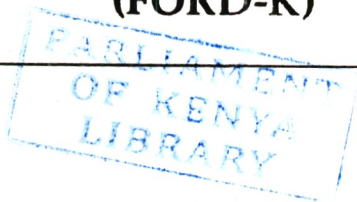


**FORUM FOR THE RESTORATION OF
DEMOCRACY - KENYA
(FORD-K)**



**CONSTITUTION,
NOMINATION RULES
AND
DISCIPLINARY RULES**



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**THE FORUM FOR THE
RESTORATION OF
DEMOCRACY- KENYA
(FORD-K)**



CONSTITUTION

Nairobi, October 1992

CONSTITUTION OF THE FORUM FOR THE RESTORATION OF DEMOCRACY - KENYA (FORD-K)

- 1. The name of the Party shall be FORUM FOR THE RESTORATION OF DEMOCRACY - KENYA (FORD-K) hereafter referred to as 'the Party' or FORD-K.**

2. AIMS AND OBJECTIVES

- (a) To work for the restoration, protection and promotion of human rights, civil liberties, freedoms and rights of the individual, including civil, political, economic, social and cultural rights the rights of women, the rights of the child including such as the right to life and human dignity, the right to personal liberty and security of person, the right to property, the right to a fair trial and equality before the Law; the freedoms of movement, thought, conscience, expression, press, religion and association and the right to take part in the conduct of public affairs; the right to work and the enjoyment of just and favourable conditions of work;**
- (b) To serve as a political party with a view to establishing constitutional government, pluralist democracy, good governance, accountability and transparency in public affairs in Kenya;**
- (c) To work for and promote the Rule of Law under an independent and impartial judiciary;**
- (d) To work for the repeal of all unjust and oppressive laws including the Preservation of Public Security Act, the Public Order Act, and the Chief's Authority Act;**
- (e) To work for the release of all political prisoners, the termination and or end to political prosecutions and to facilitate the unconditional return of all Kenyan refugees now residing abroad;**
- (f) To work and campaign for the limitation of the Presidential**

tenure of office to two terms;

- (g) To advocate and work for the establishment of free and independent trade unions, interest and pressure groups, professional organizations and welfare associations so as to ensure a healthy development of a civil society as a foundation for a democratic system of Government in Kenya;
- (h) To secure for all Kenyans equal opportunities of employment and education;
- (i) To provide and improve health, social and welfare services so that the people can fully enjoy all the fruits of their industry and labour and to raise their standard and quality of living;
- (j) To encourage and promote strong co-operative movements;
- (k) To ensure and secure the availability of quality education at all levels and for all Kenyans;
- (l) To promote a market economy and to implement sound economic investment and monetary policies in order to achieve rapid and sustained development with social justice;
- (m) To enhance the cultural life of Kenyans in all spheres of national development;
- (n) To protect, conserve and improve the management of the environment and natural resources;
- (o) To work for a strong and sound national population policy;
- (p) To educate and create awareness among Kenyans on public matters, issues and policies with a view to enhancing and maintaining a just, open and democratic system of government;
- (q) To ensure that all national wealth and resources of Kenya are conserved or responsibly exploited for the betterment of all Kenyans and future generations;

- (r) To support and promote regional and international organizations or groupings aimed at the achievement of rapid social and economic development, scientific and technical development and or innovation, the conservation and improvement of the environment;
- (s) To support and promote world peace and the abolition of all forms of oppression, racism, chauvinism, sexism, social bigotry, exploitation and discrimination;
- (t) To promote African unity, regional and sub-regional co-operation;
- (u) To advocate and promote the International Bill of Human Rights, the African Charter of Human and People's Rights and the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment and to ensure that the government complies with its obligations under these instruments, including submission of reports on human rights practices and violations;
- (v) To ensure and promote the participation of women and youth in the conduct of public affairs;
- (w) To nominate and field candidates for the Presidential, Parliamentary and Civic elections;
- (x) To strengthen Parliament and Parliamentary Committees and Civic Authorities for the effective operation of a representative government and to cooperate with other political parties in ensuring democratic governance in Kenya;
- (y) To promote and establish a fair and just leadership in governance void of corruption, nepotism and discrimination; and
- (z) To form branches all over Kenya.

3. MEMBERSHIP

- (a) Any citizen of Kenya who is of the age of 18 or above and who

accepts the objectives, policies, programmes and discipline of the Party shall be eligible for membership provided he is not and does not become a member of another Party;

- (b) Each individual member of the Party shall pay to his Branch on enrolment an admission fee of Khs.10/=;
- (c) Each individual member of the Party shall pay to his Branch membership dues of Kshs.10/= every year or as otherwise determined by the Party and only full paid up members may attend Party meetings and vote thereat;
- (d) The resignation in writing of any member from the Party shall take effect from the moment the letter of resignation is delivered to the Party Office concerned. A member who has resigned will not be entitled to a refund of any subscription however paid;
- (e) The National Executive Council with the approval of the General Council may suspend or exclude a Party member for gross misconduct after having given such a member a fair and reasonable opportunity to answer the allegation or charges against the member in accordance with the Rules of Natural Justice.

4. PARLIAMENTARY GROUP, YOUTH AND WOMEN'S CONGRESS

There shall be formed:

- (a) The Party Parliamentary Group;
- (b) The Students and Youth Congress; and
- (c) The Women's Congress.

5. NATIONAL OFFICIALS

- (a) The party shall have the following elected officials:
 - (i) Chairman
 - (ii) First Vice Chairman
 - (iii) Second Vice-Chairman
 - (iv) Secretary-General

- (v) First Deputy Secretary-General
- (vi) Second Deputy Secretary-General
- (vii) National Treasurer
- (viii) First Deputy National Treasurer
- (ix) Second Deputy National Treasurer
- (x) National Organising Secretary
- (xi) First Deputy National Organising Secretary
- (xii) Second Deputy National Organising Secretary
- (xiii) First Assistant National Organising Secretary
- (xiv) Second Assistant National Organising Secretary
- (xv) Secretary for Information and Publicity
- (xvi) Assistant Secretary for Information and Publicity
- (xvii) Secretary for Environment
- (xviii) Assistant Secretary for Environment
- (xvix) Secretary for Public Policy and Economic Affairs
- (xx) Assistant Secretary for Public Policy and Economic Affairs
- (xxi) Secretary for Constitutional and Legal Affairs
- (xxii) Assistant Secretary for Constitutional and Legal Affairs
- (xxiii) Secretary for Human Rights and Democratization
- (xxiv) Assistant Secretary for Human Rights and Democratization
- (xxv) Secretary for International Affairs
- (xxvi) Assistant Secretary for International Affairs
- (xxvii) Secretary for Labour Relations
- (xxviii) Assistant Secretary for Labour Relations
- (xxix) Secretary for Gender Relations
- (xxx) Assistant Secretary for Gender Relations
- (xxxi) Secretary for Youth
- (xxxii) Assistant Secretary for Youth
- (xxxiii) Secretary for Religious and Spiritual Affairs
- (xxxiv) Assistant Secretary for Religious and Spiritual Affairs
- (xxxv) National Director for Elections
- (xxxvi) Deputy National Director for Elections
- (xxxvii) Assistant National Director for Elections

(b) All these officials shall be elected at the National Delegates

Congress by secret ballot. They shall hold office for four years and shall be eligible for re-election at the expiry of their term of office; and

- (c) There shall be an Executive Director and Deputy Executive Director nominated by the Chairman and appointed by the National Executive Council and they shall be answerable to the Secretary-General and shall in addition perform such other duties as may be assigned to them by the National Executive Council. The Executive Director and his deputy shall be ex-officio members of all the decision-making organs of the Party.

6 DUTIES OF THE NATIONAL OFFICERS

- (a) **Chairman:** He shall be the head of the Party. He shall provide leadership and articulate Party policies. He shall ensure discipline and proper order in the Party in accordance with this Constitution. He shall, in all respects, establish unity in the Party and be the Party's spokesman. He shall ensure adherence to Party policy by officials, members and the Party Parliamentary Group. He shall preside over all meetings of the Party and its decision-making organs. He shall with the approval of the National Executive Council appoint full-time officers of the Party at the Party headquarters.
- (b) **First Vice-Chairman:** He shall assist the Chairman in all his duties and shall assume all such duties in the latter's absence except those specified in (c) below.
- (c) **Second Vice-Chairman:** He shall assist the Chairman in matters relating to administration and discipline in the Party.
- (d) **Secretary-General:** He shall be responsible for the Secretariat under the direction of the National Executive Council. He shall ensure that meetings of the National Executive Council, the General Council and the National Delegates Congress take place as provided in the Constitution and at such times as may be decided by the National Executive Council. He shall keep or cause to be kept a proper record of Minutes of all meetings of the

National Executive Council, the General Council and the National Delegates Congress and ensure the distribution of such minutes to persons, organs or branches concerned.

- (e) **First Deputy Secretary-General:** He shall assist the Secretary-General in all his duties and shall assume such duties except those specified in (f) below in the latter's absence.
- (f) **Second Deputy Secretary-General:** He shall assist the Secretary-General on all matters relating to the administration of the Party.
- (g) **National Treasurer:** He shall be in charge of the Party's financial officers and supervise branch financial transactions under the direction of the National Executive Council. He shall prepare and submit to the National Executive Council a financial statement every quarter of the year and shall ensure that duly audited Annual Statement of Accounts is circulated to the branches, members of the General Council and to all delegates at the same time the notice convening the National delegates Congress is sent out.
- (h) **First Deputy National Treasurer:** He shall assist the National Treasurer in all his functions and shall assume his duties in the latter's absence except those specified in (i) below.
- (i) **Second Deputy National Treasurer:** He shall assist the National Treasurer in supervising branch financial transactions and assist the National Treasurer in fund-raising activities for the Party.
- (j) **National Organising Secretary:** He shall supervise the organization of the Party in particular the recruitment of members, the establishment of branches and sub-branches and the organization of public meetings and other meetings, functions and festivities of the Party.
- (k) **First Deputy National Organizing Secretary:** He shall assist the National Organising Secretary in all his functions and shall assume his duties in the latter's absence except those specified in (l) below.

- (l) **Second Deputy National Organizing Secretary:** He shall assist the National Organizing Secretary in supervising the branches and sub-branches.
- (m) **Secretaries:** The secretaries and their assistants shall undertake relevant or specified duties and assignments under the direction of the Chairman and the National Executive Council.
- (n) **National Director of Elections:** He shall be responsible for the carrying out and coordination of Party elections and the participation of the Party in national and local grassroots elections. He shall be assisted by the Deputy National Director of Elections and an Assistant National Director of Elections.
- (o) No national officials of the Party shall hold at the same time an office in a branch or sub-branch of the Party.
- (p) The National Executive Council with the approval of the General Council may suspend or dismiss any office bearer after giving the office bearer a fair and reasonable opportunity to defend himself against the charges or allegations made against him.

7. DECISION-MAKING ORGANS

The decision-making organs of the Party shall be:

- (a) The National Delegates Congress;
- (b) The General Council; and
- (c) The National Executive Council.

8 THE NATIONAL DELEGATES CONGRESS

- (a) The National Delegates Congress shall consist of members of the National Executive Council and delegates made up as follows:
 - (i) Chairman and Secretary of every Branch;
 - (ii) Ten delegates elected by every Branch;

- (iii) Chairman and Secretary of every Sub-branch
 - (iv) Ten delegates elected by every Sub-branch; and
 - (v) All Party Members of Parliament.
- (b) The National Delegates Congress shall be the highest authority of the Party. It shall have the following specific powers, duties and obligations:
- (i) To approve all the policies of the Party;
 - (ii) To examine and approve the audited accounts for the period since the previous ordinary session of the National Delegates Congress, to discharge the Treasurer from liability, and to set the scale of annual dues to be paid by Party Members;
 - (iii) To elect from among its members the officers of the Party as set out in section 5 of this Constitution;
 - (iv) To consider, modify and, if it thinks fit, ratify and enact the Constitution and rules of the Party;
 - (v) To consider, any such other item as may be referred to it by the National Executive Council or the General Council;
 - (vi) To receive, examine and approve the annual report and audited accounts of the Party;
 - (vii) To appoint the Auditor and fix his remuneration;
 - (viii) To appoint other Committees for specified tasks and terms of office, which will report to the National Executive Council;
 - (ix) To receive regular reports from the National Executive Council on the operations of the Party;
 - (x) To establish and or revise the by-laws if required for the regulation of the affairs of the Party; and
 - (xi) To receive and approve the Party Manifesto from the National Executive Council and the General Council.
 - (xii) To delegate or confer any of its powers or duties to the National Executive Council or the General Council save the powers and duties specified in (iv) above.
- (c) An ordinary Session of the National Delegates Congress shall

be held every two years at a place and date to be determined by the National Executive Council. The notice of the meeting shall be sent out by the Secretary General at least three weeks before such date. The agenda shall be communicated by the Secretary-General to all delegates at least one week before the date of the meeting; and

- (d) The Chairman shall summon a Special Session of the National Delegates Congress upon the decision of the National Executive Council or if requested in writing by at least one half of the entire delegates at the preceding National Delegates Congress. A special session of the National Delegates Congress shall not be invalidated by reason of absence of notice as provided in (c) above.

9. THE GENERAL COUNCIL

- (a) The General Council of the Party shall consist of the following members:
 - (i) All officials elected at the National Delegates Congress;
 - (ii) All the Branch Party Chairmen and Secretaries; and
 - (iii) The Party Parliamentary Chief Whip.
- (b) The functions and duties of the General Council shall be:
 - (i) To formulate and review the policies of the Party;
 - (ii) To receive reports from the National Executive Council on the operations of the Party; and
 - (iii) To direct and supervise the affairs of the Party between sessions of the National Delegates Congress.
- (c) The General Council shall meet at least once every six months.

10. THE NATIONAL EXECUTIVE COUNCIL

- (a) The National Executive Council shall consist of:
 - (i) All officials elected at the National Delegates Congress; and
 - (ii) The Party Parliamentary Chief Whip.

- (b) The National Executive Council shall have the following functions:
- (i) To act as the executive body of the National Delegates Congress and to ensure that all decisions and policies made are duly carried out and implemented by the Party and its Secretariat;
 - (ii) To supervise the administrative machinery of the Party at all levels and to take such measures it deems necessary to enforce the decisions and programmes of the Party as laid down by the National Delegates Congress and the General Council;
 - (iii) To work in liaison with the Party Parliamentary Group;
 - (iv) To make rules for approval by the National Delegates Congress;
 - (v) To appoint other committees for specified tasks and terms of office including the manner and frequency of reports by or from such committees;
 - (vi) To coordinate elections of the delegates to the National Delegates Congress;
 - (vii) To appoint Party representatives or delegates in or to other organizations to which the Party relates;
 - (viii) To establish, co-ordinate and conduct various schemes aimed at stimulating Party activities; and
 - (ix) To prepare the agenda for and reports to the National Delegates Congress and the General Council.
 - (x) To operate and determine the manner in which the party accounts and finances shall be managed.
- (c) The Chairman, First Vice-Chairman, Second Vice-Chairman, Secretary General, National Treasurer, National Organizing Secretary, Secretary for Public Policy and Economic Affairs, Secretary for Information and Publicity, Secretary for Constitutional and Legal Affairs and the Executive Director shall be members of the Management Committee of the Party which shall direct and supervise the day to day activities and affairs of

the Party.

11. FINANCE

- (a) The sources of funds of the Party shall include the following:
 - (i) Membership dues;
 - (ii) Grants, subventions, contracts, donations and legacies accepted by the National Executive Council on behalf of the Party;
 - (iii) Net Income from publications; and
 - (vi) Revenue from capital investments.
- (b) The Party, and bodies created by it, may not incur expenditures in excess of the funds at their disposal except by resolution of the National Executive Council.
- (c) The financial year of the Party shall be the calendar year.
- (d) The National Executive Council shall establish Rules governing the collection, keeping and expenditure of finances.

12. AUDITOR

- (a) The Party shall appoint or re-appoint an auditor at the National Delegates Congress. All Party accounts, records and documents shall be open to inspection by the auditor at any time. The Treasurer shall produce and submit audited accounts made up to a date which shall not be less than six weeks and not more than three months before the date of the National Delegates Congress.
- (b) The auditor shall be paid such honorarium for his duties as may be approved by the National Delegates Congress.
- (c) The auditor shall not be an office bearer or a member of any Committee or decision-making organ of the Party.

13. TRUSTEES

- (a) There shall be five trustees appointed by the National Executive Council.
- (b) Any land, buildings and immovable property, investments and securities that may be acquired by the Party shall be vested in the names of the Trustees.
- (c) The Trustees shall be appointed for a period of four years and none of them shall be removed from office except on the following grounds:
 - (i) voluntary resignation in writing;
 - (ii) bankruptcy; and
 - (iii) if a motion calling for his removal is passed by a two-thirds majority of the National Delegates Congress.

14. NOMINATION OF PARTY CANDIDATES

- (a) The person elected to be Chairman of the Party by the National Delegates Congress shall be nominated as the Party Presidential Candidate in Presidential elections.
- (b) In the event of the party winning the Presidential and Parliamentary elections, First Vice-Chairman or the second Vice-Chairman, shall be appointed Vice-President, provided the person appointed is an elected Member of Parliament..
- (c) Nomination of Party candidates for Parliamentary Elections shall be done in each constituency in accordance with the Party's Nomination Rules.
- (d) Nomination of Party Candidates for Local Government Elections shall be done in each location or ward in accordance with the Party's Nomination Rules.
- (e) The National Executive Council shall make rules specifying

procedures for nomination of the Party candidate for presidential elections and candidates for Parliamentary and Local Government Elections.

- (f) Where only one person is nominated without opposition as candidate for:
 - (i) Member of Parliament in respect of Parliamentary elections; and
 - (ii) Councillor in respect of Local Government Elections such person shall be declared the Party candidate and shall duly stand nominated by the Party.
- (g) No member of Parliament or Councillor shall be, or continue to be an office bearer at the branch, sub-branch and locational/ward or sub-locational levels.

15. PROCEDURE AT MEETINGS

- (a) A quorum for the National Executive Council, the General Council and the National Delegates Congress, all Branch and Sub-branch meetings shall be one half of the membership thereof.
- (b) At all meetings of the National Executive Council, the General Council and the National Delegates Congress, the Branch or the Sub-branch, the Chairman or in his absence the Vice-Chairman shall preside. In the absence of the Chairman or Vice-Chairman the members shall elect one among themselves to preside.
- (c) Resolutions, unless otherwise stated in the Constitution, shall be decided by simple majority. Voting shall be by show of hands unless a poll is demanded.
- (d) In the event of an equality of votes at any meeting, the Chairman

shall have a casting vote.

16. BRANCH ORGANISATION

- (a) The Branch shall be the basic organisation of the Party and shall be formed on the basis of the administrative district.
- (b) Each Branch shall have a Branch Executive Committee which shall consist of:
 - (i) Chairman, Vice-Chairman, Secretary, Assistant Secretary, Treasurer, Assistant Treasurer, Organising Secretary, Assistant Organising Secretary, Branch Youth Leader and Branch Women Leader;
 - (ii) Sixteen Committee members of whom at least three shall be women and three youths;
 - (iii) The Executive Officer appointed by the Branch Executive Committee; and
 - (iv) Party Members of the National Assembly from the Branch.
 - (v) The elected officials specified in (i) above shall be responsible for the day to day management of the Branch.
- (c) No branch officials of the Party shall hold at the same time an office in the Sub-branch or lower echelons of the Party.
- (d) The Branch officials and the Branch Executive Committee members shall hold office for four years. They shall be eligible for re-election. The Branch Annual General Meeting shall consist of:
 - (i) Officials and members of the Branch Executive Committee;
 - (ii) Officials of all sub-Branches in the District;
 - (iii) Sixteen delegates elected from each sub-Branch of whom at least three shall be women and three youths; and
 - (iv) All Branch and sub-branch delegates to the National Delegates Congress
- (e) Duties of the Branch Executive Committee shall be:
 - (i) To carry out Party activities among the people in order to realise the aims, objects, policies and programmes for the

- Party;
- (ii) To promote political and general education amongst the people of the District;
 - (iii) To recruit and review Party membership;
 - (iv) To liaise and work under the direction of the decision-making organs of the Party; and
 - (v) To ensure strict discipline and adherence to Party policies and programmes among individual Party members.
- (f) Duties of the Branch Annual General Meeting shall include:
- (i) To direct and supervise the Branch Executive Committee;
 - (ii) To elect delegates to the National Delegates Congress of whom at least two shall be women and two youths; and
 - (iii) To appoint auditors.

17. SUB-BRANCH (CONSTITUENCY)

- (a) Each Branch shall be subdivided into sub-Branches organised on the basis of Parliamentary Constituencies. Each national University recognized by the Council for Higher Education shall constitute a sub-branch.
- (b) The sub-Branch shall have an Executive Committee which shall consist of:
- (i) Chairman, Vice-Chairman, Secretary, Assistant Secretary, Treasurer, Assistant Treasurer, Organising Secretary, Assistant Organising Secretary, Sub-Branch Youth Leader and Sub-Branch Women Leader.
 - (ii) Sixteen Committee members of whom at least three shall be women and three youths;
 - (iii) The Member of Parliament if he is a member of the Party;
 - (iv) Councillors who are Party Members in the sub-Branch; and
 - (v) Sub-Branch delegates to the National Delegates Congress
 - (vi) The elected officials specified in (i) above shall be responsible for the day to day management of the sub-branch.
- (c) No Sub-branch official of the Party shall hold at the same time an office in location or ward.

- (d) The duties of the Sub-Branch Executive Committees shall be similar to those of the branch but at sub-branch level.
- (e) The sub-branch officials and the members of the sub-branch Executive Committee shall hold office for four years. They shall be eligible for re-election. The sub-Branch Annual General Meeting shall consist of:
 - (i) Officials and members of the sub-branch Executive Committee;
 - (ii) Officials of all locational/ward Committees in the sub-branch; and
 - (iii) Sixteen delegates elected from each location/ward of whom at least three shall be women and three youths.
- (f) Duties of the sub-Branch Annual General Meeting shall be to direct and supervise the sub-Branch Executive Committee and to elect Delegates to the National Delegates Congress of whom at least two shall be women and two youths.

18. LOCATION/WARD

- (a) Each sub-branch shall be divided into locations/wards.
- (b) Each location/ward shall be governed by a location/ward Committee which shall consist of:
 - (i) Chairman, Vice-Chairman, Secretary, Assistant Secretary, Treasurer, Assistant Treasurer, Organising Secretary, Assistant Organising Secretary, Location Youth Leader and Location Women Leader.
 - (ii) Councillor of the Location or Ward if he is a Party Member; and
 - (iii) Sixteen Committee members of whom at least three shall be women and three youths.
 - (iv) The elected officials specified in (i) above shall be responsible for the day to day management of the location/ward.

- (c) No location/ward official of the Party shall hold at the same time an office in the Sub-location or area.
- (d) The duties of the Locational/Ward Committee shall be similar to those of the sub-branch Executive Committee but a Location/Ward level.
- (e) The Location/Ward officials and the members of the Location/Ward Committee shall be elected at the Location/Ward Annual General Meeting and shall hold office for four years. The Location/Ward Annual General Meeting shall consist of:
 - (i) officials and members of the Location/Ward Committee;
 - (ii) officials of all sub-locational/area committees in the Location/Ward; and
 - (iii) Sixteen delegates elected from each sub-location/area of whom at least three shall be women and three youths.
- (f) Duties of the Location/Ward Annual General Meeting shall be to direct and supervise the Location/Ward Committee.

19 SUB-LOCATION/AREA

- (a) Each location/ward shall be divided into sub-locations/areas based on administrative sub-locations in the rural areas or areas in the urban areas.
- (b) Each Sub-location/area shall be governed by a sub-location/area Committee which shall consist of:
 - (i) Chairman, Vice-Chairman, Secretary, Assistant Secretary, Treasurer, Assistant Treasurer, Organising Secretary, Assistant Organising Secretary, Sub-location/Area Youth Leader and Sub-location/Area Women Leader; and
 - (ii) Sixteen Committee members whom at least three shall be women and three youths.
 - (iii) The elected officials in (i) above shall be responsible for the day to day management of the Sub-location/Area.

- (c) The duties of the sub-location/area committees shall be similar to those of the location/ward but at a sub-location/area level.
- (d) The sub-location/area officials and the members of the sub-location/area committees shall be elected at the sub-location/area Annual General Meeting and shall hold office for four years. The sub-location/area Annual General Meeting shall consist of:
 - (i) Officials and members of the sub-location/area Committee; and
 - (ii) All paid up members in the sub-location/area
- (e) Duties of the sub-location/area Annual General Meeting shall be:
 - (i) To direct and supervise the sub-location/area Committee; and
 - (ii) To promote the establishment of village/neighbourhood Committees

20. PRESS AND PUBLICATIONS

- (a) The Party may own and operate a printing press and may have an interest or shares in an existing printing press; and
- (b) The Party may publish its own literature, periodicals, magazines, pamphlets, books, etc.

21. ARBITRATION

Any dispute concerning the interpretation of this Constitution or any disputes involving members of the Party or between the Party and its members or any dispute concerning any matters relating to Party affairs or the management of the Party shall be adjudicated upon through arbitration. The parties concerned shall appoint a single arbitrator from the Panel of Arbitrators established by the National Executive Council. The decision of the Arbitrator shall be final. For avoidance of doubt, no member

shall institute any court proceedings unless the member has first invoked and exhausted the arbitration process provided herein.

22. AMENDMENT TO THE CONSTITUTION

No change may be made in this Constitution except with the approval of the National Delegates Congress and by at least two-thirds of the votes cast by the members in person.

23. INSPECTION OF ACCOUNTS AND LIST OF MEMBERS

The books of accounts and all documents relating thereto and the list of members of the Party shall be available for inspection at the registered office of the Party by any officer or members of the Party on giving not less than seven days notice in writing.

24. DISSOLUTION

The Party may by a resolution passed by a two-thirds majority of members at a Special Session of the National Delegates Congress called expressly for the purpose of dissolution, resolve that it be dissolved. In the case of such dissolution, all properties and funds of the Party after meeting all liabilities shall be distributed in such manner as shall be determined by the National Delegates Congress at which the resolution favouring dissolution is passed, and such assets shall be granted to one or more organizations in Kenya whose objectives conform to those of the Party.

25. INTERPRETATION

"Branch " means a Branch established under the Constitution;
"Constitution" means this Constitution;
"Councillor" means a Councillor elected under the Local Government Act;
"General Council" means the General Council established un-

der the Constitution;

"Local Government Elections" means elections held under the Local Government Act..

"Management Committee" means the Management Committee established under the Constitution.

"Member" means a member of the Party.

"Member of Parliament" means a member of the National Assembly.

"National Delegates Congress" means the National Delegates Congress established under the Constitution.

"National Executive Council" means the National Executive Council established under the Constitution.

"Nomination Rules" means Nomination Rules and procedures enacted in the Constitution or the Nomination Rules.

"Office Bearer" means an elected office bearer or official of the Party at whatever level of the Party organization but does not include delegates or Committee members.

"Official" means an elected official or office bearer of the Party at whatever level of the Party organization but does not include delegates or Committee members.

"Parliament" means the National Assembly.

"Parliamentary Election" means parliamentary elections held under the National Assembly and Presidential Elections Act.

"Party" means the Forum for the Restoration of Democracy - Kenya (FORD-K)

"Presidential Elections" means presidential elections held under the Constitution of Kenya and the National Assembly and Presidential Elections Act;

"The Party Parliamentary Chief Whip" means the Chief Whip elected or appointed by the Party Parliamentary Group;

"The Party Parliamentary Group" means a meeting or caucus of the Party Members of Parliament.

"The Students and Youth Congress" means the Students and Youth Congress established under the Constitution.

"The Women's Congress" means the Women's Congress established under the Constitution.

"Youth" means a member of the Party who is between 18 and 30 years of age.

**THE FORUM FOR THE
RESTORATION OF
DEMOCRACY - KENYA
(FORD-K)**

NOMINATION RULES

Nairobi, October 1992

**FORUM FOR THE RESTORATION OF DEMOCRACY -
KENYA (FORD-K)**

NOMINATION RULES

PART I

1. These Rules shall be cited as the "Forum for the Restoration of Democracy - Kenya (FORD-K) Nomination Rules" hereafter referred to as "the Rules".
2. These Rules shall govern the nomination of Party Candidates in respect of any election or elections to be held under the National Assembly and Presidential Elections Act Chapter 7, Laws of Kenya, and the Local Governments Act, Chapter 265, Laws of Kenya.
3. All Party Candidates shall sign and honour the Pledge of Commitment in Form 1.

PART II

**NATIONAL NOMINATIONS COMMITTEE AND
NOMINATION BOARDS**

4. The National Executive Council shall before the commencement of nomination procedures establish a National Nominations Committee, which shall supervise and guide the nomination of Party Candidates. The said Committee shall consist of a Chairman and four other members all of whom shall be persons of good standing and who are themselves or their relatives not seeking nomination as Party Candidates.
5. The Branch Executive Committees shall before the commencement of nomination procedures and under the direction of the National Nominations Committee establish Nomination Boards in every sub-Branch which shall conduct the nomination of Party candidates in sub-Branches for Parliamentary and Local Government Elections. Each Nomination Board shall consist of

a Chairman and four other members all of whom shall be persons of good standing and who are themselves or their relatives not seeking nomination as Party candidates.

6. The National Executive Council shall set a timetable for the completion of the nomination of Party candidates before any election or elections.
7. The National Nominations Committee and the Nomination Boards shall appoint officials or agents to assist the Committee and the Boards in the conduct of the nomination of Party candidates.
8. Voting for the nomination of Party candidates shall be by secret ballot and on the basis of a simple majority.

PART III

ELECTORAL COLLEGE

9. The Sub-branch Annual General Meeting established and constituted in accordance with Clause 17 (e) of the Constitution, and the Location/Ward Committee members constituted in accordance with Clause 18 (e) shall form an electoral college and every member of the electoral college shall have one vote in respect of each nomination of a Party candidate.
10. The Electoral College shall nominate:
 - (a) the Party Parliamentary candidate; and
 - (b) the Party candidates for Local Government Elections for the wards in the sub-Branch.
11. The conduct of the nomination of Party candidates under Rule 10 shall be presided over by the Chairman of the Nomination Board who shall be the Returning Officer assisted by the other

members of the Board.

PART IV

NOMINATION OF PRESIDENTIAL CANDIDATE

12. The Party shall nominate the Party Chairman as the Party candidate in the election of a President in accordance with Article 14 of the Constitution provided he is qualified to be a candidate under the Constitution of Kenya and the National Assembly and Presidential Elections Act, Chapter 7 of the Laws of Kenya.
13. If for any reason the Party Chairman or the member serving as President is unable or disqualified to contest presidential elections, the National Delegates Congress shall elect one of its members who is qualified as the person to be nominated as Party candidate to contest such elections.
14. The Chairman of the National Nominations Committee shall give to the Party Presidential candidate a Certificate of Nomination in Form 2 signed by him and copies thereof shall be sent to the National Executive Council.

PART V

NOMINATION OF CANDIDATES FOR PARLIAMENTARY AND LOCAL GOVERNMENT ELECTIONS

- 15 Any Party member seeking nomination of the Party in respect of Parliamentary and Local Government Elections shall submit to the National Nominations Committee through the National Executive Council an application in writing in Form 3 with copies thereof to the Branch and sub-Branch and such application shall be accompanied with evidence of Party membership, National Identity Card and registration as an elector. The applicant shall

deliver personally his application to the National Nominations Committee.

- 16. The National Nominations Committee shall submit the names of the applicant to the relevant Nomination Board, Branch and sub-Branch.**
- 17. A non-refundable nomination fee of Khs.5000/= in respect of Parliamentary Elections and Khs.2500/= in Local Government Elections shall be paid by every applicant.**
- 18. No Party member shall be nominated as a Party candidate unless he has:**
 - (a) a valid party membership card;**
 - (b) an elector's card;**
 - (c) a national identity card; and**
 - (d) qualified to be a member of Parliament or a Councillor in accordance with the National Assembly and Presidential Elections Act, Chapter 7, Laws of Kenya, or the Local Governments Act, Chapter 265, Laws of Kenya.**
- 19. The Nomination Board under the direction of the National Nominations Committee shall set down the time and place of nomination of Party candidates.**
- 20. At the commencement of the nomination exercise the applicants shall submit Nomination Papers duly completed in Form 4 together with the names, particulars, addresses and signatures of the proposer, seconder and at least ten supporters all of whom shall be members and registered electors in the sub-Branch.**
- 21. The Nomination Board shall ensure compliance with the provisions herein.**
- 22. If after the close of the receipt of nomination papers for any seat in Parliamentary or Local Government Elections there is only one valid application the applicant shall be declared nominated as the Party candidate.**

23. If after the close of the receipt of nominations papers there are more than one candidate then every member of the Electoral College shall vote by casting a ballot which shall be inserted into a ballot box in the presence of the members of the Nomination Board and election officials.
24. At the close of the poll the ballots shall be counted and the winner of the election declared nominated as the Party candidate.
25. After every poll the Nomination Board shall prepare in triplicate a return of the election showing the results thereof and thereafter send the original copy of the return to the National Nominations Committee through the National Executive Council and the duplicate and triplicate copies thereof shall be sent to the Branch and sub-Branch respectively. The return shall be in Form 5.
26. The National Nominations Committee shall give to the Party candidate a Certificate of Nomination in Form 2 signed by the Chairman of the National Nominations Committee and copies thereof shall be sent to the respective Nominations Boards, the National Executive Council, the Branch and the sub-Branch.
 - (b) The powers of the Nomination Board and the National Nominations Committee may be exercised by the National Executive Council where and whenever it deems fit so to do in the interest of the party.
27. The Nomination Board may postpone, adjourn or repeat the nomination exercise if it is interrupted by commotion, riot, open violence or any other catastrophe; but where it does so, the exercise must be restarted as soon as practicable.

PART VI

GENERAL

28.
 - (a) Any member or contestant who is dissatisfied with the results

of the nomination shall appeal to the National Nominations Committee within three days after the declaration of the nomination.

- (b) The National Nominations Committee shall after considering the appeal confirm or reject the nomination and where a nomination is rejected the nomination exercise shall be repeated.
 - (c) The National Nominations Committee shall establish its rules for the purposes of dealing with appeals.
 - (d) The decision of the National Nominations Committee shall be final.
29. The Party shall meet all costs of the nomination process.
30. The National Executive Council may issue directions or enact procedures for the better carrying out of these Rules.

PART VII

INTERPRETATION

31. In these Rules, unless the context otherwise requires:

“Branch” means a Branch established under the Constitution;

“Branch Executive Committee” means the Branch Executive Committee established under the Constitution;

“Constitution” means Constitution of the Party

“Electoral College” means Electoral College established under Rule 9;

“Election Official” means Chairman or member of the National Nominations Committee and Nomination Board or official or agent appointed under Rule 7

“Nomination Board” means Nomination Board established under Rule 5;

“National Delegates Congress” means National Delegates Congress established under the Constitution;

“National Executive Council” means National Executive Council established under the Constitution;

“Party” means the Forum for the Restoration of Democracy - Kenya (FORD-K);

“President” means President of the Republic of Kenya.

“Sub-Branch” means a sub-Branch established under the Constitution;

“Returning Officer” means Chairman of the National Nominations Committee and Chairman of the Nominations Board; and

“Rule” means these Rules.

FORM 1

FORD-K NOMINATION RULES, Rule 3

PLEDGE OF COMMITMENT

I _____ of _____ in the Republic of Kenya wishing to be nominated as a Party Candidate in the _____ elections do hereby solemnly swear and pledge as follows:

1. **That I** shall respect, defend and safeguard the Constitution of Kenya and the Party Constitution and pledge allegiance to both Constitutions.
2. **That I** shall be loyal to my country Kenya and the Party.
3. **That I** shall abide with the Party's motto of Freedom, Justice and Truth. I shall support the Party Manifesto and programmes and undertake to work for their realization.
4. **That I** believe in the legislative supremacy of Parliament, the independence of the Judiciary, the Rule of Law and the establishment of democratic institutions and processes.
5. **That I** shall never conduct or participate in the torture or the political suppression of another human being and shall fully support the repeal and abrogation of the Preservation of Public Security Act, the Public Order Act, the Chiefs Authority Act and all other oppressive laws.
6. **That I** shall always defend the respect and observance of human and democratic rights and liberties.
7. **That I** shall accommodate criticism and observe the principles of good and open governance.
8. **That I** shall support free and fair elections within the Party and

4. (i) National Identity Card number
- (ii) Elector's card number
- (iii) Party membership card number

Dated at Nairobi on this _____ day of _____ 19 ____

Chairman
National Nominations Committee

FORM 3

FORD-K NOMINATION RULES, RULE 15

APPLICATION FOR NOMINATION

1. Name _____
2. Address _____
3. Date and place of birth _____
4. Marital Status _____
5. Party membership card no _____ elector's card no. _____
National identity card no. _____
6. Location _____ sub-Branch _____ Branch _____
8. Seat _____ (state Constituency/Ward)
9. Written statement (the statement must include the following:
 - (i) detailed account of education
 - (ii) occupation and nature of past and present occupation
 - (iii) why you joined the Party.
 - (iv) summary of your philosophy and political beliefs and why you think FORD-K is the right Party.

(v) outline of the aims and objects of FORD-K and what you think should be the Party's priorities.)

Signature of Applicant

FORM 4

FORD-K NOMINATIONS RULES, RULE 19

NOMINATION PAPER

Date _____

Nomination of a Candidate for _____

Constituency or Ward _____

Candidate's Name and Address _____

National identity card no _____ elector's card no _____

party membership card number _____

(Name and signature of candidate)

We, the undersigned, being Party members in the constituency/ward do hereby support the nomination of the abovenamed candidate for _____ election.

Proposer:

Name and address _____

National Identity Card no. _____ electors card
no. _____ Party membership card number

(Name and signature of Proposer)

Secunder:

Name and address _____

National Identity Card no. _____ electors card
no. _____ Party membership card number

(Name and signature of Secunder)

Names of Supporters (give address and particulars of ten supporters
supporters and they must sign against their names.)

FORM 5

FORD-K NOMINATION RULES, RULE 24

ELECTIONS RETURNS

Nomination for _____ (constituency or ward).

Name of candidate Nominated _____

(give address, national identity card, electors card and Party membership card numbers)

Results

Names of Candidates	Address	Identity, Electors and Party card numbers			Votes
1.					
2.					
3.					
4.					
5.					
6.					

Dated at _____ on this _____ day of _____ 19__

Chairman
Nominations Board Sub-Branch

**THE FORUM FOR THE
RESTORATION OF
DEMOCRACY - KENYA
(FORD-K)**

DICIPLINARY RULES

Nairobi, October 1992

**THE FORUM FOR THE RESTORATION OF
DEMOCRACY - KENYA
(FORD-K)**

DISCIPLINARY RULES

1. The Rules may be cited as the Forum for the Restoration of Democracy - Kenya (FORD-K) Disciplinary Rules hereafter referred to as "the Rules".
2. The Rules shall be invoked for the purposes of maintaining discipline and Unity in the Party and to enhance the realization of the Party's aims and objectives.
3. The rules of natural justice and democratic principles and practice shall be applied in the exercise of the Rules and the Rules shall not be applied so as to curtail or deny members to enjoy constitutional, democratic and human rights as spelled out in the Constitution of Kenya.
4. The National Executive Council shall establish the Party Disciplinary Committee whose Chairman shall be the second Vice Chairman of the Party and six other members one of whom shall be an Advocate of the High Court of Kenya.
5. The members of the Disciplinary Committee shall, on first appointment take an oath in the form in the Schedule which oath shall be administered by a Magistrate or a Commissioner of Oaths.

PART II

DISCIPLINARY PROCEEDINGS

6. The National Executive Council shall be vested with the following powers:

- (a) to impose fines;
- (b) reprimand;
- (c) suspension of member;
- (d) suspension or dismissal from office of office bearer; and .
- (e) exclusion of member

Provided that the exclusion or suspension of member, and suspension or dismissal from office of office bearer shall not take effect until the General Council resolve that such exclusion, suspension or dismissal from office shall take effect.

7. The Disciplinary Committee shall make rules regulating proceedings before it.
8. Disciplinary action or proceedings against a member shall be commenced by a written complaint containing allegations of misconduct to the sub-Branch by a person aggrieved or by the sub-Branch Executive Committee and the complaint shall be forwarded to the Branch Executive Committee.
9. The Branch Executive Committee shall consider the complaint and if it satisfied that a sufficient case is made out to be dealt with by the Disciplinary Committee the Branch Executive Committee shall forward the complaint, and the reply together with its written observations and recommendations to the Disciplinary Committee through the National Executive Council.

Provided that the Branch Executive Committee shall not forward the complaint unless the member accused of misconduct is given adequate opportunity to make his reply to the complaint to the Branch Executive Committee.

10. Upon receipt of the complaint and the reply together with the observations and recommendations of the Branch Executive Committee, the Disciplinary Committee, if satisfied that there is a genuine complaint, shall serve or caused to be served a formal written complaint containing specific allegations of misconduct.
11. Within seven days after the service of the written complaint the

member against whom the complaint is made shall forward to the Disciplinary Committee through the National Executive Council a written answer to the complaint.

12.

(i) If the answer sufficiently disproves the allegations, and or the Disciplinary Committee is of the opinion that the complaint does not warrant further proceedings the Committee shall terminate the proceedings and inform accordingly the member, the complainant, the Branch and sub-Branch concerned.

(ii) If the Disciplinary Committee is of the opinion that the complaint does warrant further proceedings it shall set a date of the hearing and determination of the complaint and it shall give not less than fourteen days notice to the parties concerned to appear before it together with witnesses, if any.

13. During the hearing of the complaint, the Chairman or Secretary of the Branch can attend the proceedings as an observer.

14. Upon determination of the complaint the Disciplinary Committee shall compile its report and decision and forward the same to the National Executive Council and the General Council where the Chairman of the Disciplinary Committee shall present its report and decision to be dealt with in accordance with the Rules and the Constitution.

15. Whereas the National Executive Council's decision must be approved by the General Council, the National Executive Council shall have power to remove the exercise of all or certain duties or the enjoyment of certain rights or privileges by a member or office bearer pending the decision of the General Council.

16. A reprimand by the National Executive Council which shall always be in writing shall not need the approval or review of the General Council.

PART III

MISCONDUCT

17

- (i) Gross misconduct shall attract the exclusion of a member and/or dismissal in the case of an office bearer. Other cases of misconduct shall attract the penalties specified in Rule 6 (a), (b), (c) and (d).
- (ii) In imposing any penalties, the National Executive Council shall be guided strictly by the recommendations of the Disciplinary Committee.

18. The following acts shall constitute gross misconduct.

- (i) Enrolment to and membership of another political party; and
- (ii) support and campaign for another or other political party or parties or candidates of other political parties.
- (iii) Conviction on offences which include corruption, misuse of public funds, possession and trafficking of drugs.
- (iv) Misuse and theft of public and party funds and property.

19. The following shall constitute misconduct and no member shall be excluded or officially dismissed in cases of misconduct.

- (i) Insubordination and lack of respect to the Party leadership;
- (ii) Misrepresentation of the aims, objectives, policies and programmes of the party;
- (iii) Persistent failure to attend to duties, meetings and other activities of the Party when required or expected to do so..
- (iv) Such other acts specified from time to time by the General Council the same having been adapted as forming part of these Rules by the National Delegates Congress.

PART IV

GENERAL

20. The Chairman of the Party as the Head of the Party shall be

briefed at all times by the Disciplinary Committee of the proceedings and conducts of proceedings by the said Committee.

21. The Deputy Executive Director shall be the Secretary of the Disciplinary Committee but he shall not be allowed to vote or take part in the adjudication of disputes or complaints before the Committee.

PART V

INTERPRETATION

- 22.. In these Rules unless the context otherwise requires:
 - "Branch" means a Branch established under the Constitution;
 - "Branch Executive Committee" means the Branch Executive Committee established under the Constitution;
 - "Constitution" means Constitution of the Party;
 - "Deputy Executive Director" means Deputy Executive Director appointed under the Constitution;
 - "Disciplinary Committee" means the Disciplinary Committee established under the Rules;
 - "Exclusion" means exclusion from membership of the Party
 - "General Council" means the General Council established under the Constitution;
 - "National Delegates Congress" means the National Delegates Congress established under the Constitution;
 - "National Executive Council" means the National Executive Council established under the Constitution;
 - "Party" means the Forum for the Restoration of Democracy - Kenya (FORD-K);
 - "Sub-Branch" means a sub-Branch established under the Constitution; and
 - "Rules" means these Rules
 - "Sub-Branch Executive Committee" means a sub-Branch Executive Committee established under the Constitution.

**FORUM FOR THE RESTORATION OF
DEMOCRACY - KENYA
(FORD-K)**

FORM DR I

SCHEDULE

**OATH OF MEMBER OF THE DISCIPLINARY
COMMITTEE**

I _____ having been appointed Chairman (member) of the Disciplinary Committee do swear that I will without fear or favour, affection or ill-will discharge the functions and duties of the Office of the Chairman (member) of the Disciplinary Committee, and that I will not, directly or indirectly, reveal any matter relating to such functions and duties to unauthorized persons or otherwise than in the course of duty.

So help me God.

Sworn at Nairobi: _____)

on this _____ day of _____ 19 ____)

Commissioner for Oaths: _____)

**THE FORUM FOR THE
RESTORATION OF
DEMOCRACY - KENYA
(FORD-K)**

**PARTY FLAG EMBLEMS
AND
NAMES RULES**

Nairobi, October 1992

FORUM FOR RESTORATION OF DEMOCRACY - KENYA (FORD-K)

PARTY FLAG EMBLEMS AND NAMES RULES

1. These Rules may be cited as the "Forum for the Restoration of Democracy - Kenya (FORD-K) Flag, Emblem and Names Rules"
2. In these Rules

"Specified emblem" means any emblem seal flag, pennant, insignia or coat of arms or symbol of a kind specified in these Rules or the schedule to these Rules.

"specified name" means any of the names and words specified in these Rules and includes any abbreviation of any such name.
3. The flag of which the design and description are set out in the schedule to these Rules is hereby declared to be the flag of the Forum for the Restoration of Democracy - Kenya (FORD-K).
4. The two fingers salute as set out or drawn in the schedule to these Rules is hereby declared to be the sign and salute of the Forum for the Restoration of Democracy - Kenya (FORD-K).
5. The logotype or the heraldic device of which the design blazon and description are set out in the schedule to these Rules is hereby declared to be the logo or coat-of-arms of the Forum for the Restoration of Democracy - Kenya (FORD-K).
6. The Seal of which the design is set out in the schedule to these Rules is hereby declared to be the seal of the Forum of Restoration of Democracy - Kenya (FORD-K).
7. The words "Freedom, Justice and Truth" in the swahili language "Uhuru, Haki na Ukweli", and "Pambazuko Jipya" which means "New Dawn" in English, are hereby declared to be the motto of the Forum for the Restoration of Democracy - Kenya (FORD-K).
8. The lion is hereby declared to be the symbol or mascot of the Forum for the Restoration of Democracy - Kenya (FORD-K) and unless barred by any statute or otherwise the lion shall be the election symbol and green the election colour of the Forum for the Restoration of Democracy - Kenya (FORD-K) in presidential, parliamentary and Local Government elections.



FORUM FOR THE RESTORATION OF DEMOCRACY
(FORD)

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