

SPECIAL ISSUE

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REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2019

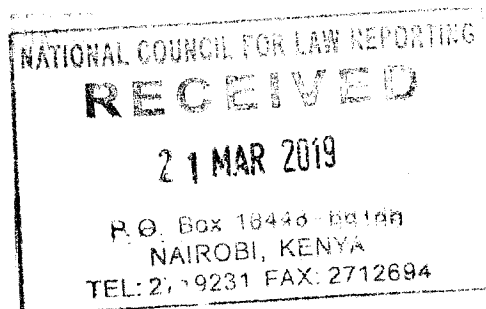
NAIROBI, 13th March, 2019

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**THE NATIONAL COHESION AND INTEGRATION
(AMENDMENT) BILL, 2019**

**AN ACT of Parliament to amend the National Cohesion and
Integration Act, 2008 and for connected purposes**

ENACTED by the National Assembly of Kenya as follows—

1. This Act may be cited as the National Cohesion and Integration (Amendment) Act, 2019. Short title

2. The principal Act is amended by deleting section 17 and substituting therefor the following new section— Repeal and replacement of section 17 of No. 12 of 2008

Membership of the Commission. **17.** (1) The Commission shall consist of —

- (a) a chairperson nominated by the President and approved by the National Assembly in accordance with the First Schedule;
- (b) seven commissioners nominated by the President and approved by the National Assembly in accordance with the First Schedule;
- (c) the chairperson of the Kenya National Commission on Human Rights;
- (d) the chairperson of the National Gender and Equality Commission;
- (e) the chairperson of the Commission on Administrative Justice;

(2) The commissioners shall, at their first meeting, elect a vice-chairperson from amongst the commissioners appointed under subsection (1) (b).

(3) The chairperson and vice-chairperson of the Commission shall not be of the same gender.

(4) In appointing members to the Commission, the principles of gender equity, ethnic and regional representation shall apply.

3. The principal Act is amended by inserting the following new section immediately after section 17—

Insertion of a new section in No. 12 of 2008.

Powers of the chairperson. **17A.** (1) The chairperson shall –

- (a) preside over the meetings of the Commission; and
- (b) be the spokesperson of the Commission.

(2) If the office of the chairperson becomes vacant or if the chairperson is unable to exercise the powers or perform the functions of his or her office owing to absence, illness or any other cause, the vice-chairperson shall exercise those powers or perform those functions until a substantive chairperson is appointed.

4. The principal Act is amended by repealing section 18 and replacing with the following new section—

Amendment of section 18 of No. 12 of 2008.

Qualification of Commissioner. **18.** (1) A person qualifies for appointment as a commissioner if the person—

- (a) is a citizen of Kenya;
- (b) has knowledge and at least five years experience in the case of the chairperson, and at least two years experience in the case of a commissioner, in matters relating to race, ethnic and human relations, public affairs and human rights, peace and security;

- (c) holds a degree from a university recognised in Kenya; and
- (d) meets the requirements of Chapter Six of the Constitution.

(2) A person shall not be eligible for appointment as the chairperson or a member if such person—

- (a) is a member of Parliament or a County Assembly;
- (b) is a member of the governing body of or is actively involved in the affairs of a political party;
- (c) has promoted sectoral, ethnic, racial or religious animosity or openly advocated for partisan ethnic positions or interests;
- (d) is an undischarged bankrupt;
- (e) has served as a Member of the Commission;
- (f) has been removed from office for contravening the provisions of the Constitution or any other law; or
- (g) has not met his or her legal obligations relating to tax and other statutory obligations.

5. The principal Act is amended by deleting section 19 and substituting therefor the following new section—

Repeal and replacement of section 19 of No. 12 of 2008.

Term of office. **19.** The chairperson and members of the Commission shall be appointed for a single term of six years and are not eligible for re-appointment.

6. The principal Act is amended by deleting the First Schedule and substituting therefor the following new Schedule—

Repeal and replacement of the First Schedule to No. 12 of 2008.

FIRST SCHEDULE

(s. 17)

**PROCEDURE FOR APPOINTMENT OF
COMMISSIONERS**

1. Whenever there is a vacancy in the Commission, the Cabinet Secretary shall within fourteen days of the occurrence of the vacancy, by notice in the *Gazette* declare the vacancy in the Commission.

2. For the purpose of the appointment of the Commissioners, the Cabinet Secretary shall within fourteen days of the declaration of the vacancy constitute a selection panel consisting of—

- (a) one person nominated by the Office of the President;
- (b) one person nominated by the Public Service Commission;
- (c) one person nominated by the Attorney-General;
- (d) one person nominated by the Ethics and Anti-Corruption Commission;
- (e) one person nominated by the National Gender and Equality Commission; and
- (f) one person nominated by the Judicial Service Commission.

3. The Public Service Commission shall—

- (a) convene the first meeting of the selection panel, at which the members of the selection panel shall elect a chairperson from among themselves; and
- (b) provide the selection panel with such facilities and other support as it may require for the discharge of its functions.

4. The selection panel shall, within seven days of convening, by advertisement in the media, invite applications from persons who qualify for nomination and appointment as Commissioners.

5. An application under paragraph 4 shall be forwarded to the Public Service Commission within fourteen days of the notice.

6. The names of all applicants under paragraph 5 shall be published in the *Gazette* and two daily newspapers of national circulation.