



**International Center for Policy and Conflict**

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A THOUGHT DOCUMENT  
ON  
LEGISLATION OF THE VETTING OF PUBLIC OFFICIALS

TO:

1. MR. CHARLES NYACHAE, CHAIRMAN TO THE COMMISSION FOR THE IMPLEMENTATION OF THE NEW CONSTITUTION (CIC)
2. CC. ALL RELEVANT COMMISSIONERS TO THE CIC

SUBMITTED BY: NDUNG'U WAINAINA, THE EXECUTIVE DIRECTOR  
INTERNATIONAL CENTER FOR POLICY AND CONFLICT  
NAIROBI, KENYA.

DATE OF SUBMISSION: FRIDAY SEPT 15<sup>TH</sup>, 2011,

Dear Mr. Chairman,

RE: THOUGHT DOCUMENT ON LEGISLATION OF VETTING OF THE PUBLIC OFFICIALS:

Greetings from International Center for Policy and Conflict,

International Center for Policy and Conflict is a non-profit and non-partisan registered organization founded in 2005 to create a platform to foster democratic, peaceful, secure and just societies in Kenya, Africa and globally. The major activities of the organization among others are the working on the integrated transitional justice activities mechanisms. We foster to establish, promote and build a sustainable human development; and democratic human rights adhering States.

We commend the government for legislation of the policy for vetting the new judges in office as reflected within the environment of the judicial transformation mechanisms but also appreciate the positive effort of the commission towards the same. However, it is noted that there is no any sustainable national legislation protected by the current constitution that promotes, guarantees and protects the vetting of the officials for all the public offices and political leaders in Kenya. Borrowing from the best practices from the countries which also undergone the transitional justice experience after a period of conflict which has succeeded in this area like Ghana, Philippines, Liberia, Bosnia and El Salvador, this mechanism is a positive move if influenced for legislation so that the transitional justice mechanism in Kenya can reach its mandate in having credible and trusted public officers in leadership positions.

It is on this backdrop that we share a thought document that has been developed by the institution elaborating the structural elements that can inform your opinion and the general public on suggesting the processes and influences through which Kenya can also have in place and strengthen the national legislation policy on vetting. The elaborate document is attached here.

Ndung'u Wainaina

Executive Director

International Center for Policy and Conflict