



Revelations of an alarming rate in which approved bills are being changed, has resulted to what the Commission for the Implementation of the Constitution (CIC) refer to as ‘Cabinet Impunity’. The blame is being placed squarely on Justice Minister Mutula Kilonzo, who is believed to be the mastermind behind the changes. CIC chairman Mr. Charles Nyachae explained that the cabinet was making fundamental changes to Bills without any reference to the commission. T his accusation ironically comes after the Justice Minister accused the Members of Parliament of sabotaging the implementation of the constitution by politicizing the process and using it to settle scores. Some of the altered bills include: Political Parties Bill, Kenya National Human Rights Commission Bill, Judicial Service Bill, Interim Independent and Boundaries Bill, Salaries and Remunerations Commissions Bill and also the Vetting of Magistrates and Judges Bill.

A debate is ongoing about splitting the proposed Kenya National Human Rights and Equality Commission (KNHREC) following Mutula’s proposal. This has however faced opposition due to the financial implications that would be a burden on tax payers and cause complications of access to services for citizens.

Nyachae stated that these alterations in the above Bills have forced the committee to mitigate the constitutional violation by rendering advisories to the National Assembly. The CIC recommended the Salaries and Remunerations Bill back to Parliament on the basis of a constitutional irregularity and the President in turn declined to assent to the Bill, after noting that the position allowing the appointment of members drawn from the professional bodies had been excluded.

Nyachae has noted that “it’s a matter of serious concern that the disregard for express constitutional provisions appear to have become deliberate and a matter of routine.”

