

**THE NATIONAL ETHNIC AND RACE RELATIONS  
COMMISSION BILL, 2008**

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*Clause*

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**A Bill for**

**AN ACT of Parliament to provide for the establishment, powers and functions of the National Ethnic and Race Relations Commission, and for connected purposes**

**ENACTED** by the Parliament of Kenya, as follows—

**PART I—PRELIMINARY**

Short title and commencement.

**1.** This Act may be cited as the National Ethnic and Race Relations Commission Act, 2008, and shall come into operation on such date as the Minister may, by notice in the Gazette, appoint.

Interpretation.

**2.** In this Act, unless the context otherwise requires—

“Commission” means the National Ethnic and Race Relations Commission established by section 3;

“commissioner” means a member of the Commission appointed under section 5;

“development issues” includes issues relating to development in socio-cultural, political and economic sectors;

“ethnic relations” include racial, religious, tribal and cultural interactions between various communities, and the words “ethnic” and “ethnicity” shall be construed accordingly;

“Secretary” means the secretary to the Commission appointed under section 8;

“financial year” means a period of twelve months ending on the thirtieth June in each year;

“Human Rights Commission” means the Kenya

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No. 9 of 2002. National Commission on Human Rights established under the Kenya National Commission on Human Rights Act, 2002; and

“Minister” means the Minister for the time being responsible for matters relating to justice and human rights.

**PART II—ESTABLISHMENT, POWERS AND  
FUNCTIONS OF THE COMMISSION**

Establishment of  
the Commission.

**3.** (1) There is established a Commission to be known as the National Ethnic and Race Relations Commission.

(2) The Commission shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

- (a) suing and being sued;
- (b) purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;
- (c) borrowing or lending money; and
- (d) doing or performing all other things or acts for the furtherance of the provisions of this Act which may lawfully be done or performed by a body corporate.

Headquarters.

**4.** (1) The headquarters of the Commission shall be in Nairobi, but the Commission may establish branches at any place in Kenya.

(2) Subject to the provisions of any other written law as to the meetings of the Commission, the Commission may hold its sittings at any place in Kenya.

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Membership of the  
Commission.

**5. (1)** The Commission shall consist of—

- (a) a Chairperson appointed by the President from amongst the commissioners appointed under paragraph (b);
- (b) eight commissioners nominated by the National Assembly in accordance with First Schedule and appointed by the President;
- (c) the Chairperson of the Kenya National Commission on Human Rights;
- (d) the Chairperson of the National Commission on Gender and Development;
- (e) the Chairperson of the Public Complaints Standing Committee (Ombudsman).

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

Qualifications of  
commissioners.

**6. (1)** A person shall be qualified for appointment as a commissioner if such person—

- (a) is a citizen of Kenya;
- (b) is a person of high moral character and proven integrity; and
- (c) has knowledge and experience in matters relating to race, ethnic and human relations, public affairs, and human rights.

(2) No person shall be qualified for appointment as a commissioner if such person—

- (a) is a member of the National Assembly;
- (b) is a member of a local authority;
- (c) is a member of the executive body of, or is actively involved in the affairs of, a political party;
- (d) has promoted sectoral, ethnic, racial or religious animosity or openly advocated for partisan ethnic positions or interests.

Term of office.

**7.** The Chairperson and the commissioners shall hold office for a term of three years and shall be eligible for re-appointment for one further term of three years.

Secretary to the Commission.

**8.** (1) There shall be a Secretary to the Commission who shall be appointed by the Commission upon such terms and conditions as the Commission may determine.

(2) Subject to the general control of the Commission, the Secretary shall—

- (a) be responsible for the administration and day-to-day management of the affairs of the Commission and of the control of the other staff of the Commission; and
- (b) perform such other functions as may be assigned by the Commission.

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Oath of office.

**9.** The Chairperson, the commissioners and the Secretary shall each make and subscribe before the Chief Justice the oath or affirmation set out in Second Schedule.

Vacancy.

**10.** (1) The office of the Chairperson or a commissioner shall become vacant if the holder—

- (a) dies;
- (b) resign from office by writing under his hand addressed to the President;
- (c) is removed from office in accordance with the provisions of section 11;
- (d) is convicted of an offence and sentenced to imprisonment for a term of three months or more without the option of a fine;
- (e) is unable to discharge the functions of his office by reason of physical or mental infirmity;
- (f) is absent from three consecutive meetings of the Commission without good cause; or
- (g) is declared bankrupt.

(2) The President shall notify every vacancy in the Gazette within seven days of the occurrence of the vacancy.

Removal from office.

**11.** (1) The Chairperson or a commissioner may be removed from office by the President—

- (a) for misbehaviour or misconduct;
- (b) if convicted of an offence involving moral turpitude,

but shall not be removed except in accordance with this section.

(2) A person who wishes to have a commissioner removed from office may apply for removal of the commissioner to the President through the Minister, and such application shall be copied to the Chairperson.

(3) Where the subject of an application for removal from office under subsection (2) is the Chairperson, the application shall be made to the Minister and copied to the vice-chairperson.

(4) The Minister shall, within seven days of receipt of an application under subsection (2), forward the application to the relevant Parliamentary Committee, and the Committee shall inquire into the matter and report on the facts to the President through the Minister, giving its recommendations as to whether or not the Chairperson or the commissioner ought to be removed from office, and the Minister shall communicate the recommendations of the Committee to the President.

(5) Where the question of removing the Chairperson or a commissioner has been referred to the relevant Parliamentary Committee under subsection (4), the President may suspend the Chairperson or the commissioner concerned, and the suspension may at any time be lifted by the President and shall, in any case, cease to have effect if the Parliamentary Committee recommends that the Chairperson or the commissioner, as the case may be, should be removed.

(6) A commissioner shall be removed from office if two thirds of the members of the National Assembly vote to remove the member, on the recommendation of



the Parliamentary Committee.

Filling of vacancy.

**12.** (1) Where a vacancy occurs in the Commission as a result of death, disability, resignation or removal of a commissioner, the President shall appoint a replacement from among the short listed persons considered by the National Assembly in accordance with the First Schedule.

(2) A person who is appointed in place of a commissioner whose office has become vacant under this section shall hold office for the remainder of the term of office of that commissioner.

Objects and functions of the Commission.

**13.** (1) The object and purpose for which the Commission is established is to facilitate and promote equality of opportunity, good relations, harmony and peaceful co-existence between persons of the different ethnic communities of Kenya, and to advise the Government on all aspects thereof.

(2) Without prejudice to the generality of subsection (1), the Commission shall—

- (a) promote the elimination of all forms of discrimination on the basis of ethnicity;
- (b) discourage persons, institutions, political parties and associations from advocating or promoting discrimination or discriminatory practices on the ground of ethnicity;
- (c) promote tolerance, understanding and acceptance of diversity in all aspects of national life and encourage full participation by all ethnic communities in the social, economic, cultural and political

life of other communities;

- (d) plan, supervise, co-ordinate and promote educational and training programmes to create public awareness, support and advancement of peace and harmony among ethnic communities;
- (e) promote respect for religious, cultural, linguistic and other forms of diversity in a plural society;
- (f) promote equal access and enjoyment by persons of all ethnic communities to public or other services and facilities provided by the Government;
- (g) promote arbitration, conciliation, mediation and similar forms of dispute resolution mechanisms in order to secure and enhance ethnic harmony and peace;
- (h) investigate complaints of ethnic or racial discrimination and make recommendations to the Attorney-General, the Human Rights Commission or any other relevant authority on the remedial measures to be taken where such complaints are valid;
- (i) investigate on its own accord or on request from any institution, office, or person any issue affecting ethnic relations;
- (j) identify and analyze factors

inhibiting the attainment of harmonious relations between ethnic communities, particularly barriers to the participation of any ethnic community in social, economic, commercial, financial, cultural and political endeavours, and recommend to the Government and any other relevant public or private body how these factors should be overcome;

- (k) determine strategic priorities in all the socio-economic political and development policies of the Government impacting on ethnic relations and advise on their implementation;
- (l) recommend to the Government criteria for deciding whether any public office or officer has committed acts of discrimination on the ground of ethnicity;
- (m) monitor and review all legislation and all administrative acts relating to or having implications for ethnic relations and equal opportunities and, from time to time, prepare and submit to the Government proposals for revision of such legislation and administrative acts;
- (n) initiate, lobby for and advocate for policy, legal or administrative reforms on issues affecting ethnic relations;
- (o) monitor and make

recommendations to the Government and other relevant public and private sector bodies on factors inhibiting the development of harmonious relations between ethnic groups and on barriers to the participation of all ethnic groups in the social, economic, commercial, financial, cultural and political life of the people;

- (p) undertake research and studies and make recommendations to the Government on any issue relating to ethnic affairs including whether ethnic relations are improving;
- (q) make recommendations on penalties to be imposed on any person for any breach of the provisions of the Constitution or of any law dealing with ethnicity;
- (r) monitor and report to the National Assembly the status and success of implementation of its recommendations; and
- (s) do all other acts and things as may be necessary to facilitate the efficient discharge of its functions.

Powers of the Commission.

**14.** (1) The Commission shall have all the powers necessary or expedient for the proper performance of its functions under this Act.

(2) In the discharge of its functions under this Act, the Commission—

- (a) shall not be subject to the direction

or control of any other person or authority;

- (b) may enter into association with such other bodies or organizations within or outside Kenya as it may consider desirable or appropriate and in furtherance of the purpose for which the Commission is established;
- (c) control, supervise and administer the assets of the Commission in such manner and for such purposes as best promote the purpose for which the Commission is established;
- (d) receive any grants, gifts, donations or endowments and make legitimate disbursements therefrom;
- (e) open a banking account or banking accounts for the funds of the Commission.

Power to summon witnesses.

**15.** The Commission shall have power to summon witnesses and to call for the production of books, plans and other documents and to examine witnesses and parties on oath.

Summons for attendance of witnesses.

**16.** Summons for the attendance of witnesses or other persons or for the production of books, plans and other documents shall be in such form as may be specified by the Commission and shall be signed by the Secretary.

Expenses of witnesses.

**17.** Every person summoned to attend and give evidence or produce books, plans or other documents at any sitting of the Commission shall be bound to obey the

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summons served upon him as if such summons were issued by the High Court, and shall be entitled to like expenses as a witness summoned to attend the High Court on a civil trial.

Conduct of  
business of the  
Commission.

**18.** The conduct and regulation of the business and affairs of the Commission shall be as provided in the Third Schedule but subject thereto, the Commission shall regulate its own procedure.

Delegation by the  
Commission.

**19.** The Commission may, by resolution either generally or in any particular case, delegate to any committee of the Commission or to any member, officer, employee or agent of the Commission, the exercise of any of the powers or the performance of any of the functions or duties of the Commission under this Act.

Remuneration of  
commissioners.

**20.** The Minister shall, in consultation with the Treasury, determine the remuneration and allowances of the members of the Commission.

Staff of the  
Commission.

**21.** (1) The Commission may appoint such officers or staff as are necessary for the proper discharge of the functions of the Commission under this Act, upon such terms and conditions of service as the Commission may determine.

(2) The principles of ethnic and gender balance shall guide all staff appointments.

(3) The Government may, upon request by the Commission, second to the Commission such number of public officers as may be necessary for the purposes of the Commission.

(4) A public officer seconded to the Commission shall, during the period of secondment, be deemed to be an officer of the Commission and shall be subject only to the direction and control of the Commission.

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The seal of the  
Commission.

**22.** (1) The common seal of the Commission shall be kept in such custody as the Commission may direct and shall not be used except on the order of the Commission.

(2) The common seal of the Commission when affixed to a document and duly authenticated shall be judicially and officially noticed and unless and until the contrary is proved, any necessary order or authorization of the Commission under this section shall be presumed to have been duly given.

Protection from  
personal liability.

**23.** No matter or thing done by a member of the Commission or any officer, employee or agent of the Commission shall, if the matter or thing is done in good faith for executing the functions, powers or duties of the Commission, render the member, officer, employee or agent personally liable to any action, claim or demand whatsoever.

Liability of the  
Commission for  
damages.

**24.** The provisions of section 23 shall not relieve the Commission of the liability to pay compensation for damage to any person for any personal or proprietary interest sustained by the person as a result of the exercise of any power conferred by this Act or by the failure, whether wholly or partially, of any works.

**PART III—FINANCIAL PROVISIONS**

Funds of the  
Commission.

**25.** The funds of the Commission shall consist of—

- (a) monies appropriated by Parliament for the purposes of the Commission;
- (b) such monies or assets as may accrue to the Commission in the course of the exercise of its powers or the performance of its functions

under this Act; and

- (c) all monies from any other source provided for or donated or lent to the Commission.

Annual estimates.

**26.** (1) At least three months before the commencement of each financial year, the Commission shall cause to be prepared estimates of the revenue and expenditure of the Commission for that year.

(2) The annual estimates shall make provision for all the estimated expenditure of the Commission for the financial year concerned and in particular, shall provide for—

- (a) the payment of the salaries, allowances and other charges in respect of the staff of the Commission;
- (b) the payment of pensions, gratuities and other charges and in respect of benefits which are payable out of the funds of the Commission;
- (c) the maintenance of the buildings and grounds of the Commission;
- (d) the funding of training, research and development activities of the Commission;
- (e) the proper maintenance, repair and replacement of any installation and of the equipment and other movable property of the Commission;
- (f) the creation of such funds to meet future or contingent liabilities in



respect of benefits, insurance or replacement of buildings or installations or equipment and in respect of such other matters as the Commission may think fit.

(3) The annual estimates shall be approved by the Commission before the commencement of the financial year to which they relate, and shall be submitted to the Minister for approval and after the Minister has given approval, the Commission shall not increase any sum provided in the estimates without the written consent of the Minister.

(4) No expenditure shall be incurred for the purposes of the Commission except in accordance with the annual estimates approved under subsection (3), or in pursuance of an authorization of the Commission given with the prior approval of the Minister.

Accounts and  
audit.

**27.** (1) The Commission shall cause to be kept all proper books and records of account of the income, expenditure, assets and liabilities of the Commission.

(2) The Minister for the time being responsible for finance may prescribe the form of any book required to be kept under subsection (1) and unless a form has been prescribed, a form suitable for the purpose shall be used.

(3) Within a period of three months after the end of each financial year, the Commission shall submit to the Controller and Auditor-General the accounts of the Commission in respect of that year together with—

- (a) a statement of the income and expenditure of the Commission during that financial year; and
- (b) a statement of the assets and liabilities of the Commission on

the last day of that financial year.

No. 12 of 2003. (4) The accounts of the Commission shall be audited and reported upon by the Controller and Auditor-General in accordance with the provisions of the Public Audit Act, 2003.

Investment of funds.

**28.** (1) The Commission may invest any of its funds in securities in which for the time being trustees may by law invest trust funds or in any other securities which the Treasury may, from time to time, approve.

(2) The Commission may place on deposit with such bank or banks or financial institutions as it may determine, any moneys not immediately required for the purposes of the Commission.

#### **PART IV—MISCELLANEOUS**

Annual reports.

**29.** (1) The Commission shall cause an annual report to be prepared for each financial year.

(2) The Commission shall submit the annual report to the Minister within three months after the end of the year to which it relates.

(3) The annual report shall contain, in respect of the year to which it relates—

- (a) the financial statements of the Commission;
- (b) a description of the activities of the Commission;
- (c) such other statistical information as the Commission considers appropriate relating to complaints to the Commission, investigations by the Commission and reports by

the Commission on the results of investigations;

- (d) any other information relating to its functions that the Commission considers necessary.

(4) The Minister shall, within thirty days after receiving the annual report, transmit it to the National Assembly.

(5) The Commission shall cause the annual report to be published in the Gazette and in such other manner as the Commission may determine.

Special reports.

**30.** The Commission may, at any time, submit a special report to the National Assembly through the Minister with respect to any aspect of the functions of the Commission which the Commission considers should, in the national interest, be brought to the attention of the National Assembly because it affects a wide cross section of the populace and there could be disastrous consequences if a report thereon is not brought to the attention of the National Assembly.

Offences.

**31.** Any person who—

- (a) refuses or omits, without sufficient cause, to attend at the time or place mentioned in the summons served upon him by the Commission;
- (b) having attended before the Commission refuses to be sworn or to make an affirmation, or having been sworn or affirmed, refuses without lawful cause to answer all questions put to him, or refuses or omits to produce any books, plans or other documents in his possession or under his control;

- (c) knowingly gives any false or misleading information to the Commission;
- (d) willfully interrupts or obstructs the proceedings of the Commission,

commits an offence and shall be liable upon conviction to a fine not exceeding fifty thousand shillings, or to imprisonment for a term not exceeding six months, or both.

Regulations.

**32.** The Minister may, in consultation with the Commission, make regulations generally for the better carrying into effect any of the provisions of this Act.

**FIRST SCHEDULE** (s. 5)

**PROCEDURE FOR NOMINATING  
COMMISSIONERS BY THE NATIONAL  
ASSEMBLY**

**1.** The Clerk of the National Assembly shall, within fourteen days of the commencement of this Act, by advertisement in the Gazette and in at least three daily newspapers of national circulation, invite applications from persons qualified under this Act for nomination as commissioners.

**2.** An application under paragraph 1 shall be forwarded to the Clerk within twenty-one days of the advertisement and may be made by any—

- (a) qualified person; or
- (b) any person, organization or group of persons proposing the nomination of any qualified person.

3. The relevant Parliamentary Committee in consultation with the Minister shall, within seven days of the expiry of the period prescribed under paragraph 2—

- (a) consider all the applications received under paragraph 2; and
- (b) recommend to the National Assembly suitably qualified persons for nomination as commissioners.

4. The Committee shall rank and provide comments regarding each of the finalists to the National Assembly.

5. The National Assembly shall, upon receipt of the recommendations of the Committee under paragraph 3, nominate fifteen persons for appointment as commissioners and shall submit the list of nominees to the Minister for onward transmission to the President.

6. The Minister shall forthwith forward the names of the persons nominated in accordance with paragraph 5 to the President who shall, by notice in the Gazette, appoint therefrom eight commissioners.

7. In nominating or appointing persons as commissioners, the National Assembly and the President shall have regard to gender equity and regional balance.

## **SECOND SCHEDULE** (s. 9)

### **OATH/AFFIRMATION OF THE OFFICE OF A COMMISSIONER/SECRETARY**

I ..... having been appointed (a commissioner of/the Secretary to) the National Ethnic Relations Commission under the National Ethnic

Relations Commission Act, 2008, do solemnly (swear/declare and affirm) that I will faithfully and fully, impartially and to the best of my ability, discharge the trust and perform the functions and exercise the powers devolving upon me by virtue of this appointment without fear, favour, bias, affection, ill-will or prejudice. (SO HELP ME GOD).

Sworn/Declared by the said .....

before me this ..... day of .....

.....  
Chief Justice

**THIRD SCHEDULE** (s. 18)

**PROVISIONS AS TO THE CONDUCT OF  
BUSINESS AND AFFAIRS OF THE COMMISSION**

Meetings  
generally.

**1.** (1) The Commission shall meet not less than four times in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting.

(2) Meetings of the Commission shall be held on such date and at such time as the Commission shall decide or, in the absence of such decision on a date and at a time determined by the Chairperson in consultation with the Secretary.

Special meetings.

**2.** The Chairperson shall, on the application of at least three of the members, convene a special meeting of the Commission.

Quorum.

**3.** The quorum for the conduct of business at a meeting of the Commission shall be seven members.

Presiding of  
meetings.

**4.** The Chairperson shall preside at every meeting of the Commission and in the absence of the Chairperson, the members present shall elect one of their number who shall with respect to that meeting and the business transacted thereat, have all the powers of the Chairperson.

Decisions.

**5.** Unless a unanimous decision is reached, a decision on any matter before the Commission shall be by a majority of votes of the members present and in the case of an equality of votes, the Chairperson or the person presiding shall have a casting vote.

Invalidity of  
proceedings.

**6.** Subject to paragraph 5, no proceedings of the Commission shall be invalid by reason only of a vacancy among the members thereof.

Common seal.

**7. (1)** The common seal of the Commission shall be authenticated by the signature of the Chairperson and the Secretary and any document required by law to be made under seal, and all decisions of the Commission may be authenticated by the Chairperson and the Secretary.

**(2)** In the absence of either the Chairperson or the Secretary in any particular case or for any particular matter, the Commission shall nominate one member to authenticate the seal of the Commission on behalf of either the Chairperson or the Secretary.

**(3)** All instruments made by and decisions of the Commission not required to be under seal may be authenticated by the chairperson and the secretary.

Minutes.

**8.** The Commission shall cause minutes of all proceedings of its meetings to be entered in books kept for that purpose.

## **MEMORANDUM OF OBJECTS AND REASONS**

This Bill seeks to establish a National Ethnic and Race Relations Commission as a body corporate that will be charged with the responsibility of facilitating and promoting equality of opportunity, good relations, harmonious and peaceful co-existence between the various Kenyan ethnic communities. The Bill is borne of the realization that lasting peace and co-existence cannot prevail in Kenya unless the various Kenyan communities cultivate goodwill among each other and have equal access to various opportunities that may arise without discrimination grounded on ethnicity. It recognizes the need to deal effectively with the negative aspects of tribalism and ethnicity which has pervaded various levels of the Kenyan society.

The Bill emanates from the deliberations of the National Dialogue and Reconciliation Committee which was formed after a political crisis ensued following a dispute on the outcome of the Presidential elections held on 27<sup>th</sup> December, 2007. The political crisis brought to the surface deep-seated and long-standing divisions within the Kenyan society and to heal those divisions, a raft of constitutional, legal and political measures to defuse the crisis were proposed, among them being the formation of a Commission to deal with ethnic relations in Kenya. The establishment of the Commission was conceived with a view to addressing historical problems which, if left unaddressed, threatened the very existence of Kenya as a modern society.

**Part I** of the Bill is on preliminary issues and among other things, the term “ethnic relations” is defined broadly in **clause 2** to include racial, religious, tribal and cultural interactions among the various Kenyan communities.

**Part II** of the Bill is on the establishment, powers and functions of the Commission, which is established by **clause 3** as a body corporate with all the attributes attendant to a body of such nature. **Clause 5** is on the membership of the Commission and provides for eleven persons to sit in the Commission as commissioners. Eight commissioners, from which the Chairperson of the Commission will be drawn, are to be appointed by the President from amongst persons nominated by the National Assembly following a laid down stringent procedure. The other three commissioners



will be *ex-officio* members of the Commission comprising the Chairpersons of already existing bodies, to wit, the Public Standing Complaints Committee, the Kenya National Commission on Human Rights and the National Commission on Gender and Development. **Clause 6** lays down the qualifications one must possess prior to appointment as a commissioner. The commissioners are to hold office for a renewable term of three years.

**Clause 8** provides for the appointment of the Secretary of the Commission and lays down the functions of the Secretary. Prior to taking office, **clause 9** requires the commissioners and the Secretary to take the prescribed oath of office. **Clause 10** sets out the grounds upon which a vacancy arises in the office commissioner while **clause 11** is on the removal of a commissioner from office, and lays down the procedure for such removal.

The objects and functions of the Commission are laid out in **clause 13**, with its powers being provided for in **clause 14**. Under **clause 15**, the Commission is empowered to summon witnesses to appear before it vide summons issued in accordance with **clause 16**.

Under **clause 19**, the Commission may delegate any of its functions or duties to a committee or any of its staff member appointed in accordance with **clause 21** which similarly requires the Commission to define the terms and conditions of such staff.

**Part III** is on the financial provisions in respect of the Commission, and **clause 25** thereof provides for the sources from which the funds of the Commission will be drawn, to wit, appropriations by Parliament, donations or money lent to the Commission. **Clause 26** requires annual estimates on the revenue and expenditure of the Commission to be prepared prior to the commencement of the financial year of the Commission. The auditing of the accounts of the Commission is to be done in the manner set forth in **clause 27** while **clause 28** allows the Commission to invest any of its surplus funds in approved securities.

**Part IV** is on miscellaneous provisions and **clause 29** thereof requires the Commission to prepare, and publish in the Gazette, an annual report for submission to the Minister on its activities for a particular year. The Minister is required to submit the report to the National Assembly within thirty days of receipt of the report. **Clause 30** provides for the

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Commission to prepare special reports on any of its functions if it feels necessary to do so and submit the same to the Minister.

**Clause 31** lays down the various offences one may commit under the Act and prescribes the respective penalties for such offences. **Clause 32** empowers the Minister to make regulations for the better carrying into effect the provisions of the Bill once enacted into law.

The **First Schedule** lays down the procedure to be followed by the National Assembly in nominating persons for eventual appointment as commissioners by the President, while the **Second Schedule** prescribes the oath to be taken by the commissioners and the Secretary before they assume office. The **Third Schedule** contains provisions on the conduct of affairs and business of the Commission.

The enactment of this Bill shall occasion additional expenditure of public funds to be provided for through the estimates.

Dated the 8<sup>th</sup> May, 2008.

MARTHA KARUA,  
*Minister for Justice, National Cohesion and Constitutional Affairs.*