secretary.

7. The reports, recommendations, opinion or findings of the Committees shall be submitted to the National Officials Committee and shall be discussed at the General Purposes Committee of the National Officials and action taken thereat accordingly on behalf of the National Governing Council.

**(B) FUNCTIONS OF THE SECRETARIAT AND ITS DEPARTMENTS**

1. *The Secretariat*

(a) The Secretariat shall, under the general direction of the Secretary General, run the day-to-day functions of the Party, co-ordinate and implement actions and decisions of the Organs of the Party and do anything connected therewith for the achievement of all or any of the objects of the Party.

(b) Under the direction of the Secretary-General and Organizing Secretary as appropriate, draw agenda for the meetings of National Delegates Conferences, National Governing Council and the National Executive Council and organize the realization of those meetings.

(c) Serve the Branch, Sub-Branch/Location/Ward, Sub-Location/Committee or any other field office in order to ensure the strengthening and popularization of the Party at the grassroots level, and for this reason, establish the Branch Network Affairs Section within the Administration Department of the Secretariat to ensure that the reports from the field are attended to promptly and the Branches are adequately guided.

(d) In consultation with the Sub-Branched/Locations/Wards and Sub-Location Committee, advise the Party on persons who may be used or regarded by the Party as Local Opinion Leaders at the village level and to

formulate guidelines to be used in assessing the character and leadership qualities of such Leaders, and on the modalities of utilizing or working with them.

(e) To do all things mandated to be done by the Secretariat under this Constitution.

## 2. *Departments of the Secretariat*

(a) Departments of the Secretariat shall consist of such sections as shall be deemed necessary or recommended by the National Officials Committee on behalf of the National Executive Council, from time to time, and they shall perform such functions as may respectively be assigned to them from time to time.

(b) A Department shall be headed by a Senior Officer of the Secretariat who shall report to the National Executive Director.

(c) The National Executive Director shall prepare a Working Manual for each Department detailing, among other matters—

- (i) the head thereof;
- (ii) Sections into which the Department is divided and the heads thereof;
- (iii) functions of the Department and those of the sections;
- (iv) working procedures and discipline.

(d) The Manual shall be amended from time to time to reflect changes that have occurred in or recommended for the Department and/or Section.

## SUB-NATIONAL

### (C) OTHER ORGANS OF THE PARTY

#### ARTICLE 15: BRANCH ORGANIZATION

1. There shall be a Branch in each and coterminous with every Parliamentary Constituency in Kenya. A Branch shall be responsible to the National Executive Council.

2. Each Branch shall be managed and controlled by a Branch Executive Committee which shall consist of:

(a) Chairman, Vice-Chairman, Secretary, Assistant Secretary, Treasurer, Assistant Treasurer, Organizing Secretary, Assistant Organizing Secretary, Branch Women Leader and Branch Youth Leader, all of whom shall be elected at Branch Delegates Conference.

(b) The Chairman, Secretary and Treasurer of each sub-branch within the Branch and the Sub-branch/Location/Ward Organizer who shall be in attendance.

(c) KANU Member of the National Assembly from the Branch, if any

(d) The Branch Executive Officer appointed by the National Chairman in consultation with the Branch Executive Committee who shall be in attendance.

3. Duties of the Branch Executive Committee shall be:

(a) To promote Party policies and activities among the people in the Constituency in order to realize the aims, objectives, policies and programmes of the Party.

(b) To promote political and general education amongst the people for the benefit of the Party.

(c) To recruit new members for the Party.

(d) To represent the views and interests of the members in the Branch at the National Governing Council.

(e) To foster amongst the people self-reliance, self-help, the African spirit of being mindful of the welfare of others and to encourage people organize collectively, live together harmoniously and peacefully in the spirit of Party fraternity for the sake of advancing their own development and Party interests.

(f) To ensure discipline and adherence to Party policies and programmes among individual Party members and the Women and Youth Leagues.

(g) Suspend any member suspected of misconduct or acts or omissions prejudicial to Party interests and order an investigation therein to or into the activities or omissions of any of its subsidiary organizations. PROVIDED that the suspension of a member hereunder allowed shall be subject to the ratification of the national Executive Council in accordance with the provisions of Article 13 (2) (f).

4. The Branch Executive Committee shall meet at least once in every three months.

5. There shall be two classes of Branch Delegates Conferences namely: a Branch Delegates Conference and a Special Branch Delegates Conference.

(a) The Branch Delegates Conference of the Branch shall be held annually. It shall be convened by the Branch Chairman not later than 31st July. The Conference shall consist of:

- (i) Office-bearers of the Branch, including the Branch Executive Officer who shall be in attendance.
- (ii) Twenty delegates from each Sub-branch elected at a general meeting of the sub-branch and which

delegates shall include the branch officials Parliament.

(iii) KANU Member of Parliament, if any.

(b) The agenda of the Branch Delegates Conference shall include:

- (i) Confirmation of the minutes of the last conference and discussion matters arising therefrom.
- (ii) Presentation and discussion of reports from Branch Secretary.
- (iii) Presentation by the Treasurer of the Branch financial report together with a duly audited statement of accounts and discussion thereof.
- (iv) Branch Chairman's speech.
- (v) Appointment of an auditor or firm of auditors.
- (vi) Any other business.

(c) Special Branch Delegates Conference:

- (i) A special Branch Delegates Conference may be called for any specific purpose by the Branch Chairman or by written request addressed to the Secretary of the Branch signed by more than 25 per cent of the delegates entitled to attend such meeting.
- (ii) Notice in writing of such meeting shall be sent to all Sub-branches not less than Seven (7) days before the date of such meeting.
- (iii) The Conference shall not discuss any other matter other than that for which it has been convened.
- (iv) The composition of a Special Branch Delegates Conference shall be the same as that for the Branch Delegates Conference.

6. The duties of the office-bearers of the Branch, Sub-branch/Location/Ward, Sub-location Committee shall be as follows:

(a) *The Chairman.*—He shall convene and preside over all meetings. He shall be spokesperson on all Party matters within the area of jurisdiction.

(b) *The Vice-Chairman.*—He shall perform such duties as shall be assigned to him by the Chairman. He shall assist and assume the office of the Chairman in the latter's absence.

(c) *The Secretary.*—The Secretary shall keep proper records of all proceedings and minutes of the meetings of the Branch. He shall issue notices convening all meetings of the Branch and perform all such duties as may from time to time be assigned to him by the Committee including handling of correspondence.

(d) *The Assistant Secretary.*—He shall perform such duties as shall be assigned to him by the Secretary. He shall assist and assume the office of the Secretary in the latter's absence.

(e) *The Treasurer.*—The Treasurer shall be in charge of the Branch finances and accounting; shall prepare and submit to the Committee the Financial Statement of Accounts.

(f) *Assistant Treasurer.*—He shall perform such duties as shall be assigned to him by the Treasurer. He shall assist and assume the Office of the Treasurer in the latter's absence.

(g) *The Organizing Secretary.*—The Organizing Secretary shall organize and supervise the programme of work of the Party at the Branch level; and shall ensure the proper and effective functioning of the other organs of the Party at the Branch level, including Youth and Women Groups.

(h) *The Assistant Organizing Secretary.*—He shall perform such duties as shall be assigned to him by the Organizing Secretary. He shall assist and assume the office of the Organizing Secretary in the latter's absence.

(i) *The Branch Executive Officer.*—He shall be the Party's Revenue Officer within the Branch under the direction of the Branch Treasurer. He shall supervise and co-ordinate the activities of the Party and all revenue collectors within the Branch. All monies paid to or accruing to the Party within the Branch shall be paid or be payable to him. He shall remit all such monies to the National Treasurer and the Branch Treasurer according to the respective percentages set out by the National Executive Council from time to time. He shall prepare a full Statement of Accounts, which shall be submitted, to the National Treasurer and Branch Treasurer every month. He shall be the custodian of all the Branch property, books of accounts, minute books, registers and all records of the Party at the Branch.

7. A Branch shall not have power to expel any member from the Party.

#### ARTICLE 16: THE SUB-BRANCH/LOCATION/WARD

1. Every Branch shall, in the interest of efficient organization, be subdivided into Sub-Branches organized on the basis of the Locations as the case may be, existing within the Branch. The Sub-branch/Location/Ward shall be responsible to the Branch.

2. The Sub-branch/Location/Ward shall be governed by a Working Committee which shall be known as the Sub-branch Executive Committee which shall consist of:

(a) Chairman, Vice-Chairman, Secretary, Assistant Secretary, Treasurer and Assistant Treasurer.

(b) The Sub-branch Youth Leader, Women Leader and their Secretaries from each of the Women and Youth Groups.

(c) KANU Councillor(s) from the Sub-branch, if any.

(d) An Organizer, appointed by the Branch Executive Committee in consultation with the Sub-branch Executive Committee who shall supervise the work of the area Party

Collectors in the Sub-branch and help in the Party organization.

(e) The Chairman, Secretary and Treasurer from each Sub-location Working Committee.

3. (1) (a) Duties of the Sub-branch Executive Committees shall be *mutatis mutandis*, similar to those of the Branch.

(b) The Chairman of a Sub-Branch may invite one or more of the Local Opinion Leaders to attend a Sub-Branch Executive Committee meeting if it is in the interests of the Party and such Leaders shall have the right to speak but not vote thereat.

(2) All monies collected from within the Sub-Branch/Location/Ward shall be paid by Sub-location collectors direct to the Branch Executive Officer and the Sub-branch shall present all its claims for financial assistance to the Branch Executive Committee through the Branch Treasurer.

(3) The Sub-branch Executive Committee shall meet at least once in every three months.

4. (1) The Sub-branch/Location/Ward shall hold a general meeting annually not later than June 30th.

(2) The meeting shall consist of:

(h) Sub-branch/Location/Ward officials;

(i) Twenty delegates from each Sub-location Committee made up as follows—

(i) eight elected Sub-location Committee officials being the Chairman, Vice-Chairman, Secretary, Assistant Secretary, Treasurer, Women Leader and Youth Leader;

(ii) four women delegates;

(iii) four youth delegates;

(iv) four other Party members; and



(c) KANU Councillor(s) from the sub-branch, if any.

(3) The Sub-branch meeting shall have the following items on its agenda:

(a) Confirmation of minutes of the previous meeting and discussion of matters arising therefrom.

(b) Presentation and discussion of the Secretary's report.

(c) Presentation and discussion of the Treasurer's Statement of accounts audited by the Branch Executive Officer.

(d) Chairman's address.

(e) Any other business with the consent of the Chairman.

5. The Sub-branch/Location/Ward and any other Party Organ below it shall have no power to suspend or expel a member of the Party. PROVIDED that the Sub-Branch/Location/Ward or any other Party Organ below it may report in writing to the Branch any case involving a member which merits suspension and the Branch Executive Committee shall expeditiously deliberate on the matter and take action it is permitted to take under this Constitution, including reference of such case to the KANU National Disciplinary Committee provided for under Article 30.

#### ARTICLE 17: SUB-LOCATIONAL COMMITTEE

1. Each Sub-branch shall be divided into Party-Units coterminous with the administrative sub-locations. A Sub-location Committee shall be responsible to the Sub-branch

2. Each Sub-location shall be governed by a Sub-location Committee which shall consist of:

(a) Chairman, Vice-Chairman, Secretary, Assistant Secretary, Treasurer, and Assistant Treasurer.

(b) Youth Leader and Women Leader.

3. The Sub-locational Committee shall meet at least once in every three months.

4. The functions of the Sub-locational Working Committee shall be *mutatis mutandis* similar to those of the Sub-branch/Location/Ward. Collections of subscriptions and membership dues shall be forwarded to the Branch Executive Officer. Sub-locational Committees shall submit their claims for funds to the Sub-Branch Treasurer through their respective Party Units for consideration by the Branch Executive Committee.

5. The Sub-location Committee shall hold its annual meeting not later than 31st May of each year, and it shall consist of all KANU members who have paid up their subscriptions in the area. The agenda of each annual meeting shall include:

(a) Confirmation or otherwise of the minutes of the last Sub-location Annual Meeting and discussion of matters arising therefrom.

(b) Presentation and discussion of the Report of the Secretary.

(c) Tabling of the Treasurer's statement of money expended by the Treasurer, together with statement of remittance to the Branch headquarters audited by the Branch Executive Officer.

(d) Chairman's speech.

(e) Any other business.

6. Sub-location Committee collectors shall be appointed by the Branch Executive Committee. Every collector shall be given a distinctive badge which shall be serialized and numbered and the badge shall be used at all times when he is on duty.

7. Each Sub-location Committee shall maintain an up-to-date register of Members under the general guidance of the National Executive Director through the Branch Executive Officer.

## (D) OTHER PARTY STRUCTURES

### ARTICLE 18: KANU PARLIAMENTARY GROUP

1. There shall be a KANU Parliamentary Group, which shall consist of all Party members who are also members of the National Assembly.

2. The Parliamentary Group shall be under the direct supervision of the National Chairman. If the National Chairman is not a Member of Parliament, the Group shall elect a spokesperson in Parliament who shall report directly to the National Chairman.

3. The Parliamentary Group shall be responsible for advancing and defending Party programmes and policies within Parliament. It shall consult closely with the National Executive Council and National Governing Council. Members must at all times exercise due diligence in the discharge of their duties.

4. Members of the Group, including Ministers, may be required by the National Executive Council to pay a levy in support of the Party.

### ARTICLE 19: KANU YOUTH LEAGUE

1. There shall be a League to be known as KANU Youth League, which shall consist of Party members who have attained the age of 18 but have not attained the age of 35 years. Application for membership shall be made verbally or in writing to the Sub-location Committee Secretary or to any other nearest Party Office. On enrolment, each member shall be supplied with a Youth League Card.

2. While retaining a measure of self-identity, the KANU Youth League shall be an integral part of the Party and shall be subject to the Party's control and discipline at Sub-location Committee, Sub-branch/Location/Ward and Branch level.

#### **3. Branch Youth League Committee**

The Branch Youth League Committee shall consist of:

(a) The Branch Youth Leader, Secretary and Organizing Secretary.

(b) Chairman and Secretary of each Sub-branch/Location/Ward Youth League.

#### **4. The Sub-branch Youth Committee**

The Sub-branch Youth Committee shall consist of:

(a) Chairman, Secretary and Organizing Secretary.

(b) The Chairman and Secretary from each of the Sub-location Youth League Committees.

#### **5. General Meetings of the Youth Leagues:**

(a) Youth League shall hold general meetings to coincide with those of the main Party Organs with which they are constituted.

(b) Elections of officials of the League shall be carried out at the general meetings.

(c) The Branch Youth League General Meeting shall consist of:

(i) Officials of the Branch Youth League.

(ii) Committee members of the Branch Youth League.

(iii) Ten delegates from each Sub-branch/Location/Ward Youth League Committee.

(iv) The Branch Executive Officer.

6. At its annual meeting, the Branch Youth League shall have the following agenda:

(a) Confirmation or otherwise of the minutes of the last League meeting and discussion of matters arising therefrom.

(b) Report of the Branch Youth Secretary.

(c) Programmes for self-help and voluntary league activities.

(d) Any other business with the permission of the Branch Youth Leader.

7. The Youth League shall have the following functions:

(a) To work in close co-operation with Branch, Sub-branch/Location/Ward, Sub-Location Committees to ensure the success of the policies and programmes of the Party among the Youth.

(b) They shall have no original powers of expenditure but shall be given funds by the Branches in order to enable them to fulfill their duties.

(c) They shall organize self-help voluntary work, youth rallies, sports and meetings among youth in the branch.

8. (a) The National Chairman may, from time to time convene a National Conference for Youth League over which he shall preside.

(b) Such a conference shall consist of six representatives elected by each Branch KANU Youth League Committee.

(c) The conference shall discuss such matters as shall be prescribed by the National Chairman.

## ARTICLE 20: KANU WOMEN LEAGUE

1. There shall be a League to be known as the KANU Women League whose membership shall be open to all women who are members of the Party.

2. The structure and organization of the Women League shall be similar in every respect to those of the Youth Leagues as provided under Article 19 clauses 1 to 8 inclusive.

3. The Women League shall have Branch Leaders who will work closely with community development officers, non-governmental organizations involved in development and

women activities and any other organizations or institutions so as to assist or organize women self-help and voluntary groups, the literacy groups, women rallies and other activities intended to promote the interests of the Party among the women.

## ARTICLE 21: THE KANU NATIONAL ELECTIONS COMMITTEE

1. There shall be a committee to be known as the KANU National Elections Committee, which shall be a Standing Committee of the National Executive Council.

2. The Committee shall be appointed by the National Chairman in consultation with the National Executive Council and shall consist of such number of members drawn from within the Party as the National Chairman shall consider appropriate. PROVIDED however that in appointing members of the Committee, the National Chairman shall endeavor to draw membership from such interest groups whose support for the Party is considered crucial.

3. The Functions of the Committee shall include:

(a) To formulate strategies for raising funds for campaigning in General and civic elections and in by-elections thereof, and for funding the various elections activities;

(b) To formulate and co-ordinate KANU elections strategies.

(c) Advise, assist, co-ordinate, or guide the various nomination councils of the Party.

(d) Review and report on election results for future action by the National Executive Council.

(e) Advise the National Executive Council on the making of rules and regulations to govern Party elections provided for under this Constitution.

(f) Do anything necessary and proper to ensure the success of the Party in elections.

4. The Committee shall be chaired by a National Vice-Chairman and shall decide on rules and procedures for the conduct of its affairs.

5. The Committee shall report to the National Chairman who shall cause the National Executive Council or any other appropriate organ of the Party to act on the report of the Committee. PROVIDED that if in the circumstances it is not possible for the National Chairman to cause the Council or any other appropriate organ of the Party to act as herein provided, the National Chairman may himself act.

6. The Committee shall prescribe forms and other documents needed for purposes of nominating Party candidates for elections provided for in Article 27 and shall supervise the due and speedy issuance and return of those forms as circumstances may warrant.

## ARTICLE 22: THE NOMINATION COUNCILS

The Party shall have three types of Nomination Councils: The Presidential Nomination Council, the Parliamentary Nomination Councils, and the Civic Nomination Councils, which shall be responsible to the National Governing Council through the KANU National Elections Committee and the National Executive Council.

### 1. **Presidential Nomination Council**

(a) The Presidential Nomination Council shall consist of all the delegates entitled to attend the National Delegates Conference established under Article 11 of this Constitution. PROVIDED that if the nomination of the Party Presidential candidate is considered an urgent matter, a Special National Delegates Conference shall convene and its only business shall be to nominate the Party's National Presidential candidate.

(b) The function of the Presidential Nomination Council shall be to nominate the KANU Presidential candidate to contest any national Presidential Elections called under the

National Assembly and Presidential Elections Act (Cap. 7, Laws of Kenya), on a KANU ticket.

(c) The National Chairman or any other person shall be nominated by the Presidential Nomination Council to be the Party's candidate for election as President of the Republic of Kenya.

## **2. Parliamentary Nomination Councils**

(a) There shall be Parliamentary and Civic Nomination Councils in each Branch whose function shall be to organize and supervise the nomination of the KANU Parliamentary and Civic candidates for the Constituency and Wards.

(b) The Council shall be appointed by a Special Branch Delegates Conference.

(c) The nominations of the Parliamentary and Civic candidates shall be done directly by all members of the Party in the electoral areas in which they are registered as voters.

(d) The method of election shall be by secret ballot or any other method agreed upon by the members.

3. The National Chairman shall, in consultation with the National Secretariat and Branch Secretariat, have the power to nominate a parliamentary or civic candidate directly.

## **4. Presiding Officers**

(a) All Nomination Councils established under this Article shall be presided over by a Presiding Officer, and shall work in consultation with the KANU National Elections Committee.

(b) The Presiding Officer of the Presidential Nomination Council shall be the National Executive Director of the Party.

(c) The Presiding Officers of the Parliamentary and Civic Nomination Councils shall be appointed in accordance with rules prescribed for this purpose by the KANU National Elections Committee in consultation with the National



Executive Council and must take with them an updated Delegates list and letter of appointment from KANU Headquarters.

## **5. Nomination Procedures**

(a) The quorum of a Nomination Council shall be sixty-five per cent of the members thereof and no elections shall be commenced unless there be a quorum.

(b) Whenever an election has been called under the National Assembly and Presidential Elections Act (Cap. 7, Laws of Kenya), and/or the Local Government Act (Cap. 265, Laws of Kenya), the appropriate Nomination Council shall be convened to nominate the KANU candidate for contesting such election on a KANU ticket. The Nomination Council shall nominate the person who, in their objective opinion, is best placed to defeat all opposing candidates and win the election in question for KANU.

(c) Voting shall be by secret ballot or by a show of hands.

## **6. Other Provisions**

(a) Except for meetings provided for under Article 6 (5) (b) and (6), all meetings of the Presidential Nomination Council shall be convened by the National Chairman at his sole discretion.

(b) All meetings of the Parliamentary and Civic Nomination Councils shall be convened on a day and at a time to be determined by the National Chairman in consultation with the KANU National Elections Committee.

(c) The National Executive Council shall, subject to ratification by the National Governing Council or National Delegates Conference make Rules to be called the KANU NOMINATION RULES whose purpose shall be to govern and regulate the procedure to be employed in the nomination of KANU Parliamentary and Civic candidates by their respective Nomination Councils herein established.

## ARTICLE 23: DISPUTE RESOLUTION

1. No member, as a condition-precedent for membership of the Party, shall resort to a Court of Law for the resolution of any dispute arising out of the conduct of any Party matter, issue or affairs, unless the machinery here established has been exhausted.

2. If the dispute in question arises out of or relates to the outcome or the conduct of any nominations for elections or elections within the Party or any matter connected therewith, the aggrieved member shall refer the same to the Elections Appeals Tribunal established under this Article and in the case of any other dispute it shall be referred to arbitration as provided under this Article.

3. (a) There is hereby established an appeals tribunal to be known as the KANU National Elections Appeals Tribunal which shall have power to hear and resolve all Party disputes relating to nominations and or to elections as provided under Clause 2 of this Article.

(b) The Tribunal shall consist of a Chairman and not less than two and not more than nine other members who shall all be appointed by the National Chairman on such terms and conditions as he shall deem fit.

(c) No person shall be appointed to the Tribunal unless he is a life member of the Party and in making appointments as provided for in paragraph (b) Clause 3 of this Article, the National Chairman shall appoint persons who are eminent Party Elders who shall include at least one woman.

(d) No person shall qualify to be appointed a member of the Tribunal if he is, directly or otherwise, interested in the outcome of the Tribunal's verdict or was in any way substantially or otherwise, responsible for or connected with any factor leading, causing or contributing to the dispute; and if after the commencement of the hearing of a dispute it appears that the continued participation of any member of the Tribunal in the hearing is likely to contravene the provisions

of this paragraph, that member shall disqualify himself immediately if the Chairman has not already demanded for such disqualification.

(e) Subject to the approval of the KANU National Elections Committee, the Tribunal shall make rules to govern procedures and conduct of its affairs under this Article.

(f) The verdict of the Tribunal on any matter before it shall be final. PROVIDED that the National Chairman, in his sole discretion, may review such a verdict and make any decision as the interests of the Party may demand.

4. (a) The National Chairman, in consultation with the National Executive Council, shall establish such number of arbitration panels from time to time as circumstances may warrant, to arbitrate on disputes specified in clause 2 of this Article. PROVIDED THAT no panel shall hear the dispute in question unless the parties to the dispute agree to its composition.

(b) The National Chairman may establish a panel at national level if, in his opinion, the dispute at hand is of national proportions; or he may appoint a local panel within the jurisdiction of a Branch or Sub-branch, if the dispute is locally confined.

(c) Members of arbitration panels shall be paid such allowances as the National Chairman, in consultation with the National Treasurer, shall direct, and shall serve on such other terms and conditions as the National Chairman shall direct.

(d) The provisions of Clause 3, paragraphs (c), (d) and (f) shall, *mutatis mutandis*, apply to Arbitration panels.

PART IV  
**MEETINGS AND OTHER RELATED  
MATTERS**

**ARTICLE 24: PROCEDURE AT PARTY MEETINGS**

1. (a) At all meetings of the National Governing Council, the National Executive Council, the KANU Parliamentary Group and in all National Delegates Conferences, the National Chairman shall preside or he may delegate this power to a National Vice Chairman or in the absence of a National Vice Chairman, whoever the National Governing Council may elect shall preside.

(b) At all meetings of the Branch, Sub-branch/Location/Ward, Sub-location Committee, the Chairman or in his absence, the Vice-Chairman or in the absence of both these officials, a member elected by the meeting, shall be the Chairman.

2. The Chairman may at his discretion limit the number of persons permitted to speak in favour of or against a motion unless a motion against a closure of debate is passed by a sixty-five per cent majority, and may exercise such other powers of Chairman as is in interest of the Party.

3. Resolutions, unless otherwise stated in this Constitution, shall be decided by simple majority and voting shall be by a show of hands.

4. In the event of an equality of votes at any meeting, the Chairman shall have a casting vote.

**ARTICLE 25: QUORUM**

1. A quorum of the National Governing Council and the National Executive Council shall be *half* of membership thereof.

2. A quorum for Delegates Conferences and all meetings at the Branch, Sub-branch and Sub-location/Ward Committee levels shall be *half* of the persons entitled to attend.

3. The quorum for meetings of the Branch Executive Committee, Sub-branch, Sub-location Working Committee and all committees of the Youth and Women Leagues shall be sixty-five per cent of the members entitled to attend.

4. The quorum for the KANU Parliamentary Group shall be sixty-five per cent of the members thereof.

#### ARTICLE 26: MEETINGS FOR ELECTING PARTY OFFICIALS

1. Meetings for the elections of National Officials shall be conducted as provided for under Article 5 Clauses 2 to 8, 11 and 12.

2. At the Sub-location General Meeting all, and only, paid-up members of KANU shall be eligible to attend and take part in the deliberations and elections.

3. At the Sub-branch/Location/Ward General Meeting each Sub-location Committee shall be represented by 20 delegates made up as follows:

(a) Eight elected Sub-location officials being the Chairman, Vice-Chairman, Secretary, Assistant Secretary, Treasurer, Assistant Treasurer, Women Leader and Youth Leader.

(b) Four elected women representatives.

(c) Four elected youth representatives.

(d) Four other elected Party members.

4. All Branch officials of the Party shall, unless the delegates demand otherwise, be elected at a Branch Delegates Conference by secret ballot. They shall hold office for five years and shall be eligible for re-election at the expiry of their term of office. PROVIDED that the National Chairman may direct that elections be held before the said five-years or that officials remain in office longer than the said five years as the interests of the Party may dictate.

5. At the Branch Delegates Conference, each Sub-branch/Location/Ward shall be represented by twenty (20) delegates who should be drawn equitably from each Sub-location Committee of the Sub-branch/Location/Ward.

## **ARTICLE 27: PROCEDURE FOR NOMINATING PARTY CANDIDATES FOR ELECTIONS**

### **A. Candidates Wishing to Contest National Presidential Elections**

1. If the Office of the President of the Republic of Kenya becomes vacant, the Presidential Nomination Council of the Party shall nominate the Party's candidate for the elections of the National President in accordance with the procedure laid down in clause 3 of this Article,

2. No person shall qualify to be nominated for purposes of clause 1 of this Article unless he:

(a) qualifies to be elected the President of the Republic of Kenya under the Constitution of Kenya and other national laws governing such elections.

(b) is a life member of the Party; and

(c) satisfies all the requirements as to the application procedure laid down in clause 3 of this Article.

3. (a) If a person who for the time being is the National Chairman elects not to vie for nomination to be the President of the Republic of Kenya, the National Executive Council by reasonable public notice shall invite applications from members of the Party, who wish to contest the Presidential elections on a KANU Ticket.

(b) Every applicant shall obtain the relevant application forms, duly stamped, serialized and recorded, from the National Executive Director.

(c) The applicant shall duly complete the forms and return the same to the National Executive Director within the specified time together with—

- (i) a certified copy of the applicant's national identity card;
- (ii) a certified copy of the applicant's life membership certificate;
- (iii) a certified proof of the applicant's voter's registration number;
- (iv) a certified proof of the name of the Branch to which the applicant belongs; and
- (v) such non-refundable fee in cash or bankers cheque or other pre-approved mode of payment as may be determined by the National Executive Council from time to time.

(d) The National Executive Director shall, upon the closure of the time set for receipt of applications, duly submit all applications received to the Presidential Nomination Council. The Council, shall deliberate on the applications and thereafter announce their decision. PROVIDED that if by the close of the time of nomination no application has been received, the exercise shall be repeated in so far as circumstances may permit.

(e) Save as provided in Article 23, the decision of the Council shall be final and the person declared by the Council as nominated shall from the date of such declaration be, the Party's candidate for the elections of the President of the Republic of Kenya.

## **B. Candidates Wishing to Contest National Assembly Elections**

1. As soon as elections for the National Assembly or a by-election thereof are declared, each of the affected Parliamentary

Nomination Councils shall be convened to consider applications from members wishing to be nominated to contest such elections on the Party ticket.

2. No member shall qualify to be nominated for purposes of clause 1 of Part B of this Article unless he—

(a) qualifies under the national laws governing elections for the National Assembly to contest in such elections;

(b) is a life member of the Party; and

(c) Satisfies all the requirements of the procedure of submitting an application laid down in clause 3 immediately herebelow.

3. (a) Every applicant shall obtain the relevant application forms prescribed for this purpose from the National Executive Director, which forms shall be duly stamped, serialized and recorded before issuance.

(b) The applicant shall duly complete the forms and return the same to the National Executive Director within the specified time together with all documents and in manner or format required by Paragraph c of Clause 3 of Part A of this Article; which documents shall include a duly signed Pledge of Loyalty in the form prescribed in the Schedule to this Constitution.

(c) Upon the expiry of the time for receiving applications, the National Executive Director shall submit directly to the various Branches application forms belonging thereto and the Parliamentary Nomination Council of the Branch shall convene in accordance with the provisions of Article 22 clauses 2 through 8 as appropriate to nominate the Party's candidates for such elections.

(d) Save as provided under Article 23 the nomination results announced by a Parliamentary Nomination Council shall be final; and from the date of such announcement the



person declared nominated shall be Party's candidate in the Branch for such Parliamentary elections.

### **C. Candidates Wishing to Contest Civic Elections**

1. As soon as elections for Local Authorities are declared, or a by-election thereof, each Civic Nomination Council shall be convened to consider applications from members wishing to be nominated to contest such elections on the Party ticket.

2. No member shall qualify to be nominated for purposes of clause 1 of Part C of this Article unless he—

(a) qualifies under national laws governing civic elections to contest such elections;

(b) is a life member of the Party; and

(c) satisfies all the requirements of the procedure of submitting applications as laid down in Clause 3 immediately herebelow.

3. (a) Every applicant shall obtain relevant application forms prescribed for Civic Elections from the National Executive Director through the Branch Executive Officer of the Branch to which he belongs, which forms shall be duly stamped, serialized and recorded before issuance;

(b) The applicant shall duly complete the forms and return the same to the Branch Executive Officer within the stipulated time together with—

(i) a certified copy of the applicant's national identity card;

(ii) a certified copy of the applicant's life membership certificate;

(iii) proof of the applicant's voter's registration number;

(iv) proof of the name of the Sub-branch to which the applicant belongs;

(v) such non-refundable fee in cash or other pre-approved form as may be determined by the National Executive Council from time to time; and

(vi) a duly signed Pledge of Loyalty in the form prescribed in the Schedule to this Constitution

(c) The applicant shall send one copy of his application form to the Secretary-General to which he shall attach curriculum vitae.

(d) Upon expiry of the time for receiving applications, the Branch Executive Officer shall submit the applications to the relevant Civic Nomination Councils who shall proceed to nominate candidates. Upon completion of nominations, each Nomination Council shall submit the results thereof to the Branch who shall compile a report thereof for submission to the National Executive Council and the KANU National Elections Committee respectively for action.

PART V  
**FINANCES, AUDIT AND TRUSTEES**

**ARTICLE 28: FINANCES AND AUDIT**

1. Each member of the Party shall pay his membership fee or annual subscription to the Party as demanded or as and when due.

2. Each Sub-location Committee and Sub-branch/Location/Ward shall remit all monies received in membership fees and any other revenue to the Branch headquarters as is provided under this Constitution.

3. The finances of the Party shall be apportioned as follows:

(a) the Branch shall retain 50 per cent of all membership fees and dues received and remit the remaining 50 per cent to the National Treasurer.

(b) Branches shall ensure that not less than 20 per cent of the money received from Sub-branches is remitted to them to cover the expenses in the Sub-branch and Sub-location Committee.

4. Funds collected at public rallies and meetings shall be retained by the organ of the Party that organized the rally in question and the said organ shall apply the funds thereby raised only for purposes that necessitated the public collection.

5. All monies received by the National Treasurer, Branch Treasurer, Sub-branch/Location/Ward Treasurer shall be deposited in a bank or Post Office Savings account approved by the National Executive Council in consultation with the Branch Executive-Committee.

6. No payment shall be made out of the bank or Post Office Savings account without a resolution of the Committee responsible for the account and all cheques or withdrawal forms shall be signed by any two office-bearers of the Committee, one of whom shall be the Treasurer or a person authorized to sign in his absence.

7. KANU Youth and Women Leagues shall adhere to the above procedure in so far as it affects any of their organizations and the Treasurer shall retain an account of all monies expended, which shall be checked by the Branch Executive Officer. All monies collected by the two Leagues shall be remitted to the Branch Treasurer and the Branch Executive Committee shall approve a budget and all expenses of the League.

8. The Party's Auditor shall have access to all Party Accounts and resolutions affecting the disbursement of funds. The Party's Auditor shall examine the Annual Statement of Accounts prepared by the National Treasurer for the National Delegates Conference and certify the correctness or other wise of such annual statement.

9. A copy of the Auditor's Report on the Accounts and Statement of Account prepared by the National Treasurer shall be furnished to all Branches and members of the National Executive Council at the same time as the notice convening the Annual National Delegates Conference is sent out.

10. Every Branch shall appoint a qualified auditor at its Branch Annual General Meeting.

11. The Branch Auditor shall have access to all Branch accounts and shall audit the Annual Statement of Accounts prepared by the Branch Treasurer. A copy of the Branch Accounts duly audited shall be sent to each Sub-branch and three copies shall in addition be forwarded to the National Treasurer.

12. The National Executive Council shall appoint an Inspector of Books who shall audit or cause to be audited the accounts of all Branches. The Inspector of Books or a person authorized by him in writing shall have access to all Party Accounts at all levels and shall perform the functions of an internal auditor.

13. The National Executive Council shall be empowered to suspend any member, officer or office-bearer of the Party who—

(a) is guilty of misappropriation of Party funds;

(b) consistently ignores directives contained in this Constitution or in any Rules made by the National Governing Council for the proper management of the Party's finances whether at the National, Branch, Sub-branch/Location/Ward or Sub-location Committee level.

14. The funds of the Party shall be used in furtherance of the aims and objectives of the Party.

15. The Party shall be free to raise funds and to accept donations in cash or kind from any lawful source, and in any legal manner from within or outside Kenya.

16. The National Executive Council shall ensure that a Statement of Accounts is prepared quarterly for presentation to the National Governing Council.

17. A sum agreed to by the National Executive Council, the Branch Executive Committee and the Sub-branch/Location/Ward Working Committee may be kept by the Treasurer as petty cash for which proper accounts shall be kept duly vouched by two persons other than the Treasurer.

18. The National Executive Council shall make regulations as to the signatories to the bank accounts of the Party at all levels.

#### ARTICLE 29: TRUSTEES

1. All land, buildings and other immovable property invested and securities which are acquired by the Party shall be vested in the names of five trustees (hereinafter called the "Trustees") elected as provided under this Constitution.

2. (a) The Trustees shall hold office for a period of five years and shall be eligible for re-election.

(b) A Trustee shall not be removed from office except for any of the following reasons—

(i) if he voluntarily tenders a written resignation;

(ii) if he becomes bankrupt; or

(iii) if he so conducts himself that a resolution is passed calling for his removal. Such a resolution shall require sixty-five per cent of votes of the National Governing Council acting on behalf of the National Delegates Conference.

3. The quorum required for Trustees to transact business pertaining to Party property shall be three Trustees personally present.

4. The Trustees may sue and be sued in their capacity as Trustees of the Party.

5. (a) The Trustees shall maintain, collect rents, pay outgoings, repair and keep a list of the Party's properties.

(b) They shall prepare and submit their Annual Report and Accounts to the National Executive Council.

6. The Trustees shall, subject to the written approval of the National Executive Council, have power to sell, purchase and/or transfer any immovable properties of the Party and cause monies belonging to the Party to be invested in or used or exchanged for the purchase of such bonds, mortgages, shares and other forms of investment as deemed fit.

7. The Trustees shall pay all income received from property vested in them under this Constitution to the National Treasurer of the Party.

8. (a) Branches shall elect not more than three Trustees at their Delegates Conference.

(b) Such Branch Trustees shall hold office on terms and conditions applicable, *mutatis mutandis*, to the National Trustees of the Party.

PART VI  
MISCELLANEOUS ARTICLE

ARTICLE 30: DISCIPLINE

**1. The KANU National Disciplinary Committee**

(a) There shall be a KANU National Disciplinary Committee whose membership and composition shall be determined from time to time by the National Chairman in consultation with the National Executive Council.

(b) The National Executive Director of the Party shall act as Secretary to the National Disciplinary Committee.

(c) The National Disciplinary Committee shall have powers to hear and determine cases referred to it by the National Chairman, the National Executive Council, the National Governing Council or by a Branch Executive Committee related to or concerning indiscipline in the Party.

(d) The National Executive Council shall, subject to the approval of the National Governing Council, make rules, guidelines and regulations governing the procedures to be employed by the National Disciplinary Committee in hearing disciplinary cases referred to it.

2. (a) Each Branch Executive Committee shall have the power to suspend or recommend expulsion of any member or office bearer in the Branch or Sub-branch/Location/Ward. Such suspension or recommendation for expulsion shall be reported to the National Disciplinary Committee for consideration.

(b) Upon such consideration, the National Disciplinary Committee shall report its findings and decision to the National Executive Council.



(c) The National Executive Council shall have the power to either ratify or set aside the suspension and/or approve or reject the recommended expulsion as it may deem fit and the decision of the Council shall be final.

(d) Disciplinary action shall be instituted against a member in proven cases of corruption, misappropriation of Party funds, misuse of the Party's facilities, lack of loyalty to the Party, or allegiance to another Political Party and disrespect to Organs of the Party.

3. (a) The National Chairman may, in consultation with the National Executive Council, appoint a Commission to investigate the affairs of any Branch, Sub-branch/Location/Ward, or Sub-location/Committee.

• (b) The National Chairman may act on any recommendations made by the Commission and any action or decision taken by him in pursuance of the said recommendations shall stand valid until such time as the National Governing Council shall either ratify or set aside the same.

#### ARTICLE 31: THE PARTY SEAL, SYMBOL, FLAG, ETC.

1. (a) The Party shall have a seal whose design shall be approved by the National Governing Council, or National Delegates Conference.

(b) The Seal shall be kept in the custody of the Secretary-General and shall be affixed on documents or other items duly approved by the National Executive Council, or National Delegates Conference.

(c) The Seal shall be authenticated by the signature of the Secretary-General and that of another person duly authorized in writing by the National Chairman.

(d) When authenticated as provided in clause 1(c) of this Article, the affixation of the seal on the document approved as provided in clause 1(b) of this Article, shall be presumed to have been duly authorized and the contents of the document so affixed shall, as against third parties, be binding on the Party.

(e) The Seal may be amended as circumstances and interests of the Party may dictate. PROVIDED that sufficient public notice shall be given of such amendment and any documents previously sealed shall continue to be valid as against the Party.

(f) No contract or agreement shall be valid unless approved by National Executive Committee.

2. (a) The Party shall have a symbol with or without a caption or slogan as the National Governing Council or National Delegates Conference shall decide from time to time.

(b) Without prejudice to the generality of Paragraph (a) of this clause, the symbol of the Party be a **Cockerel** which shall also be known by its Swahili Language translation of "jogoo".

(c) The National Executive Council, on behalf of the National Governing Council, may authorize the use of the Party Symbol on any material, insignia, badge, tie, apparel, umbrella, document or anything on which it is intended to propagate the image of the Party.

3. (a) The Party shall have a flag whose design and colours shall be approved by the National Governing Council or the National Delegates Conference.

(b) Without prejudice to the generality of paragraph (a) of this clause, the Party Flag shall be of the form and content approved by the National Executive Council or the National Delegates Conference.

(c) Party Officials and Officers shall endeavour to hoist and fly the Party flag at all Party establishments, functions and activities. PROVIDED that such hoisting and flying shall be subservient to that of the National Flag and the Presidential Standard.

4. (a) The Party shall have a fraternity salute for public identification and salutation of members among themselves and for general Party enthusiasm and activism.

(b) The salute shall, be the raised index-finger of either hand depending on the hand-bias of a member;

(c) The salute shall be manifested by the stretching out of the hand and waving of the finger.

5. It shall be the duty of the National Executive Council, on behalf of the National Governing Council, to take any action within their power and means to defend, preserve and protect as the case may be, the dignity of the Party Symbol.

#### ARTICLE 32: PRESS AND PUBLICATION

1. The Party may own and operate a television station, a Party newspaper, printing press or it may have an interest or shares in any existing printing press, newspaper or television station or any other media or communication venture.

2. The Party may publish its own literature, periodicals, magazines, pamphlets, books, newspapers, journals, tracts or manuals.

3. There shall be a Press and Public Relations Committee appointed by the National Executive Council and it shall perform such functions as shall be assigned to it by the Council.

## ARTICLE 33: AMENDMENTS OF THE CONSTITUTION AND RULES

1. This Constitution and Rules or regulations made thereunder may be amended by a resolution carried by a sixty-five per cent majority vote of the members of the National Delegates Conference present and voting in person.

2. Only Party Branches and the National Executive Council may sponsor resolutions seeking amendments to the Constitution and Rules for consideration by the National Governing Council or by the National Delegates Conference.

## ARTICLE 34: INTERNATIONAL RELATIONS

1. The National Secretariat Department of international relations shall review all matters with an external perspective and affecting the Party including Party representation abroad, attendance at conferences and receiving a guest to Kenya and place these before the Secretary General and the National Executive Council for consideration.

2. No Party officer, or member shall visit foreign country *qua* officer or member, or accept scholarships, funds, grants, or any form of assistance, nor make any commitment in the name of the Party unless the same has been first approved by the National Executive Council and written authority duly issued by the National Chairman upon the recommendation of the Council.

## ARTICLE 35: MERGER CLAUSE

The National Delegates Conference may pass a resolution, by simple majority or by acclamation to merge with any other political party or parties in the country.

## ARTICLE 36: DISSOLUTION

The National Delegates Conference may, by resolution passed by a sixty-five per cent majority of its members, at a Special National Delegates Conference called expressly for the purpose

of dissolution, resolve that it be *dissolved or be renamed*. In the case of dissolution, all the properties and funds of the Party after meeting all liabilities shall be distributed in such a manner as shall be determined by the Conference at which the resolution favouring dissolution is passed.

SCHEDULE TO THE CONSTITUTION

**1. Pledge of Loyalty for Candidates Contesting National Assembly Elections.**

**(Article 27B, 3(b))**

I, .....  
wishing to seek the nomination of Kenya African Union as a candidate in the forthcoming Parliamentary Elections for the.....

.....  
Constituency, hereby make a solemn pledge that, if I am elected a Member of the National Assembly as so long as I continue as a Member on the ticket of the Party I shall—

- (a) remain loyal to the National Chairman and the Party;
- (b) give my full support to the Constitution of the Republic and Manifestos of the Party and the unity of all citizens of Kenya;
- (c) give my full support to the policies of the KANU Government; and
- (d) in all things adhere to the Constitution of the Republic of Kenya.

AND I undertake to make this pledge public in the said Constituency.

Dated the..... day of ....., 20.....

Signed .....  
(Candidate)

Witnessed by .....

**2. Pledge of Loyalty for Candidates Contesting Civic Elections.**

**(Article 27C, (b)(vi))**

I, .....

wishing to stand as a candidate for the Kenya African National Union in the forthcoming Local Government Elections do hereby pledge that—

- (i) I shall at all times be loyal to the National Chairman;
- (ii) I shall all times give my full support to the Constitution of the Party and principles of unity of all peoples of Kenya;
- (iii) I shall at all times give my unqualified support to the Manifestos of the Party and the policies and programmes of development of the KANU Government; and
- (iv) I shall adhere at all times to the Constitution of the Republic of Kenya.

Dated the..... day of ....., 20.....

Signed .....  
*(Candidate)*

Witnessed by .....

