



**USAWA**

**THE CONSTITUTION OF THE  
USAWA KWA WOTE PARTY**

**2026**

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## **Article 1: Name and Abbreviation of the Party**

There is hereby established a political party known as USAWA KWA WOTE PARTY (abbreviations 'USAWA') (hereinafter referred to as "USAWA" or "the Party").

## **Article 2: Party Logo and Symbol and Party Colors**

The Party Logo and Symbol is the image of a cow inside a circle with inscription Usawa Kwa Wote above and USAWA below.

The Party colors for the USAWA shall be Red, Black and green.

## **Article 3: Objects of the Party**

The objects of the party are:

- a) To uphold, protect, and defend the Constitution of Kenya, ensuring that governance is rooted in peace, unity, and prosperity for all Kenyans.
- b) To establish a democratic, constitutional, just, and accountable Government that is founded upon the national values and principles of governance as enshrined in the Constitution of Kenya.
- c) To be a leading force in transforming Kenya into a democratic, inclusive, and progressive nation that promotes peace, unity, and prosperity for all.
- d) To entrench devolution as a key principle of governance, ensuring that all regions equally and equitably benefit from national resources and decision-making processes.
- e) To champion social justice and equity by actively working to eliminate inequalities, address historical injustices, and empower marginalized communities and groups.
- f) To promote sustainable national development, anchored on the socio-economic needs and interests of all citizens, with a particular focus on equitable access to opportunities.
- g) To support and advance the full emancipation and empowerment of women, ensuring that gender equality and equity inform all USAWA's policies, programs, and governance structures.

h) To champion youth empowerment by ensuring that Kenyan youth are at the center of national development initiatives, decision-making, and leadership.

i) To defend and promote the rights of all Kenyans, with a special focus on:

- Women, children, and youth, ensuring they have equal access to opportunities and protection.
- Persons with disabilities (PWDs), advocating for inclusion, accessibility, and equal participation in governance and development.
- Cultural, ethnic, racial, and religious minorities, safeguarding their rights and fostering national cohesion.
- Marginalized communities and groups, ensuring equitable access to resources and representation in national affairs.

j) To promote and establish a fair, just, and ethical leadership in the governance of Kenya, actively fighting against corruption, nepotism, discrimination, and all forms of exclusion.

#### **Article 4: Party's Vision, Mission, Guiding Principles and Values**

##### **Vision**

To be the leading political party championing equity and equality for all, setting a model for inclusive governance and social justice in Kenya, Africa, and beyond.

##### **Mission**

To be at the forefront of advocating for the rule of law, democracy, human rights, and inclusive development, ensuring that every Kenyan, regardless of background, enjoys equal opportunities and equitable access to resources and governance.

##### **Guiding Principles and Values**

1. Equity and Equality – Commitment to fairness and ensuring that all citizens have access to opportunities, while addressing historical and structural inequalities.
2. Justice – Upholding social, economic, and political justice for all, ensuring fairness in governance and national development.
3. Rule of Law – Promoting a just society where laws are applied equally to all, without discrimination or favoritism.
4. Respect for Human Dignity and Rights – Advocating for and protecting fundamental freedoms and human rights for every individual.

5. Peace and Cohesion – Fostering unity, stability, and harmonious coexistence among all Kenyans.
6. Inclusivity – Ensuring participation of all citizens, including marginalized groups, in decision-making processes.
7. Democracy – Strengthening participatory governance, transparency, and accountability in all political and public affairs.

## **Article 5: Physical and Postal Address and Website**

The National Executive Committee (NEC) shall determine, and may revise from time to time, the location of the Party's physical head office, postal address, and official website. The designated office shall serve as the administrative and operational center of the Party.

## **Article 5: Party Branches**

1. The NEC shall identify and propose locations for establishment of Party Branches.
2. The NDC shall ratify the establishment of such branches.
3. The Party shall maintain at least twenty-four (24) offices in different counties in accordance with the law.

## **Article 6: Membership**

- a) Membership of the party shall be open to;
  - i. All Kenyan citizens in possession of valid national identification card, irrespective of gender, race, colour or creed and who accept principles, objects, policies, programmes, directives and discipline of the USAWA and are prepared to profess and abide by this Constitution and rules made there-under; provided that such person is not a member of another Political Party within the meaning of the existing law on political parties; and
  - ii. Such other Person(s), body corporates or association as shall be permitted by the Law and duly approved by the National Executive Committee.

- b) The NEC shall determine the membership fees from time to time.
- c) The Party shall maintain an updated and verifiable membership register in accordance with the law in force and the guidelines issued by the Office of the Registrar of Political Parties.
- d) The Register shall include member details such as name, contact information, county of origin, ethnicity, disability status, and gender.
- e) A member of the Party shall cease to be one:
  - i. Upon written resignation notice to the Party. Membership shall terminate with effect from the date of the receipt of the notice, provided that the termination shall not absolve the member from performing any outstanding obligations owed to the Party or other members;
  - ii. By a resolution passed by the National Executive Committee;
  - iii. By accepting an office in, subscribing to or promoting activities of another Political Party or Organization whose aims and objectives are in competition with or in conflict with those of the Party;
  - iv. Expulsion from the party;
  - v. Upon death; and
  - vi. By operation of any written law.
- f) A member of the USAWA shall have the right to:
  - i. Participate in Party activities;
  - ii. Take a full and active part in the discussion, formulation and implementation of Party Policies;
  - iii. Receive copies of Party documents including the Constitution, Members' Guide, Members' Register Election and Nomination Rules, Party manifesto and available information about his/her local branch upon request;

- iv. Receive and impart information on all aspects of Party policies and activities save where such right has been lawfully restricted;
- v. Offer constructive criticism of any member, official, policy, programme or activity within the Party and its structures;
- vi. Submit proposals or statements to the Sub Branch, Branch, or National Executive Committee provided that such proposals are submitted through appropriate Party structures;
- vii. Take part in elections through voting and be eligible for Party and National Elections at all levels upon nomination.

g) The duties of a Party member are as follows:

- i. At all times promote peace and national cohesion;
- ii. Take all necessary steps to understand and carry out the objects, policies and programmes of the USAWA;
- iii. Explain the objects, policies and programmes of the Party to others;
- iv. Combat propaganda detrimental to the interests of the Party and defend the objects, policies and programmes of the Party;
- v. Popularize the Party;
- vi. Observe discipline, abide by the Party Code of Conduct and obey lawful decisions made by Party Organs;
- vii. Refrain from publishing and or distributing through the media any information deemed confidential, or any other view purporting the same to be the view of the Party, without proper authority or mandate of a proper Organ of the Party;
- viii. Ensure that he or she is registered as a voter within any of the Constituencies in the Country and take all steps to vote during Party and National Elections;
- ix. If a member holds an elective office in any sphere of governance at National, Branch or Ward level, be a member of the appropriate Party caucus and function within its articles/rules, abiding by all lawful decisions under general provisions of this Constitution and structures of the Party;
- x. Be liable to pay such fees as shall be prescribed by the Party; and
- xi. Support the Party financially and materially when called upon to do so for a good cause.

- h) The Party shall maintain at its registered Head Office and at its County Offices in a form approved by the Registrar of Political Parties or any other officer with powers over political parties under a written law in force in Kenya and the record of Membership Register.
- i) The Party Membership register shall regularly be updated with a view to ensuring the existence of an up-to-date record of the membership information.

## **Article 7: General Procedures of Convening Meeting, Quorum and Resolutions by Party Organs**

### **a. Procedure for Convening Meetings**

- i. Meetings of the Party shall be convened by authorized officials.
- ii. The Secretary General, in consultation with the Party Leader, shall issue notices for all meetings, including ordinary and special National Delegates Conventions.
- iii. Notices shall specify the date, venue, and agenda of the meeting.

### **b. Meeting Quorum**

- i. The quorum for both NEC and National Delegates Convention (NDC) meetings shall be one-third (1/3) of the members.
- ii. If quorum is not attained, the meeting shall be postponed and reconvened with at least seven (7) days' notice.
- iii. If quorum is not achieved in two consecutive meetings, the members present shall constitute quorum and may transact business.

### **c. Meeting Resolutions**

- i. Resolutions of the Party may be adopted either by consensus or voting.
- ii. Where voting is applied, decisions shall be made by a simple majority of members present and voting.

## **Article 7: Party Governance Structure**

- a) The Party shall be governed by the following Party Organ:

- **National Executive Committee (NEC)**

b) The **National Executive Committee (NEC)** shall have the authority to establish and dissolve any other party organ as necessary to enhance the party's operations. These organs may be:

- **Ad hoc organs** – Formed for specific tasks or emerging needs, with a limited mandate and duration.
- **Periodic organs** – Established to function during specific electoral cycles, policy review periods, or party restructuring phases.
- **Permanent organs** – Created to address long-term party functions that require sustained governance and oversight.

## **Article 8: The National Delegates Convention (NDC)**

### **Composition**

The NDC shall consist of NEC officials, at least two members from half of the counties where the Party has support, and elected Party leaders.

### **Meetings**

The NDC shall convene once every five years. Notice of the meeting shall be at least Seven (7) days. The quorum shall be at least one-third of the members.

### **Roles**

- i. Ratifying NEC decisions
- ii. Electing NEC officials
- iii. The NEC decisions between the NDC meetings shall be binding and final

### **Lack of Quorum**

In the event of lack of quorum, the meeting shall be rescheduled within 14 days. If quorum is still not met, decisions shall be made by a simple majority of those present.

### **Communication**

The Secretary General shall communicate all decisions of the NDC.

## **Article 9: The National Executive Committee (NEC)**

- a) The National Executive Committee shall be the executive organ of the Party and shall be composed of the following members:
  - i. Party Leader
  - ii. Chairperson
  - iii. Secretary General
  - iv. Treasurer
  - v. Organizing Secretary
  - vi. Chairperson Women Caucaus
  - vii. Chairperson Youth Caucaus
  - viii. Chairperson - People with Disability Caucsus
  - ix. Executive Director - Who shall serve as an Ex-Official in NEC
- b) The National Executive Committee shall be constituted through party elections save for Execute Director who shall be appointed by the National Executive Committee Resolution.
- c) The National Executive Committee shall be the management organ of the Party. Its powers and duties shall include;
  - i. Authorizing the affixation of the Seal of the Party on to any Instrument;
  - ii. Authorizing disposal of any Property of the Party;
  - iii. Authorizing borrowing of money by the Party and use of the Party's Property as Security;
  - iv. Authorizing the opening of the Party's Bank Accounts;
  - v. Subject to this constitution, authorizing specified Party Officials to sign on behalf of the Party:
    - a. Documents presented to the Registrar including Membership Register, Mergers, coalition agreements and other Reports;
    - b. The Accounts and Bank Accounts of the Party;
    - c. The audited Annual Accounts and Financial Statements of the Party;
    - d. Any report or document of the Party required under the existing law on political parties or any other written law; and

- e. The nomination Certificates for any nomination or election of a member of the Party.
- vi. To supervise the administrative machinery of the Party at all levels and to take such measures as it deems necessary to enforce the decisions and programmes of the Party subject to this constitution authorizing specified party officials to sign on behalf of the party;
- vii. To issue and send directives and instructions to and receive reports from the Branches;
- viii. Subject to this constitution, authorizing specified Party Officials to sign on behalf of the Party;
- ix. Establish departments and set up Committees as it deems necessary from time to time for specified tasks and to determine their terms of reference;
- x. To operate and determine the manner in which the Party Accounts and finances shall be prudently managed;
- xi. To appoint and fix the Terms and Conditions of Service of the Executive Director and other members of staff in the employment of the Party;
- xii. Hiring of staff of the Party and terminating their services;
- xiii. Receiving, considering, approving and implementing reports and recommendations from the various standing and ad hoc committees or individuals;
- xiv. Making Rules and/or Regulations as may be prescribed under this Constitution.
- xv. Initiating and undertaking all such activities as might further the aims and objects of the Party.

d) The National Executive Committee shall meet at least once in every three months except for special meetings which may be convened by the Secretary General upon express written authority by the Party Leader according to exigencies of time in consultation with the party Leader or by a written request by 25% of the members thereof. Quorum for National Executive Meeting shall be 1/3 of the Eligible Members.

e) The National Delegates Convention shall be convened by the Party Leader and/or Secretary General upon resolution of the National Executive Committee or when deemed necessary in accordance with the Party Constitution

f) Notices and Agenda for all National Executive Committee meetings shall be sent out at least seven days' notice before a meeting by the Secretary General.

g) Any vacancy occurring in the National Executive Committee or any other organ of the party during the course of the term may be filled through nomination by the National Executive Committee from amongst members qualified members of the Party and ratified by the NDC.

#### **Article 10: The National Secretariat (NS)**

- a) The Party shall have a National Secretariat which shall be headed by an Executive Director and other employees as shall be determined by the National Executive Committee from time to time.
- b) The Executive Director shall be appointed by the National Executive Committee. He/she shall be responsible for overall coordination of Party activities, budget and resource and programme management.
- c) The National Secretariat shall consist of paid employees of the Party with such structures and offices as defined by the national executive committee, provided that all employees in the Secretariat must:
  - i. Subscribe to the aims and objectives of the Party; and
  - ii. Be vetted and approved and confirmed by the National Executive Committee.
- d) No member of staff shall be allowed to hold any position in any Party structure Save the Secretary General; who shall in take up the role of Executive Director if the office falls vacant until is filled. Any member of staff who wishes to contest any election for any political position, within or outside the party shall resign from his office within six months from the date of such meeting where the election will be held.
- e) The National Secretariat shall keep records of all employees including their personal information, terms of employment and any other information pertaining to human resources.
- f) The National Secretariat in conjunction with the national executive committee shall formulate and implement policies, procedures and regulations to support human resources, financial, audit and administration processes.

g) The main duties of the National Secretariat shall be:

- i. Management of Party operations;
- ii. Implementation of Party decisions;
- iii. Voter outreach and membership recruitment;
- iv. Registration, mobilization and maintenance of voters or members registers;
- v. Coordination, facilitation and synchronization of Party activities and events;
- vi. Public relations, communication and media outreach;
- vii. Fundraising and resource mobilization;
- viii. Campaign strategies;
- ix. Operations and logistics;
- x. Party policy and research;
- xi. County coordination;
- xii. Liaison with all Party structures; and
- xiii. Any other duties as may be assigned by the National Executive Committee.

h) Members of Staff appointed to each department by the National Executive Committee shall be guided by the Party's Code of Service.

- i) The Secretariat shall be responsible for implementing decisions and programmes of the Party under guidance and approval of the National Executive Committee.
- j) The National Secretariat shall supervise the operations of subsidiary organizations of the Party.
- k) The National Secretariat shall function directly under the office of the Secretary General.

## **Article 11: Party Branches and Steering Committees**

- a) The Party shall ensure establishment and maintenance of branches in not less than twenty-four (24) counties across the Republic of Kenya where it has supporters.
- b) Each branch shall have a steering committee at both the county and constituency levels.
- c) The NEC shall determine the composition of these committees, including their officials and responsibilities.

## **Article 12: USAWA Women League**

a) There shall be a Women League known as the **USAWA Women League**. Membership to the USAWA Women League shall be open to all women who are members of USAWA.

b) The USAWA Women League shall be an integral part of the Party and shall be subject to the general direction of the **National Executive Committee (NEC)** and the Party's general control and discipline at all levels.

c) There shall be a **USAWA Women League Executive Committee** at the National, Branch, Sub-Branch, Ward, and Sub-Location levels consisting of:

- Chairperson
- Deputy Chairperson
- Secretary
- Deputy Secretary
- Treasurer
- Deputy Treasurer
- Organizing Secretary
- Deputy Organizing Secretary
- Six (6) Committee Members

d) The officials of the USAWA Women League Executive Committees at the National, Branch, Sub-Branch, Ward, and Polling Station levels shall be elected simultaneously and in the same manner as the Party Officials. The officials shall hold office for a term of **three (3) years** and shall be eligible for re-election upon expiry of their term, subject to a maximum of **two consecutive terms**.

e) Application for membership shall be made verbally or in writing to the Branch USAWA Women League Executive Committee or the nearest Party office.

f) The organization, functions, rules, and regulations of the USAWA Women League shall be formulated and coordinated by the **National Executive Committee (NEC)**.

## **Article 13: USAWA Youth League**

a) There shall be a Youth League known as the **USAWA Youth League**. Membership to the League shall be open to all Party Members aged between **eighteen (18) and thirty-five (35) years**. The USAWA Youth League shall be an integral part of the Party and shall be subject to the general direction of the **National Executive Committee (NEC)** and the Party's general control and discipline at all levels.

b) There shall be a **USAWA Youth League Executive Committee** at the National, Branch, Sub-Branch, Ward, and Polling Station levels consisting of:

- Chairperson
- Deputy Chairperson
- Secretary
- Deputy Secretary
- Treasurer
- Deputy Treasurer
- Organizing Secretary
- Deputy Organizing Secretary
- Six (6) Committee Members

c) The officials of the USAWA Youth League Executive Committees at the National, Branch, Sub-Branch, Ward, and Polling Station levels shall be elected simultaneously and in the same manner as the Party Officials. The officials shall hold office for a term of **three (3) years** and shall be eligible for re-election upon expiry of their term, subject to a maximum of **two consecutive terms**.

d) Application for membership shall be made verbally or in writing to the Branch Youth League Executive Committee or to the nearest Party Office.

e) The organization, functions, rules, and regulations of the USAWA Youth League shall be formulated and coordinated by the **National Executive Committee (NEC)**.

#### **Article 14: USAWA People with Disabilities (PWD) Caucus**

a) There shall be a **People with Disabilities (PWD) Caucus** known as the **USAWA PWD Caucus**. Membership to the Caucus shall be open to all Party Members with disabilities, as well as advocates and stakeholders championing the rights and inclusion of persons with disabilities.

b) The USAWA PWD Caucus shall be an integral part of the Party and shall be subject to the general direction of the **National Executive Committee (NEC)** and the Party's general control and discipline at all levels.

c) There shall be a **USAWA PWD Caucus Executive Committee** at the National, Branch, Sub-Branch, Ward, and Polling Station levels consisting of:

- Chairperson
- Deputy Chairperson

- Secretary
- Deputy Secretary
- Treasurer
- Deputy Treasurer
- Organizing Secretary
- Deputy Organizing Secretary
- Six (6) Committee Members

d) The officials of the USAWA PWD Caucus Executive Committees at the National, Branch, Sub-Branch, Ward, and Polling Station levels shall be elected simultaneously and in the same manner as the Party Officials. The officials shall hold office for a term of **three (3) years** and shall be eligible for re-election upon expiry of their term, subject to a maximum of **two consecutive terms**.

e) Application for membership shall be made verbally or in writing to the Branch USAWA PWD Caucus Executive Committee or the nearest Party office.

f) The organization, functions, rules, and regulations of the USAWA PWD Caucus shall be formulated and coordinated by the **National Executive Committee (NEC)**.

## **Article 15: National Elections Board**

a) There is hereby established the USAWA National Elections Board whose mandate is to plan, organize, direct and coordinate all party elections and nominations.

b) The National Elections Board chairperson and other members will be appointed by the National Executive Committee with the recommendation of the party leader and will comprise of not less than three and not more than Seven respected and knowledgeable persons of high integrity who do not hold any elective Party position and at least one-third shall be of either gender.

c) The National Elections Board shall appoint Election Coordinating Panels at each Branch [County] comprising of six persons of high integrity to supervise the Party elections in the Counties.

- d) The County Election Coordinating Panel Members shall not hold any elective party position and not more than two-thirds of the members shall be of the same gender.
- e) The National Elections Board shall make its own rules of procedure for its meetings subject to approval of the National Executive Committee.
- f) The National Secretariat shall provide secretarial support services to the Board.
- g) The members of the National Elections Board may serve for a term of five years and are eligible for re-appointment at the expiry of their term, subject to a maximum of two consecutive terms.
- h) Notwithstanding the foregoing, the National Executive Committee shall have power to invite the body for the time being mandated to conduct elections under the Constitution of Kenya to conduct the Party's internal elections and nominations.
- i) The Secretary General will liaise between the National Executive Committee and National Elections Board.

## **Article 16: Standing and Adhoc Committees**

- a) The National Executive Committee shall constitute standing committees or from time to time constitute adhoc committees to help it in executing its mandate under this constitution.
- b) The membership of the standing and adhoc committees may include national officials, members of professional caucus, elders, strategists or other members.

  

- i. **Internal Dispute Resolution Committee**
  - 1. The Committee shall handle all matter related to the internal disputes in accordance with the provisions of this Constitution; and
  - 2. Membership and composition shall be determined by the NEC
- ii. **Ad Hoc and Specialized Committees**

Notwithstanding the provisions of this Article, the National Executive Committee shall have powers to establish any other standing or ad hoc specialized Committees which shall have timeframes to discharge mandates and report to the National Executive Committee.

## **Article 17: Party Management Structure and the National Officials**

- a) The Party shall be managed by the following Officers, who shall be known as the National Officials:
  - b) Party Leader
  - c) Chairperson
  - d) Secretary General
  - e) Treasurer
  - f) Organizing Secretary
  - g) Chairperson Women Caucaus
  - h) Chairperson Youth Caucaus
  - i) Chairperson – People with Disability Caucsus
  - j) Chairperson for Special Interest Groups (SIGs)
  - k) Executive Director – Who shall serve as an Ex-Official in NEC

## **Article 18: Election of National Officials**

- a) The party shall endeavor to adhere to the One Third Gender rule. Further, the Party Election and Nomination Rules shall ensure that the community and cultural diversity of the Party is reflected and there shall be a prescribed mechanism to protect minorities within the Party.
- b) All National officials other than the Executive Director shall be elected by the party members and shall hold office for a term of five years.
- c) Elections shall be through secret ballot or any other method of voting acceptable to the members in session and, where an office is contested by more than one candidate, the vote shall be decided by a simple majority.

- d) Where only one candidate is nominated to an office at the close of the nominations, that candidate shall be declared duly elected to the office for which he/she was nominated.
- e) Nomination to all party leadership positions save the Party Leader, at all levels shall be by a written application to the National Elections Board in the prescribed form, and the election of National Officials shall be balanced carefully by the National Elections Board so as to endeavor to progressively achieve the representation of all groups including disabled persons, special interest groups and other marginalized groups. Party Leader position shall be recommended by NEC and endorsed by the National Delegates Convention (NDC).

## **Article 19: Duties and Responsibilities of National Officials**

- a) All office bearers shall perform their functions within the spirit and provisions of this Constitution and shall ensure that they are guided by the objectives and values of the Party. Subject to any other duty expressly provided for by this Constitution, the main duties of elected National Officials shall be:
  - i. **The Party Leader:** The Party Leader shall be the overall party spoke person and shall provide oversight leadership and represent the vision and position of the Party on all matters as:
    1. Chairperson of National Executive Committee;
    2. Have oversight authority on all organs of the Party and must be consulted on major decisions made by other party officials;
    3. Preside over the National Executive Committee;
    4. Promote national cohesion and integration of all Party members in national development;
    5. Articulate party policies and charter a clear strategy for the achievement of Party's objectives;
    6. Champion the Party's campaign to form Government;
    7. Imbue Party members with charisma and lead the membership to newer heights of loyalty and patriotism to Party ideals, values and objectives;
    8. Lead the Party at political negotiations to form a viable working coalition, mergers, alliances and affiliations with any other Party or Parties with the sole purpose of forming a democratic and responsive Government as may be desirable in the circumstances;

9. Provide counsel and judicious direction to the National Officials and Party Members in general on any matter in dispute or under controversy within any Party organ or amongst Party Members;
10. Confer honors of recognition, merit, distinction, commendation or accolade to a member of the Party or any other person who, in the considered opinion of the National Executive Committee, has made an outstanding contribution to the Party in the achievement of its objects, policies or programmes or in furtherance of the same;
11. A mandatory signatory to all coalitions, mergers, affiliations and agreements with other political parties;
12. Notwithstanding above, signing of all coalitions, mergers, affiliations and agreements with other political parties; and
13. Have the casting and decisive vote in case of a dispute and tie in the National Executive Committee.

ii. The **Chairperson** shall perform the following duties:

1. Chair NEC in the absence of the Party Leader;
2. In concurrence with Party Leader and Secretary General, convene National Executive Committee Meetings;
3. Together with the Party Leader and Secretary General, provide leadership and oversee management of Party affair
4. Oversee administrative and strategic operations of Branches, Women League ,Youth League and other Caucuses that may be introduced;
5. Instill into members a sense of loyalty and patriotism to the objects, policies and programmes of the Party;
6. Ensure discipline and proper order within the Party in accordance with the Party's Constitution;
7. Impart into Party membership the need to adhere to Party objects, policies programmes and Rules made under this Constitution;
8. Forge a strong sense of unity within Party Organs;
9. Consult and take counsel from the Party Leader on any matter in dispute or under controversy within any Party organ or amongst Party Members;
10. Issue correspondence on behalf of party organs where his/her specific attention is required.

iii. The **Secretary General** shall be the principal accounting officer of the party and shall be responsible for the management of the National Secretariat which shall be the principal custodian of Party Records from grassroots to the national level other than as specified under this constitution.

The duties of the Secretary General shall include:

1. Ensuring compliance with the statutory requirements of existing national laws on political parties;
2. Ensuring that all Meetings of the Party take place as provided for in the Constitution at such time as may be decided by the National Executive Committee;
3. Articulate and defend Party policies;
4. Keeping or causing to be kept a proper record of minutes of all Meetings of the National Executive Committee and any other bodies that shall be created and ensuring the distribution of such Minutes and conveying of decisions made to persons and branches concerned;
5. Issuing correspondence on behalf of Party Organs;
6. Preparing annual reports on the work of the National Executive Committee;
7. Be the custodian of Party Seal, Minutes, Register of Party Officials and members, and instruments of intellectual property rights;
8. Corresponding and consulting with the Registrar of Political Parties on behalf of the Party as the authorized principal officer of the Party;
9. Ensure compliance with the requirements of existing law on political parties;
10. Together with the other appointed party officials be a signatory to party bank accounts;
11. He/she will be a signatory to all nomination certificates for any nomination or election of a member of the political party;
12. He/she will be a signatory to all coalition agreements, mergers or related documents;
13. Any other duties conferred upon the Secretary General by this Constitution, relevant laws governing political parties or the National Executive Committee; and
14. Responsible together with the Party Leader and National Chairperson for signing NEC minutes.

iv. The **Treasurer** shall be in charge of Party finances and shall supervise all financial transactions at all Party levels under the direction of the National Executive Committee.

The Treasurer shall:

1. Be responsible for Party Financial statements, Land Title Documents, Register of Assets and Liabilities which shall be kept at the National Secretariat;
2. Accounting officer for all party financial matters and signatory to party bank accounts;
3. Receive and bank all monies on behalf of the National Executive Committee and operate a bank account together with such other signatories as may be resolved by the National Executive Committee;
4. Keep such books of account as may be necessary to record clearly the financial position of the Party;
5. Prepare Annual Party Budgets or Estimates and overall fiscal planning;
6. Monitor financial allocations and expenditure according to departmental votes as may be approved by the National Executive Committee;
7. Ensure the execution of prudent stewardship standards and best financial practices to protect Party's finances;
8. Prepare and submit to the National Executive Committee a Financial Statement every quarter of the year and ensure that copies of duly audited Annual Accounts are circulated to Party members.; and
9. Be responsible, in conjunction with the National Secretariat, for the formulation and execution of resource mobilization plans and strategies.

v. The **Organizing Secretary** shall oversee organizations of the party and in particular shall be in-charge of:

1. Registration of Party Members
2. All matters pertaining to logistics and operations;
3. Organize public meetings, functions, and meet the people tours;
4. Be responsible for sensitizing the public on party activities including the recruitment of Party members at branch level;
5. Maintaining and developing new relationships with party supporters in the diaspora;

6. In consultation with the National Executive Committee and party secretariat, coordinate the organization of the National Executive Committee and thereafter report on the progress in the holding of such Meetings; and
7. Ensure order at all Meetings of the Party Organs.

vi. **The Chairperson of USAWA Youth League** shall:

1. Be a youth aged less than 35 years at the time of elections;
2. Be the National Chairperson of the USAWA Youth League; and
3. Generally promote and mobilize Party activities and policies among the youth of Kenya under the direction of the National Executive Committee.

vii. **The Chairperson for Special Interest Groups** shall be responsible for:

1. Promoting the interest of special interest groups within the Party, in terms of representation and participation in Party structures and activities;
2. The promotion and advocacy of the rights of persons with disability in the Party;
3. To advise the Party on all matters that appertain to disability and public policy;
4. The identification and mobilization of special interest groups and ensuring that views of special interest groups are fully articulated and considered within the Party; and
5. Perform such other related duties as may be directed by the National Executive Committee or Party Leader.

viii. **The Chairperson, Women Caucus** shall:

1. Oversee gender equality within the Party
2. Represent the interests of women members
3. Coordinate programs aimed at women's empowerment
4. Advise the National Executive Committee on gender mainstreaming policies

ix. **The Chairperson, Persons with Disability** shall:

1. Represent members with disabilities
2. Promote inclusion and accessibility
3. Coordinate programs advancing the rights of persons with disabilities
4. Advise the Party on disability-related policy issues

## **Article 20: Party Branches Administration**

- a) Each Branch shall be administered on day-to-day basis by the Branch Executive Officer under the direction of the Branch Executive Committee.
- b) Branch Executive Officer shall maintain and shall be the custodian of all records required to be maintained in the Branch Office under this Constitution and under any law governing Political Parties.

### **Article 21: Diaspora Branches**

- a) The National Executive Committee shall approve and register diaspora branches. The Committee may allow more than one diaspora Branch in a Country.
- b) A diaspora branch shall consist of at least 10 Members, provided that there shall not be more than one branch in any given diaspora city. A branch so formed shall apply to the Party Headquarters for registration and upon approval, be furnished with a Certificate to that effect.
- c) Other provisions applying to branches in this Constitution shall apply to the duly registered diaspora branches.
- d) The party shall appoint one diaspora co-ordinator per country to co-ordinate diaspora activities in the given country.

### **Article 22: Branch Secretariat**

- a) County and Sub-County (Constituency) Branches may have a Branch Steering committee headed by a Branch executive officer and employees as shall be determined by the Branch Executive Committee in consultation with National Executive Committee.
- b) The Branch executive officer shall be appointed by the Branch Executive Committee in consultation with the NEC. He/she shall be responsible for coordination of Party activities, budget and resource and programme management in the Branch.

- c) The Branch Secretariat may consist of paid employees of the Party with such structures and offices as defined by the Branch executive committee, provided that all employees in the Secretariat must:
  - i. Subscribe to the aims and objectives of the Party; and
  - ii. Be vetted and approved by the Finance and Administration Committee and confirmed by the Branch Executive Committee.
- d) No member of staff shall be allowed to hold any position in any Party structure. Any member of staff who wishes to contest any election for any political position, within or outside the party shall resign from his office within six months from the date of such meeting where the election will be held.
- e) The Branch Secretariat shall keep records of all employees including their personal information, terms of employment and any other information pertaining to human resources.
- f) The Branch secretariat shall perform the functions of the national secretariat at the branch level.
- g) Members of Staff appointed to each department by the Branch Executive Committee shall be guided by the Party's Code of Service.
- h) The Branch Secretariat shall be responsible for implementing decisions and programmes of the Party under guidance and approval of the National Secretariat and the Branch Executive Committee.
- i) The Branch Secretariat under the direction of the branch executive committee shall supervise the day to day operations of sub-counties, wards, sub-locations and polling stations within the Branch.
- j) The Branch Secretariat shall function directly under the office of the Branch Secretary.

### **Article 23: Funds and Financial Structures and Systems**

- a) All financial transactions shall be conducted transparently and in accordance with applicable laws.
- b) The Secretary General shall sign off all official correspondences related to Party finances.
- c) The Party shall develop and implement financial policies to ensure accountability and prudent resource management.
- d) The National Executive Committee shall establish rules governing the collection, management and expenditure of funds. All withdrawals shall be against expenditures in the approved budgets or by resolutions of the National Executive Committee.
- e) Subject to any written law governing funding of Political Parties, the sources of funds for the Party shall include the following:
  - i. Membership Fees;
  - ii. Funding by the Treasury;
  - iii. Fundraising and Contributions;
  - iv. Voluntary Contributions;
  - v. Donations, legacies, contracts, bequests, and grants from any source permitted by Law;
  - vi. Proceeds of any investment, project or undertaking in which the Party has an interest;
  - vii. Net income from Publications and Consultancies;
  - viii. Nomination fees; and
  - ix. Contributions from Party Members of Parliament and County Assemblies.
- f) The Party shall operate Account(s) with local Bank(s) and mobile money accounts according to modalities laid down by the National Executive Committee.
- g) Party funds shall be used for lawful purposes in line with party policies and rules and shall not be distributed among members.

#### **Article 24: Accounts, Audits and Inspection of Accounts**

- a) The Treasurer shall ensure that the Party Secretariat shall at all times keep proper books and records of Accounts of the Party's income, expenditure, assets and liabilities.
- b) The National Executive Committee shall appoint or reappoint a qualified and registered Auditor to audit the books of the Party and submit to the Party Treasurer a report within two months after the end every financial year of the Government of Kenya. The Auditor shall not be an office bearer or a Member of any Committee of the Party.
- c) The Treasurer shall within three months after the end of each financial year of the Government, submit to the Auditor General the Accounts of the Party for audit as required by Law.
- d) All Party accounts, records and documents shall be open to inspection by the Party's Auditor, members and the Auditor General at any time.
- e) The Party Auditor shall be paid such honorarium for his duties as shall be approved by the National Executive Committee.

## **Article 25: Party Organizational Structure**

- a) The Party's Organizational and reporting Structure shall be as follows:
  - i. The National Delegates Convention (NDC) is the highest decision-making entity
  - ii. The National Executive Committee (NEC); reports to the NDC
  - iii. The County Steering Committee (CSC) reports to the NEC;
  - iv. The Sub-County (Constituency) Steering Committee (SSC) reports to the CSC;
- b) Those mandated to elect Executive Committees and Delegates shall ensure that Persons with disabilities and special interest groups or marginalized groups are adequately represented at all levels.

## **Article 26: Elected Leaders' Caucus**

- a) The Party shall establish a Caucus of elected leaders, including Governors, Members of Parliament (MPs), Senators, and Members of County Assemblies (MCAs).
- b) The Caucus shall play an advisory role in shaping the Party's policies and strategies.
- c) It shall be responsible for communicating the Party's official position on various national and county issues.
- d) The Caucus shall provide financial and logistical support to the Party, including remittances as determined by NEC.

## **Article 27: Disciplinary Procedures**

- a) All members, without exception, must abide by the Constitution of the party, the Rules, the Standing Orders and Codes of Conduct as adopted or amended from time to time.
- b) Disciplinary proceedings against a member shall be confined to violations of the existing law on political parties, party Constitution, Rules, Standing Orders, Codes of Conduct, or the commission of offences, and shall not:
  - i. Be used as a means of stifling debate or denying members their basic democratic rights; or
  - ii. Be instituted as a means of solving private problems or as a means of interfering in the private lives of members where the norms of the Organisation are not directly affected, unless such conduct itself constitutes a violation or an offence affecting the Organisation.
- c) Serious offences shall be committed by any member who prejudices the integrity or repute of the party, its members, employees or its operational capacity by:
  - i. Impeding the activities of the party;
  - ii. Creating division within its ranks or membership;
  - iii. Doing any other act which undermines its effectiveness as an Organisation.
  - iv. Acting on behalf of or in collaboration with:
    - 1. Counter-revolutionary forces;

2. A political Organisation or party other than an Organisation or party in alliance with the USAWA in a manner contrary to the aims, policies and objectives of the USAWA;
3. Intelligence or the security services of other countries;
4. Any person or group who seriously interferes with the work of the Organisation or prevents it from fulfilling its mission and objectives.

d) The following shall also be regarded as serious offences, without prejudice to the generality of this provision and the right of the NEC to add to this category of offences:

- i. Conviction in a court of law and sentenced to a term of imprisonment without the option of a fine, for any serious non-political offence;
- ii. Misappropriation of the funds of the party or destruction of its properties; c) Behaving corruptly in seeking or accepting any bribe for performing or for not performing any task;
- iii. Engaging in sexual or physical abuse of women or children or abuse of office to obtain sexual or any other undue advantage from members or others;
- iv. Abuse of elected or employed office in the party or in the State to obtain any direct or indirect undue advantage or enrichment;
- v. Fighting or behaving in a grossly disorderly or unruly way;
- vi. Failure to remit monthly contributions by the Party's national officials;
- vii. Deliberately disrupting meetings and interfering with the orderly functioning of the party; or
- viii. Violations of the existing law on political parties.

e) If, in the opinion of the NEC or the relevant body exercising its right to invoke disciplinary proceedings under this Constitution, a member is guilty of the following offences, disciplinary proceedings may follow:

- i. Behavior which brings the party into disrepute or which manifests a flagrant violation of the moral integrity expected of members or conduct unbecoming that of a member;
- ii. Sowing racism, sexism, tribal chauvinism, religious and political intolerance, regionalism or any form of discrimination;
- iii. Behaving in such a way as to provoke serious divisions or a break-down of unity in the Organisation;

- iv. Undermining the respect for or impeding the functioning of the structures of the Organisation;
- v. Participating in organized factional activity that goes beyond the recognized norms of free debate inside the Organisation and threatens its unity.

- f) Upon receiving any discipline related case the NEC shall establish an adhoc Disciplinary Committee. The committee shall have the power to receive, hear and determine all cases of discipline concerning Party members. Any Party member may, by a written and signed complaint, refer to the Committee an issue of discipline.
- g) Disciplinary proceedings shall normally be conducted at the party level where the alleged violation or offence took place, namely the branch, county or national, and may be heard by the relevant structure. The NEC may direct that the disciplinary proceedings should be heard at a higher level from where the alleged violation or offence took place.
- h) Any person faced with disciplinary proceedings shall receive a 14 days written notice of any hearing and of the basic allegations and charges against him or her and be afforded a reasonable opportunity to make his or her defence.
- i) Disciplinary Committee shall afford a fair hearing to such member complained against with reasonable opportunity to defend him/herself against the charges or allegations made against him/her in accordance with the Rules of Natural Justice.
- j) Any person found guilty in a disciplinary proceeding, or the complainant has the right, within a reasonable period, to appeal against the conviction or sentence, to the next higher body of the party. The NEC may direct that any appeal should be heard by a body higher than the one to which the appeal has been made.
- k) Penalties for proven violations of the Constitution, principles, norms and decisions of the party shall include but not limited to reprimand, censure, sanction, payment of compensation and/or the performance of useful tasks, temporary suspension and expulsion. A Decision to expel shall be final.
- l) The Adhoc Disciplinary Committee or the NEC having regard to the nature and seriousness of an alleged violation or offence by a member, may summarily suspend the membership of any member pending the preparation of a charge against the member and the finalisation of disciplinary proceedings against the member. The

member shall be informed of such suspension. The temporary suspension shall lapse if no disciplinary proceedings are instituted against the member within 30 days of the date of the temporary suspension. Such disciplinary proceedings shall be attended to as quickly as possible and completed within a reasonable period.

- m) All disciplinary proceedings shall be heard and concluded within 90 days.
- n) Decisions relating to disciplinary proceedings shall be publicly announced.
- o) The NEC shall appoint an Ad-hoc Disciplinary Committee from among its membership and from other structures of the party. The decisions of the national disciplinary committee shall be final except that the NEC may, in its discretion, review a decision. Such a review shall be regulated by standing orders adopted by the NEC.
- p) The national disciplinary committee shall hear and determine violations or offences on appeal from appropriate organs of the party.
- q) The NEC may authorize other structures of the party to institute disciplinary proceedings and to set up appropriate structures to apply the provisions of this Rule.
- r) Composition of the Disciplinary Committee
  - i. The NEC shall determine the composition, qualifications, and number of members of the Disciplinary Committee.
  - ii. The quorum for the Disciplinary Committee shall be one-third (1/3) of its members.
  - iii. The NEC may constitute the committee using both internal and external persons.
  - iv. The NEC shall formulate a Disciplinary Policy outlining the composition, qualifications, quorum, and disciplinary process.

## **Article 28: Inspection by Members**

- a) The Register of Members of the Party, party records and accounts shall be available for inspection at the registered Head Office of the Party and in every Branch office.

b) Any Officer or Member of the Party or the General Public shall be granted access to the information upon giving a seven days written notice.

### **Article 29: Party Signatories**

1. The following are the authorized party signatories:
  - i. Bank Accounts – Secretary General, Executive Director and Treasurer
  - ii. Audit Reports – Secretary General and Executive Director
  - iii. Annual Reports – Secretary General and Executive Director
  - iv. Financial Reports – Secretary General and Executive Director
  - v. Nomination Certificates – Party Leader and/or Secretary General
  - vi. Any report or document of the Party required under the existing law on political parties or any other written law- Secretary General
  - vii. Documents presented to the Registrar including Membership Register and other Reports- Secretary General
  - viii. Mergers – Party Leader and Secretary General
  - ix. Entry into and Exit from Coalitions- Party Leader and Secretary General

### **Article 30: Policies, Rules and Regulations**

- a) The party shall formulate policies including but not limited to election manifestos, strategic plans, blueprint, sectoral policies in line with its political ideology, vision, mission and core values.
- b) The standing committees establish by NEC from time to time in consultation with relevant policy secretaries shall help the party to generate policy issues and documents for consideration by the national executive committee.
- c) The National Executive Committee shall be the main policy formulation and implementation organ.
- d) The secretariat shall provide access to approved policy documents for review by members and the public.

- e) The national executive committee shall have the power to adopt policies, rules and regulations for the better carrying out of the activities of the party.
- f) All such policies, rules and regulations shall not be inconsistent with the constitutional norms of the party.
- g) The party was publish on annual basis the status report on the party policies, manifesto and strategic plans.

### **Article 31: Assets Register and Management**

- a) The Party shall maintain an updated Asset Register listing all movable and immovable property owned by the Party. The NEC shall be responsible for the management, security, and disposal of Party assets.
- b) There shall be established a trust deed where all land, buildings and all immovable property, investment, bonds and other securities that may be acquired by the party shall be vested.
- c) There shall be Three (3) trustees inclusive of the Party Leader, to be appointed by the National Executive Committee
- d) The trustees shall be appointed for five years and shall be eligible for reappointment.
- e) The trustees shall pay all income from the properties invested in the trustees to the National Treasurer.
- f) Any expenditure incurred by the trustees shall be authorized by the National Executive Committee.
- g) The board of trustees shall meet at least once each year and in the absence of the chairperson shall elect one of them to preside over their meetings.
- h) The quorum in any of their meetings shall be three of the members of the board.

### **Article 32: Election and Nomination Rules**

- a) The NEC shall ensure the existence of clear nomination rules for elections.

- b) An ad hoc nomination committee shall be constituted by the NEC for each election cycle.
- c) The NEC shall process and submit the Party List as well as oversee direct nominations where applicable.

### **Article 33: Amendment of the Name, Symbol, Slogan, Party Colors, Constitution and Rules of Political Party**

- a) The National Executive Committee may propose or receive proposals from any member of the Party for amendment or review of the Name, Symbol, Slogan, Party Colors, Constitution and Rules of the Party.
- b) The quorum for any meeting at which the amendment of the Name, Symbol, Slogan, Party Colors, Constitution and Rules of the Party is proposed shall be one third of the NEC members.
- c) A resolution to amend the Name, Symbol, Slogan, Party Colors, Constitution and Rules of the Party shall be supported by at least one-thirds of the NEC members.
- d) The National Executive Committee shall have powers to amend the Name, Symbol, Slogan, Party Colors, Constitution and Rules of the Party. Such amendments shall take effect immediately upon notification to Registrar of Political Parties.
- e) The decision to amend the party Name, Symbol, Slogan, Party Colors, Constitution and rules shall be ratified at the next duly convened NDC subsequent to the making of the decision.

### **Article 34: Mergers**

- a) The National Executive Committee may pass a resolution to merge with any other political party or parties in the country where the merger involves the dissolution of the other parties to join the Party.
- b) Where a merger involves the dissolution of the Party, the following procedure shall apply:
  - i. The National Executive Committee shall constitute a panel of five persons drawn from among its members to negotiate the merger with like-minded political parties.

- ii. The panel shall reach out to the like-minded parties and shall only enter into structured negotiations with appointed representatives of the other parties.
- iii. The panel shall represent the Party in the drawing of a merger instrument, and any such instrument shall have due regard for:
  - 1. The political objectives and values of the Party and the interests of all members and organs of the Party;
  - 2. The symbols and flag of Party;
  - 3. The current and fixed assets and liabilities of the Party;
  - 4. The retention of at least one third of the officials of the Party at every organ of the merged party; and
  - 5. The retention of the National Executive Director and at least two senior Officers of the Party in the Secretariat of the merged party

- c) The panel shall make its report for adoption or otherwise to the National Executive Committee.
- d) If the National Executive Committee adopts the report of the merger negotiation panel, the decision will be final.
- e) The Secretary General shall put out a notification of the intended merger on the Party's Website and shall in the notification invite any person, group of persons or organisations owed by the Party to lay forth their claims.
- f) Party Leader and the Secretary General shall be the party signatories to all documents and instruments for the purposes of merger.

### **Article 35: Coalitions- Pre- Election Coalitions**

- a) The National Executive Committee may pass a resolution to enter into or exit a pre-election coalition with any political party or parties.
- b) The Pre-Election Coalition shall in every respect comply with the provisions of the Third Schedule of the Political Parties Act.
- c) The instrument of Pre-Election Coalition shall bear the signature of the Party Leader and the Secretary General and shall be sealed accordingly.

## **Article 36: Coalitions- Post- Election Coalitions**

- a) The National Executive Committee may pass a resolution to commit the Party to a Post-Election Coalition, or terminate the same.
- b) The resolution contemplated in Clause 1 above shall originate from a Post-Election Coalition Negotiation Panel consisting of the Party Officials Nominated by NEC in consultation with the Party Leader.
- c) The Post-Election Coalition shall be for purposes of addressing needs identified by the National Executive Committee.
- d) The Post-Election Coalition Negotiation Panel shall report to the National Executive Committee. Without prejudice to the generality of the a foregoing of this Article, any Postelection Coalition building process shall be in compliance with the Third Schedule of the Political Parties Act.
- e) The instrument of Post-Election coalition shall bear the signature of the of the Party Leader and the Secretary General.

## **Article 37: Dissolution**

- a) The Party or branch of the party may be dissolved by a resolution passed by a two-thirds majority of the NEC.
- b) In such dissolution, all properties and funds of the Party less liability shall be distributed in a manner as shall be determined by the NEC. Such assets shall be granted to one or more organizations in Kenya whose objectives conform to those of the Party.
- c) The quorum for any meeting at which the dissolution of the Party is proposed shall be two thirds of the NEC.
- d) A resolution to dissolve the Party shall be supported by at least two-thirds shall be final.

## **Article 38: Dispute Resolution Mechanism**

- a) The NEC shall establish and maintain a standing Internal Dispute Resolution Mechanism Committee
- b) Composition of Internal Dispute Resolution Mechanism Committee
  - i. The NEC shall determine the composition, qualifications, and number of members of the IDRM Committee.
  - ii. The quorum for the IDRM Committee shall be one-third (1/3) of its members.
  - iii. The NEC may constitute the committee using both internal and external persons.
  - iv. The NEC shall formulate an IDRM Policy outlining the composition, qualifications, quorum, and dispute resolution process.
- c) The committee shall handle disputes within the Party and ensure fair resolution processes.
- d) The Internal Dispute Resolution Committee shall deal with disputes or complaints arising from:
  - i. Between members of the USAWA political party;
  - ii. Between members and their political party;
  - iii. As a result of election nominations;
  - iv. In the election or appointment into party offices;
  - v. Arising from party lists;
  - vi. From the management and administration of a party's funds and finances and other party assets;
  - vii. As a result of the management and administration of a party's non-financial assets;
  - viii. Regarding the management of party affairs;
  - ix. Relating to a political party's constitution, code of conduct or policy document; or
  - x. Any other matter incidental thereto.

xii. Disciplinary matters shall not be handled by the internal dispute resolution committee. Such matters will be handled in line with Article 50 of the Constitution of Kenya, 2010.

xiii. The members of the internal dispute resolution organ shall, in the performance of the functions and duties of office adhere to a code of ethics which include:

- i. Not participate in bribery or corrupt practices;
- ii. Not breach of confidentiality;
- iii. Uphold principles of natural justice; and
- iv. Not to abuse their position.

xiv. The Internal Dispute Resolution Committee shall undertake its mandate from the location designed as such by the National Executive Committee.

xv. The dispute resolution process will be guided by principles of objectivity, fairness and justice, giving consideration to, among other things, the rights and obligations of the parties and the circumstances surrounding the dispute, including any previous relationships and practices between the parties.

xvi. A person who is an eligible and fully paid up member of a political party or a member of a party organ or party official may refer a dispute to the internal dispute resolution committee for determination.

xvii. A party may commence a dispute resolution under these rules, by submitting a written request to the NEC for onward transmission to Internal Dispute Resolution Committee.

xviii. The Secretary to the internal dispute resolution committee shall upon receipt of a written request, within s fourteen (14) days, write to the respondent informing him or her of the written request and requesting his or her response concerning the matter in dispute to:

- i. Any or all of the claims;
- ii. A statement of the nature and circumstances of his rebuttal.
- iii. Where the secretary, upon receipt of the response, is satisfied that: –

1. That the dispute falls within rule 36(c); or

2. That the parties will benefit from dispute resolution, the secretary shall within seven (7) days, refer the dispute to the internal Dispute Resolution Organ for determination.

xix. The Internal Dispute Resolution organ shall summon the respective parties within reasonable time but not later than fourteen (14) days after the statement and response has been filed.

xx. The internal dispute resolution committee shall hear and determine the dispute within ninety (90) days of the dispute being lodged.

xxi. The quorum shall be a simple majority of the membership.

xxii. Decisions shall be made by majority of the quorum.

xxiii. The ruling made by the internal dispute resolution committee shall be final and binding on the parties and persons claiming under them respectively.

xxiv. The internal dispute resolution committee shall make its own rules of procedure for its meetings subject to approval of the National Executive Committee.

xxv. Any dispute that shall not be resolved by the organs of the Party shall be adjudicated through arbitration. The aggrieved party(ies) shall agree on one arbitrator or otherwise invoke the Arbitration Act of Kenya. The recommendations of the arbitrator shall be communicated to the National Executive Committee in writing. The National Executive Committee will make its decision and the decision shall be final.

#### **Article 39: Democratic Practices, National Values and Principles of Governance**

- a) The NEC shall ensure inclusivity in the management of Party affairs.
- b) The Party shall comply with all legal requirements governing political parties.
- c) The Party shall progressively realize affirmative action, ensure representation of marginalized groups, and adhere to the two-thirds gender rule.

Specifically; the party may make or implement policy decisions in line with Article 10 of Constitution of Kenya by:

- i. Ensuring appointments and elections to party organs or committees adhere to the principles of the Constitution including: Representation of ethnic, minorities and marginalized groups to the extent possible;
- ii. Promoting and enhancing adherence to the principle of the rule of law premised upon the respect for, and the supremacy of, the Constitution and constitutional order in the political arrangements;
- iii. Promoting democratic culture and practice by holding of regular, free and fair elections in line with this constitution;
- iv. Prohibiting, rejecting and condemning unconstitutional change of government in the country as a serious threat to stability, peace, security and development;
- v. Striving to achieve the one third gender rule;
- vi. Condemning and rejecting all acts of corruption, related offenses and impunity;
- vii. Eliminating all forms of discrimination, especially those based on political opinion, gender, ethnic, religious and racial grounds as well as any other form of intolerance;
- viii. Respecting ethnic, cultural and religious diversity; and
- ix. Ensuring maximum participation of party members in decision making processes.