



Supporting the Kenya Constitutional Implementation Process



Emmanuel Mariach, coordinator of Tomwo Integrated Pastoralist Development Initiatives, teaches a group of local women about their roles and responsibilities under the new Constitution.

Funding Level:

\$2.5 million

Duration:

June 2011 – June 2015

Activity Goals:

- Assist the Commission for the Implementation of the Constitution (CIC) and other Government of Kenya agencies to develop comprehensive laws and policies required under the new Constitution
- Enhance the capacity of the Judiciary to enact timely resolutions to election disputes

Activity Accomplishments (FY 2014):

- Thirteen draft laws and policies relating to environmental and natural resource management and one human rights law was reviewed by CIC
- Increased public participation in the Water Bill, 2014 and proposed amendments to land laws
- The Energy Bill and Policy was withdrawn by the relevant Cabinet Secretary for redrafting following the CIC's review report
- A comprehensive review of existing policies, laws and administrative procedures on access to justice was initiated
- Evaluation of the judiciary's management of the electoral dispute resolution (EDR) process was conducted

ACTIVITY OVERVIEW

Supporting the Kenya Constitutional Implementation Process is a partnership between USAID and the International Development Law Organization (IDLO) to assist the Government of Kenya in developing comprehensive laws and policies required under the new Constitution.

ACTIVITY AREAS

The Supporting the Kenya Constitutional Implementation Process activity provides technical support to the agencies responsible for preparing and reviewing legislation required by Kenya's 2010 Constitution, including the Kenya Law Reform Commission, the Attorney General's Office, and the Commission for the Implementation of the Constitution (CIC). It provides training and support in legislative drafting specific to the Kenyan Constitution.

The activity supports the Kenya Law Reform Commission to conduct communication campaigns that educate and inform the public on proposed laws. It also organizes stakeholder forums that ensure civil society organizations actively participate in, and contribute to, the legislation-making process.

The activity supports Kenya's Commission for the Implementation of the Constitution in eight key areas: stakeholder engagement; sector-based approaches; advisory opinions; judicial intervention; public participation; collaborative arrangements with other partners such as constitutional commissions and independent public offices; comparative analysis; and, incorporation of international best practices and monitoring and reporting.

ACTIVITY IMPACT

The Judiciary is responsible for the resolution of electoral disputes after the declaration of results. In 2012, the Judiciary Working Committee on Elections (JWCEP) was established by the Chief Justice. The Judiciary Working Committee on Election Preparations is tasked with assisting the Judiciary to prepare for electoral dispute resolution (EDR).

In 2014, USAID partners supported the JWCEP in drafting and publishing the Judiciary's Post- Election Report, 2013. The

Implementing Partner:

International Law Development Institute (IDLO)

Key Partners:

Kenya Law Reform Commission, the Attorney General's Office, and the Commission for the Implementation of the Constitution (CIC)

Activity Location:

Nationwide

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publication enabled the committee to internally assess its progress and inform the public of the Judiciary's efforts in resolving electoral disputes effectively, efficiently and with impartiality.

USAID assisted JWCEP in collecting and analyzing data on the progress made in handling petitions. The results were disseminated to the public through mainstream media and through the Judiciary press briefings, providing the public with important information on the EDR process.

IDLO continues to provide technical assistance, expert guidance, and capacity support to the government to facilitate timely development of legislation, policies and regulations required to implement the Constitution. Going forward, IDLO will partner with the Kenya Law Reform Commission and the successor of the Commission for the Implementation of the Constitution (CIC) on capacity building and legislative drafting.