

# CONSTITUTION REVIEW



## THE REVIEW OF THE CONSTITUTION OF KENYA UNDER CONSTITUTION OF KENYA (AMENDMENT) ACT, 2008 AND THE CONSTITUTION OF KENYA REVIEW ACT, 2008

### Why the process of reviewing the Constitution?

The Constitution of Kenya was written in 1963 when Kenya achieved its independence. Over the years numerous amendments have been made to the Constitution. Many people believe that these amendments have not provided the country with the best governance structure and therefore failed to enable Kenya achieve its full potential in fostering peace economic growth and social harmony between its peoples. As a consequence, it is argued that the current constitutional order has failed to guarantee the full enjoyment of democracy, respect for human rights and ensuring equality of its people.

The upshot of this failure has been relentless attempts by Kenyans to get a new constitution for close to 20 years. In 1997, due to the clamor for greater democracy and respect for human rights and accountability on the part of the Government by the people of Kenya, Parliament enacted the Constitution of Kenya Review Commission Act. The work of the Commission resulted in a draft proposed constitution popularly known as the "Bomas Draft". This draft was revised and presented to the people of Kenya in a referendum in November 2005. The people of Kenya voted against the revised draft (popularly known as the Wako Draft) and therefore to date Kenya has not been able to have a new constitution that they hope for. Part of the reason for this has been the failure to agree on certain issues on which various groups hold different views. It is important that for the Constitution to enjoy the confidence of the people and therefore respect for it and stability and progress of the country, the majority have to agree to it freely while at the same time it be mindful of the views and concurrence of the minority.

After the disputed Presidential elections of 2007, Kenya witnessed its worst moment in history when there was widespread violence in the country which threatened to bring down the nation. The negotiations mediated by the African Panel of Eminent Persons helped achieve a consensus that led to the signing of the National Accord. In order to achieve lasting peace and prosperity, the accord requires that there should be enacted a new Constitution for Kenya. This has

given a new push to the search for a new constitution. Parliament has enacted the Constitution of Kenya (Amendment) Act, 2008 and the Constitution of Kenya Review Act, 2008 to serve as the legal framework for achieving a new constitution. This law requires that the Committee of Experts finalizes its work within twelve months from the date of the commencement of the Act. The draft that the Committee will have drawn will be put to the people of Kenya in a referendum to vote on it. It is intended by the Act that if a consensus is achieved on the so called contentious issues, Kenyans will be able to support the draft and vote for it in the referendum so that we, people of Kenya, may have a new constitution.

### What does the new constitution hope to achieve?

According to the Act the outcome of the process of the review of the constitution should be a new constitution accepted by Kenyans through a referendum.

That constitution should be one that will enable Kenyans as a people to achieve the following—  
Live in peace, national unity and in a republic of Kenya which enjoys integrity in order to safeguard the well-being of the people of Kenya;

Be governed under a democratic system of Government that guarantees good governance, respect for the constitution itself, rule of law, human rights, gender equity and equality and affirmative action.

Live in a country where—

- Divisions of responsibility among the various state organs including the executive, the legislature and the judiciary is recognized and demarcated. This would create checks and balances between these organs in a way that none would dominate the other and also ensure accountability of the Government and its officers to the people of Kenya;
- the peoples' participation in the governance of the country is assured through democratic, free and fair elections and the devolution and exercise of power;
- there is respect of ethnic and regional diversity and communal rights including the right of communities to organize and participate in cultural activities and the ex-

- pression of their identities;
- equitable frame-work for economic growth and equitable access to national resources is established in order to ensure the provision of basic needs of all Kenyans
- people fully participate in the management of public affairs; and
- there exists conducive conditions for free exchange of ideas;

The new constitution is also expected to promote and facilitate regional and international co-operation to ensure economic development, peace and stability and to support democracy and human rights. Lastly it is expected to commit Kenyans to peaceful resolution of national issues through dialogue and consensus.

### How is the new constitution to be achieved?

Parliament has enacted a law, the Constitution of Kenya Review Act, 2008 to provide a legal framework for the work leading to the achievement of a new constitution. In summary this Act provides for the following—

- The establishment or recognition of four organs to be involved in facilitating the review process and drafting the new constitution.
- The procedure and the modalities of the work of these organs especially as regards the achievement of consensus on the so called contentious issues.
- The provision for the holding of a referendum in which all eligible voters will decide on the new constitution.

The four organs have been established or recognized by Parliament to help achieve a new constitution are—

- The Committee of Experts
- The National Assembly
- The Parliamentary Select Committee
- The Referendum - People of Kenya

These organs have been established with the objective of assisting Kenyans arrive at a consensus on the issues that have made it difficult to achieve a new constitution. They are expected to operate independently and not accept instructions from any person.

### Guiding principles of the organs

The Committee of Experts and the other organs are required by the law to take into account the following as guidelines in their work.

- ensure that the national interest prevails over regional or sectoral interests;
- be accountable to the people of Kenya;
- ensure that the review process accommodates the diversity of the people of Kenya including socio-economic status, race, ethnicity, gender, religious faith, age, occupation, learning, persons with disabilities and the disadvantaged;
- ensure that the review process—
  - provides the people of Kenya with an opportunity to actively, freely and meaningfully participate in generating and debating proposals to review and replace the Constitution;
  - is guided by the principle of stewardship and responsible management;
  - is conducted in an open manner; and
  - is guided by respect for the principles of human rights, equality, affirmative action, gender equity, and democracy;
- Ensure that the outcome of the review process faithfully reflects the wishes of the people of Kenya.

### The Committee of Experts

The Committee of Experts is the main technical organ in the process. It comprises nine experts who have already been nominated by the National Assembly and appointed by the President as per the requirement of the Act. In nominating persons for appointment as members of the Committee of Experts, the nominating bodies (the National Assembly and the Panel of African Union Eminent Persons) were required by law to have regard to the experience and academic qualifications of the applicants, the principle of gender equality and Kenya's national character and diversity.

To qualify for nomination for appointment as a member of the Committee of Experts one was expected to have proven knowledge of and experience in at least one of the following areas—

- comparative constitutional law;
- systems and structures of

- democratic governments;
- human rights;
- women and gender issues;
- land and land law;
- governance, ethics and accountability;
- public finance and administration;
- electoral systems and designs for democratic elections;
- anthropology; or
- mediation and consensus building

Six of the members of the Committee are Kenyans and three members are non-Kenyans. The secretariat of the Committee is headed by the director appointed by the Parliamentary Select Committee. He is responsible for the day to day running of the secretariat. The Attorney General and the Director both sit in the Committee as ex officio members.

### The Responsibilities and modalities of the work of the Committee of Experts

The Committee of Experts is required by law to—

- identify the issues already agreed upon in the existing draft constitutions;
- identify the issues which are contentious or not agreed upon in the existing draft constitutions;
- solicit and receive from the public written memorandum and presentations on the contentious issues;
- undertake thematic consultations with caucuses, interest groups and other experts;
- carry out such studies, researches and evaluations concerning the Constitution and other constitutions and constitutional systems;
- articulate the respective merits and demerits of proposed options for resolving the contentious issues;
- make recommendations to the Parliamentary Select Committee on the resolution of the contentious issues in a manner that will be for the greater good of the people of Kenya;
- prepare a harmonized draft Constitution for presentation to the National Assembly;
- facilitate civic education in order to stimulate public discussion and awareness of constitutional issues;
- liaise with the Electoral Commission of Kenya to hold a referendum on the Draft Constitution; and

The Committee of Experts is also empowered by the law to do such other things that it thinks may help it attain the objectives and principles of the review process.

The Committee of Experts will also facilitate and promote civic education in order to stimulate public discussion and awareness. It will do this by use of the Kenya Broadcasting Corporation and other media channels.

The law also requires the Committee of Experts to ensure that civic education materials are made available in a form accessible to the various categories of persons with disabilities.

### Use of Past Drafts and other reference materials

The Committee of Experts is required by the law to use as reference the record of the views that were received from Kenyans by the since dissolved Constitution of Kenya Review Commission (CKRC), the Bomas draft, the Wako Draft and any reports that were done for the erstwhile Commission.

### What are the main steps in the Review process?

The Committee of Experts shall complete its work within a period of twelve months from the date on which the Act became operational. This was 1st December 2008.

The Committee of Experts is required to study all existing draft constitutions and such other material as it may consider useful and prepare a report. The report should identify and separate—

- the issues that are not contentious and are agreed upon; and
- the issues that are contentious and not agreed upon.

The Committee of Experts is required by the law to invite representations from the public, interest groups and experts on the contentious issues and prepare a harmonized draft Constitution with the issues that are not contentious identified as agreed and closed and the issues that are contentious identified as outstanding. The Committee has since invited views from Kenyans and is satisfied with the overwhelming response it has received.

The Committee of Experts shall after preparing its report and the harmonized draft Constitution

# CONSTITUTION REVIEW



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CONTINUED FROM PAGE I

publish the draft Constitution for a period of thirty days; and after that ensure that the report and the draft Constitution are made available to the public.

After receiving the views of Kenyans the Committee of Experts will review the draft Constitution and incorporate the views of the public and then present the draft Constitution and the report to the Parliamentary Select Committee for deliberation and consensus building on the contentious issues. In debating the contentious issues the Parliamentary Select Committee is required to take into account the recommendations of the Com-

mittee of Experts.  
**Parliamentary Select Committee**

This Committee comprises 27 members of the National Assembly established with the main aim of assisting the National Assembly in the review process. It has a number of responsibilities set out in the Act.

The Act requires that the Parliamentary Select Committee reaches agreement on the draft Constitution that will have been prepared by the Committee of Experts after which the Committee of Experts will revise the draft Constitution in accordance with the consensus achieved by the Parliamentary Select Com-

mittee.

The Parliamentary Select Committee will be responsible to table the report and draft Constitution received from the Committee of Experts before the National Assembly.

The National Assembly will after the draft Constitution prepared by the Committee of Experts debate and approve the draft Constitution without amendment or propose amendments to the draft Constitution and submit the draft constitution and proposed amendments to the Committee of Experts for consultation.

Where the National Assembly submits the draft Constitution to the Committee of Experts

for consultation and redrafting, the Committee of Experts shall, within seven days of receipt of the draft Constitution, consider the proposed amendments and return the draft Constitution to the National Assembly.

The National Assembly shall approve the draft constitution and shall, within fourteen days of receipt of the draft Constitution submit the draft Constitution to the Attorney - General for publication.

The National Assembly may seek expert opinion on any issue in the draft Constitution before approval and submission of the draft Constitution to the Attorney General.

### Message from the Chairman



Nzamba Kitonga,

The Committee of Experts on the Constitutional Review takes this opportunity to re-assure Kenyans that it has put in place strategies, structures and systems necessary to successively execute its core mandate of reviewing and finalizing the constitutional review process and delivering a new constitutional dispensation for Kenya.

As chair of the CoE, I have no doubt in my mind that Kenyans will fully support the CoE in this noble exercise. Let me assure Kenyans that the CoE is firmly committed to the timely execution of its mandate in this regard.

In accordance with the provision of the Constitution of Kenya Review Act 2008, the Committee of Experts is expected to finalize its work within twelve months from the date of the commencement of the Act. The draft constitution that the Committee will

draw will be put to a referendum to be conducted by the Interim Independent Electoral Commission (IIEC).

It is intended by the Act that if a consensus is achieved on the so called contentious issues, Kenyans will be able to support the draft and vote for it in the referendum so that we, people of Kenya, may at last have a new constitution.

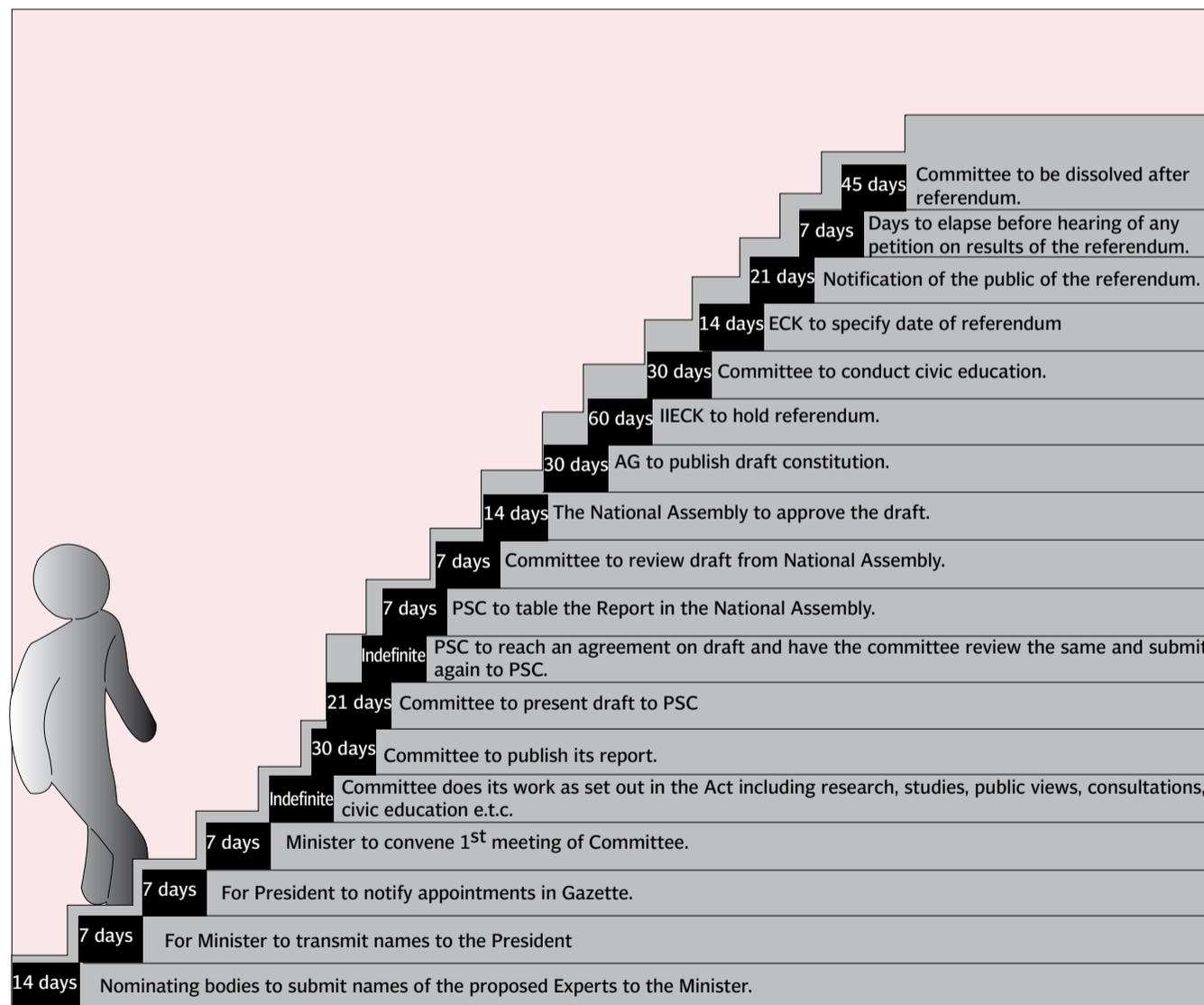
Indeed, according to the Act, the outcome of the process of the review of the constitution should be a new constitution accepted by Kenyans through a referendum.

That constitution should be one that will enable Kenyans as a people achieve the following;

- Live in peace, national unity and in a republic of Kenya which enjoys integrity in order to safeguard the well-being of the people of Kenya;
- Be governed under a democratic system of Government that guarantees good governance, respect for the constitution itself, rule of law human rights, gender equity and equality and affirmative action.

The new constitution is also expected to promote and facilitate regional and international cooperation to ensure economic development, peace and stability and to support democracy and human rights as well as commit Kenyans to peaceful resolution of national issues through dialogue and consensus

Here below is a table showing the various stages and timelines of the review process as set out in the Act.



### Message from the Director, CoE

The road to a new constitution for Kenya has been long and tortuous. The fact that we are not yet there, nearly two decades down the line, says a great deal about the challenges that still lie ahead. It is acknowledged the world over that making a constitution is not only a delicate but also a very expensive affair. But investing in a new constitution that guarantees true democracy, the enjoyment of equal rights and freedom for Kenya is clearly priceless.

For us at the Committee of Experts, we see the challenge in very clear terms; its for Kenyans to decide and bring to a decisive end the search for a new constitution. Now that they have their best and perhaps their last chance, provided through the CoE and related statutory organs, Kenyans should and must seize this moment to complete the constitution review process. Saddening as it may be that Kenyans have and continue to expend a great deal of energy, time and resources on the constitution, it suffices to say that they have hardly much option. We as Kenyans have yearned for the new constitution for rather too long and we must now make



Dr. Ekeru Aukot

up our individual and collective minds to achieve it.

The overwhelming recognition that the future peace and stability of Kenya is anchored on the new constitutional dispensation should spur us not to renege on our collective desire to get a new constitution.

Those who have had a chance to read the Constitution of Kenya Review Act 2008 know that the core function of the CoE is to foresee the completion of the constitutional review process and deliver a new constitution for Kenya. If you have not had the change to read the Act, we

CONTINUED NEXT PAGE



Members of the CoE at work in the Westlands Office



Part of the Secretariat Staff



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### FREQUENTLY ASKED QUESTIONS (FAQS)

#### How was the Committee of Experts (CoE) created?

The CoE was created through a law known as the Constitution of Kenya Review Act, 2008. The CoE is identified in that law as one of the organs or institutions responsible for the review process. The other organs are the National Assembly, the Parliamentary Select Committee for Constitutional Review and the Referendum.

#### How long does the Committee have to complete its work?

The members of the CoE were appointed by the President on the 23rd of February 2009. They were sworn in by the Chief Justice on 2nd March 2009. The CoE has one year from the time it was sworn in to complete its work. Therefore, the CoE must complete its work by March 2nd 2010.

#### Who are the members of the Committee? / What is its composition?

The Committee comprises of eleven members. Three are foreign while six are local. The other members, who are ex-officio, meaning that they cannot vote, are the Director of the CoE and the Attorney General of Kenya.

#### What is the work/mandate of the Committee?

The core work of the CoE is to analyze the existing draft constitutions, identify contentious

issues, invite proposals from Kenyans on what they think their solutions are on those issues and then draft a harmonized draft constitution. In doing this the CoE will hold thematic discussions with different interest groups and individuals. It will also consult extensively with the Parliamentary Select Committee and Parliament as a whole. The CoE will also conduct civic education on the constitutional making process and on the Harmonized Draft before it is subjected to the Referendum

#### What is the difference between the Constitution of Kenya Review Commission (CKRC) and the Committee of Experts (CoE)?

The main work of the CKRC was to collect Kenyan's views on what they felt should be in the new Constitution, prepare a draft Constitution based on those views and organize the National Constitutional Conference (Bomas) to debate the draft Constitution and then come up with a refined draft from the Conference.

On the other hand, the main work of the CoE is to analyze the documents and drafts that came out of the CKRC process (CKRC and Bomas drafts) and the Proposed New Constitution of Kenya, 2005 (Referendum draft), identify the contentious issues, facilitate ways of resolving the contentious issues and then come up with a Harmonized

draft which will then be taken to Parliament for approval before it is subjected to a referendum

#### Will the CoE go round the country to receive views from Kenyans?

The CoE will go round the country to receive views from Kenyans only on the contentious issues. The CoE will do this to enable Kenyans; especially those in the rural areas participate and give their input to the process. However the CoE will not go to every constituency like the Constitution of Kenya Review Commission (CKRC) did but will rely on the information gathered during that process. As earlier pointed out, the CoE will not be seeking fresh views on the Constitution from Kenyans because they already did present them during the CKRC process, but will seek their views on the contentious issues.

#### Where are the offices of the CoE/How can it be reached?

The Committee of Experts offices are located at Delta House, Chiromo Road, Westlands in Nairobi. The offices are right next to the Consolata Shrine Church and are accessible publicly, through Matatus that ply the Kangemi route which can be accessed with ease from the city centre. The Committee can also be reached through the phone, email and postal addresses provided above.

### Director's Message

#### FROM PREVIOUS PAGE

urge you to read the simplified version in this supplement for better understanding of the role and mandate of the CoE

The Act provides the framework for the review of the Constitution of Kenya and the establishment of the CoE as one of the key statutory organs to spearhead the completion of the constitutional review process. The operative word here is 'completion'.

The CoE is therefore not expected to be just another organ reviewing the constitution but its mandate is clearly cut out. It has to and must complete the constitutional review process and provide Kenyans with a harmonized draft constitution to go to a referendum. In doing its work the CoE is expected to draw support from the Parliamentary Select Committee (PSC), the National Assembly of Kenya and the Interim Independent Electoral Commission of Kenya (IIEC). The role of the last organ – the IIEC – is to contact a fresh referendum on the draft constitution worked out by the CoE and agreed on by all Kenyans through consensus. Above these

statutory organs and provisions, it is the people of Kenya that will deliver a new constitution and the Act fully recognizes the role that they should play. Kenyans must therefore resolve to participate in the constitutional review process and be part and parcel of the new constitution.

The core mandate of the CoE, as set out in the Act, is therefore to complete this final journey on the road to a new constitutional dispensation for Kenya. In discharging this fundamental task, the CoE is guided by the provision of the Act that compels it, as it were, to "ensure that the national interest prevails over regional and sectoral interests". The review process is further required by the law to accommodate the diversity of the people of Kenya. Specifically, the CoE is mandated to identify contentious and non-contentious issues on the Constitution, undertake research, studies and evaluations on constitutional issues and facilitate public debate and consultations on the contentious issues. The CoE is further required by the Act to prepare proposals and recommendations for resolution of the contentious issues and to conduct civic education and information dissemination

including civic education for the referendum. The CoE is also expected to prepare a harmonized Draft Constitution for presentation to the National Assembly.

Lastly the CoE is mandated to liaise with the IIEC on the conduct of the referendum.

In executing its mandate, the CoE is guided by section 4 of the review Act which binds the CoE to ensure, among other things, that the new constitution guarantees peace, national unity and integrity in order to safeguard the well-being of the people of Kenya. The Act further emphasises that the new constitution leads to the establishment of a free and democratic system of Government that guarantees good governance, constitutionalism, the rule of law, human rights, gender equity, gender equality and affirmative action

In conclusion therefore the CoE is not expected to reinvent the wheel but to use the existing constitutional review initiatives undertaken by the various previous organs including the Constitution of Kenya Review Commission, the so-called Naivasha Accord and the Wako draft to reach harmonised draft agreed upon by consensus.

### PROFILES

#### Nzamba Kitonga,

Mr. Nzamba Kitonga, chairman of the Committee of Experts (CoE) on Constitutional Review holds an LLB with Honours from the University of Nairobi and a Diploma in Law from the Kenya School of Law.

He was admitted to the bar in 1979 and has since practiced extensively as an advocate in Nairobi, Mombasa and Kitui.

Nzamba's areas of practice include Conveyance, Corporate, Property and Commercial Law, Trade Union, Labour, Local Government, human rights, Insurance and Constitutional Law. He has undertaken litigation in all areas of Civil, Criminal and Commercial law. Since 2002, Nzamba has been a Member of the Chartered Institute of Arbitrators. In 2003, he was appointed Senior Counsel of the Republic of Kenya and obtained an International Criminal Law Practice conferment from The Hague, Netherlands. He was in-



ducted into The Roll of Honours of Advocates by the Law Society of Kenya in 2004.

Nzamba has served as a Council Member on the International Bar Association from 1997 to 2003 and as a Council Member of the Law Society of Kenya from 1994 to 1999 and Chairman of the Law Society between 1997-1999. He held the Vice Presidency of the East African Law Society from 1998 to 2000, and the Presidency from 2000 to 2003. He has also been a Council Member on the N.G.O

Statutory Disciplinary Tribunal and the Pan African Lawyers Union. He served as a Council Member on the Council of Legal Education in Kenya and the Legal Sector Reform Committee/Task Force of Kenya.

In 2001, Nzamba convened the East African Legal Conference on Inland Waters, Marine and Shipping Laws. He was the Chief de mission of the Investigative Task Force on Human Rights, Electoral Violence and Discontent in Zanzibar from 2001 to 2002. He was also the Chief de mission of the East African N.G.O delegation to the United Nations World Conference on Racism held in Durban, South Africa in 2002. He was the Vice-Chairman of the Commission of Inquiry into the Goldenberg Affair from 2003 to 2005 and is to date, an Alternate Chairman of the Advocates Disciplinary Committee. From 2005, he serves as the President of the COMESA Court of Justice.

#### Otiende Amollo

Otiende Amollo P.M is an Advocate of the High Court of Kenya and holds an LLB and Masters degree in law both from the University of Nairobi and a Diploma in Law from the Kenya School of Law.

He brings a wealth of experience and expertise to the Committee of Experts (CoE) from the legal perspective.

Otiende has handled various high profile assignments in his illustrious legal career. He has been chairman of the International Committee of Jurists, Coordinator, Kenya Legal and Ethical Issues Network on HIV & Aids. Otiende has also lectured at the Kenya School of Law, Edited the official magazine of the Law Society of Kenya – "The Advocate". He has served as Board Member of Kituo Cha Sheria and Member of the Steering Committee of the All African Human Rights Pressure Group among other distinguished engagements.



Otiende has authored a wide range of legal publications including "Of Aliens, Treason and The Law". Among his key presentations and facilitations include Prisons Aids and the Law, presented at the 3rd International Commission of Jurists (Kenya) Seminar on Administration of Criminal Justice in Kenya: Crime and Punishment.

Otiende Omollo has participated in various international forums in Kenya and abroad including Participation in the

workshop on development of Law Curricula,

Otiende has also been actively involved in various local and international observer missions including the Consultative Forum on the Process of Constitutional Review in Kenya and a host of other high level observer missions.

He is a member of the Kenya Legal and Ethical Issues Network on HIV/AIDS (KELIN), Founder Member of the Law Forum, (University of Nairobi), Member of the Commonwealth Lawyers Association (CLA), Member of the International Bar Association, and Member of the Legal Advice Centre (Kituo Cha Sheria).

He has been awarded the 2003 Antunye Dzuya Leadership Award, Certificate of Appreciation by the Law Society of Kenya for the years 2002, 2006, 2007 and Certificate of recognition by the international Commission of Jurists – Kenya, 2004 Plaque of Appreciation, 2006.

#### Abdirashid Abdullahi

Abdirashid Abdullahi is a distinguished academic and scholar with impressive credentials in conflict analysis and resolution. He holds a Master of Science degree in Conflict Analysis and Resolution and Masters in African History.

He brings to the Committee of Experts on constitution review a wealth of knowledge and expertise on conflict management and resolution.

Prior to his appointment to the CoE, Abdirashid was the Regional Coordinator of Muslim Aid (UK)



in charge of Kenya, Ethiopia, Somalia, Uganda and Tanzania. His work has involved coor-

inating humanitarian activities in conjunction with NGOs to ensure that aid reaches the most vulnerable groups. In addition Abdirashid has been part of an international team on training in conflict sensitivity and service delivery (CSSD). He has also worked as an independent consultant with various international NGOs in Kenya, Uganda, Ethiopia and Somalia.

More recently Abdirashid was head of USAID programs in the troubled Darfur region of Sudan and the World Food Programme in Somalia.

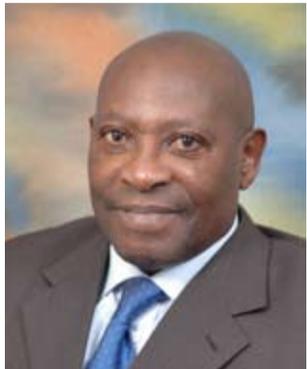
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## PROFILES

## FROM PREVIOUS PAGE

**Frederick E Ssempebwa**

Frederick E Ssempebwa is a former cabinet Minister of the Republic of Uganda and a prominent constitutional lawyer. He is also an illustrious scholar and academic with vast experience in constitutionalism. Ssempebwa holds a Bachelor of Arts degree in Law and a Master of Arts in law.

Ssempebwa has held several high profile professional positions in the Uganda government. He has also served at the president of the East African Law Society.

Ssempebwa brings a wealth of experience gained over the years in Constitution making processes. His professional qualifications and previous engagements in constitutional reforms attest to this fact. He has served as a member of the Uganda Constitutional Commission in drafting the Ugandan constitution and served as the chairperson of the Uganda Constitution Review Commission.

Ssempebwa has also taught Law in the University of Dar – Es – Salaam, Makerere University and the University of Zambia. Over the years he has been chair and member of many boards of both private and statutory companies and corporations in Uganda.

**Atsango Chesoni**

Atsango Chesoni is a lawyer and women rights crusader. Until her appointment to the Committee of Experts (CoE) and her subsequent election as Vice Chairperson of the CoE, Atsango was a consultant on governance, gender, human rights, anti-corruption and democracy. She has done work for the United Nations in Southern Sudan on monitoring the impact of conflict on women and children.

Atsango has also done development evaluation work for highly placed and varied international organizations among them the World Bank, multi-lateral agencies, African Union and Action Aid International.

She has extensive experience working as human rights monitor both at the national, regional and international level. She has written extensively on human rights, constitutionalism, institutional reform, regionalism, women's rights, violence against women and gender mainstreaming, in Kenya, South Sudan and at the level of the African Union.

Some of Atsango's recent international assignments include undertaking a review of the African Union's proposed framework on land policy in Africa. In 2007, she conducted a study on mainstreaming human rights based approaches within the water and urban development sectors in Kenya on behalf of the Swedish Agency for Development Evalu-

ation (SADEV). The study was published as a chapter in Integrating the Rights Perspective in Programming: Lessons Learnt from Swedish-Kenyan Development Cooperation (published in March 2008). Other work include: a study on inequality published as part of the Society for International Development (SID) Readings on Inequality in Kenya: Sectoral Dynamics and Perspectives (published in 2007). Evaluations conducted on behalf of bilateral and multilateral agencies including the United Nations' Children's Fund (UNICEF) and the United Nations' Development Fund for Women (UNIFEM).

In addition to her law degree Atsango also holds a Bachelor of Arts degree in English with a minor in African American studies from the University of Minnesota in the United States and Buckingham University in England. She has also published poetry, essays and short stories.

**Njoki S Ndungu**

Njoki Ndungu is an Advocate of the High Court of Kenya and a former nominated MP. She is best known for her successful campaign that resulted in the enactment of the Sexual Offences Bill now the Sexual Offences Act 2006 and it was her that moved the amendment bill to introduce Maternity and Paternity leave benefits.

She holds an LLM with a bias in Human Rights and Civil Liberties. Her first posting was as a state counsel at the Attorney-General Chambers. From the AG Njoki moved to the Institute for Education in Democracy as Programme Officer for civic and voter education.

She has also worked as the National Protection Officer with UNHCR Kenya and a Political Analyst for the Conflict Management Centre at the African Union in Addis Ababa, Ethiopia.

While in parliament Njoki represented Kenya at the Pan-African Parliament.

Other prominent political positions that she has held include, the Parliamentary Committee on Defense and Foreign Affairs, the Select Committee on the Constitution Review and the Parliamentary Committee on Administration of Justice and Legal Affairs.

She is a member of KEWOPA (Kenya Women Parliamentarians Associations), Chairperson of the Kenya Young Parliamentarians Association and the first woman

**Christina Murray**

Christina Murray is one of the three external experts on the CoE. Christina brings to the CoE a wealth of experience gained over the years in constitutional making processes. Her professional credentials and previous assignments in constitutional reforms attest to that experience. A Professor of human rights and constitutional law at the University of Cape Town, Christina served on a panel of experts advising the South African Constitutional Assembly between 1994 and 1996.

Since then her work has focused on constitution making, constitutional design and the implementation of constitutions. Apart from Kenya, Christina has Worked in Indonesia, Kyrgyzstan, Southern Sudan and Bolivia.

She is also wide published.

**Bobby Munga Mkangi**

Bobby Munga Mkangi is a lawyer with a passion for children rights and their protection. Before his current appointment to the Committee of Experts, Mkangi has been a consultant and trainer on rights and protection of children.

He has conducted numerous consultancies and training in Kenya, Southern Sudan, Liberia and Japan.

Among the various organizations he has worked with in the recent past include Children's Legal Action Network, (CLAN) where he was Head of Legal Department. He has also been involved in the development and publication of various papers and periodicals on child rights and protection.

Mkangi has also been involved in various international engagements and offered services as a consulting editor of "Training Manual for Training Police Officers in Liberia on Child Rights and Child Protection, Legal Adviser in Southern Sudan advising the Southern Sudan on Child Law reform Committee in Drafting of children's legislation among many



other consultancies.

Bobby holds a Bachelor of Laws Degree (LLB Hons) from the University of Nairobi.

He is an enthusiast of community activities and is currently the secretary of the Board of the Mathare Junior Centre, an Early Childhood Education and feeding centre for the low income settlement. He is also a board member and technical adviser to the Executive Director of Moyo Children's Centre, an International NGO offering sponsorship and community child care in Kenya and Uganda.

**Dr. Chaloka Beyani**

Dr Chaloka Beyani is one of the three foreign experts on the Committee of Experts (CoE) on the Constitutional Review. Chaloka has wide experience in international human rights law. He has served as legal advisor and consultant for the Office of the High Commissioner for Human Rights, the Office of the High Commissioner on Refugees; the World Health Organization; the United Nations Population Fund; United Nations Development Fund for Women; the European Union; the Commonwealth Secretariat and the African Union.

Chaloka is a law graduate of the University of Zambia from where he also obtained his LL.M in 1984. He also holds a D.Phil., M.A. from Oxford University in the UK.

Chaloka is a Senior Lecturer in International Law, Law Department, London School of Economics and Political Science. He is a visiting Professor, University of Toronto, and Santa Clara University. He is formerly Fellow of Wolfson College, Oxford, and Lecturer in Law, Exeter College, and St.Catherines Colleges, Oxford.

Chaloka has also taught law at the University of Zambia. He is an experienced hand in international law; international human rights law, international criminal law, universal jurisdiction, international refugee law and migration, laws of armed conflict, territorial and maritime disputes, democracy and constitutional reform.

He was instrumental in the drafting and negotiating the adoption of the Pact on Peace, Stability and Development in the



Great Lakes Region and Protocols in 2006 as well as the drafting of the African Union Convention on Internally Displaced Persons, 2008.

In the field of mediation and constitution making, Chaloka participated in mediating the Constitution for a common state between the Republic of Moldova and the Entity of Transnistria (1997-2002). He has also served as member of the Constitutional Review Task Force of the Republic of Zambia. In 1994 Chaloka was part of the team that worked on the Federal Constitution in Sri Lanka.

He has a series of publications to his credit among them the Human Rights Standards and the Movement of People within States (Oxford University Press, 2000); Blackstone's Guide to the Asylum and Immigration Act 1996, with Leonard Leigh, (Blackstone Press, 1996); The Protection of Refugees under the African Charter on Human and Peoples' Rights (Martinus Nijhoff, 2009); Collected Essays on the Application of International Law (Cameron, 2009).

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